

2016 JUN -9 PM 3: 26
CITY CLERK'S OFFICE
LEOMINSTER, MA

**5:30 P.M.-Informational Meeting-Update on
the Twin City Rail Trail**

**5:50 P.M. Mayor Mazzarella – Update Slack
Brook and other projects**

**7:20 P.M. – Interview with Emergency
Management Appointee**

CITY OF LEOMINSTER

CITY COUNCIL

JUNE 13, 2016

JOHN P. MAHAN CITY COUNCIL CHAMBERS

HEARING BEFORE THE CITY COUNCIL, 6:00 P.M.

(Continued from May 23, 2016)

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, 6:15 P.M.

(Continued from May 23, 2016)

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)

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

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)

HEARING BEFORE THE CITY COUNCIL, 6:40 P.M.

Relative to 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)

HEARING BEFORE THE CITY COUNCIL, 6:50 P.M.

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. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 7:00 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. (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-101 Dean J. Mazzarella, Mayor: Exempt Erin VanTuyl from a Conflict of Interest as provided for M.G.L. Chapter 268A, Section 20B as she is a biology teacher for the Leominster School Department and will be working as an enrichment instructor for the Recreation Department. (Ways & Means)
- C-102 Dean J. Mazzarella, Mayor: Exempt Jeffrey Soulliere from a Conflict of Interest as provided for M.G.L. Chapter 268A, Section 20B as he is a physical education teacher for the Leominster School Department and will be working as a Sportsmania program director for the Recreation Department. (Ways & Means)
- C-103 Dean J. Mazzarella, Mayor: Consider acquiring, by eminent domain, permanent and temporary easements on certain properties located on or near the Monoosnoc Brook in connection with Phase II of the Monoosnoc Brook River Walk. The properties affected by the taking are set forth more particularly in Schedule A and shown on a plan entitled "Monoosnoc Brook, Leominster, MA" prepared by Brown, Richardson and Rowe, Inc. (Legal Affairs)
- C-104 Relative to the appropriation of \$116,275,000.00 to the Fiscal Year 2017 General Fund Budget Accounts as listed; same to be raised/offset by Fiscal Year 2017 Revenue. (Finance)
- C-105 Relative to the appropriation of \$5,678,005.00 to the Fiscal Year 2017 Water Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E. (Finance)
- C-106 Relative to the appropriation of \$5,453,705.00 to the Fiscal Year 2017 Sewer Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E. (Finance)
- C-107 Relative to the appropriation of \$75,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account. (Finance)
- C-108 Relative to the appropriation of \$1,023.00 to the Veteran Services Salary & Wages Account; same to be transferred from the Veterans Department Expense Account. (Finance)
- C-109 Relative to the appropriation of \$15,000.00 to the Collector Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-110 Relative to the appropriation of \$11,400.00 to the Building Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

COMMUNICATIONS, continued

- C-111 Relative to the appropriation of \$600,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-112 Relative to the appropriation of \$4,000.00 to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-113 Relative to the appropriation of \$310,000.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-114 Relative to the appropriation of \$284,236.00 to the Insurance Expense Account; same to be transferred from the Worker's Compensation Loss Fund Accounts as listed:
- | | |
|--|--------------|
| FY2015 Worker's Compensation Loss Fund | \$170,000.00 |
| FY2014 Worker's Compensation Loss Fund | \$ 52,835.77 |
| FY2013 Worker's Compensation Loss Fund | \$ 35,000.00 |
| FY2012 Worker's Compensation Loss Fund | \$ 21,000.00 |
| FY2010 Worker's Compensation Loss Fund | \$ 2,000.00 |
| FY2009 Worker's Compensation Loss Fund | \$ 3,400.23 |
- RE: 2017 Worker's Compensation Loss Fund (Finance)
- C-115 Relative to the appropriation of \$26,500.00 to the Insurance Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-116 Relative to the appropriation of \$30,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-117 Relative to the appropriation of \$308,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-118 Relative to the appropriation of \$250,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-119 Relative to the appropriation of \$350,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account. (Finance)

PETITIONS

- 67-16 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street. (Ways & Means)
- 68-16 Claire Freda: Amend the City of Leominster's local room occupancy excise tax under M.G.L. Chapter 64G, Section 3A to the rate of 6%. (Legal Affairs)

MATTERS BEFORE THE CITY COUNCIL

WAYS & MEANS

- C-93 Dean J. Mazzearella, Mayor: Authorize the City of Leominster to pursue \$23,927.00 through the United State Department of Justice – Justice Assistance Grant Program (JAG).
- 49-16 Best Buy Stores, LP #1433: Renew the Second Hand Dealer License for the location at 33 Orchard Hill Park Drive.

WAYS & MEANS AND LEGAL AFFAIRS

- 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.
- 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.
- 65-16 Pat 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.

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:

MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS, continued

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.

- 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.
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CITY OF LEOMINSTER – FINANCIAL REPORT

FINANCE

- 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.
- 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.

MATTERS BEFORE THE CITY COUNCIL, *continued*

FINANCE, *continued*

- 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.
- 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.
- 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.
- 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.
- C-100 Dean J. Mazzearella, 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.

APPOINTMENT

Emergency Management – Administrative Unit – Carrie Noseworthy

OLD BUSINESS

2nd 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)

NEW BUSINESS

Reorganization of City Council Committees – addition of an alternate member to the Finance Committee.

COMMUNITY CALENDAR

Lynn A. Bouchard
City Clerk
June 9, 2016