

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2014

Hearing opened at 7:05 P.M. with Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present except Councillors Cormier and Feckley.

The following PETITION was the subject of the hearing:

66-14 National Grid and Verizon New England, Inc: Crawford Street – Install 1 jointly owned pole beginning at a point approximately 100 feet south of the centerline of the intersection of the Fitchburg Town Line.

Ken Dobie of National Grid said they want to extend the line one pole down to feed a house that needs power during rehab.

No one in the audience spoke in favor or in opposition to this petition.

No Councillors spoke.

HEARING ADJOURNED AT 7:07 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2014

Hearing opened at 7:07 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except for Councillors Cormier and Feckley.

The following PETITION was the subject of the hearing:

50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 24-2 entitled Definitions by eliminating the sentence “Facilities that utilize animal testing of products are not included in this definition” from the Life sciences definition.

James Whitney, of J. Whitney Development, was representing Southgate Business Park. He said it has been nine years since he bought the property, developed it and put the road in 2008-2009. He said they were hoping to get life science companies in and we finally have a couple of companies that have some interest. He said the only problem they have is when the first company looked into the zoning they saw this sentence and it was a problem for them. They would not be able to come into the City with that sentence in the ordinance. We have done research and found that there aren't any life science in anybody else's zoning that does a lot of life science in their areas. We feel that it should be taken out and let someone higher up deal with the testing part of it.

Councillor Dombrowski asked if they expressed the reason why they had reservations.

Mr. Whitney said they do testing on mice so it interferes with their protocol.

Councillor Bodanza said there seems to be a conflict between the beginning part of that definition and that sentence and I can understand what Mr. Whitney is saying.

Councillor Dombrowski said he thinks it was something that was inherited from VHB and we never addressed it.

Councillor Bodanza said he looked around and he didn't see communities, where there was significant biotech companies like Cambridge, Burlington and Woburn, with a life science definition like that. Some don't have a definition at all. He said some of this would be regulated by federal and state regulations. He said he thinks the sentence is just an unfortunate leftover piece of language.

Councillor Nickel said he doesn't remember at all discussing testing while he was on the Zoning Committee. He said this is the first time he has heard anybody in this area having somebody that deals with the life sciences. He is ready to support it.

Stephen Mullaney of 66 Helena Street said in 2001 this definition was not contained in the ordinance. Mr. Mullaney said that several weeks ago he and Councillor Bodanza had a telephone conversation regarding this. He said when Councillor Bodanza and I began work for the Zoning Committee we were not asked to look into this particular section of the zoning, the definitions section, because the Council had already worked on that particular section the prior fall. We began our work on the next section of the zoning. Councillor Bodanza and I discussed it, we both looked into the state definition and we both agree that the last sentence does not belong there and the remainder of the definition is consistent with the state definition. I would encourage the Council to support Mr. Whitney's petition to change the definition to eliminate the last sentence.

Mr. Mullaney said this City has paid \$75,000.00 to VHB for that definition among other aspects of the zoning. He wished that the other firm that worked on the zoning had been paid, but that has yet to happen. He suggested that the Council consult with the Planning Director, if not VHB, to find out why that sentence was put there in the first place. Councillor Bodanza and I are not the “Be All” and “End All” when it comes to zoning expertise. He has seen correspondence in this City, a letter written as recently as last fall that speaks to the accolades of VHB and their expertise. I suggest you find out why that sentence was there.

HEARING ADJOURNED AT 7:15 P.M. AND CONTINUED TO MAY 27, 2014 AT 7:00 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014

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

Attendance was taken by a roll call vote; all members were present except Councillors Cormier and Feckley.

A recess was called at 7:50 P.M. to conduct interviews.

Meeting reconvened at 8:02 P.M.

A moment of Silence was held for Joseph DeCarolis, Sr. and Mary Crowley.

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

C-70 Dean J. Mazarella, Mayor: Authorize the City of Leominster to pursue \$24,199.00 through the United States Department of Justice – Justice Assistance Grant Program (JAG).

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Planning Board, the Director of Inspections and the Department of Public Works.

C-71 Dean J. Mazarella, Mayor: Approve a Stormwater Ordinance which will provide reasonable guidance for the site planning and for the control of the pre and post-development stormwater runoff for protecting local water resources from degradation.

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”

C-72 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police 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-73 Relative to the appropriation of \$60,000.00 to the Gallagher Building Expense Account; same amount to be transferred from the Gallagher Building Revolving Fund.

C-74 Relative to the appropriation of \$51,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITIONS were received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer, the License Commission and the Police Department.

67-14 Game Stop #1485: Renew the Second Hand Dealers License for the premises at 100 Commercial Road #49.

68-14 Game Stop #3594: Renew the Second Hand Dealers License for the premises at 26 Orchard Hill Park Drive.

69-14 Matt Zvacek: Renew the Second Hand Dealers License for Gold Buyers of America located at 100 Commercial Road, Unit 89.

70-14 George S. Frankovich: Renew the Second Hand Dealers License for Belden Jewelers #0240 located at 100 Commercial Road.

