

SPECIAL MEETING OF THE CITY COUNCIL, SEPTEMBER 4, 2013

Meeting was called to orders at 7:00 P.M.

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

Also present at the meeting was Mayor Mazzearella, John Roseberry of the Leominster Department of Public Works, John Eichman of Kopelman and Paige, Jeff Finitz, Birendra Gurung, Shirley Shiver and Tom Currier representing MassDOT.

A recess was called at 7:01 P.M. to discuss Communication C-5.

Meeting reconvened at 7:26 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the LEGAL AFFAIRS COMMITTEE. Vt. 9 "yeas". Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9/0.

C-5 Dean J. Mazzearella, Mayor: Acceptance of thirteen land takings (six permanent, seven temporary) for the purpose of the reconstruction of the Whitney Street Bridge by MassDOT.

MEETING ADJOURNED AT 7:31 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 9, 2013

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

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

The Committee on Records reported that the records through August 26, 2013 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to hold a public forum.

Meeting reconvened at 7:54 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas".

C-6 Relative to the appropriation of \$25,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

The following PETITION was received and referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

12-14 Aaron Kennedy for the Leominster Police Department: Install a stop sign at the intersection of Dewey Avenue against southbound drivers at Leland Avenue.

The following PETITION was received and referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Health Director, the Mayor and Health Alliance.

13-14 Stephen J. Mullaney and Ten Registered Voters: Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by adding to "Health Care Overlay District (HCO) Definitions" in Section 22-4 a definition for Medical Marijuana Treatment Center and by adding the following entry to "Institutional Uses" in Section 22-18 Overlay Districts Table of Uses.

<u>Institutional Uses</u>	<u>DO</u>	<u>MSO</u>	<u>UCO</u>	<u>HCO</u>
Medical Marijuana Treatment Center	U	U	U	SPPB

## REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 9, 2013, continued

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works.

- 14-14 Joel H. Baker, Trustee E.K. and J.H. Baker Nominee Trust: Modify the width of an existing City of Leominster Utility Easement at 495 Main Street as shown on a plan prepared by Hannigan Engineering Inc., entitled "Easement Modification Plan in Leominster" dated May 28, 2013.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Police Department, the Fire Department and the Department of Public Works.

- 15-14 Mark Woodward et al: Impose a parking restriction on the paved portion of Brown Avenue for its full length, from Prospect Street to the dead end.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Police Department, the Department of Public Works and the Mayor.

- 16-14 David Rowlands: Install a "Dangerous Curve Ahead" sign on Prospect Street in the area of homes with addresses in the 300's based on the location identified by the Police Department.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

- 17-14 Andrew Rome -Romedeau Inc. d/b/a The Columbia Tavern: Renew the License for one pool table at 16 Central Street Rear.

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

Council on Aging – Birdie Siciliano – term to expire April 15, 2016

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

- C-3 Relative to the appropriation of \$1,088,720.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Revenue Reserved for Appropriation Account.

ORDERED: - that the sum of One Million, Eighty Eight Thousand, Seven Hundred Twenty Dollars (\$1,088,720.00) be appropriated to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Revenue Reserved for Appropriation Account.

- C-4 Relative to the appropriation of \$2,200.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Two Thousand Two Hundred Dollars (\$2,200.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 9/0 (Granted with an Emergency Preamble on September 4, 2013; another vote was required.)

- C-5 Dean J. Mazzarella, Mayor: Acceptance of thirteen land takings (six permanent, seven temporary) for the purpose of the reconstruction of the Whitney Street Bridge by Mass DOT.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was TABLED. Vt. 9/0

- 5-14 Claire Freda: Request that a truck exclusion be authorized by Mass DOT for the residential neighborhoods of Debbie Drive, Beth Avenue, Barry Lane, Jay Avenue, Old Mill Road and the Legate Hill Estates subdivision.

A request by the LEGAL AFFAIRS COMMITTEE to give the following PETITION FURTHER TIME was DENIED. Vt. 3/6, Councillors Salvatelli, Rowlands, Cormier, Dombrowski, Freda and Chalifoux Zephir opposed. A motion was made and seconded to TABLE FOR STUDY was GRANTED. Vt. 6/3, Councillors Marchand, Lanciani and Freda opposed.

- 6-14 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for I.T. services for a six-year period.

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

- 10-14 Susan Chalifoux Zephir: Require any company that applies for a license to store, manufacturer, keep or sell inflammables or explosives or other hazardous materials return to the licensing authority for renewal every two years and must report any spills or incidents to such licensing authority.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 9, 2013, continued

Upon recommendation of the WAYS & MEANS COMMITTEE the following PETITION was AMENDED Vt. 9/0. The following PETITION was GRANTED as AMENDED. Vt. 8/1, Councillor Freda opposed. Amended to add “unless said resolution is deemed to be an emergency” at the end of the sentence.

11-14 Wayne Nickel, David Cormier, Robert Salvatelli, Richard M. Marchand, James Lanciani, Jr., Susan Chalifoux  
Zephir: Amend Rule #26 of the City Council Rules and Procedures to require two readings for all resolutions unless said resolution is deemed to be an emergency.

