

Council President

David R. Cormier

Council Vice President

Pauline M. Cormier



Councillors-at-Large

Thomas F. Ardinger

Susan Chalifoux-Zephir

Todd M. Deacon

Claire M. Freda

Ward Councillors

Ward 1 – William A. Brady

Ward 2 – Pauline M. Cormier

Ward 3 – David R. Cormier

Ward 4 – Mark C. Bodanza

Ward 5 – Peter A. Angelini

MINUTES

CITY OF LEOMINSTER

CITY COUNCIL

APRIL 11, 2022

JOHN P. MAHAN CITY COUNCIL CHAMBERS

INFORMATIONAL MEETING 6:00 PM

- **To discuss the MBTA zoning as proposed by the State.**

The informational meeting was opened at 6:00 PM.

Karen Chapman, of the Montachusett Regional Planning Collaborative (MRPC), presented the Massachusetts Bay Transportation Authority (MBTA) zoning proposal.

Councillor Chalifoux-Zephir asked if the existing multi-family units count towards the 2,810 units needed?

Karen Chapman answered “yes”, existing housing counts.

Councillor Freda asked if the slide presentation will be available for the Council?

City Clerk, Katelyn Huffman, answered that yes, Elizabeth Wood, Planning Director, has the slides and she will ask her to provide them via email.

Councillor Bodanza asked if we draft a zoning amendment, should it be approved by the MBTA before adopting it?

Ms. Chapman replied that the City would send in an Action Plan and then adopt the zoning amendment.

Councillor Angelini added that he spoke with the Mayor's Office and Wendy Wiiks has submitted a grant for a consultant to help with this zoning amendment.

Councillor Ardinger asked for a map of the area. This was provided as part of the presentation.

Councillor Freda added that this housing is not required to be affordable housing.

Councillor Angelini added that the downside risk is that this doesn't solely benefit City residents.

Councillor Chalifoux-Zephir spoke about the affordable housing issue and added that the existing density has to be increased.

Councillor Bodanza stated that this may force us to rezone the industrial land.

Councillor Brady clarified that this is just zoning at the moment and not building yet.

Councillor Chalifoux-Zephir added that zoning is first and then projects are presented.

Councillor Bodanza stated that there may be other issues faced and he looks forward to the consultant.

Councillor Freda added that 175 communities felt comfortable about the possibility of doing this project. The Massachusetts Municipal Association (MMA) has raised some good questions.

Ms. Chapman said that all comments from communities will be looked at.

The informational meeting was closed at 6:23 PM.

INFORMATIONAL MEETING 6:20 PM

C-62 Dean J. Mazarella, Mayor: Requests that the City Council authorize the Mayor, on behalf of the City, to finalize the Conservation Restriction (CR) Easement on Watershed Property to the Department of Conservation and Recreation (DCR).

RE: This is part of the City's acquisition of Sholan Farms in 2001 and will finalize the terms of the CR and has been reviewed by the City Solicitor.

*(Legal Affairs; Informational Meeting set for 04/11/2022 at 6:20 PM;
Regular Course 03/28/2022); Majority Vote)*

The information meeting was opened at 6:23 PM.

Councillor Freda recused herself due to a conflict of interest.

Roger Brooks, Jake Fleming, and Paul Kennedy presented information on this petition.

Roger Brooks explained the Sholan Farms acquisition.

Jake Fleming added that what is in this Conservation Restriction is currently happening. This easement just finalizes what is already occurring.

Paul Kennedy spoke on the “no fishing” issues on some of the watershed properties. He said signs are up for this and for “no dog walking”, but lots of people do not pay attention. There are also dead red pines as an issue. The trees could use a good trimming.

Mr. Brooks spoke on the upcoming trimming of the red pines. He added that when the management plan is done, we will investigate if the red pines can be sold. There should be enforcement capabilities also. He added that some people ignore signs, but nothing is enforced. On the backside of Notown is Leominster State Forest and these people who wander from there never see the signs.

Councillor Angelini asked if there was a plan to address the deciduous trees near the water line.

Mr. Fleming spoke about the Forestry Management Plan and how that will soon be finalized. This will include clearing around the water line. Trees too close to the water create a carbon issue, which needs to be removed from Notown Reservoir.

Councillor Bodanza thanked them for their dedication to this project.

Councillor Chalifoux-Zephir asked why we are finalizing this easement now, 21 years after the acquisition of Sholan Farm?

Mr. Brooks stated that we thought this was already done. Nothing is actually changing; we are just finalizing this easement.

Councillor Chalifoux-Zephir asked what prompted this to happen now.

