

HEARING BEFORE THE CITY COUNCIL, MAY 23, 2016

Hearing opened at 6:30 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Nickel, Councillor Chalifoux Zephir arrived late.

Present at the hearing was Glen Canario, General Manager at Southwin Limited and Mr. Roman, Supervisor.

The following PETITION was the subject of the hearing.

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.

Mr. Canario said the Fire Department and the State Fire Marshall were in last year and as they were walking through they noticed that their license has a 28,000 gallon chemical storage limit and 250,000 gallons of the bottles. They asked them to amend the license because they wanted them to assume all five rail cars were full liquid and all internal tanks were full. That is where the difference between the 28,000 gallons and the 191,000 gallons come into play.

Councillor Dombrowski said you are seeking to increase the amount of combustible liquids that you are storing there?

Mr. Canario said not that we want to increase what we are storing, we were told that we have to assume everything is full. He said we do not typically store a lot, we do mostly "just in time" so we receive our chemicals as we fill.

Councillor Dombrowski asked how many above ground storage tanks are there now.

Mr. Canario said there are 5 rail cars, which they consider to be above ground storage tanks, and 7 above ground.

Councillor Dombrowski said so, you currently have 12.

Mr. Canario said right.

Councillor Dombrowski asked how many 1 gallon bottles are being stored there now.

Mr. Canario said we have less than a 100,000.

Councillor Dombrowski said so, you want to increase that to 250,000?

Mr. Canario said no the original license is for 250,000.

Councillor Marchand said your current license that you have is taking care of what your needs are, but what is happening is they are having you come in to upgrade the numbers, is that correct?

Mr. Canario said to upgrade the numbers. 28,000 is too low. He doesn't know where that number came from or who applied for that.

Councillor Marchand said to that is the permit that you have had for a while now.

Mr. Canario said right.

Councillor Marchand asked if the existing tanks were upgraded?

Mr. Canario said no. Everything is the same.

Councillor Marchand said so you are in compliance to the initial installation of the tanks and all you are looking to do right now is to make sure the numbers match?

Mr. Canario said right, to correct the license.

Councillor Marchand said so you are not looking for an upgrade you just want to clearly identify to the City and the Fire Marshall what you have there.

Mr. Canario said exactly.

Councillor Bodanza said your original license provided for a certain amount of gallons being stored which was 28,000.

Mr. Canario said yes.

Councillor Bodanza said when the inspection folks got there they made a determination that you have the capacity to store how many gallons?

Mr. Canario said 191,000 gallons but 145,000 gallons are in rail cars, which aren't always there.

Councillor Bodanza said when you applied for this you thought that the rail cars weren't part of your capacity.

Mr. Canario said this license was here when I started.

Councillor Bodanza asked the first time you got wind of the fact that the rail cars were on your license was when they did the inspection?

HEARING BEFORE THE CITY COUNCIL, MAY 23, 2016, continued

Mr. Canario said right.

Councillor Bodanza said basically what is prompting this is more than anything is the fact that the rail cars are now being designated as part as your capacity.

Mr. Canario said yes, as storage tanks.

Councillor Bodanza asked about the releases of methanol at the site. A letter from the Health Department said there were releases from the rail cars.

Mr. Canario said that was years ago before he was there, possibly 2011. He said someone left a hose into a tank into a rail car and didn't follow the proper procedure to shut it all down.

Councillor Bodanza asked if there has been procedures, training and/or equipment that has been added since then that can make him feel a little bit more comfortable that might not happen again?

Mr. Canario said we have what we call a triple stop. We use a hose cap when we take it off, backflow preventers and locking ball valves.

Councillor Bodanza asked if those were used back in 2011.

Mr. Canario said he didn't know. He said the backflow preventers were not.

Councillor Bodanza asked if he knew if there were any releases since 2011.

Mr. Canario said there was one two years ago when a tanker truck delivering methanol didn't have his wheels chocked so he rolled down the hill and we had a spill of approximately 75 gallons.

