

HEARING BEFORE THE CITY COUNCIL, APRIL 14, 2014

Hearing opened at 7:40 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

Present at the hearing was Kate Griffin-Brooks, Director of Planning and Development.

The following PETITION was the subject of the hearing:

45-14 Kate Griffin-Brooks for the Leominster Planning Board: Amend the Leominster Zoning Ordinance Section 22-17 Underlying Districts Table of Uses under Business Uses by changing "Motor vehicle gas station minimart and car wash" to two separate lines that would read: 1. Motor vehicle gas station minimart, 2. Motor vehicle gas station minimart and car wash. Both uses would retain the same requirements that currently exist in the ordinance.

Ms. Griffin-Brooks said the Building Inspector sent this down for the Planning Board to consider because he had an applicant, which was a big national chain, that was going to have a gas station minimart and not a car wash. She said the applicant kept insisting that the definition did not apply to them because they were not going to have a car wash. She said the Building Inspector thought it would be wise for the future to separate it.

Councillor Dombrowski asked if this is how it is done in other zoning ordinances.

Ms. Griffin-Brooks said we have our own slew of motor vehicle minimart without car washes and then of course some with them. She said she knows there are a lot of other communities that have motor vehicle minimart definition and it is in their ordinance. She said she hasn't come across anybody that would try to say that it is not us so we can do it by right, which is not the case.

Councillor Lanciani said didn't Hess, who built on Central Street on Route 12, want to put in a car wash and most of this Council voted it down.

Ms. Griffin-Brooks said she doesn't remember. She said the issue was that there was not enough room to put in a car wash which was under the old ordinances.

Councillor Bodanza said it makes sense to divide it. We are not changing the permitting process except if there is a separate use for a car wash then the criteria that is examined in the Special Permit process will be different in terms of egress, etc. He said there is no risk to it.

Councillor Nickel said being on the Zoning Committee his first reaction was why are we doing this? He said there is some confusion. There are going to be Special Permits anyways and the public will be involved.

Councillor Feckley said there is probably more benefit than detriment. She asked Ms. Griffin-Brooks if she saw any detriment to it.

Ms. Griffin-Brooks said no.

No one in the audience spoke in favor or in opposition of the petition.

HEARING ADJOURNED AT 7:45 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, APRIL 14, 2014

Hearing opened at 7:45 P.M. with Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present.

The following PETITION was the subject of the hearing:

51-14 National Grid: Chestnut Street – Install 1 jointly owned pole beginning at a point approximately 513 feet northeast of the centerline of the intersection of Andover Street.

Ken Dobie of National Grid said at the request of the customer, they want to remove the tree guy wire and in order to do that we need to put a push brace pole against pole 15 to keep to lines straight and without it falling over.

No one in the audience spoke in favor or in opposition of the petition.

HEARING ADJOURNED AT 7:46 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, APRIL 14, 2014

Hearing opened at 7:46 P.M. with Councillor Nickel , Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present.

The following PETITION was the subject of the hearing:

52-14 National Grid: Hilltop Drive – Install 1 singly owned pole beginning at a point approximately 140 feet east of the centerline of the intersection on Mountain View Road.

Ken Dobie of National Grid said they propose to install a stub pole across the street from the existing pole #6. He said this is a support pole to keep the lines from falling down or leaning excessively into the property across the street.

No one in the audience spoke in favor or in opposition of the petition.

HEARING ADJOURNED AT 7:47 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present.

A recess was called at 7:32 P.M. to continue the public hearing hold an informational meeting with the Mayor, conduct interviews and to hold a public forum.

Meeting reconvened at 7:58 P.M.

The following COMMUNICATION was received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

C-61 Dean J. Mazzearella, Mayor: Request that David Hanna, part-time Housing Rehab Specialist for the City of Leominster under the Planning Department, be exempt from any potential conflict of interest as he will also be the City's part-time Energy Efficiency Manager under the Conservation Commission.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-62 Relative to the appropriation of \$2,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-63 Relative to the appropriation of \$250,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-64 Relative to the appropriation of \$4,800.00 to the Parks Expense Account; same to be transferred from the Excess and Deficiency Account.

C-65 Relative to the appropriation of \$10,000.00 to the Water Department Overtime Account; same to be transferred from the Water Salary & Wages Account.

C-66 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-67 Relative to the appropriation of \$4,000.00 to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.

C-68 Relative to the appropriation of \$2,282.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-69 Relative to the appropriation of \$27,315.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Insurance Reimbursement Reserved for Appropriations Account.

The following PETITIONS were received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and the Police Department.

53-14 Best Buy Stores, LP: Renew the Secondhand Dealer's License for premises at 33 Orchard Hill Park Drive.

