

HEARING BEFORE THE CITY COUNCIL, OCTOBER 11, 2016

Hearing opened at 7:00 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:

17-17 National Grid and Verizon New England, Inc.: Harvard Street-Install 1 jointly owned pole and anchor to guy pole 22 beginning at a point approximately 20 feet south of the centerline of the intersection of White Street.

Iris Price of National Grid said the homeowner at 273 Harvard Street would like to take the tree down and there is a guy wire attached to the tree so a sub pole will have to be installed.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:02 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016

Meeting was called to order at 7:32 P.M.

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

The Committee on Records reported that the records through September 26, 2016 were examined and found to be in order. The records were accepted.

A recess was called at 7:35 P.M. to hold a public forum.

Meeting reconvened at 7:39 P.M.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-22 Relative to the appropriation of \$17,000.00 to the Veteran's Services Salary & Wages Account; same to be raised by Fiscal Year 2017 Revenue.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for October 24, 2016 at 7:00 P.M. Vt. 9/0

C-23 Dean J. Mazzearella, Mayor: Relative to the appropriation of Five Million Dollars (\$5,000,000.00) to pay costs of designing, constructing and equipping athletic fields and an athletic complex at Leominster High School, which complex may include restrooms, a press box, concession and other similar facilities, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$5,000,000.00 under and pursuant to Chapter 44, Sections 7(3) and 7(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to apply for and accept any and all grants or other funds that may be available to the City on account of this project, and to take all other action necessary or convenient to the carrying out of the purposes of this order.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-24 Relative to the appropriation of \$342,101.00 to the Planning Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

The following COMMUNICATION was received, referred to the CITY PROPERTY AND PROPERTY OVERSIGHT COMMITTEE and given REGULAR COURSE.

C-25 Dean J. Mazzearella, Mayor: Request the City Council transfer the care, custody and control of the property located on Summit Street containing 10,000 square feet, more or less, shown as Lots 114 and 115 on a plan recorded with Worcester North District Registry of Deeds in Plan Book 541, Page 164, identified by the Assessor's as Parcel 523-9, and being a portion of the premises acquired by the City by Treasurer's Deed recorded in Book 541, Page 164, from the Treasurer/Collector or other tax custodian for tax title purposes to the Mayor for purpose of conveyance, and to authorize the Mayor to convey said property on such terms and conditions, and for such consideration, as the Mayor may deem appropriate.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016, continued

The following PETITION was received, referred to the CITY PROPERTY AND PROPERTY OVERSIGHT COMMITTEE, given REGULAR COURSE and referred to the Police Department-Traffic Division and the Fire Department.

- 18-17 Richard M. Marchand Festival Facilitator: Request the closure of West Street from the intersection of Cottage Street to Main Street, Park Street at the intersection of Main Street, Church Street but maintain public safety access and allow the use of the City Hall parking lot, the parking lot adjacent to City Hall on West Street and the City portion of the parking lot between the First Church Unitarian and the First Baptist Church for handicap parking for the 24th Annual Johnny Appleseed Arts and Cultural Festival on September 23, 2017 with a rain date of September 30, 2017.

The following APPOINTMENTS were received, referred to the WAYS AND MEANS COMMITTEE and given REGULAR COURSE.

Election Officers- – term to expire August 31, 2017

Ronald Theriault and Carl Johnson

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 2-17 President's Committee on City Ordinance Review: Request that Chapter 3, Section 3-2 entitled "Injurious Noise Prohibited" be deleted and replace with the following: "No person, partnership, company, corporation or association leasing or controlling any device (or property) shall willfully, negligently or through failure to provide effective available control technology, shall allow the creation of noise that will cause injury, fatigue, interference with the quiet enjoyment of life and property".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 9/0

- 4-17 President's Committee on City Ordinance Review: Request that Chapter 10 "Solicitors, Hawkers and Peddlers", Section 10-2 entitled "Definitions" be revised to add "the foregoing definition shall not include political campaigning".

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

- 14-17 Officer Richard Shea: Amend Chapter 13, Section 13-34 of the Revised Ordinances entitled "no parking on certain streets" to remove Cross Street (north side) from Lancaster Street seven hundred ten feet to Central Street to allow legal parking on a public way.
- 15-17 Claire Freda: Adopt Sections 193 and 194 of Chapter 218 of the Acts of 2016 to allow the City to reduce the speed limit in certain areas to 20 or 25 m.p.h. and allow the creation of designated safety zones on any street in the City which is not a state highway with the approval of Mass DOT.
- 16-17 Officer Richard Shea: Install a Stop sign on Lorchriss Street against westbound drivers at the intersection of Viscoloid Avenue.