Mr. Brooks added that this is on the state because at our end it was all set.

Councillor Angelini stated that this Conservation Restriction comes with 60 parcels. He is amazed at the rights the City has retained.

Mr. Brooks said this provides the City with the ability to use the trails. He added that he would like to have a 400 ft shoreline to maintain integrity of the water.

Mr. Kennedy said that starting last year people are taking the signs down and that ATVs are a problem.

The informational meeting was closed at 6:50 PM.

PUBLIC HEARING 6:45 PM

48-22 Peter Angelini, Ward 5 Councillor: Requests to amend the City of Leominster Revised Ordinances Section 12-2 as attached. This amendment is proposed to take effect July 1, 2022.

RE: To revise the fee schedule in the City of Leominster to begin July 1, 2022 (FY2023)
(Legal Affairs: Regular Course 03/28/2022; Public Hearing 04/11/2022 at 6:45 PM; 2/3 Vote)

The Public Hearing was opened at 6:50 PM.

Councillor Angelini presented the fee schedule amendments. He added that this is shared guidance of the Division of Local Services. He explained that this is what he and the City Clerk have put together for fee amendments. Departments have been notified and the City Solicitor has been contacted. Also, the Mayor was in favor of the concept. This will require some fine-tuning and needs some work. He added that increasing these fees does not increase revenue. He noted that inflation is a driving force as the current fees do not cover the expenses.

Councillor Bodanza referred to the Planning Board's letter regarding their set fees, and noted that Chapter 40, Section 22F gives boards and commissions the ability to adopt their own fees. He would like to give the Planning Board more time to talk about their fees.

Councillor Angelini read the communication from the Planning Director, Elizabeth Wood, regarding the fee changes.

Councillor Freda stated that she doesn't disagree with the concept of raising fees, but she feels it might not be the right time. She spoke on the raffle permit increase and how this seems to target churches.

City Clerk, Katelyn Huffman, explained raffle permits and transient vendor fees. The purpose is to make these fees transparent to the residents.

Councillor Angelini added that he didn't think about fairness. When the fee doesn't cover the costs of a permit, the taxpayer gets hit with the brunt of the money lost.

Councillor Freda replied that the taxpayer is the one applying for the permit. She emphasized that she doesn't disagree, she just doesn't think it's the right time.

Councillor Chalifoux-Zephir asked Councillor Angelini if there will be a Legal Affairs Subcommittee meeting to discuss this further.

Councillor Angelini replied "yes".

Councillor Chalifoux-Zephir was concerned about the Sunday afternoon fees. She asked if organizations pay for use of the auditorium in City Hall.

Katelyn Huffman replied that they are supposed to pay, but it is up to the Mayor and his office.

Councillor Ardinger asked about raffle permits being \$25.00.

Katelyn Huffman explained raffle permits.

Councillor Chalifoux-Zephir said that this comes up with schools have raffles.

Councillor Ardinger felt this fee would hurt many organizations.

Ms. Huffman added that all organizations do not do things the right way.

Councillor Brady asked about the auto amusement device permit fee.

Ms. Huffman answered those are claw machines, pinball machines, etc. Pool tables are separate, and those permits are monitored by the License Commission.

Councillor Chalifoux-Zephir asked who enforces these fines.

Councillor Bodanza answered that the License Commission enforces these fines.

Ms. Huffman replied that, as far as the City Clerk fees go, the City Clerk's Office enforces those fees.

Councillor Angelini added that he will speak to the License Commission.

Councillor Freda asked the City Clerk when someone gets married in City Hall, do they pay to use it.

Ms. Huffman answered "no", the Mayor does not charge for use.

Councillor Bodanza added that he would guess not 25% pull permits for raffles.

The Public Hearing was closed at 7:24 PM.

PUBLIC HEARING 6:50 PM

20-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to the parking of unregistered vehicles.

RE: Overflow lots

(Legal Affairs; Regular Course 06/14/2021; Public Hearing; January 10, 2022 @ 6:50PM; Cont. Public Hearing February 14, 2022 @ 6:50 PM; Cont to 03/14/2022 at 6:50 PM; REFERRALS IN: Planning Director; REFERRALS OUT: Building Inspector, Zoning Board of Appeals; Public Hearing Cont to 4/11/2022 at 6:50 PM; 2/3 Vote)

The Public Hearing was opened at 7:24 PM.

Councillor Angelini read a communication from Elizabeth Wood, Planning Director. He spoke about the subcommittee that has been formed to hammer out this petition.

Councillor Bodanza said that this will have to continue until May 23rd.

The Public Hearing was closed at 7:29 PM.

PUBLIC FORUM, 6:55 P.M.