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

Office of Emergency Management –  
EMS Unit – Elizabeth Hill and William Coulter  
Rehab Unit – Christopher Simmers-Swanson  
Communications Unit – Michael Winters

2013 – 2014 Election Officers – Jeremiah E. Green Jr. and Phyllis Grammont

Under Old Business, Councillor Rowlands asked that the item on the agenda regarding the letter from the Town of Wareham requesting support of House Bill 1115 – Relative to the definition of low and moderate income housing, be taken off the agenda and will be placed back on at a further time.

Also under Old Business was a Special Permit granted to Manoel Loka Leite on April 23, 2012. (Petition 31-12). Councillors Dombrowski and Freda recused themselves due to a possible conflict of interest. Councillor Rowlands said we granted a Special Permit to build in the watershed. Another petition was put forth for this property which was a dispute between the neighbors. He said as part of that discussion the Council became aware that the housing size and other issues relative to what the Council granted had been different. He said this Council sent numerous letters to the person who was issued the Special Permit and his attorney and asked that they come down and review the plan so they could update or amend the Special Permit. They did not come down. The new zoning law was passed which put the Planning Board in charge of the Special Permit granting authority. He said we also talked with the Building Inspector requesting not to issue a Certificate of Occupancy until that issue was resolved. Councillor Rowlands said he has received notice that the Certificate of Occupancy is going to be issued if it hasn't already. He said he asked if it was going before the Planning Board and he was told no. He said he asked why they were receiving the Certificate of Occupancy and he was told there was a letter/ruling from Kopelman & Paige, which he thinks was answering another question related to the conflict between the neighbors.

Councillor Rowlands said he has his name on a Special Permit for a piece of property in the watershed that does not meet what he signed. He does not know whether the increase in water flow, is one example, because the house went from 60 feet to 100 feet extra impervious surface. He said he doesn't know if the detention plan has been updated. He said he does not want his name on that Special Permit the way it is without getting some kind of notification. He said somebody has to update the permit and drawings. Councillor Rowlands said if the permit doesn't get amended he will move towards having the Special Permit rescinded. He said if the water flow and the detention basin is properly sized he doesn't have a problem making the amendments, but he doesn't know that.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Peter Niall the Director of Inspections, Kate Griffin-Brooks the Planning Director, and John Souza the Planning Board Chairman to come down to the next meeting to discuss the Special Permit. Vt. 7/2, Councillors Dombrowski and Freda abstained due to a possible conflict of interest.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 “yeas”

**RESOLUTION DESIGNATING LEOMINSTER, MASSACHUSETTS  
A PURPLE HEART CITY**

WHEREAS, the people of the City of Leominster have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and the community in the Armed Forces, and

WHEREAS, veterans have paid a high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all, and

WHEREAS, the contributions and sacrifices of the men and women from Leominster who served in the Armed Forces have been vital in maintaining the freedom and way of life enjoyed by our citizens, and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces, and

WHEREAS, our community has a proud tradition of military service and many of our citizens have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed a singularly meritorious act of essential service, now therefore be it

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 9, 2013, continued

RESOLVED, that the Leominster City Council hereby proclaims Leominster, Massachusetts as a Purple Heart City, one of the few communities in Massachusetts so designated, honoring the service and sacrifice of our nation's men and women in uniform that were wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans

ADOPTED BY THE LEOMINSTER CITY COUNCIL  
ON SEPTEMBER 9, 2013

/s/LYNN A. BOUCHARD, CITY CLERK

/s/DEAN J. MAZZARELLA, MAYOR  
CITY OF LEOMINSTER

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The following ORDINANCE was read once, ADOPTED as presented and ordered published. Vt. 8 "yeas" and 1 "nay", Councillor Freda opposed.

1<sup>st</sup> Reading Ordinance – Amend Chapter 22, Sections 22-79 and 22-79.2 of the Revised Ordinances entitled "Zoning" by designating the City Council as the special permit granting authority for signs located on city property.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

THE CITY OF LEOMINSTER

In the year two thousand and thirteen

AN ORDINANCE

amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic."

Be it ordained by the City Council of the City of Leominster, as follows:

Section 13-77 of the Revised Ordinances entitled "Stop Signs" is hereby amended by inserting "Norfolk Drive, against southeast bound traffic at intersection with Cumberland Road."

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Under New Business, Councillor Freda said the At-Large Councillors got an inquiry that was sent to Councillor Cormier regarding information about the casino and it was talking about the National Association of Realtors. She said she just want to caution whoever prints out the study and looks at it that it is clearly a report that was done before Pioneer Valley in the effect of a full casino in Springfield not a slot parlor and not in any other part of the state. The Massachusetts Association of Realtors is not taking a position because they know in some communities that are supportive and some communities a negative effect. She said as a member of the National Association, a member of Massachusetts Association and the Northern Worcester Association this is clearly specific to Springfield.

MEETING ADJOURNED AT 10:30 P.M.

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