Councillor Bodanza said that was something out of your control.

Mr. Canario said the truck driver didn't follow his proper procedures and he was not an employee of ours.

Councillor Bodanza asked Mr. Canario if he saw the Board of Health letter?

Mr. Canario said no.

A copy was made for him.

Councillor Freda said the operative word in that letter is "history" of releases.

Councillor Dombrowski said the Board of Health is recommending control and containment technology as a condition for the permit. He asked Mr. Canario to elaborate on what is in place now.

Mr. Canario said triple stop system on the rail cars, in house we have retaining walls built all around the storage tanks so if any of them leak no liquid can escape.

Councillor Dombrowski asked what they had for a leak detection device.

Mr. Canario said we do not have any leak detection devices.

Councillor Dombrowski asked if there was a reason for that.

Mr. Canario said he didn't know why they are not there.

Councillor Freda said a better plan has to come in so we know what you are doing there that is going to address some of these issues. This isn't just our Health Department, they are being contacted by Mass. DEP.

Recommendations from the Board of Health, the Department of Public Works and the Fire Department which are on file in the City Clerk's Office.

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

The Councillors are looking for mitigation strategies.

HEARING ADJOURNED AT 6:48 P.M. AND CONTINUED TO JUNE 13, 2016 AT 6:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 23, 2016

Hearing opened at 6:48 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Nickel. Councillor Chalifoux Zephir abstained due to a possible conflict of interest.

This hearing is continued from April 25, 2016.

Present at the hearing was Patrick McCarty, McCarty Engineering.

Councillor Chalifoux Zephir recused herself from the hearing due to a possible conflict of interest.

The following PETITION was the subject of the hearing.

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.

Mr. McCarty requested a continuance for this petition.

HEARING ADJOURNED AT 6:51 P.M. AND CONTINUED TO JULY 11, 2016 AT 6:45 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 23, 2016

Hearing opened at 7:00 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Nickel.

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.

Councillor Dombrowski stated that the Planning Board has not held their required hearing. Their hearing is scheduled on June 6, 2016.

HEARING ADJOURNED AT 7:04 P.M. AND CONTINUED TO JUNE 13, 2016 AT 6:15 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 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 7:31 P.M. to hold interviews with the Disability Commission appointee and the Cable Advisory Board Appointees.

Meeting reconvened at 7:38 P.M.

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

C-93 Dean J. Mazarella, Mayor: Authorize the City of Leominster to pursue \$23,927.00 through the United State Department of Justice – Justice Assistance Grant Program (JAG).

## REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 2016, continued

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

- C-94 Relative to the appropriation of \$2,893.00 to the Disability Commission Fines Reserved for Appropriation Account; same to be transferred from the Excess and Deficiency Account.
- C-95 Relative to the appropriation of \$7,000.00 to the Historical Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-96 Relative to the appropriation of \$150,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-97 Relative to the appropriation of \$22,000.00 to the Library Department Expense Account; same to be transferred from the Library Salary & Wages Account.
- C-98 Relative to the appropriation of \$50,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.
- C-99 Relative to the appropriation of \$50,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Police Department Salary & Wages Account.
- C-100 Dean J. Mazarella, Mayor: Relative to the appropriation of One Million Five Hundred Thousand Dollars (\$1,500,000.) for the purpose of financing rehabilitation of the Pond St. and Wachusett Reservoir Pump Stations, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,500,000. to issue bonds or notes therefor under G.L. c44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote. (Finance)

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

- 65-16 Pat Scorzelli-Agent for Prime Wellness Centers, Inc.: Request a local letter of municipal support and non-opposition for the siting and establishment of a Registered Medical Marijuana Dispensary in the City of Leominster on Locke Drive.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Health Director, and the Fire Chief. A hearing was set for June 13, 2016 at 6:30 P.M. Vt. 8/0

- 66-16 Al Micale, Ayoub Engineering, Inc., Agent for Sunoco LLC: Amend the license for 468 Main Street to allow the storage of two 300 gallon above ground storage tanks for waste oil and heating oil, and two 20,000 gallon underground storage tanks for gasoline and diesel.

