

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 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.

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

Meeting reconvened at 7:33 P.M.

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

C-88            Dean J. Mazarella, Mayor: Request authorization to enter into an agreement for Net Metering Power Purchase for solar generated electricity and related net electricity metering credits and authorize the Mayor to execute such agreements and take such actions as are necessary to administer and implement such agreements.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2016, continued

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

- C-89 Relative to the appropriation of \$6,994.00 to the Gas Inspector Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-90 Relative to the appropriation of \$9,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-91 Relative to the appropriation of \$30,000.00 to the Park Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-92 Relative to the appropriation of \$49,000.00 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 COMMITTEE and given REGULAR COURSE.

- 52-16 Mackie Barch, for DO Health Massachusetts, Inc.: Consider and issue a Letter of Municipal Support or Non-Opposition relative to the siting of a Medical Marijuana Facility at 30 Patriots Circle.
- 53-16 Peter Campobasso, Esquire for Alternative Therapies Group Inc.: Request a local letter of non-opposition to locate a Registered Marijuana Dispensary in the City of Leominster.
- 54-16 Edward J. Bartlett, Jr., CFO for Middlesex Integrative Medicine: Request a letter of support or non-opposition to operate a registered marijuana dispensary at 25 Mohawk Drive.
- 55-16 Marc Rosenfeld, CEO for CommCan Inc.: Request a letter of non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park.
- 56-16 Robert C. Carr, Jr. President & CEO for Nature's Remedy of Massachusetts: Request a letter of support or non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Police Department.

- 57-16 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co., located at 37 Mechanic Street.
- 58-16 Aimee 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.
- 59-16 Kym Jollimore: Renew the License for one pool table at the Tankard, located at 13 Central Street.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer.

- 60-16 Nellye Molina for J & J Consignment: Renew the Second Hand Dealer License for the premises located at 343 Central Street.
- 61-16 Susan Rogers for Movie Stop #7045: Renew the Second Hand Dealer License for the premises located at 82 Orchard Hill Park Drive.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Fire Department, the Department of Public Works and the Health Director. A hearing was set for May 23, 2016 at 6:30 P.M.

- 62-16 Glen Canario/Southwin Limited: Amend the license for 272 Nashua Street to allow the storage of 12 above ground storage tanks, with a total of 191,000 gallons and 250,000 one gallon bottles of Class IIIB combustible liquid.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Zoning Board of Appeals and the Inspector of Buildings. A hearing was set for June 13, 2016 at 6:50 P.M.

- 63-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change to change maximum height for principal buildings in RC district as set forth in Subsection 22-40.3 on lots with at least five acres of area from 35 feet to 40 feet.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Zoning Board of Appeals and the Inspector of Buildings. A hearing was set for June 13, 2016 at 7:00 P.M.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2016, continued

- 64-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change from Commercial District to Residence C District for a 21,840 square foot parcel as shown on Assessor's Map 317. Parcel 7A.

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

Disability Commission – David Patten – term to expire 4/15/2019

Cable Advisory Board – Deborah Toivonen and Alan Van Wert – terms to expire May 9, 2019

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

Cultural Commission – Barbara Mahoney – term to expire 4/15/2019

Board of Assessors – Richard Dondero – term to expire 4/15/2019

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

- C-79 Dean J. Mazzearella, Mayor: Exempt Shelley Wells, a Special Education Teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position with the Recreation Department.
- C-80 Dean J. Mazzearella, Mayor: Exempt Heather Parzuchowski, a Special Education Teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268A, Section 20B as she will be taking a position with the Recreation Department.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 8/0

- 48-16 ecoATM, Inc.: Renew the Second Hand Dealer License for the location at 100 Commercial Road.
- 49-16 Best Buy Stores, LP #1433: Renew the Second Hand Dealer License for the location at 33 Orchard Hill Park Drive.

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

- C-33 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Jennifer L. Flanagan and State Representative Dennis A. Rosa file special legislation with the General Court, on behalf of the City, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G. L. c 31, as follows:

**AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The positions of police chief and police captain in the city of Leominster shall be exempt from Chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0, Councillor Chalifoux Zephir abstained due to a possible conflict of interest.

