

HEARING BEFORE THE CITY COUNCIL, JUNE 27, 2016

Hearing opened at 6:22 P.M. with Councillor Bodanza, Chair of the FINANCE COMMITTEE, presiding. All members were present except Councillor Nickel.

Present at the hearing was John Richard, Comptroller.

The following COMMUNICATIONS were the subject of the hearing:

C-104           Relative to the appropriation of \$116,275,000.00 to the Fiscal Year 2017 General Fund Budget Accounts as listed; same to be raised/offset by Fiscal Year 2017 Revenue.

Anthony Billotta of 89 Cumberland Road said he has filed a systemic complaint with the U.S. Department of Education Office For Civil Rights for numerous Title 9 violations by the Leominster School Department. He said these violations center around unequal benefits for women (athletics). He said the Secretary of the Commonwealth of Massachusetts, has engaged by him, to facilitate an investigation into inappropriate and potential illegal use in accounting of student activity funds within the Leominster School Department. As the elected body which allocates a considerable amount of our taxpayer dollars to the Leominster School Department you may not be aware that the Leominster School Department and its leadership are positioning the Leominster community to follow in the footsteps of Spencer, East Brookfield school districts which revealed through an external investigation troubling evidence of financial mismanagement that may rise to criminal activity. Unfortunately for the taxpayers of Leominster,

## HEARING BEFORE THE CITY COUNCIL, JUNE 27, 2016, continued

the Leominster School Department and School Committee have been slow to address these issues thus his reason for coming before the Council. For decades school officials have known or should have reasonably known that this unequal funding was occurring. School officials knew what was under the rock but did not ever lift up the rock to expose the truth. Now that all appropriate officials have been notified and exposed for their deliberate indifference the next step is to immediately rectify the issues and work on a plan to correct the funding disparity while providing some real and meaningful benefit to the girls as a gesture of good faith. This will cost the school department money which they will whine that they do not have. The courts have stated Title 9 is the law, you will follow it. Superintendent Jolicoeur and his predecessors have access to the system and are responsible for the consequences of their behavior. If the current climate and practices persist within the Leominster Public Schools and School Committee our community will find itself entangled in a costly legal battle. He said he would encourage the Council to do whatever it has in its powers to avoid self-inflicted financial burden. He hopes that the Council will help to resolve the issues in an expedited fashion.

C-105 Relative to the appropriation of \$5,678,005.00 to the Fiscal Year 2017 Water Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

No one spoke in favor or in opposition.

C-106 Relative to the appropriation of \$5,453,705.00 to the Fiscal Year 2017 Sewer Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

No one spoke in favor or in opposition

No Councillors spoke.

HEARING ADJOURNED AT 7:07 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 27, 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.

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

C-120 Relative to the appropriation of \$75,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

C-121 Relative to the appropriation of \$1,084,740.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Receipts Reserved for Appropriation Account.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE. (A hearing was set for July 25, 2016 at 6:45 P.M.)

69-16 Andrew Rome for Classic's Pub: Approve the License for one pool table at 285 Central Street.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE. (A hearing was set for July 25, 2016 at 7:00 P.M.)

70-16 Josh Longtin for Rye & Thyme: Approve the License for one pool table at 14 Monument Square.

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

71-16 Marco L. Bangrazi for the Leominster Conservation Commission: Install and enforce no parking signs on the west side of Bassett Street.

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

C-101 Dean J. Mazzarella, Mayor: Exempt Erin VanTuyl from a Conflict of Interest as provided for M.G.L. Chapter 268A, Section 20B as she is a biology teacher for the Leominster School Department and will be working as an enrichment instructor for the Recreation Department.

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 27, 2016, continued

C-102 Dean J. Mazzarella, Mayor: Exempt Jeffrey Soulliere from a Conflict of Interest as provided for M.G.L. Chapter 268A, Section 20B as he is a physical education teacher for the Leominster School Department and will be working as a Sportsmania program director for the Recreation Department.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. 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 and LEGAL AFFAIRS COMMITTEES, the following PETITION was given FURTHER TIME. Vt. 8/0

67-16 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.

Upon request of the WAYS & MEANS and the LEGAL AFFAIRS COMMITTEES the following PETITION was given FURTHER TIME. Vt. 7/0, Councillor Chalifoux Zephir abstained.

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 the 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.

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.

