

**7:20 P.M. Interviews with Disability
Commission Appointee & Cable
Advisory Board Appointees**

2016 MAY 19 PM 1: 50
CITY CLERK'S OFFICE
LEOMINSTER, MA

CITY OF LEOMINSTER

CITY COUNCIL

MAY 23, 2016

JOHN P. MAHAN CITY COUNCIL CHAMBERS

HEARING BEFORE THE CITY COUNCIL, 6:30 P.M.

62-16 Glen Canario/Southwin Limited: Amend the license for 272 Nashua Street to allow the storage of 12 above ground storage tanks, with a total of 191,000 gallons and 250,000 one gallon bottles of Class IIIB combustible liquid. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 6:45 P.M.
(Continued from April 25, 2016)

36-16 Mackie Barch for Do Health Massachusetts: Grant a Special Permit to open a medical marijuana cultivation and dispensary facility at 30 Patriots Circle, as shown on Assessors Map 499, Lot 50. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.

50-16 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3, 503-3-4, 503-3-5 at the entry-way of Southgate Business Park to mixed use (MUI) from Industrial. (Legal Affairs)

PUBLIC FORUM, 7:15 P.M.

REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.

ROLL CALL

APPROVAL OF RECORDS

COMMUNICATIONS

- C-93 Dean J. Mazzarella, Mayor: Authorize the City of Leominster to pursue \$23,927.00 through the United State Department of Justice – Justice Assistance Grant Program (JAG). (Ways & Means)
- C-94 Relative to the appropriation of \$2,893.00 to the Disability Commission Fines Reserved for Appropriation Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-95 Relative to the appropriation of \$7,000.00 to the Historical Commission Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-96 Relative to the appropriation of \$150,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-97 Relative to the appropriation of \$22,000.00 to the Library Department Expense Account; same to be transferred from the Library Salary & Wages Account. (Finance)
- C-98 Relative to the appropriation of \$50,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account. (Finance)
- C-99 Relative to the appropriation of \$50,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Police Department Salary & Wages Account. (Finance)
- C-100 Dean J. Mazzarella, Mayor: Relative to the appropriation of One Million Five Hundred Thousand Dollars (\$1,500,000.) for the purpose of financing rehabilitation of the Pond St. and Wachusett Reservoir Pump Stations, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,500,000. to issue bonds or notes therefor under G.L. c44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote. (Finance)

PETITIONS

- 65-16 Patrick Scorzelli-Agent for Prime Wellness Centers, Inc.: Request a local letter of municipal support and non-opposition for the siting and establishment of a Registered Medical Marijuana Dispensary in the City of Leominster on Locke Drive. (Ways & Means and Legal Affairs)
- 66-16 Al Micale, Ayoub Engineering, Inc., Agent for Sunoco LLC: Amend the license for 468 Main Street to allow the storage of two 300 gallon above ground storage tanks for waste oil and heating oil, and two 20,000 gallon underground storage tanks for gasoline and diesel. (Legal Affairs)

APPOINTMENT

Emergency Management – Administrative Unit – Carrie Noseworthy

MATTERS BEFORE THE CITY COUNCIL

WAYS & MEANS

- 48-16 ecoATM, Inc.: Renew the Second Hand Dealer License for the location at 100 Commercial Road.
- 49-16 Best Buy Stores, LP #1433: Renew the Second Hand Dealer License for the location at 33 Orchard Hill Park Drive.
- 57-16 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co., located at 37 Mechanic Street.
- 58-16 Aimee Lemoine: Renew the License for two pool tables at Seven R's, d/b/a A & R's Double Inn, located at 166 Water Street.
- 59-16 Kym Jollimore: Renew the License for one pool table at the Tankard, located at 13 Central Street.
- 60-16 Nellye Molina for J & J Consignment: Renew the Second Hand Dealer License for the premises located at 343 Central Street.
- 61-16 Susan Rogers for Movie Stop #7045: Renew the Second Hand Dealer License for the premises located at 82 Orchard Hill Park Drive.
- 52-16 Mackie Barch, for DO Health Massachusetts, Inc.: Consider and issue a Letter of Municipal Support or Non-Opposition relative to the siting of a Medical Marijuana Facility at 30 Patriots Circle.