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$13,616,473.15
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Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

- C-20 Relative to the appropriation of \$500,000.00 to the School Department Expense Account; same to be raised by Fiscal Year 2017 Revenue.

ORDERED: - that the sum of Five Hundred Thousand Dollars (\$500,000.00) be appropriated to the School Department Expense Account; same to be raised by Fiscal Year 2017 Revenue.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 8/0, Councillor Cormier abstained due to a possible conflict of interest.

- 17-17 National Grid and Verizon New England, Inc.: Harvard Street-Install 1 jointly owned pole and anchor to guy pole 22 beginning at a point approximately 20 feet south of the centerline of the intersection of White Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8 "yeas", Councillor Feckley abstained due to a possible conflict of interest.

Disability Commission -Marlene Thibeault – term to expire April 15, 2019

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 "yeas"

Emergency Management – Logistics Unit - Brian M. LaJiness

Upon recommendation of the WAYS & MEANS COMMITTEE, the following ELECTION ORDER was ADOPTED. Vt. 8/0

**CITY OF LEOMINSTER
STATE ELECTION
ELECTION ORDER
NOVEMBER 8, 2016**

ORDERED:-that the City Clerk be and she hereby is authorized and directed to notify and warn the voters of the City of Leominster to assemble in their respective polling places in the several wards and precincts of the City, designated by the City Council as follows:

WARD 1A	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1B	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1C	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 2A	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2B	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2C	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 3A	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3B	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3C	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 4A	SENIOR CITIZEN DROP-IN CENTER 5 POND STREET
WARD 4B	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 4C	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 5A	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5B	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5C	FIRST BAPTIST CHURCH OF LEOMINSTER 23 WEST STREET

On Tuesday the eighth day of November 2016 for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

Electors of President and Vice President; Representative in Congress-Second District; Councillor-Seven District, Senator in General Court-Worcester & Middlesex District, Representative in General Court- Fourth Worcester District, Sheriff -Worcester County and the following questions.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016, continued

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A NO VOTE would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016, continued

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

And it is further ORDERED: that the polls shall be opened at 7:00 A.M. and Closed at 8:00 P.M. and that notice shall be given by publication of this order in a conspicuous place in the office of the City Clerk.

Per Order: Leominster City Council

True Copy Attest: Lynn A. Bouchard, City Clerk

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for October 24, 2016 at 7:05 P.M. Vt. 9 "yeas"

1st Reading Ordinance – Amend Chapter 13, Section 13-34 of the Revised Ordinances entitled "No Parking on Certain Streets" by inserting Nashua Street (west side), across from Pole #27 in a southerly direction for 900 feet ending at Lawrence Street and Nashua Street (east side), from Pole #27 in a southerly direction for a distance of 990 feet ending across from Lawrence Street.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for October 24, 2016 at 7:10 P.M. Vt. 9 "yeas"

1st Reading Ordinance – Amend Chapter 12 of the Revised Ordinances entitled "Licenses" by inserting section 12-7.2 authorizing the issuance of pool and billiard tables license by the License Commission.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 11, 2016, continued

The following LOAN ORDER was read once ADOPTED as presented and Ordered published. A hearing was set for October 24, 2016 at 7:00 P.M.

1st Reading Loan Order – ORDERED: - that the sum of Five Million Dollars (\$5,000,000.00) to pay costs of designing, constructing and equipping athletic fields and an athletic complex at Leominster High School, which complex may include restrooms, a press box, concession and other similar facilities, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$5,000,000.00 under and pursuant to Chapter 44, Sections 7(3) and 7(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to apply for and accept any and all grants or other funds that may be available to the City on account of this project, and to take all other action necessary or convenient to the carrying out of the purposes of this order.

The Police Station Oversight Committee established a meeting on October 19, 2016 at 5:30 P.m.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Planning Board Chairman John Souza, the Planning Director Kristen Kelly, and the Director of Inspections Peter Niall to come down to the Council before the next meeting to discuss the process between the Planning Department and the Building Department after a project has been approved. Also request the City Comptroller John Richard and Treasurer David Laplante to attend the public hearing for the Loan Order on October 24, 2016 at 7:00 P.M. Vt. 9/0 A vote was taken to have Interim Police Chief Goldman to come down to the Council before the next meeting to discuss street closures and Detail Officers. Vt. 9/0

MEETING ADJOURNED AT 8:39 P.M.

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