

HEARING BEFORE THE CITY COUNCIL, OCTOBER 28, 2013

Hearing opened at 7:18 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Marchand.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 22 of the Revised Ordinances, entitled "General Use Regulations," by inserting the subsection 16.12 entitled "Temporary Moratorium on Medical Marijuana Treatment Centers."

Councillor Rowlands read the recommendation of denial from the Planning Board which is on file in the City Clerk's office.

Steven Jacoby of Worcester spoke in opposition of the moratorium. He said his company hopes to open a medical marijuana facility in Leominster. He said there are significant barriers in their way and not least is the calendar. He said the application is due on November 21, 2013. He said if there is a moratorium placed in the City of Leominster they won't get approved which means Leominster will not have a dispensary or any medical marijuana facility in its city limits for years to come. It will be against the law. He said they are looking at supporting the City in pursuing an excise tax and will make charitable donations. They have to be a non-profit so they will be donating the excess proceeds at the end of the year and want to recycle the proceeds back into the community. Mr. Jacoby said they do not want to be downtown. They have an agreement at 25 Mohawk Drive that they can lease space which is on the outskirts of town with easy excess without dragging people through the City. He said there will be a registered nurse and registered pharmacist, true professionals running the operation. It will bring 50 plus jobs to town \$35.00 - \$50.00 per hour with full benefits. He said the Department of Public Health will not approve their application if there is a moratorium in place. The deadline for the application is November 21, 2013 and the list of winners will not be released until January 31, 2014. He said if 25 Mohawk is not where you want us to go we will go wherever you want us. Mr. Jacoby stated they are the only applicants in Leominster.

No Councillors spoke.

HEARING ADJOURNED AT 7:26 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 28, 2013

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

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

A recess was called to continue an informational meeting with Mayor Mazzarella regarding a proposed ball field on Mechanic Street, hold a public forum and conduct interviews with the EMA appointees.

Meeting reconvened at 8:15 P.M.

The Committee on Records reported that the records through October 15, 2013 were examined and found to be in order. The records were accepted.

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

C-11 Relative to the appropriation of \$44,500.00 to the Library Department Expense Account; same to be transferred from the Library State Aid Revenue Reserved for Appropriations Account.

C-12 Relative to the appropriation of \$41,066.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Fire Department and the Director of Inspections. A hearing was set on November 12, 2013 at 7:00 P.M. Vt. 8/0

26-14 David Tickle for CAMCO: Amend the license for storage of inflammable fluids for the property located at 163 Pioneer Drive.

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

27-14 David R. Cormier: Place 20 MPH speed limit signs on Beth Avenue, Debbie Drive, Barry Lane and Jay Avenue.

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

28-14 Michael J. Iannacone: Request a speed bump to be placed on Howard Street.

Councillor Salvatelli said there was no financial report as they are waiting to hear from the Comptroller with the Free Cash figure. He said they haven't received legal fee reports from the City Solicitor for the last five months and asked the Clerk to send a letter to Kopelman & Paige requesting the reports.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED. Vt. 8 "yeas"

18-14 Susan Chalifoux Zephir: Perform a review and analysis of ambulance rates to ensure they are competitive and require that ambulance rates are reviewed annually.

A request from the PUBLIC SERVICE COMMITTEE to TABLE the following PETITION was DENIED. Vt. 3/5, Councillors Chalifoux Zephir, Dombrowski, Rowlands, Nickel and Cormier opposed. A motion to give the following PETITION FURTHER TIME and was GRANTED. Vt. 7/1, Councillor Freda opposed.

19-14 Edmond Favreau et al: Support the abandonment and closure of Old Mill Road as a public way after 67 Old Mill Road to the beginning of the last entrance/exit to Liberty Commons.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0

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, OCTOBER 28, 2013, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 8/0

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0

- 20-14 David R. Cormier, Brian J. Flathers, Donna J. Ciccone and Michael Ciccone: Install "No Parking This Side of Street" signs on DeCicco Drive on the side of the street opposite of the ball field from the ball field to the corner of DeCicco Drive and Union Street.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 5/3, Councillors Dombrowski, Freda and Chalifoux Zephir opposed.