The public forum is an opportunity for any member of the audience to speak on a matter specifically listed on the Council Agenda. Speakers will be asked to come to the microphone and state their formal name and address along with identifying the specific item(s) they wish to address. Each speaker is respectfully asked to keep their comments within a two (2) minute time frame. The Council will not be responding or answering any questions; however, at the discretion of the Council President, clarification may be given.

The Public Forum was opened at 7:29 PM.

Ryan Young, of Leominster, spoke on behalf of the Local 1841 Firefighters and asked for support for C-63.

The Public Forum was closed at 7:30 PM.

I. REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COUNCILLORS IN ATTENDANCE

PRESENT: Council President David Cormier; Council Vice-President Pauline Cormier; Councillor Bodanza; Councillor Ardinger; Councillor Angelini; Councillor Brady; Councillor Chalifoux-Zephir; Councillor Deacon; and Councillor Freda.

Others present: Katelyn Huffman, City Clerk, Dianne Reardon, Assistant City Clerk.

IV. APPROVAL OF RECORDS

March 28, 2022

Council Vice-President Pauline Cormier found the records to be in good order and ordered them placed on file.

A motion was made by Councillor Bodanza, seconded by Councillor Chalifoux-Zephir, to go into recess at 7:02 PM, which passed with a vote of 9-0.

The regular meeting came back into session at 7:31PM.

V. COMMUNICATIONS FROM THE MAYOR

MONEY ORDERS

C-67 Dean J. Mazzearella, Mayor: Request an appropriation of \$75,000 be made to the Unemployment Insurance Account; the same amount to be transferred from the Excess and Deficiency Account. (*Finance; Regular Course; 04/11/2022; Majority Vote*)

This was given REGULAR COURSE.

COMMUNICATIONS

C-68 Dean J. Mazzearella, Mayor: Request the acceptance of the CDBG Budget/Action Plan for the City of Leominster. Year 48. (*Ways & Means; Regular Course; 04/11/2022; Public Hearing 04/25/2022 @ 6:35PM Majority Vote*)

This was given REGULAR COURSE and, with a vote of 9-0, a Public Hearing was set for April 25, 2022, at 6:35 PM. The Council asked for Ellen Racine to be present at that meeting.

C-69 Dean J. Mazzearella, Mayor: Request that the following sections of the City of Leominster Revised Ordinance, Chapter 16 – Personnel, Article II – Personnel, Wage and Salary Plan, Division 3 – Classification Plan, Section 16-34 ‘Classification of positions’ be amended, effective immediately to replace the existing Classification with the new Classification plan presented below.

Class Title	Classification
Assistant Purchasing Agent	S-5

And inserting in their place the following:

Class Title	Classification
Assistant Purchasing Agent	S-7

(Legal Affairs; Regular Course 04/11/2022; Public Hearing 04/25/2022 @ 6:50PM; 2/3 Vote)

This was given REGULAR COURSE and, with a vote of 9-0, a Public Hearing was set for April 25, 2022, at 6:50 PM.

VI. PETITIONS FIRST TIME ON THE AGENDA

50-22 Entertainment Cinemas Blvd: Request to renew theater license located at 45 Sack Blvd.

(Ways and Means; Regular Course 04/26/2021; REFERRALS IN: Treasurer; Police; Majority Vote)

This was given REGULAR COURSE.

51-22 Christopher Rivard: Request to renew transient vendor license for the sale of flowers and plants. *(Ways & Means; Regular Course 04/11/2022; REFERRALS OUT: Collector, Police; Majority Vote)*

This was given REGULAR COURSE.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT - \$19,733,226.00 STABILIZATION FUND BAL.

IX. FINANCE

Councillor Bodanza spoke about revenues. He explained how the revenues are broken down. He spoke about senior tax relief programs and how these are administered by the Council on Aging. They can work and earn up to \$500 off their tax bill. There are two elderly tax exemptions also that he spoke about, and these programs accept applications in October. There are also elderly and disabled programs for specific hardships. Chief Assessor and Treasurer are on this board along with a resident to be named. They receive about four applications a year and run it on donations.

Councillor Freda mentioned the tax relief program and how Leominster was the second in the state to employ this.

Councillor Bodanza stated that only one citizen is on the committee and applications are not open to public record, but it is disclosed to the committee.

Councillor Freda mentioned that the City Council should be confirming the appointments to this committee.

Councillor Bodanza will look into this.

