

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

OCTOBER 24, 2022

JOHN P. MAHAN CITY COUNCIL CHAMBERS

CONTINUED PUBLIC HEARING, 6:30 PM.

- 6-23 Elizabeth Wood, Planning Director, on behalf of the Planning Board: Request to amend the zoning ordinance pertaining to the parking of unregistered vehicles. See attached letter. (*Legal Affairs; Regular Course 09/12/2022; Further Time 9-26-2022; Public Hearing Tuesday, 10/11/2022; at 6:50 PM; continued Public Hearing 10/24/2022, at 6:30 PM. 2/3 Vote*)

The public hearing opened at 6:30 PM. Councillor Angelini read the referrals into the record. He noted that the Planning Director requested that the City Council amend the petition to have the correct spelling of disassembly and the correct verbiage for Vehicle Storage Lot in the table of uses.

Sal Ciccone, gave an overview of what lead to this proposed amendment. He states that the Planning Board worked with the Licensing Commission to craft this.

Councillor Angelini asked the Building Commission, Peter Niall, whether he had received any complaints regarding vehicle storage lots.

Mr. Niall informed him that he had not received any complaints in this regard.

Councillor David Cormier stated that enforcement is necessary in order to ensure compliance with this and asked about pre-existing non conforming circumstances.

Mr. Niall expressed that there was some preexisting nonconforming areas.

Councillor Chalifoux-Zephir asked what type of enforcement tools were available.

Mr. Niall informed the Council that a \$300 per day fine was an option, and litigation was also an option.

Councillor Angelini asked three times if anyone from the public wanted to speak for or against the petition. No one spoke.

The public hearing closed at 6:49 PM.

INTERVIEW, 6:40 PM

Dean J. Mazzearella, Mayor; Request the appointment of the following individual to the office of Council on Aging: Term to expire 04/25/2025.

Marlene Thibeault 556 Central St., Lot 1, Leominster, MA 01453

(Ways & Means; Regular Course 10/11/2022; Interviews 10/24/2022 @ 6:40 PM; Majority Vote)

The interview began at 6:50 PM. Councillor Pauline Cormier asked Ms. Thibeault to provide a summary of her experience and qualifications. Ms. Thibeault informed the Council that she had been on the Disability Commission, as well as many other volunteer boards and committees for many years. She looked forward to continuing to give back to the City of Leominster. The City Councillors thanked her for her willingness to serve.

Dean J. Mazzearella, Mayor; Request the appointment of the following individuals to the Office of Conservation Commission: Term to Expires 04/15/2025.

Josh Bowdridge 10 Tisdale Street Leominster, MA
Stephanie Quinlan 140 Lincoln Street Leominster, MA

(Ways and Means; Regular Course 09/6/2022; Further Time 10/11/2022, Interviews 10/24/2022; @ 6:45 PM Majority Vote)

The interview for Josh Bowdridge was given further time.

Stephanie Quinlan was interviewed for a position for the Conservation Commission. She provided the City Council with an overview of her

qualifications. She informed them of her geology and science background and her love for conservation. She is excited to give back to the community.

The City Council thanked her for her willingness to serve.

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.

Council President David Cormier asked three times if anyone from the public wanted to speak on any matter listed on the agenda. No one spoke.

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

The regular meeting of the City Council opened at 7:00 PM. Councillor Chalifoux-Zephir made a motion to recess. Councillor Freda seconded the motion. By a vote of 9-0 the motion carried unanimously.

The meeting went into recess at 7:01 PM. The meeting reconvened in regular session at 7:15 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Councillor David Cormier, Councillor Pauline Cormier, Councillor Bodanza, Councillor Ardinger, Councillor Angelini, Councillor Brady, Councillor Chalifoux-Zephir, Councillor Deacon, Councillor Freda present.

Others present: Katelyn Huffman, City Clerk and Maribel Perez, Assistant City Clerk.

