

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 24, 2014

Meeting was called to order at 7:30 P.M.

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

Senator Flanagan was in the audience and was recognized.

The Committee on Records reported that the records through February 10, 2014 were examined and found to be in order. The records were accepted.

A recess was called at 7:40 P.M. to interview the Fire Department appointees.

Meeting reconvened at 7:46 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 7 "yeas". Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas," Councillors Nickel and Cormier abstained due to a possible conflict of interest.

C-25 Relative to the appropriation of \$200,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-26 Relative to the appropriation of \$165,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-27 Relative to the appropriation of \$5,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-28 Relative to the appropriation of \$100,000.00 to the Assessor's Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-29 Relative to the appropriation of \$40,000.00 to the Assessor's Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

C-30 Relative to the appropriation of \$10,300.00 to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

C-31 Relative to the appropriation of \$212,000.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-32 Relative to the appropriation of \$30,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-33 Relative to the appropriation of \$5,000.00 to the Recreation Open Space Expense Fund; same to be transferred from the Open Space Donation Fund.

C-34 Relative to the appropriation of \$588,235.00 to the Recreation Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-35 Relative to the appropriation of \$65,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-36 Relative to the appropriation of \$470,918.00 to the School Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-37 Relative to the appropriation of \$100,000.00 to the School Department Alumni Field Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-38 Relative to the appropriation of \$100,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account. (Finance)

C-39 Relative to the appropriation of \$400,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

C-40 Relative to the appropriation of \$550,000.00 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-41 Relative to the appropriation of \$750,000.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-42 Relative to the appropriation of \$50,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.

## REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 24, 2014, continued

The following APPOINTMENT was received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Police Department – Kenneth Leone – Permanent Patrolman

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

36-14 Kevin Donahue: Grant a License for one pool table at Scoreboards Sports Bar & Grill located at 147 Lancaster Street.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED as AMENDED. Vt. 9/0.

C-17 Dean J. Mazzarella, Mayor: Adopt an ordinance for securing and maintaining vacant properties and foreclosing properties.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 7/0, Councillors Bodanza and Dombrowski abstained due to a possible conflict of interest.

31-14 Daniel Garceau: Modify the City of Leominster Zoning Map by deleting Parcel 582-27 located at 220 Litchfield Street from the RB zone and adding it to the abutting Industrial I zone.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION were given FURTHER TIME. Vt. 9/0

40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinances by adding Article XVIII, Section 22-105 entitled “Medical Marijuana Facilities” to allow and regulate medical marijuana facilities in the city. (A hearing is set for March 10, 2014 at 7:00 P.M.)

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

41-14 Officer Aaron F. Kennedy: Amend Chapter 13, Section 34 of the Revised Ordinances entitled “No parking on certain street” by removing “Lancaster Street (west side), in front of 199 Lancaster Street, a distance of one hundred seventy-five feet south” and replacing it with “213 Lancaster Street (west side) starting at pole 28 for one hundred nine feet south ending at pole 29.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0

39-14 Cheryl Kuzmitch: Accept F & L Road as a public way.

Councillor Robert Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Excess and Deficiency Account (Free Cash)	\$ 8,348,792.00
Stabilization Account	\$ 12,139,407.93
Emergency Reserve	\$ 0

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas

C-23 Relative to the appropriation of \$25,000.00 to the Highway Overtime Account; same to be transferred from the Highway Salary & Wages Account.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Highway Overtime Account; same to be transferred from the Highway Salary & Wages Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 7 “Yeas”, Councillor Nickel and Cormier abstained due to a possible conflict of interest.

C-24 Relative to the appropriation of \$25,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account. (Granted with an Emergency Preamble on February 10, 2014)

Upon recommendation of the WAYS & MEANS/VETERANS SERVICES COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8 “yeas”, Councillor Dombrowski abstained due to a possible conflict of interest.