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

Emergency Management – Administrative Unit – Carrie Noseworthy

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

- 48-16 ecoATM, Inc.: Renew the Second Hand Dealer License for the location at 100 Commercial Road.

Upon request of the WAYS & MEANS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0

- 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 WAYS & MEANS COMMITTEE, the following PETITION was DENIED. Vt. 6/2, Councillors Chalifoux Zephir and Dombrowski, opposed.

- 57-16 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co., located at 37 Mechanic Street. Upon recommendation of the WAYS & MEANS COMMITTEE the following PETITIONS were GRANTED. Vt. 8/0

## REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 2016, continued

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

- 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.
- 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.

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

- 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.

Upon request of the WAYS & MEANS and LEGAL AFFAIRS COMMITTEES the following PETITIONS were given FURTHER TIME. Vt. 8/0

- 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.

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

- C-33 Dean J. Mazarella, 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 recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8/0

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 7/0, Councillor Chalifoux Zephir abstained due to a possible conflict of interest. The hearing is continued to July 11, 2016 at 6:45 P.M.

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 The hearing is continued on June 13, 2016 at 6:15 P.M.

- 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.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 2016, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0  
The hearing is continued on June 13, 2016 at 6:00 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 7/0,  
Councillor Marchand abstained due to a possible conflict of interest.

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. (Hearing set for June 13, 2016 at 6:50 P.M.)

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. (Hearing set for June 13, 2016 at 7:00 P.M.)

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
Free Cash	\$ 2,074,974.00
Emergency Reserve	\$ 100,000.00

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

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.

ORDERED: - that the sum of Six Thousand Nine Hundred Ninety Four Dollars (\$6,994.00) be appropriated 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.

ORDERED: - that the sum of Nine Thousand Dollars (\$9,000.00) be appropriated to the Fire Department expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Roof repairs at the Central Fire Station

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.

ORDERED: - that the sum of Thirty Thousand Dollars (\$30,000.00) be appropriated to the Park Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Rehabilitation of Central Park located on Lancaster Street.

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.

ORDERED: - that the sum of Forty Nine Thousand Dollars (\$49,000.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To purchase a new K9 cruiser

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

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

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

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

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

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

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 2016, continued

Upon recommendation of the WAYS & MEANS AND LEGAL AFFAIRS COMMITTEES, the following RESOLUTION was ADOPTED. VT. 8 “yeas”

## RESOLUTION

BE IT RESOLVED: That the City Council of the City of Leominster hereby authorized the Mayor to release To the owner of the property at 140 Adams Street, upon such terms and conditions as the Mayor deems appropriated, those rights and easements reserved by the city in the deed recorded with the Worcester North District Registry of Deeds in Book 597, Page 418, including water rights, mill privileges, and access rights, and that the Mayor is authorized to execute on behalf of the City a recordable instrument for this purpose and to take all actions necessary or convenient to accomplish the foregoing real property disposition.

Approved:  
/s/ Mayor Dean J. Mazarella  
Date: May 24, 2016

Adopted by the Leominster City  
Council on May 23, 2016 by a  
unanimous vote.

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

Upon recommendation of the WAYS & MEANS AND LEGAL AFFAIRS COMMITTEES, the following PROPOSED RESOLUTION was AMENDED and ADOPTED AS AMENDED. VT. 7 “yeas” and 1 “nay”, Councillor Freda opposed. The amendment limits it to one cultivation facility and one RMD with or without a cultivation facility. Also a date of June 9, 2016 was inserted for submission to the City Clerk on or before noon on that date. Vt. 8/0

**PROPOSED RESOLUTION TO THE LEOMINSTER CITY COUNCIL FOR THE  
ESTABLISHMENT OF A PROTOCOL TO ISSUE LETTERS OF “SUPPORT OR  
NON-OPPOSITION” FOR REGISTERED MARIJUANA DISPENSARIES OR  
CULTIVATION SITES PURSUANT TO  
105 CMR 725**

The undersigned hereby petitions that the following resolution be adopted by the City Council:

BE IT RESOLVED that the City Council for the City of Leominster adopt the following protocol for the issuance of non-opposition letters required by medical marijuana facilities pursuant to 105 CMR 725.