IV. APPROVAL OF RECORDS

- October 11, 2022 – These minutes were approved and placed on file.

V. COMMUNICATIONS FROM THE MAYOR

Resolutions

- C-22 Dean J. Mazzearella, Mayor: Request to accept a resolution to file and accept grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Parkland Acquisitions and Renovations for Communities Grant Program for upgrades to Leominster's Downtown Common at the intersection of West and Park Streets in the City of Leominster and dedication of Monument Square to recreational purposes. (*Ways and Means; Regular Course 10/24/2022; Majority Vote*)

This resolution was given regular course and a referral to the Director of Veteran's Services.

Money Orders

- C-23 Dean J. Mazzearella, Mayor: Request that an appropriation of \$588,275.00 be made to the PARC Grant Fund; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course, 10/24/2022; Majority Vote*)

This communication was given regular course.

- C-24 Dean J. Mazzearella, Mayor: Request that an appropriation of \$220,534.00 be made to the School Department Expense Account; the same to be funded by Fiscal FY23 E-Rate Revenue. (*Finance; Regular Course, 10/24/2022; Majority Vote*)

This communication was given regular course. Councillor Freda requested an explanation on what E-Rate Revenue was.

- C-25 Dean J. Mazzearella, Mayor: Request that an appropriation of \$42,500.00 be made to the Building Maintenance Expense Account; the same amount to be transferred from The Stabilization. RE: This is to fund State Mandatory Elevator Phase II Code Interpretation Change, compliance is required by 12/31/2022. (*Finance; Regular Course, 10/24/2022; Majority Vote*)

This communication was given regular course.

Appointments

Dean J. Mazzarella, Mayor; Request the confirmation of the appointment of Michelle Powell to the position of Health Director for the City of Leominster for a term of three years, effective November 14, 2022. Term to Expire April 15, 2025.
(Ways & Means; Regular Course 10/24/2022; Majority Vote)

This appointment was given regular course and an interview was set for November 14, 2022, at 6:45 PM.

Councillor Freda questioned whether the Council had jurisdiction to confirm, the appointment of the Board of Health Director. The City Clerk informed Councillor Freda that an opinion was being sought from the City Solicitor regarding this matter.

VI. PETITIONS FIRST TIME ON THE AGENDA

12-23 Richard M. Marchand: Request to close Monument Square as well as the following City Parking Lots and City Streets for the 30th Annual Johnny Appleseed Arts and Cultural Festival is Saturday, 23, 2023 between 5:30AM – 7:00PM and also for the rain date of Saturday, September 30, 2023, between 5:30AM-7:00PM:

1. From Upper West Street to Lower West Street to the Main Street Intersection.
2. Park Street from Main Street to the West Street merge.
3. Main Street from the intersection of Mechanic Street and Lower West Street to Merriam Avenue.
4. The City Hall Parking Lot.
5. The city parking lot adjacent to the Leominster City Hall off upper West Street.
6. The parking lot between the First Baptist and First Church Unitarian used for people with needs or disabilities.
7. The mixed use of the upper parking garage as used in the past.
All abutters which include religious organizations and downtown merchants shall be notified. *(City Property, Regular Course, 10/24/2022; Majority Vote)*

This petition was given regular course with referral to Police, Fire, and DPW.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT

The balance of the stabilization fund was \$18,181,211.84.

IX. FINANCE

- C-19 Dean J. Mazzarella, Mayor; Request that a Police donation account be established, allowing the police department to accept donations and spend funds on applicable police expenses. *(Finance; Regular Course 10/11/2022; Majority Vote)*

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

- C-20 Dean J. Mazzarella, Mayor; Request that a transfer of \$203,914.30 be made from the E-911 grant fund to the Fire Capital Project fund to continue work on the new 911 Dispatch Center. *(Finance; Regular Course 10/11/2022; 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 order was ADOPTED.