Fire Department – Craig S. Long – Permanent Lieutenant

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 24, 2014, continued

Upon recommendation of the WAYS & MEANS/VETERANS SERVICES COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 “yeas”

Fire Department – Permanent Firefighters – David R. Fagone and Jordan T. Altobelli

Upon recommendation of the PUBLIC SCHOOLS & SCHOOL FACILITIES COMMITTEE, the following RESOLUTION was AMENDED and GRANTED as AMENDED. Vt. 9/0. Amended by adding “February 24, 2014.”

**Motion for Application for MSBA Accelerated Repair Project**

Motion: Resolved: Having convened in an open meeting on February 10, 2014 and on February 24, 2014, the Leominster City Council of Leominster, Massachusetts in Accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest, dated February 12, 2014 for the following Accelerated Repair Program project located at Northwest School 45 Sterns Avenue Leominster Ma which describes and explains the following deficiencies and the priority category(s) for which Leominster may be invited to apply to the Massachusetts School Building authority in the future;

Northwest Elementary School

Roof Replacement;

And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Leominster to filing an application for funding with the Massachusetts School Building Authority.

Under Old Business, Councillor Freda said she has heard reports about the marijuana facilities and their characterization of local support. We are not in the top 20 but if it turns out that the investigation throws it back to redoing the application process, she wants to make it clear that this application that was presented to the Department of Public Health on behalf of the Leominster Property is so bad in terms of misrepresenting their position with the City. Councillor Freda read from a report that “they worked exhaustively with Leominster, with city officials to gain support for the proposed dispensary location, had very productive meetings with Mayor Dean Mazzearella as well as the City Council, Planning Board, Legal Affairs Committee, Chief of Police Robert Healey and Fire Chief Robert Sideleau. As a direct result to these meetings Leominster city officials took notice of and were comforted by our good intentions and professional capabilities and voted not to move forward with the moratorium that was previously proposed to the City. After we discussed our plans in details and answered all of the questions the Planning Board voted 5 to 2 to recommend rejection of the moratorium, Legal Affairs Committee voted unanimously 3 to 0 to recommend to the City Council that they table the petition and the City Council voted 8 to 1 not to impose the moratorium, so the descending vote was the original petitioner. Our assistance was then requested by the Legal Affairs Committee Chairman David Rowlands to help craft the language and definitions for the zoning regulations for size, placement and other restrictions imposed on an RMD in the City. Our proposed language was then adopted verbatim to the zoning petition”, which Councillor Freda said we don’t have yet.

Councillor Freda said this is so wrong and even alludes to the fact they met with city officials and State Senator Jennifer Flanagan where she expressed her strong support for our operating of an RMD in her district. She said that is also not true. She said the only letter of support they have is from Chris Knuth the Board of Health. She said she wants it on the record that we did not vote as a Council to support their particular location. She said they received points on the location because they had full support of their company by this City, and we did not. I am not saying we were against them, but if someone is going to present information to the DPH on behalf of their application and say that this City Council supported their efforts and their location and most of us don’t know that much about them. She said she had to search for this, there is nothing about Farmland. We know Farmland was the company that came down to us. It is now Holistic Specialty Care and its Board of Directors changed from the first application they put in with Franklin to the second application with us. She said Steve Jacoby’s name is not listed anywhere and she cannot find him. Councillor Freda said she was very aggravated with it and she will get the report to the City Clerk.

Council President Marchand said he would like to share the information with the Health Department and the Mayor.

Councillor Bodanza suggested that she introduce a Resolution to be formally on record. He said it is very disconcerting.

The following Committees established meetings:

Legal Affairs Committee – March 4, 2014 at 6:00 P.M.

Finance Committee – March 4, 2014 at 6:30 P.M. Request John Richard, Mayor Mazzearella, DPW Director and Roger Brooks to attend this meeting.

Council President Marchand said there will be information forthcoming on a hearing regarding River Street.

Councillor Freda reminded the Council of the Massachusetts Municipal Councillors President Dinner at Holy Cross on March 19, 2014.

MEETING ADJOURNED AT 8:50 P.M.

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