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

C-103 Dean J. Mazzarella, Mayor: Consider acquiring, by eminent domain, permanent and temporary easements on certain properties located on or near the Monoosnoc Brook in connection with Phase II of the Monoosnoc Brook River Walk. The properties affected by the taking are set forth more particularly in Schedule A and shown on a plan entitled "Monoosnoc Brook, Leominster, MA" prepared by Brown, Richardson and Rowe, Inc.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were 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 continued to July 11, 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. (Hearing continued to July 11, 2016 at 7:00 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. 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.

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.

A recommendation of the LEGAL AFFAIRS COMMITTEE to GRANT the following PETITION was DEFEATED. Vt. 3-5, Councillors Chalifoux Zephir, Feckley, Lanciani, Marchand and Cormier opposed.

68-16 Claire Freda: Amend the City of Leominster's local room occupancy excise tax under M.G.L. Chapter 64G, Section 3A to the rate of 6%.

A recess was called at 8:19 P.M. to discuss the budget with Mr. Richard, the Comptroller.

Meeting reconvened at 8:20 P.M.

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 27, 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	\$13,651,474.15
Free Cash	\$ 170,074.00
Emergency Reserve	\$ 100,000.00

A recess was called at 8:23 P.M. to discuss OPEB with Mr. Richard, the Comptroller.

Meeting reconvened at 8:54 P.M.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 “yeas” and 2 “nays”, Councillor Dombrowski and Chalifoux Zephir opposed.

C-104 Relative to the appropriation of \$116,275,000.00 to the Fiscal Year 2017 General Fund Budget Accounts as listed; same to be raised/offset by Fiscal Year 2017 Revenue.

ORDERED: - that the sum of One Hundred Sixteen Million Two Hundred Seventy Five Thousand Dollars (\$116,275,000.00) be appropriated to the Fiscal Year 2017 General Fund Budget Accounts as listed; same to be raised/offset by Fiscal Year 2017 Revenue.

RE: FY 2017 General Fund Original Budget

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 “yeas”, Councillor Chalifoux Zephir abstained due to a possible conflict of interest.

C-105 Relative to the appropriation of \$5,678,005.00 to the Fiscal Year 2017 Water Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

ORDERED: - that the sum of Five Million Six Hundred Seventy Eight Thousand and Five Dollars (\$5,678,005.00) be appropriated to the Fiscal Year 2017 Water Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

C-106 Relative to the appropriation of \$5,453,705.00 to the Fiscal Year 2017 Sewer Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

ORDERED: - that the sum of Five Million Four Hundred Fifty Three Thousand Seven Hundred Five Dollars (\$5,453,705.00) be appropriated to the Fiscal Year 2017 Sewer Department Budget Accounts as listed; same to be raised/offset by the Fiscal Year 2017 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44, Section 53E.

SEE BUDGET ON PAGE \_\_\_\_\_

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 “yeas”, Councillor Cormier abstained due to a possible conflict of interest.

C-107 Relative to the appropriation of \$75,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

ORDERED: - that the sum of Seventy Five Thousand Dollars (\$75,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

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

C-108 Relative to the appropriation of \$1,023.00 to the Veteran Services Salary & Wages Account; same to be transferred from the Veterans Department Expense Account.

ORDERED: - that the sum of One Thousand Twenty Three Dollars (\$1,023.00) be appropriated to the Veteran Services Salary & Wages Account; same to be transferred from the Veterans Department Expense Account.

C-109 Relative to the appropriation of \$15,000.00 to the Collector Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the Collector Expense Account; same to be transferred from the Excess and Deficiency Account.

C-110 Relative to the appropriation of \$11,400.00 to the Building Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eleven Thousand Four Hundred Dollars (\$11,400.00) be appropriated to the Building Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Asbestos removal at 10 Wells Court

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 27, 2016, continued

C-111 Relative to the appropriation of \$600,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Six Hundred Thousand Dollars (\$600,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-112 Relative to the appropriation of \$4,000.00 to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Four Thousand Dollars (\$4,000.00) be appropriated to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-113 Relative to the appropriation of \$310,000.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Ten Thousand Dollars (\$310,000.00) be appropriated to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Loader	\$145,000.00
Bobcat	\$ 66,000.00
GIS Server	\$ 35,000.00
Traffic Design	\$ 35,000.00
(Lindell Ave/Maple Ave & Lindell Ave/Abbott Ave	
Honda Generator	\$ 4,000.00
Mill St. Fencing	\$ 25,000.00

C-114 Relative to the appropriation of \$284,236.00 to the Insurance Expense Account; same to be transferred from the Worker's Compensation Loss Fund Accounts as listed:

FY2015 Worker's Compensation Loss Fund	\$170,000.00
FY2014 Worker's Compensation Loss Fund	\$ 52,835.77
FY2013 Worker's Compensation Loss Fund	\$ 35,000.00
FY2012 Worker's Compensation Loss Fund	\$ 21,000.00
FY2010 Worker's Compensation Loss Fund	\$ 2,000.00
FY2009 Worker's Compensation Loss Fund	\$ 3,400.23

ORDERED: - that the sum of Two Hundred Eighty Four Thousand Two Hundred Thirty Six Dollars (\$284,236.00) be appropriated to the Insurance Expense Account; same to be transferred from the Worker's Compensation Loss Fund Accounts as listed;

FY2015 Worker's Compensation Loss Fund	\$170,000.00
FY2014 Worker's Compensation Loss Fund	\$ 52,835.00
FY 2013 Worker's Compensation Loss Fund	\$ 35,000.00
FY 2012 Worker's Compensation Loss Fund	\$ 21,000.00
FY2010 Worker's Compensation Loss Fund	\$ 2,000.00
FY 2009 Worker's Compensation Loss Fund	\$ 3,400.23

RE: 2017 Worker's Compensation Loss Fund

C-115 Relative to the appropriation of \$26,500.00 to the Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Six Thousand Five Hundred Dollars (\$26,500.00) be appropriated to the Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.

C-116 Relative to the appropriation of \$30,000.00 to the I.T.T.F. 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 I.T.T.F Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Telephone system improvements

C-117 Relative to the appropriation of \$308,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Eight Thousand Dollars (\$308,000.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-118 Relative to the appropriation of \$250,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Net School Spending, eligible expenses (Technology)

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 27, 2016, continued

C-119 Relative to the appropriation of \$350,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) be appropriated to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

Councillor Marchand asked for outline for the June 29, 2016 meeting.

Councillor Cormier asked Councillor Feckley if there was a game plan.

Councillor Feckley said yes we do, it had been agreed upon before hand. We have four applicants that have made the deadline to bring in their portfolios and we will be looking at each of the applicants and using a grading system that has been agreed to. The two applicants that have the highest grade will be asked by the joint committees and the entire Council to be interviewed.

Councillor Cormier said to Councillor Dombrowski you will be chairing that meeting as well and asked if he had any input from his perspective on Legal Affairs.

Councillor Dombrowski said the only input he has is we don't have to settle for these two just because these are the only four. There could be a better opportunity in the future. I just think people should be mindful of that. He thinks cultivation center brings a lot more to the table.

Councillor Chalifoux Zephir asked if the Councillors not on those committees will be allowed to participate in the scoring.

Councillor Bodanza said you can participate in the discussion but not the scoring because it is the recommendation from the committee to the Council. He said he believes they got an additional or supplemental submittal from one of the applicants after the deadline and he thinks that should be addressed by the chairs. He said his position would be that we not take that into account. We had a deadline and it was submitted after the deadline. He said he didn't think it was fair to the submitters that we entertain additional information after the deadline. He said the committee and the committee members are making the recommendation to the full Council of those two we should interview. Just like any other subcommittee.

Councillor Marchand said, at the same time there are five of us that are serving on the Ways & Means Committee and Legal Affairs, he does double duty. He thinks it is imploring for the other Councillors that are not participating in that level of dialogue to have their own rubrics and do their own scoring and when the recommendations do come down to the committee as a whole that is all taken into account.

Councillor Bodanza said there is nothing stopping you from internally grading.

Councillor Cormier said any other Councillor that is not on the committee and wants to put any input they can. When it is up for a vote you can do your own rubric and tell everybody how you stand on each one. It's up to the committee to give a recommendation and then everyone else can act on it.

Councillor Freda said she is not sure if they can come up with an accurate recommendation without actually having an interview with these people. The committee should be interviewing these people and eliminating them down.

Councillor Bodanza said it's not the ways it's drawn. We set a rule and voted on it and accepted it.

Councillor Cormier said when the Mayor comes up with a Host Agreement that is part of his interview process in terms of coming to an agreement and making sure that he can give that final agreement.

Councillor Dombrowski said his understanding is we are going to do this grading system, the top two are going to qualify for interviews and after the interviews we are going to decide whether or not we are going to give them a letter.

Councillor Bodanza said right. Who are you going to give the letter to? He said it's simplified. There's only three applicants so there is only one odd man out based on the system on the dispensary side. You are going to end up interviewing 2/3 or the applicants.

Councillor Marchand said a site visit is extremely important. When we get down to the process of selecting, I want to actually go to the site and take a look at what is actually happening. Is it new construction, renovation of a building, what's the neighborhood like, etc.

MEETING ADJOURNED AT 9:56 P.M.

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