MATTERS BEFORE THE CITY COUNCIL, continued

WAYS & MEANS & LEGAL AFFAIRS

- 53-16 Peter Campobasso, Esquire for Alternative Therapies Group Inc.: Request a local letter of non-opposition to locate a Registered Marijuana Dispensary in the City of Leominster.
- 54-16 Edward J. Bartlett, Jr., CFO for Middlesex Integrative Medicine: Request a letter of support or non-opposition to operate a registered marijuana dispensary at 25 Mohawk Drive.
- 55-16 Marc Rosenfeld, CEO for CommCan Inc.: Request a letter of non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park.
- 56-16 Robert C. Carr, Jr. President & CEO for Nature's Remedy of Massachusetts: Request a letter of support or non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park.

LEGAL AFFAIRS

- C-33 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Jennifer L. Flanagan and State Representative Dennis A. Rosa file special legislation with the General Court, on behalf of the City, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G. L. c 31, as follows:

AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The positions of police chief and police captain in the city of Leominster shall be exempt from Chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

- C-88 Dean J. Mazzearella, Mayor: Request authorization to enter into an agreement for Net Metering Power Purchase for solar generated electricity and related net electricity metering credits and authorize the Mayor to execute such agreements and take such actions as are necessary to administer and implement such agreements.
- 36-16 Mackie Barch for Do Health Massachusetts: Grant a Special Permit to open a medical marijuana cultivation and dispensary facility at 30 Patriots Circle, as shown on Assessors Map 499, Lot 50.

MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS, continued

- 50-16 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3, 503-3-4, 503-3-5 at the entry-way of Southgate Business Park to mixed use (MUI) from Industrial.
- 62-16 Glen Canario/Southwin Limited: Amend the license for 272 Nashua Street to allow the storage of 12 above ground storage tanks, with a total of 191,000 gallons and 250,000 one gallon bottles of Class IIIB combustible liquid.
- 63-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change to change maximum height for principal buildings in RC district as set forth in Subsection 22-40.3 on lots with at least five acres of area from 35 feet to 40 feet. (Hearing set for June 13, 2016 at 6:50 P.M.)
- 64-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change from Commercial District to Residence C District for a 21,840 square foot parcel as shown on Assessor's Map 317. Parcel 7A. (Hearing set for June 13, 2016 at 7:00 P.M.)

CITY OF LEOMINSTER – FINANCIAL REPORT

FINANCE

- C-89 Relative to the appropriation of \$6,994.00 to the Gas Inspector Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-90 Relative to the appropriation of \$9,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-91 Relative to the appropriation of \$30,000.00 to the Park Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-92 Relative to the appropriation of \$49,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

APPOINTMENTS

Disability Commission – David Patten – term to expire 4/15/2019

Cable Advisory Board – Deborah Toivonen and Alan Van Wert – terms to expire May 9, 2019

RE-APPOINTMENTS

Cultural Commission – Barbara Mahoney – term to expire 4/15/2019

Board of Assessors – Richard Dondero – term to expire 4/15/2019

OLD BUSINESS

RESOLUTION – Authorizing the Mayor to release the easements at 140 Adams Street
(Ways & Means & Legal Affairs)

RESOLUTION – Proposed Resolution to the Leominster City Council for the establishment
of a protocol to issue Letters of Non-Opposition for Registered Marijuana
Dispensaries pursuant to 105 CMR 725 (Ways & Means & Legal Affairs)

NEW BUSINESS

1st Reading Loan Order- ORDERED: - that the sum of One Million Five Hundred
Thousand Dollars (\$1,500,000.) for the purpose of financing rehabilitation of the
Pond St. and Wachusett Reservoir Pump Stations, including without limitation all
costs thereof; that to meet this appropriation the Treasurer with the approval of the
Mayor is authorized to borrow \$1,500,000. To issue bonds or notes therefor under
G.L. c44 or any other enabling legislation and/or Chapter 29C of the General Laws;
that such bonds or notes shall be general obligations of the City unless the Treasurer
with the approval of the Mayor determines that they should be issued as limited
obligations and may be secured by local system revenues as defined in Section 1 of
Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to
borrow all or a portion of such amount from the Massachusetts Clean Water Trust
established pursuant to Chapter 29C and in connection therewith to enter into a
financing agreement and/or a security agreement with the Trust and otherwise to
contract with the Trust and the Department of Environmental Protection with respect
to such loan and for any federal or state aid available for the project or for the
financing thereof; and that the Mayor or the Treasurer is authorized to enter into a
project regulatory agreement with the Department of Environmental Protection, to
expend all funds available for the project and to take any other action necessary or
convenient to carry out the project and this vote. (Finance)

COMMUNITY CALENDAR

Lynn A. Bouchard
City Clerk
May 19, 2016