71-14 George S. Frankovich: Renew the Second Hand Dealers License for Kay Jewelers #1285 located at 100 Commercial Road.

72-14 Jeff Wilson: Renew the Second Hand Dealers License for Movie Stop #7045 located at 82 Orchard Hill Park Drive.

73-14 Christopher J. Espinola: Renew the license for two pool tables at Kona Enterprises Inc. d/b/a Captains Lounge located at 1536 Main Street.

74-14 Aime Lemoine: Renew the license for two pool tables at Seven R's d/b/a A & R's Double Inn located at 166 Water Street.

75-14 Albert Mason: Renew the license for seven pool tables and twenty four bowling alleys at Mason's Bowling Center located at 640 R. North Main Street.

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

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

Board of Appeals – Alternate Member – Robert Fitzpatrick -term to expire 4/15/15

Cultural Commission – David Letters – term to expire 4/15/2017

The following RE-APPOINTMENTS were received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Board of Appeals - Joseph Tocci - term to expire 4/15/2017

Council on Aging - Ann Lucier, James E. Hines, John Harmon, Carol DeCarolis, terms to expire 4/15/2017

Cultural Commission- Gilbert Tremblay - term to expire 4/15/2017

License Commission - Melissa Maguire - term to expire 4/15/2020

Recreation Commission- Douglas Cormier - term to expire 4/15/2017

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED AS AMENDED. Vt. 7/0/ Amended by changing “Conservation Commission” to “Conservation Agent.”

C-61 Dean J. Mazzarella, Mayor: Request that David Hanna, part-time Housing Rehab Specialist for the City of Leominster under the Planning Department, be exempt from any potential conflict of interest as he will also be the City’s part-time Energy Efficiency Manager under the Conservation Agent.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 7/0

53-14 Best Buy Stores, LP: Renew the Secondhand Dealer’s License for premises at 33 Orchard Hill Park Drive.

54-14 Roger Cormier: Renew the Second Hand Dealers License to Crowne Jewelers located at 12 Lindell Avenue.

55-14 EcoATM, Inc.: Renew the Second Hand Dealer’s License for EcoATM Inc. located at 100 Commercial Road.

56-14 George Deghaoui: Renew the Second Hand Dealer’s License for Deghan, Inc. d/b/a Hannoush Jewelers located at 100 Commercial Road.

57-14 Jon Andre Zajon: Renew the Second Hand Dealers License to Georges Fine Jewelers located at 255 North Street.

58-14 Virginia A. Tocci: Renew the Second Hand Dealers License to Joseph’s Jewelers located at 28 Central Street.

59-14 Mark Gordon: Renew the Second Hand Dealers License for Music Mania Inc. located at 875 Merriam Avenue.

60-14 Leroy DiMauro: Renew the Second Hand Dealers License for Leroy’s Attic located at 609 Main Street.

61-14 George Boulgarian: Renew the Second Hand Dealers License for George Boulgarian Jewelry Service located at 109 N. Main Street.

62-14 Andrew Rome: Renew the License for one pool table at the Columbia Tavern located at 16 Central Street Rear.

63-14 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co./Tinkums located at 37 Mechanic Street.

64-14 Mike Fusco: Renew the License for two pool tables at Jake’s Pub Inc. d/b/a Hot Shots located at 1293 Main Street.

65-14 Kym Jollimore: Renew the License for one pool table at The Tankard, located at 13 Central Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 7/0

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. (Hearing continued to May 12, 2014 at 6:45 P.M.)

50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 24-2 entitled Definitions by eliminating the sentence “Facilities that utilize animal testing of products are not included in this definition” from the Life sciences definition. (Hearing continued to May 27, 2014 at 7:00 P.M.)

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

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 7/0

66-14 National Grid and Verizon New England, Inc: Crawford Street – Install 1 jointly owned pole beginning at a point approximately 100 feet south of the centerline of the intersection of the Fitchburg Town Line.

Councillor Freda said she would like to invite National Grid and Joe Poirier to a meeting to discuss double and abandoned poles, no service and cut poles, and poles that are anchored on private property.

Councillor Nickel said we should have a list before inviting them down and we should send the list with the letter to National Grid.

Councillor Nickel said he will talk with Joe Poirier.

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)	\$ 2,560,827.00
Stabilization Account	\$ 12,139,407.93

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 “yeas”

C-62 Relative to the appropriation of \$2,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - That the sum of Two thousand Five Hundred Dollars (\$2,500.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: Seasonal fertilizing and seeding

C-63 Relative to the appropriation of \$250,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) be appropriated to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Fournier Park Splash Park

C-64 Relative to the appropriation of \$4,800.00 to the Parks Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: That the sum of Four Thousand Eight Hundred Dollars (\$4,800.00) be appropriated to the Parks Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Irrigation System for I-190 Connector

C-65 Relative to the appropriation of \$10,000.00 to the Water Department Overtime Account; same to be transferred from the Water Salary & Wages Account.

ORDERED: - That the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Water Department Overtime Account; same to be transferred from the Water Salary & Wages Account.

RE: Flushing Program

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 6“yeas”, Councillor Nickel abstained due to a possible conflict of interest.