- C-21 Dean J. Mazzarella, Mayor; Request that the appropriation of \$2,500,000 that was made on June 27, 2022, to the Fall Brook School Capital Project Fund; with the same amount being transferred from the Excess and deficiency Account (undesignated Fund Balance) be reread into record and new updated language from MSBA be approved. *(Finance; Regular Course 10/11/2022; Majority Vote)*

Councillor Bodanza read the order aloud in full. Councillor Deacon recused himself from the communication due to a possible conflict of interest.

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 8-0 the communication was GRANTED.

ORDERED: By a vote of 8-0 the order was ADOPTED.

X. LEGAL AFFAIRS

6-23 Elizabeth Wood, Planning Director, on behalf of the Planning Board: Request to amend the zoning ordinance pertaining to the parking of unregistered vehicles. See attached letter. *(Legal Affairs; Regular Course 09/12/2022; Further Time 9-26-2022; Public Hearing Tuesday, 10/11/2022 at 6:50 PM; continued Public Hearing 10/24/2022, at 6:30 PM. 2/3 Vote)*

Councillor Bodanza made a motion to amend the petition so that the word disassembly was spelled correctly and also so that the term Vehicle Storage Lot replace the term Vehicle Overflow Lot in the table of uses. Councillor Chalifoux-Zephir seconded the motion. The motion carried by a vote of 9-0.

The Legal Affairs Committee recommended that the City Council GRANT the amended petition. By a vote of 9-0 the amended petition was GRANTED.

9-23 Elizabeth Wood, Planning Director, on behalf of the Planning Board: Request to amend the Zoning Ordinance pertaining to lot size requirements for a lot division in the Residential A Zone for lots sized a minimum of 37,780 sq. ft. *(Legal Affairs; Regular Course 9-26-2022; Further Time 10-11-2022; Public Hearing 11/28/2022 at 6:50 PM; 2/3 Vote)*

The Legal Affairs Committee recommended that the City Council give this petition Further Time. By a vote of 9-0 the petition was given Further Time.

10-23 Elizabeth Wood, Planning Director, on behalf of the Planning Board: Request to amend the zoning ordinance pertaining to lot width requirement for lots in the Rural Residential Zone. *(Legal Affairs; Regular Course 9-26-2022; Further Time 10/11/2022; Public Hearing 11/28/2022 at 6:51 PM; 2/3 Vote)*

The Legal Affairs Committee recommended that the City Council give this petition Further Time. By a vote of 9-0 the petition was given Further Time.

LEGAL AFFAIRS, CONTINUED

- 11-23 David Cormier Ward 3 Councillor and Pauline Cormier Ward 2 Councillor; Request to amend Chapter 13 Section 13-29 of the revised ordinances entitled Handicapped parking spaces and add the following, add three handicap parking spaces in the Carter Park parking lot on Main Street, Map 24 Parcel 9, at the southern most part of the lot. (*Legal Affair; Regular Course 10/11/2022; Further Time 10/24/2022; Public Hearing 11/28/2022, at 6:45 PM. 2/3 Vote*)

The Legal Affairs Committee recommended that the City Council give this petition Further Time. By a vote of 9-0 the petition was given Further Time.

XI. WAYS AND MEANS

Dean J. Mazzaella, Mayor; Request the appointment of the following individual to the office of Council on Aging: Term to expire 04/25/2025.

Marlene Thibeault 556 Central St., Lot 1, Leominster, MA 01453

(Ways & Means; Regular Course 10/11/2022; Interviews 10/24/2022 @ 6:40 PM; Majority Vote)

The Ways and Means Committee recommended that the City Council CONFIRM the appointment of Marlene Thibeault to the Council on Aging. By a roll call vote of 9-0 the appointment was CONFIRMED.

Dean J. Mazzaella, Mayor; Request the appointment of the following individuals to the Office of Conservation Commission: Term to Expires 04/15/2025.