- C-60 Dean J. Mazzarella, Mayor: Requests an appropriation of \$10,000.00 be made to the Wire Department Overtime Account; the same amount to be transferred from the Excess and Deficiency Account.
(Finance; Regular Course 03/28/2022; Majority Vote)

Councillor Freda felt this was highly understandable since the Wire Department is a 24-hour job and overtime will occasionally happen.

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a vote of 9-0, the communication was ADOPTED.

- C-61 Dean J. Mazzarella, Mayor: Requests an interdepartmental transfer of \$2,200.00 be made to the Police Department Police Chief Salary & Wages Account; the same amount to be transferred from the Police Department Lieutenant Salary & Wages Account.
(Finance; Regular Course 03/28/2022; Majority Vote)

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 8-0-1 (Councillor David Cormier abstained due to a possible conflict of interest) the communication was GRANTED.

ORDERED: By a vote of 8-0-1 (Councillor David Cormier abstained due to a possible conflict of interest), the communication was ADOPTED.

- C-63 Dean J. Mazzarella, Mayor: Requests an appropriation of \$161,267.00 be made to the Fire Department Salary & Wages, Overtime, and Vacation/Sick Buy Back Accounts; the same amount to be transferred from the Collective Bargaining Account.

RE: To fund increased costs associated with contract settlement.
(Finance; Regular Course 03/28/2022; Majority Vote)

Councillor Freda would like a copy of this contract.

The City Clerk said she will get the contract and forward it.

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a vote of 9-0, the communication was ADOPTED.

C-64 Dean J. Mazzearella, Mayor: Requests an appropriation of \$50,000.00 be made to the Snow & Ice Overtime Account; the same amount to be transferred from the Excess & Deficiency Account.
(Finance; Regular Course 03/28/2022; Majority Vote)

C-63 Dean J. Mazzearella, Mayor: Requests an appropriation of \$161,267.00 be made to the Fire Department Salary & Wages, Overtime, and Vacation/Sick Buy Back Accounts; the same amount to be transferred from the Collective Bargaining Account.

RE: To fund increased costs associated with contract settlement.
(Finance; Regular Course 03/28/2022; Majority Vote)

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a vote of 9-0, the communication was ADOPTED.

C-65 Dean J. Mazzearella, Mayor: Requests an appropriation of \$175,000.00 be made to the Snow & Ice Expense Account; the same amount to be transferred from the Excess & Deficiency Account.
(Finance; Regular Course 03/28/2022; Majority Vote)

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a vote of 9-0, the communication was ADOPTED.

C-66 Dean J. Mazzearella, Mayor: Requests an interdepartmental transfer of \$31,500.00 be made to the Police Department Captain Salary & Wages Account; the same amount to be transferred from the Police Department Lieutenant Salary & Wages Account.
(Finance; Regular Course 03/28/2022; Majority Vote)

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a vote of 9-0, the communication was ADOPTED.

I. LEGAL AFFAIRS

20-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to the parking of unregistered vehicles.

RE: Overflow lots

(Legal Affairs; Regular Course 06/14/2021; Public Hearing; January 10, 2022 @ 6:50PM; Cont. Public Hearing February 14, 2022 @ 6:50 PM; Cont to 03/14/2022 at 6:50 PM; Public Hearing Continued to 04/11/2022 at 6:50 PM REFERRALS IN: Planning Director; REFERRALS OUT: Building Inspector, Zoning Board of Appeals; 2/3 Vote)

The Legal Affairs Committee recommended that this petition be given FURTHER TIME. By a vote of 9-0, a continuance of the Public Hearing was set for May 23, 2022, at 6:50 PM and the petition was granted FURTHER TIME.

48-22 Peter Angelini, Ward 5 Councillor: Requests to amend the City of Leominster Revised Ordinances Section 12-2 as attached. This amendment is proposed to take effect July 1, 2022.

RE: To revise the fee schedule in the City of Leominster to begin July 1, 2022 (FY2023)

(Legal Affairs: Regular Course 03/28/2022; Public Hearing 04/11/2022 at 6:45 PM; 2/3 Vote)

The Legal Affairs Committee recommended that this petition be given FURTHER TIME. By a vote of 9-0, a continuance of the Public Hearing was set for May 23, 2022, at 6:30 PM and the petition was granted FURTHER TIME.

49-22 Elizabeth Wood (On Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to the Solar Ordinance, Article III Table of Uses and Section 22-104 of Zoning, per attached letter.

(Legal Affairs; Regular Course 03/28/2022; Public Hearing 05/09/2022 at 6:50 PM; 2/3 Vote)

The Legal Affairs Committee recommended that this petition be given FURTHER TIME. By a vote of 9-0, the petition was granted FURTHER TIME.