C-66 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 “yeas”

C-67 Relative to the appropriation of \$4,000.00 to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of Four Thousand Dollars (\$4,000.00) be appropriated to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Street Sweeper Supplies

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

C-68 Relative to the appropriation of \$2,282.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of Two Thousand Two Hundred Eighty Two Dollars (\$2,282.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Purchase of Police Cruiser

C-69 Relative to the appropriation of \$27,315.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Insurance Reimbursement Reserved for Appropriations Account.

ORDERED: - That the sum of Twenty Seven Thousand Three Hundred Fifteen Dollars (\$27,315.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Insurance Reimbursement Reserved for Appropriation Account.

RE: Proceeds from Damages of Police Cruiser

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 7 "yeas"

Registrar of Voters – Charles Milhans – term to expire 4/15/2017

Office of Emergency Management: Rehab Unit – Stephanie Corliss

Dive Unit – Dana Myhaver, Philip Dudley

Upon request of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were given FURTHER TIME. Vt. 7 "yeas"

Rescue Unit – Melissa Singer

Administration Unit – Juan Hidalgo

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 7 "yeas". Councillor Freda abstained from the vote regarding Conservation Commission due to a possible conflict of interest but voted on the appointments as a whole. Councillor Bodanza abstained from the vote regarding the Library Board of Trustees due to a possible conflict of interest but voted on the appointments as a whole.

Emergency Management – Auxiliary Officers – John Caron, Paul Topolski,  
Elympse Octavious, Eddie Coffin, Sherry LeClair, Nick Baker,  
Daniel Johnson, Vincente Figueroa, Alex Scipione, Tim Flaxington

Assistant Director – Jim LeBlanc, Richard Gauvin

Deputy Directors – Tom Piper, Jean Hudson, Carl Sanabria, Al Stall

Board of Appeals - Paul Romano, Michael Ciccolini - terms to expire 4/15/2017

Conservation Commission - Kelley Freda, Daniel Brodeur, Larry Gianakis - terms to expire 4/15/2017

Cultural Commission- Maureen Noviello - term to expire 4/15/2017

Doyle Field Commission - Patrick LaPointe, Ernest Rooney - terms to expire 4/15/2017

Historical Commission - Leon Christoforo, Rocco Palmieri, John Proietti - terms to expire 4/15/2017

Library Board of Trustees - Nancy Hicks, Susan Chalifoux Zephir - terms to expire 4/15/2017

Library Board of Trustees - Mark Bodanza, Robert Salvatore - terms to expire 4/15/2015

Planning Board - Carol Vittorioso - term to expire 4/15/2019

Recreation Commission - Lionel Charpentier - term to expire 4/15/2017

Registrars of Voters - Nancy Piermarini - term to expire 4/15/2017

Insect & Pest Control - Ralph Person - term to expire 4/15/2017

Supt. Gypsy & Brown Tail Moths - Ralph Person - term to expire 4/15/2017

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

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was RATIFIED. Vt. 7/0 (Granted with an Emergency Preamble on April 14, 2014; another vote was required.)

**RESOLUTION** to file and accept grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Parkland Acquisition and Renovation for Communities Program for the Renovation of Barrett Park

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was GRANTED. Vt. 7 “yeas”

**A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE OUR COMMON BACKYARDS PROGRAM FOR IMPROVEMENTS TO FOURNIER FIELD**

- Whereas: Fournier Field is by and far a community wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: Fournier Field Splash Park will greatly enhance this facility by expanding outdoor recreation; and
- Whereas: The addition of a splash park in the City of Leominster will address the current shortage of water-based recreation activities; and
- Whereas: Said property is designated as recreational land by deed and subsequent vote of the City Council and is under the jurisdiction of the Leominster Recreation Department.
- Whereas: Said property is dedicated as recreational land under MGL Chapter 45, Section 14 by deed and subsequent vote of the City Council and is under the jurisdiction of the Leominster Recreation Department.
- Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Our Common Backyards Program; and
- Whereas: Renovations to Fournier Field will cost a total of \$250,000 (Two Hundred Fifty Thousand) and the City has allocated \$250,000 through its General Fund for the purposes of the Fournier Field renovation project.

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Leominster Recreation Department; and
3. That this resolution shall take effect upon passage.

s/s Leominster City Council

s/s Lynn A. Bouchard, City Clerk

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The following RESOLUTION was received, referred to the WAYS & MEANS/VETERANS AFFIARS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Planning Board and the Recreation Commission. The Council requests a map from the Planning Department or the Assessors showing these parcels.

**RESOLUTION** – City owned parcels adjacent to the American Little League Field on American Way.

Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 7/0. Committee reports as follows:

- 23-12 Joanne Dinardo and Patrick LaPointe: Approve a Stormwater Ordinance which will provide reasonable guidance for site planning and for the control of pre and post-development stormwater runoff for protecting local water resources from degradation. GIVEN LEAVE TO WITHDRAW. Vt. 7/0

Councillor Nickel requested that Location of Poles be added to Old Business on the next agenda.

MEETING ADJOURNED AT 8:55 P.M.

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