Josh Bowdrige 10 Tisdale Street Leominster, MA
Stephanie Quinlan 140 Lincoln Street Leominster, MA

(Ways and Means; Regular Course 09/6/2022; Further Time 10/11/2022, Interviews 10/24/2022; @ 6:45 PM Majority Vote)

The Ways and Means Committee recommended that the City Council grant the appointment of Josh Bowdrige Further Time. By a vote of 9-0 the appointment was given further time.

The Ways and Means Committee recommended that the City Council CONFIRM the appointment of Stephanie Quinlan to the Conservation Commission. By a roll call vote of 9-0 the appointment was CONFIRMED.

XII. NEW BUSINESS

First Reading of an Ordinance

7-23 Joseph A. Quinn, Sealer of Weights and Measures: Requests to amend the City of Leominster Code of Ordinances, Chapter 2, by updating the content of Article X- Inspector of Weights and Measures. This request includes updating the ordinance and the fee schedule. A recommended ordinance and fee schedule has been approved by the Mayor and has been submitted to the City Council. The reason for this PETITION is that the current ordinance is outdated and needs to be updated. The current ordinance was last updated with significant changes in 1960. The fee schedule has had minor changes periodically over the years. *(Legal Affairs; Regular Course 10/11/2022, at 6:45 PM; 2/3 Vote)*

The Legal Affairs Committee recommended that the City Council grant this first reading of an adoption further time, as the City Solicitor has not yet sent it back in proper form. By a vote of 9-0 the first reading of the ordinance was given further time.

Councillor Brady informed the Council the negotiations with the Schools were delayed due to a family emergency. Both parties agreed to this week long delay.

Councilor Freda informed the Council that there would be a November 2, 2022 DOT public hearing by Zoom to discuss renovations by Central Street to the front of the old Hess station.

Councillor Angelini informed the Council that the City was awarded a grant for \$36,000 to help hire a consultant for the MBTA zoning.

XIII. OLD BUSINESS

Second Reading of an Ordinance

C-13 Dean J. Mazzarella, Mayor; Request that the City Council adopt the attached ordinance updates. This ordinance update to Chapter 16. Personnel. Section 16-30 of the Leominster Revised Ordinances reflects:

1. Leominster Fire Department salary and wage adjustments for the FY 2022 through FY 2024.
2. Leominster Police Department Salary and wage adjustments for the FY2022 through FY 2024.
3. Dispatch salary and wage adjustments for the FY 2022 through FY 2024
4. Department of Public Works salary and wage adjustments for the FY 2022 FY 2024. (Legal Affairs; Regular Course 8/22/2022; Public Hearing 09/12/2022 at 6:51 PM; First Reading 10/1/2022; 2/3 Vote)

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

XIV. COMMUNITY CALENDAR

The City Clerk announced that Early Voting had begun for the State General Election. It was during regular business hours as well as some weekend hours.

Councillor Freda informed the City Clerk that she had heard from a concerned constituent about receiving duplicate ballots.

The City Clerk informed the Council that due to a glitch in the State's system, it appeared as if 100 voters did not receive a mailed out ballot when the City Clerk performed a self audit. The City Clerk explained that she had to decide to either A. Hope the ballots were mailed out and labels were made and trust the State Computer System or B. Send out another set of ballots to the 100 identified voters to ensure the ballot truly ended up at their address. The City Clerk did not want to disenfranchise any voter due to a computer issue, and choose this path with the best interest at the voter at heart.

The City Clerk also explained that every voter would only get to vote once. All duplicate ballots that are returned are rejected and locked inside the vault. No voter will be allowed to vote twice. She invited anyone with a concern to call or visit the office to speak with them personally.

XV. ADJOURNMENT

Councillor Bodanza made a motion to adjourn. Councillor Chalifoux-Zephir seconded the motion. By a vote of 9-0 the motion carried unanimously. The meeting adjourned at 7:55 PM.