

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 22, 2016

Hearing opened at 7:00 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 16, Section 16-34 of the Revised Ordinances entitled "Classification of Positions" by deleting the classification of "S-9" for Engineer-Senior" and inserting in its place the classification of "S-8" and deleting the classification of "S-7" for "Public Works Assistant Director" and inserting in its place the classification of "S-9."

No one in the audience spoke in favor or against the Ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:03 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2016

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

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

At 7:34 P.M. a motion was made to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by roll call Vt. 8 "yeas". Council President Cormier said the regular meeting would reconvene at the conclusion of the Executive Session.

The meeting reconvened at 8:11 P.M.

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

- C-47 Relative to the appropriation of \$75,000.00 to the Police Department Overtime Account; same to be transferred from the Police Salary & Wages Account.
- C-48 Relative to the appropriation of \$150,000.00 to the Fire Department Overtime Account; same to be transferred from the Stabilization Fund.
- C-49 Relative to the appropriation of \$35,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.
- C-50 Relative to the appropriation of \$36,413.00 to various accounts listed; same to be transferred from the Collective Bargaining Expense Account.

Health Department Salary & Wages	\$ 3,431.00
City Clerk's Office Salary & Wages	\$ 1,092.00
Treasurer's Office Salary & Wages	\$ 1,030.00
Conservation Department Salary & Wages	\$ 1,199.00
Economic Development Salary & Wages	\$ 1,247.00
Plumbing Department Salary & Wages	\$ 1,504.00
Building Department Salary & Wages	\$ 1,534.00
Wire Department Salary & Wages	\$ 2,904.00
Assessor's Department Salary & Wages	\$ 2,472.00
Building Department Overtime	\$ 5,200.00
Collective Bargaining Expenses/clothing	\$ 4,800.00
Collective Bargaining Expenses/vacation buy-back	\$10,000.00

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

- 20-16 Paul Rouleau: Grant a Second Hand Dealers License for Protechs Solution located at 345 Central Street.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0

- 21-16 Gregory C. Chapdelaine and Daniel Deedy: Allow the Purchasing Agent to award a contract for busing services for a five-year period.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2016, continued

22-16 Gregory C. Chapdelaine and William B. Mitchell: Allow the Purchasing Agent to award a contract for Information Technology Managed Services for a four-year period.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 A hearing is set for March 28, 2016 at 6:45 P.M.

23-16 Attorney Peter Campobasso for Alternative Therapies Group, Inc.: Grant a Special Permit to locate and operate a registered marijuana dispensary at 57 Nashua Street, as shown on Assessors Map 464, Lot 5, for retail sale or distribution of marijuana for medical use to qualifying patients.

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$11,803,620.00
Emergency Reserve	\$ 100,000.00

Upon request of the PUBLIC SAFETY/TRAFFIC COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0 A letter from the Police Department was read into the record and is on file in the city Clerk's Office/

24-16 Susan Chalifoux Zephir: Place a crosswalk across Mechanic Street at 52 Mechanic Street.

A recess was called at 8:22 P.M. to ask questions of Attorney George Giorgio of Kopelman & Paige regarding C-45.

Meeting reconvened at 8:36 P.M.

Upon recommendation of the PUBLIC SERVICE COMMITTEE a motion to GRANT the following COMMUNICATION was DEFEATED. Vt. 2/6, Councillors Chalifoux Zephir, Lanciani, Feckley, Cormier, Dombrowski and Marchand opposed. A motion was made by Councillor Marchand and seconded by Councillor Chalifoux Zephir to give the following COMMUNICATION FURTHER TIME. Vt. 8/0. Recommendations from the Planning Director, the Department of Public Works Director were received and are on file in the City Clerk's Office along with the letter from the Mayor.

C-45 Dean J. Mazarella, Mayor: Declare property on Summit Street, as shown on Assessor's Map 523, Lot 9, as surplus property.

A letter from the Mayor was received and reads as follows:

February 19, 2016

#### COMMUNICATION FROM THE MAYOR

Re: C-45 petition to declare Summit Street surplus

Members of the City Council,

My office received a letter from the City Council on January 26, 2016 regarding communication C-45. The communication from the council was a referral to me for a recommendation. However, if one examines the original petition you will find that I am the one who sent the communication to the council so it is confusing as to why I would need to make a recommendation when I was the petitioner.

Second, several other departments received the same letter from the council. As you know the process for declaring city property surplus requires us to research possible uses for the property and if it is determined that the city and its departments have no use for the property then we make a recommendation to the city council to vote whether or not to declare the property surplus. We have done our due diligence and when that was complete I communicated that to the council.

Again, the city has determined that we have no use for the property.

I asked the Chief Assessor to estimate its value and he did. That document was attached to the 5 page document I sent to the council with my original communication on January 21, 2016.

I am submitting to the council for review a letter dated January 26, 2016 to the Chief Assessor. That letter was sent directly to the Assessor and not copied to my office.

As you can see the questions are directed to the department head and have absolutely nothing to do with the Assessor's Office. Further, the questions reach way beyond the scope of the petition. The Assessor nor any department head makes or sets policy for the city.

We in the executive branch have done our due diligence. If the council votes to declare the property surplus then we will follow the law and seek bids with a minimum price. If the city transfers the property it will then be placed on the tax rolls. If not, the city will maintain the property.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2016, continued

This is an official communication from the Mayor and under the Open Meeting Law it must be read into the record.

Thanks.

Sincerely,  
/s/ Dean J. Mazzarella  
Mayor

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt.8 "yeas"

Emergency Management – Rescue Unit – Adam King

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 "yeas".

The City of Leominster  
In the year two thousand and sixteen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled "Zoning."

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

Chapter 22 of the Revised Ordinances, entitled "Zoning," Article III, Section 22-17, Table of Uses, is hereby amended as follows:

Under "Industrial Uses," the use designation for "Energy System, Renewable" in the RA District is amended by deleting "SPPB SPA" and inserting in its place "N."

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 "yeas".

The City of Leominster  
In the year two thousand and sixteen

AN ORDINANCE

Amending Chapter 16, Section 16-34 of the Revised Ordinances entitled "Classification of Positions."

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

Chapter 16, Section 16-34 of the Revised Ordinances entitled "Classification of Positions: is hereby amended by:  
Deleting the classification of "S-9" for "Engineer-Senior" and inserting in its place the classification of "S-8",  
And further by deleting the classification of "S-7" for "Public Works Assistant Director" and inserting in its place  
the classification of "S-9."

A committee meeting was established for the President's Committee on City Ordinance Review March 2, 2016 at 6:00 P.M.

MEETING ADJOURNED AT 9:18 P.M.

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