54-14 Roger Cormier: Renew the Second Hand Dealers License to Crowne Jewelers located at 12 Lindell Avenue.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

- 55-14 EcoATM, Inc.: Renew the Second Hand Dealer's License for EcoATM Inc. located at 100 Commercial Road.
- 56-14 George Deghaoui: Renew the Second Hand Dealer's License for Deghan, Inc. d/b/a Hannoush Jewelers located at 100 Commercial Road.
- 57-14 Jon Andre Zajon: Renew the Second Hand Dealers License to Georges Fine Jewelers located at 255 North Street.
- 58-14 Virginia A. Tocci: Renew the Second Hand Dealers License to Joseph's Jewelers located at 28 Central Street.
- 59-14 Mark Gordon: Renew the Second Hand Dealers License for Music Mania Inc. located at 875 Merriam Avenue.
- 60-14 Leroy DiMauro: Renew the Second Hand Dealers License for Leroy's Attic located at 609 Main Street.
- 61-14 George Bulgarian: Renew the Second Hand Dealers License for George Bulgarian Jewelry Service located at 109 N. Main Street.
- 62-14 Andrew Rome: Renew the License for one pool table at the Columbia Tavern located at 16 Central Street Rear.
- 63-14 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co./Tinkums located at 37 Mechanic Street.
- 64-14 Mike Fusco: Renew the License for two pool tables at Jake's Pub Inc. d/b/a Hot Shots located at 1293 Main Street.
- 65-14 Kym Jollimore: Renew the License for one pool table at The Tankard, located at 13 Central Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for April 28, 2014 at 6:55 P.M. Vt. 9/0

- 66-14 National Grid and Verizon New England, Inc: Crawford Street – Install 1 jointly owned pole beginning at a point approximately 100 feet south of the centerline of the intersection of the Fitchburg Town Line.

The following APPOINTMENTS were received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COUSE.

Registrar of Voters – Charles Milhans – term to expire 4/15/2017
 Office of Emergency Management: Rehab Unit – Stephanie Corliss
 Rescue Unit – Melissa Singer
 Administration Unit – Juan Hidalgo
 Dive Unit – Dana Myhaver, Philip Dudley

The following RE-APPOINTMENTS were received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COUSE.

Emergency Management – Auxiliary Officers – John Caron, Paul Topolski,
 Elympse Octavious, Eddie Coffin, Sherry LeClair, Nick Baker,
 Daniel Johnson, Vincente Figueroa, Alex Scipione, Tim Flaxington
 Assistant Director – Jim LeBlanc, Richard Gauvin
 Deputy Directors – Tom Piper, Jean Hudson, Carl Sanabria, Al Stall
 Board of Appeals - Paul Romano, Michael Ciccolini - terms to expire 4/15/2017
 Conservation Commission - Kelley Freda, Daniel Brodeur, Larry Gianakis - terms to expire 4/15/2017
 Cultural Commission- Maureen Noviello - term to expire 4/15/2017
 Doyle Field Commission - Patrick LaPointe, Ernest Rooney - terms to expire 4/15/2017
 Historical Commission - Leon Christoforo, Rocco Palmieri, John Proietti - terms to expire 4/15/2017
 Library Board of Trustees - Nancy Hicks, Susan Chalifoux Zephir - terms to expire 4/15/2017
 Library Board of Trustees - Mark Bodanza, Robert Salvatore - terms to expire 4/15/2015
 Planning Board - Carol Vittorioso - term to expire 4/15/2019
 Recreation Commission - Lionel Charpentier - term to expire 4/15/2017
 Registrars of Voters - Nancy Piermarini - term to expire 4/15/2017
 Insect & Pest Control - Ralph Person - term to expire 4/15/2017
 Supt. Gypsy & Brown Tail Moths - Ralph Person - term to expire 4/15/2017

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. 9/0

C-49 Dean J. Mazzearella, Mayor: Amend the ordinance to allow the Mayor to hire department heads using a range for determining salary.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. 9/0

49-14 Christopher Rivard: Grant a Transient Vendors License for the sale of plants and flowers from April 15th through May 30th 2014.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. (Hearing continued to May 12, 2014 at 6:45 P.M.)

40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinances by adding Article XVIII, Section 22-105 entitled "Medical Marijuana Facilities" to allow and regulate medical marijuana facilities in the city.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9 "yeas"

45-14 Kate Griffin-Brooks for the Leominster Planning Board: Amend the Leominster Zoning Ordinance Section 22-17 Underlying Districts Table of Uses under Business Uses by changing "Motor vehicle gas station minimart and car wash" to two separate lines that would read: 1. Motor vehicle gas station minimart, 2. Motor vehicle gas station minimart and car wash. Both uses would retain the same requirements that currently exist in the ordinance.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 24-2 entitled Definitions by eliminating the sentence "Facilities that utilize animal testing of products are not included in this definition" from the Life sciences definition.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

51-14 National Grid: Chestnut Street – Install 1 jointly owned pole beginning at a point approximately 513 feet northeast of the centerline of the intersection of Andover Street.

52-14 National Grid: Hilltop Drive – Install 1 singly owned pole beginning at a point approximately 140 feet east of the centerline of the intersection on Mountain View Road.

Upon recommendation of the PUBLIC SCHOOLS/SCHOOL FACILITIES COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas" (Granted with an Emergency Preamble on March 24, 2014; another vote is required.)