- 22-14 David R. Cormier and Gregg Lisciotti: Rename Aspinwall Avenue to Tanzio Road.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0

- 23-14 David R. Cormier et al: Authorize a truck exclusion on Malburn Street and the surrounding subdivision.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 8/0

- 24-14 Aaron F. Kennedy, Leominster Police Department: Amend Chapter 13 Section 13-33 of the Revised Ordinances entitled "Schedule of parking fines" to include #20 Fire lane in Group D and renumber group E as #21 and #22.

Upon recommendation of PUBLIC SAFETY AND CITY PROPERTY COMMITTEES the following PETITION was GRANTED. Vt. 8/0

- 25-14 Richard M. Marchand, Festival Facilitator for the Johnny Appleseed Festival: Close off West Street from the intersection of Cottage Street to Main Street, Park Street at the intersection of Main Street, Church Street but maintain public safety access and allow the use of the John Tata Auditorium in the City Hall, the parking lot between the First Church Unitarian and the First Baptist Church to host the 21st Annual Johnny Appleseed Arts and Cultural Festival from 5:00 A.M. to 6:30 P.M. on Saturday, September 27, 2014 with a rain date of Saturday October 4, 2014.

Upon recommendation of the WAYS & MEANS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 8/0

- C-10 Dean J. Mazzarella, Mayor: Request that Gregory Chapdelaine be exempt from the provisions of M.G.L. Chapter 268, (20B) Conflict of Interest as he is currently employed by the City of Leominster's Purchasing Department and may be taking a position setting up polling place for the City Clerk-Elections and Registration Office.

Upon recommendation of the WAYS & MEANS COMMITTEE the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas"

Office of Emergency Management – EMS Unit – Donna Watkins
Communications Unit – John Griffin, Tan Pham, Dinh Luong

2013-2014 Election Workers – Earlean Brown, Silvia Dube,
Irene C. Greco and Giulio G. Greco

The following ORDINANCE was read a second time and given FURTHER TIME. Vt. 7 "yeas" and 1 "nay, Councillor Freda opposed.

2nd Reading Ordinance - Amend Chapter 22 of the Revised Ordinances, entitled "General Use Regulations," by inserting the subsection 16.12 entitled "Temporary Moratorium on Medical Marijuana Treatment Centers."

Under Old Business, Councillor Rowlands said at the last meeting he brought up the question regarding paving. Paving is a major problem as the streets are in terrible condition. He said we are going into November and he doesn't know how long the asphalt companies are open. He said he asked for an update and did not receive one. He asked again from the Mayor and he received an e-mail saying "getting there, short of money." He said that is our update. He is concerned that Communication C-3 was adopted for an appropriation of \$1,088,720.00 to the Street Resurfacing Expense Account transferred from the Highway State Aid Revenue. It is November and if we're going to go through the winter with these streets in the condition they are that are not going to be paved it's going to be horrendous. We better have a big budget for patching.

Councillor Chalifoux Zephir said he did appropriate the money and we did see a list of mostly Ward 1 streets and asked the Clerk to send a letter to the Mayor to see if there is any further update.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 28, 2013, continued

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

Resolution – Authorizing the release in part of a Water and Sewer Easement at 495 Main Street

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for November 12, 2013 at 7:10 P.M. Vt. 8 “yeas”

1st Reading Ordinance – Amend Chapter 13 Section 13-77 of the Revised Ordinances entitled “Stop Signs” by inserting “Dewey Avenue against southbound traffic at intersection with Leland Avenue.”

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for November 12, 2013 at 6:50 P.M. Vt. 8 “yeas”

1st Reading Ordinance – Amend Chapter 8 of the Revised Ordinances entitled “Fire Protection” by inserting Section 8-1.1 Notification of spill or other incident requiring any license holder to report any spill or other release or incident to the City Council, contemporaneously or immediately after reporting the incident to the Leominster Fire Department and the Massachusetts Department of Environmental Protection as required under Massachusetts Law. Any such notice shall be delivered to the office of the City Clerk.

A Legal Affairs Committee meeting was established on November 6, 2013 at 6:30 P.M. Steven Jacoby of Pharmstand will be asked to attend the meeting.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Mayor to come to the next meeting to discuss 19-14.

MEETING ADJOURNED AT 9:55 P.M.

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