A. Minimum Criteria

- 1) No letter shall be issued to any RMD (Registered Marijuana Dispensary) or cultivation site that does not meet the minimum zoning criteria established by the City of Leominster in Chapter 22 of the Revised Ordinance, Article XVIII.
- 2) All applicants for a letter of “support or non-opposition” shall present evidence that they control the proposed site which complies with #1 above as a result of fee ownership or a lease which may be contingent upon licensing and the obtaining of a special permit for operation.
- 3) The presentation of an engineered plan demonstrating compliance with all of the distance requirements contained in Section 105.5.8 of Article XVIII.

B. Maximum Number of Letters of Non-Opposition

To ensure the viability of RMD’s and cultivation sites, the City Council will not at this time, issue more than one letter of “support or non-opposition” for an RMD and one letter of “support or non-opposition” for a cultivation site. A single entity receiving a letter of “support or non-opposition” for a dispensary and cultivation facility, both of which are located in Leominster, shall be counted as a single letter of “support or non-opposition,” and will not preclude the issuance of another letter of “support or non-opposition” for a cultivation site only. Should an applicant receiving

a letter of "support or non-opposition" from the City Council either abandon its application, or fail to timely process the same, that letter of non-opposition will no longer be counted against the total available letters to be issued, in the sole discretion and by majority vote of the City Council.

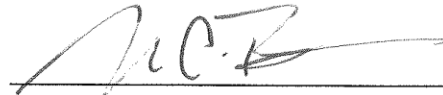
C. Qualitative Criteria

- 1) The City Council will evaluate requests for letters of "support or non-opposition" that meet the above minimum criteria, are available pursuant to paragraph B, and are received by the Leominster City Clerk on or before ~~4PM~~ <sup>NOON</sup> on 6/9/16; on the following criteria:
  - a) The experience of the applicant in the industry. Including other states.
  - b) The strength of the initial offer of a community host agreement made by the applicant.
  - c) Whether the applicant has other operational facilities in the Commonwealth of Massachusetts.
  - d) The value and nature of promised improvements.
  - e) The nature and number of temporary construction jobs, including the number that will be offered to Leominster residents.
  - f) The nature and number of permanent jobs, including the number that will be offered to Leominster residents.
  - g) Community involvement experience and/or plans
  - h) The quality of the applicant's three year business plan.
  - i) The nature and viability of the applicant's security planning.
- 2) Each applicant will be scored on the above criteria. For each of the above separate criterion, the applicants will receive a rating using the following scale; highly advantageous, advantageous, acceptable or not acceptable. A highly advantageous rating will receive a score of three points; advantageous two points; acceptable one point and not acceptable zero points. The council subcommittees, "Ways and Means" and "Legal Affairs" will both assign the ratings for the above criteria and sum the scores for all criteria (a) through (i). Those same subcommittees will interview the applicants who receive the two highest scores for an RMD application and/or the two highest scores for a cultivation site only application. The subcommittees will thereafter make a joint recommendation report to the full council, giving equal weight to the above scoring rubric and the interview, for the issuance of a letter of "support or non-opposition."

Dated: May 23, 2016

Approved by the Leominster  
City Council


  
Lynn A. Bouchard, City Clerk



Mark C. Bodanza

Ward 4 City Councilor

Approved:

  
Dean J. Mazzarella, Mayor

Under Old Business, Councillor Dombrowski said he wanted to publicly thank Councillor Bodanza for putting this Resolution together. It was a lot of work and not a lot of templates out there to follow.