C-60 Dean J. Mazzearella: Request the City Council vote favorably on the following:

Motion for Application for SOI Early Childhood Center

Motion: Resolved: Having convened in an open meeting on March 24, 2014 the Leominster City Council, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 11, 2014 for the following Early Childhood Center which describes and explains the following deficiencies and the priority category(s) for which Leominster may be invited to apply to the Massachusetts School Building Authority in the future:

Early Childhood Center Location to be determined

And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Leominster to filing an application for funding with the Massachusetts School Building Authority.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas" (Granted with an Emergency Preamble on March 24, 2014; another vote is required.)

C-50 Relative to the appropriation of \$110,000.00 to the Police Department Salary & Wages Account; same to be transferred from the Police Salary & Wages Account.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 “yeas”

- C-51 Relative to the appropriation of \$6,700.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of Six Thousand Seven Hundred Dollars (\$6,700.00) be appropriated to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Purchase of Holsters
- C-52 Relative to the appropriation of \$151,025.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of One Hundred Fifty One Thousand Twenty Five Dollars (\$151,025.00) be appropriated to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Sidewalk Tractor
- C-53 Relative to the appropriation of \$5,000.00 to the Municipal Buildings Overtime Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Municipal Buildings Overtime Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-54 Relative to the appropriation of \$300,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of Three Hundred Thousand Dollars (\$300,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Technology
- C-55 Relative to the appropriation of \$2,000.00 to the Highway Regular Labor Account; same to be transferred from the Highway Salary & Wages Account.
- ORDERED: That the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Highway Regular Labor Account; same to be transferred from the Highway Salary & Wages Account.
- RE: Animal Disposal Service Stipend
- C-56 Relative to the appropriation of \$100,000.00 to the Water Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Water Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: OPEB Payment
- C-57 Relative to the appropriation of \$100,505.00 to the Water Department Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of One Hundred Thousand Five Hundred and Five Dollars (\$100,505.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Purchase of water pipes for projects.
- C-58 Relative to the appropriation of \$560,000.00 to the Sewer Department Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of Five Hundred Sixty Thousand Dollars (\$560,000.00) be appropriated to the Sewer Department Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.
- C-59 Relative to the appropriation of \$5,000.00 to the Building Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: That the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Building Department Expense Account; same to be transferred to the excess and Deficiency Account.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 “yeas”

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

Under Old Business, Councillor Nickel said there has been significant progress made with the American Little League field. He said the Recreation Department voted to accept the donation of the sign as a gift. This looks the most hopeful since this whole odyssey started. He thanked the Council President for his work along with the Little League and their Board of Directors, their President for being willing to compromise and to negotiate fairly for both sides.

Councillor Freda congratulated all the recipients of the Rotary Club Employee Recognition Awards and thanked the Councillor for attending the event. She said there were close to 300 people honoring our employees and it was a good night.

The following RESOLUTION was received under SUSPENSION OF THE RULES, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE. Vt. 9 "yeas"

RESOLUTION to file and accept grants with and from the Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs for the Our Common Backyards
Program for improvements to Fournier Field.

The following RESOLUTION was received with an EMERGENCY PREAMBLE, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE. Vt. 9 "yeas". Upon request of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the RESOLUTION was AMENDED and ADOPTED AND AMENDED. Vt. 9 "yeas" Amended by replacing Southeast Park with Barrett Park.

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITION AND RENOVATION FOR COMMUNITIES PROGRAM FOR THE RENOVATION OF BARRETT PARK

- Whereas: Barrett Park, located adjacent to an Environmental Justice Zone, is by and far an important community wide recreation area and the renovations to this area is a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: Renovations to Barrett Park will meet the need of creating additional handicap-accessible recreation activities within a 100 acres+ tract of open space land within the City of Leominster and
- Whereas: Renovations to Barrett Park will expand recreational usage for low-moderate income families through our CDBG program and expand outdoor activities for families and seniors;
- Whereas: Said property is dedicated as recreational land under MGL Chapter 45, Section 14 by deed and subsequent vote of the City Council and is under the jurisdiction of the Leominster Recreation Department .
- Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the PARC Program, Chapter 933 Acts of 1977, as amended; and
- Whereas: Renovations to Barrett Park will cost a total of \$588,235.00.00 (Five Hundred Eighty Eight Thousand, Two Hundred and Thirty Five Dollars) and the City has allocated \$588,235.00 through its General Fund for the purposes of the Barrett Park Renovation Project.

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Leominster Recreation Department; and
3. That this resolution shall take effect upon passage.

s/s Leominster City Council

Councillor Marchand said there will be a Special Council Meeting scheduled on April 23, 2014 at 7:00 P.M.

A Finance Committee meeting was established for April 23, 2014 at 7:15 P.M.

Councillor Marchand requested that Councillor Feckley look at the Council Rules and Code of Conduct with her Committee and give us some kind of grade what is happening and also investigate some of the other communities and what they are doing to see if we can make our process better.

MEETING ADJOURNED AT 8:50 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council