- 36-16 Mackie Barch for Do Health Massachusetts: Grant a Special Permit to open a medical marijuana cultivation and dispensary facility at 30 Patriots Circle, as shown on Assessors Map 499, Lot 50. (Hearing continued to May 23, 2016 at 6:45 P.M.)

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

- 50-16 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3, 503-3-4, 503-3-5 at the entry-way of Southgate Business Park to mixed use (MUI) from Industrial. (Hearing scheduled for May 23, 2016 at 7:00 P.M.)

Upon request of the PUBLIC SAFETY & TRAFFIC COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0

- 51-16 Brian J. Flathers: Install speed humps at several points on Union Street from Pleasant Street to the intersection of Union Street and Grant Street.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2016, continued

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

Stabilization Account	\$13,613,546.00
Emergency Reserve	\$ 100,000.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 "yeas"

C-78 Relative to the appropriation of \$100,000.00 to the Water Department Expense 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 Water Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-81 Relative to the appropriation of \$9,534.00 to the Election & Registration Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Nine Thousand Five Hundred Thirty Four Dollars (\$9,534.00) be appropriated to the Election & Registration Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Sick leave buy back for Robin Dantini

C-82 Relative to the appropriation of \$8,600.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Thousand Six Hundred Dollars (\$8,600.00) be appropriated to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Assessment Center for Fire Lieutenants

C-83 Relative to the appropriation of \$25,000.00 to the Mayor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Mayor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: State grant match for east side neighborhood design

C-84 Relative to the appropriation of \$10,500.00 to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Ten Thousand Five Hundred Dollars (\$10,500.00) be appropriated to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Equipment as requested

G.I.S. Capabilities Desktop	\$5,700.00
Mobile Workstation for G.I.S.	\$1,880.00
Workstation w/monitor	\$1,650.00
Adobe Acrobat Software (2)	\$ 840.00
QuickBooks Software(2)	\$ 360.00

C-85 Relative to the appropriation of \$8,205.00 to the Treasurer's Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Thousand Two Hundred Five Dollars (\$8,205.00) be appropriated to the Treasurer's Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Sick leave by back for June Courtemanche

C-86 Relative to the appropriation of \$15,100.00 to the Assessor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifteen Thousand One Hundred Dollars (\$15,100.00) be appropriated to the Assessor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-87 Relative to the appropriation of \$2,800.00 to the City Clerk Salary & Wages Account; same to be transferred from the Election & Registration Expense Account.

ORDERED: - that the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) be appropriated to the City Clerk Salary & Wages Account; same to be transferred from the Election & Registration Expense Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2016, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 7  
“yeas”, Councillor Feckley abstained due to a possible conflict of interest.

Disability Commission – Gail Feckley – term to expire 4/15/17

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RE-APPOINTMENT was CONFIRMED. Vt. 7

Office of Emergency Management –Assistant Directors -Jim LeBlanc and Richard Gauvin

Deputy Directors – Tom Piper, Dan Thibodeau, Carl Sanabria, Al Staal

Disability Commission - Susan Murray – term to expire 4/15/17

Upon request of the WAYS & MEANS and THE LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was given FURTHER TIME. Vt. 8/0

RESOLUTION – Authorizing the Mayor to release the easements at 140 Adams Street

The following RESOLUTION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Mayor, the Police Department, the Planning Board, the Economic Development Coordinator and the Health Director.

RESOLUTION – Proposed Resolution to the Leominster City Council for the establishment of a protocol to issue Letters of Non-Opposition for Registered Marijuana Dispensaries pursuant to 105 CMR 725.

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 8/0. Committee reports as follows:

6-14 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for I.T. services for a six-year period. GIVEN LEAVE TO WITHDRAW. Vt. 8/0

Councillor Lanciani, Chair of the PUBLIC SAFETY AND TRAFFIC COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows:

12-15 Michael Lovezzola for Barletta Engineering: Request 9 decorative light poles at completed lots and roads for the Castleland subdivision. GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0

Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following ORDINANCE be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows:

2<sup>nd</sup> 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.”  
GIVEN LEAVE TO WITHDRAW. Vt. 8/0

The following meetings were scheduled:

An information meeting with the School Committee was set for May 23, 2016 at 5:30  
Ways & Means Committee meeting was set for May 18, 2016 at 5:00 P.M.

MEETING ADJOURNED AT 8:45 P.M.

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