Councillor Chalifoux Zephir said she recently became aware that the Mayor no longer sends down police and fire department appointees. She doesn't know if there is some issue or regulation that he has become aware of that he doesn't have to submit those particular appointments for City Council approval. We have a letter dated May 9, 2016 submitted by the Mayor to Dennis Hatstat Jr. telling him, as the Mayor and the appointing authority in the City of Leominster, this letter is to officially inform him of his designation as a permanent full time police officer for the Leominster Police Department effective this date.

Councillor Chalifoux Zephir said as long as she can remember and in her prior life on the City Council which is many years ago as the Ward 4 Councilor, we always approved police and fire department appointees and more importantly we introduced new police and fire department appointees to the public. They came down as did the three earlier appointees for the Disability Commission and the Cable Television Commission and when the Mayor would send down the appointments we would invite the appointees in for a conversation. We asked them to introduce themselves, their background and it was an opportunity for us to get to know these new public safety employees as well as the general public. She said reading the Charter, it seems to her the City Council is



## REGULAR MEETING OF THE CITY COUNCIL, MAY 23, 2016, continued

the appointing authority. The Mayor makes the appointments and we confirm the appointments. She said she doesn't know what distinguishes what the different has become that's made him not feel he is obligated to send down fire and police department appointees. Why has that changed? Is there a law that has changed? And if that is the case and he is not obligated to send those down for public conversation and introduction to the community as a public service we should invite those appointees down to meet them and introduce them to the public.

Councillor Chalifoux Zephir would like to have a communication sent to the Mayor asking him about that change and if it is a policy change, would be reconsider that in the public interest.

Council President Cormier said he has a conversation with the Mayor regarding this and the Mayor told him he felt he wasn't required to send them down so what he said was going to do is bring a group of them down to introduce them to the public.

Council President Cormier asked the Clerk to send the Mayor a letter asking what the rationale is for the change.

Councillor Chalifoux Zephir said for the Mayor's previous ten terms that he has been elected and served he has always sent them down, so this is a new change and would like to know how it came about and why the policy change.

Councillor Lanciani said it would be nice to meet the department heads the City hires. We have a Planning Director that was hired through the Planning Board. It would be nice to bring them down to be introduced.

Council President Cormier said maybe we can work with the Mayor and set something up with the Ways & Means Committee and start to bring some of these Boards and Commissions down and introduce them and reintroducing them to us and asking questions and ask if there is anything we can do to help their responsibilities easier for their rule.

Councillor Chalifoux Zephir agreed with Councillor Lanciani and said we are all on the same team, all working for the City of Leominster.

The following LOAN ORDER was read once and ADOPTED as presented and ordered published. A hearing was set for June 13, 2016 at 6:40 P.M. Vt. 8 "yeas"

1<sup>st</sup> Reading Loan Order - that the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.) for the purpose of financing rehabilitation of the Pond St. and Wachusett Reservoir Pump Stations, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,500,000. To issue bonds or notes therefor under G.L. c44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote.

ORDERED: - that the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.) for the purpose of financing rehabilitation of the Pond St. and Wachusett Reservoir Pump Stations, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,500,000. To issue bonds or notes therefor under G.L. c44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote.

A moment of Silence was held for Officer Ronald Tarantino of Auburn who was shot and killed in the line of duty and for the police departments and communities of Auburn and Leicester.

Councillor Freda said the Rabbi Alpert is retiring and she wishes him well.

Council President Cormier asked the City Clerk to send an official card from the Council wishing him well.

Councillor Bodanza said Starburst will be June 11, 2016. Congratulations to Councillor Freda who was named Citizen of The Year and said it was well deserved. Congratulations went out to John McLaughlin the other recipient of the Citizen of The Year award.

MEETING ADJOURNED AT 9:31 P.M.

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