C-62 Dean J. Mazzearella, Mayor: Requests that the City Council authorize the Mayor, on behalf of the City, to finalize the Conservation Restriction (CR) Easement on Watershed Property to the Department of Conservation and Recreation (DCR).

RE: This is part of the City's acquisition of Sholan Farms in 2001 and will finalize the terms of the CR and has been reviewed by the City Solicitor. *(Legal Affairs; Informational Meeting set for 04/11/2022 at 6:20 PM; Regular Course 03/28/2022); Majority Vote)*

Councillor Freda recused herself due to a conflict of interest.

The Legal Affairs Committee recommended that the City Council GRANT this petition. It was GRANTED with a vote of 8-0-1 (Councillor Freda abstained due to a possible conflict of interest).

II. WAYS AND MEANS

RE-APPOINTMENTS:

Dean J. Mazzearella, Mayor: Requests the reappointment of Wendy Wiiks, 142 Blossom Street, to the Board of Health, term to expire April 15, 2025. *(Ways and Means; Regular Course 03/28/2022; Majority Vote)*

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 9-0.

Dean J. Mazzearella, Mayor: Requests the reappointment of Vicki Briggs, 62 West Street, to the Cultural Commission, term to expire April 15, 2025. *(Ways and Means; Regular Course 03/28/2022; Majority Vote)*

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 9-0.

Dean J. Mazzearella, Mayor: Requests the reappointment of David Cormier, 9 Deer Run, to the Disability Commission, term to expire April 15, 2025.

(Ways and Means; Regular Course 03/28/2022; Majority Vote)

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 8-0-1 (Councillor David Cormier abstained).

Dean J. Mazzearella, Mayor: Requests the reappointment of Marcel Leger, 74 Buttermilk Road, to the Housing Authority, term to expire April 15, 2027.

(Ways and Means; Regular Course 03/28/2022; Majority Vote)

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 9-0.

Dean J. Mazzearella, Mayor: Requests the reappointment of Carol Vittorioso, 19 Water Street, to the Planning Board, term to expire April 15, 2027.

(Ways and Means; Regular Course 03/28/2022; Majority Vote)

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 9-0.

Dean J. Mazzearella, Mayor: Requests the reappointment of Salvatore Ciccone, 12 Celestial Way, Pepperell, MA, to the Planning Board, term to expire April 15, 2027.

(Ways and Means; Regular Course 03/28/2022; Majority Vote)

The Ways and Means Committee recommended the confirmation of this re-appointment. This reappointment was CONFIRMED by a vote of 9-0.

47-22 Mark Gordon, on behalf of Music Mania, Inc.: request to renew license to deal secondhand articles at 14 Watertown Plaza.

(Ways and Means; Regular Course 03/14/2022; REFERRALS IN: Treasurer; REFERRALS OUT: Police; Majority Vote)

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

III. NEW BUSINESS

First Reading of an Ordinance:

- 39-22 Katelyn Huffman, City Clerk: Requests a new section of the City of Leominster Revised Ordinances Chapter 1, Section 1.12, regarding an electioneering policy for the City of Leominster.
(Legal Affairs; Regular Course 02/28/2022; Public Hearing 03/14/2022 at 6:40 PM; FURTHER TIME 03/28/2022; 2/3 Vote)

The Legal Affairs Committee recommended that the City Council ADOPT the second reading of the ordinance. By a roll call vote of 9-0, the second reading of the ordinance was ADOPTED.

- 24-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to Performance Guarantees for Site Plans.

RE: To ensure that all conditions of approval, issued by the Planning Board for Site Plan, are completed.
(Legal Affairs; Regular Course 01/10/2022; Public Hearing; January 24, 2022 @ 6:50PM; FURTHER TIME 03/28/2022; 2/3 Vote)

The Legal Affairs Committee recommended that the City Council ADOPT the second reading of the ordinance. By a roll call vote of 9-0, the second reading of the ordinance was ADOPTED.

IV. OLD BUSINESS

Council Vice-President Pauline Cormier stated that Councillor Freda asked about the committees/boards and attendance. She will get more information on this and report at the next meeting.

Councillor Freda mentioned residents asking about quorums of boards and committees.

V. COMMUNITY CALENDAR

Councillor Freda spoke on the 28th meeting of the police station building committee being this Thursday and how things are coming together with this project.

Councillor Freda congratulated Councillor Brady on his restaurant being mentioned on “Wicked Bites” on New England Cable News.

VI. ADJOURNMENT

A motion was made by Councillor Bodanza, seconded by Councillor Angelini, to adjourn the meeting at 8:15 PM. This was passed by a vote of 9-0.

- Katelyn Huffman, City Clerk