

HEARING BEFORE THE CITY COUNCIL, AUGUST 8, 2016

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

Present at the hearing was Patrick McCarty of McCarty Engineering and Jason Cort, the local broker for the applicant.

This hearing is continued from July 11, 2016.

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.

Patrick McCarty said they are asking for a continuation and the Council should have received a letter today from Mackie Barch of DO Health, who has had discussions with Attorney Riley of Kopelman and Paige about the process that has occurred to date. He said they would like to read the letter into the record and make a couple of summary points and hopefully have a discussion and move to a continuance.

Councillor Feckley said if this hearing is going to be continued she doesn't understand why it's not just being continued as opposed to going on with reading letters and having discussion.

Councillor Freda said it is her understanding that his reading into the record is the request to continue it. The purpose of the continuation, am I correct?

Mr. McCarty said yes.

Councillor Feckley said she received the letter that Mr. McCarty is indicating and she doesn't feel as though that is the tenor of this letter that they are asking that the hearing be continued.

Council President Cormier asked if there is any objection to reading this letter into the record.

Councillor Bodanza said he wanted to make an additional point. This really isn't about the Special Permit, it's about the Letter of Non-opposition of Support. This is really not before us.

Councillor Freda said she has a difference of opinion on it. She thinks there is some discussion with our City Solicitor being had and the courtesy of extending it until the conversation is over makes sense, and continue it to the next meeting and make a decision at that point.

Council President Cormier said he doesn't have a problem if it is read into the record. He said he is not going to respond to it but you can read it into the record.

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Councillor Feckley said Mason's Rules which indicates one petition at a time and she does feel as though the content of this letter has more to do with the petition that the Council withdrew concerning a Letter of Non-support than it does about this petition that is on our agenda tonight.

Councillor President Cormier agreed.

Councillor Freda said her opinion is to allow the reading and continue with the hearing.

Jason Cort read the following letter into the record.

8/8/16

**Re: DO Health Massachusetts (DOHM) – Request for Interview**

Dear Council President Cormier,

DO Health Massachusetts (DOHM), in conjunction with Brian Riley of Kopelman & Paige, have had an opportunity to review the facts regarding our previous request for an investigation of violations by both the Ways and Means and Legal Affairs sub-committees relative to resolution 105 CMR 725, Establishment Of A Protocol to Issue "Letters of Support or Non-Opposition " For Registered Marijuana Dispensaries or Cultivation Sites.

As a reminder, the City council set forth specific guidelines that included a set of criteria in order to qualify for such letters including a deadline for submission of documents, legally binding leases and zoning criteria. DOHM maintained that mistakes were made along the way relative to leases, submission due dates and zoning. Our intent is not to be punitive to the other applicants but do demonstrate to the council that there were flaws in the process. The selection of a long-term partner for the City will have major impacts on economic development and jobs, the council must be assured that they have selected the right company.

It was the finding of Kopelman & Paige, in an email dated 8/5/16 (Feckley, Manchard, Naill, Dombrowski, Bodanza, copied), that special accommodation was given to some applicants. Specifically that Middlesex Integrative Medicine ("MIM") was able to submit documents that did not meet the council's guidelines and submit documents after the due date.

*According to Mr. Riley, "I am informed that MIM's filing on the June 9 deadline included a letter of intent, signed by MIM and the property owner, as well as an unsigned copy of the proposed lease. On June 26, MIM filed a signed copy of the same lease. In my opinion, it was neither prohibited nor unreasonable for the two committees to decide to accept MIM's application in this manner, and I rely further on my opinion of July 18, 2016."*

I would respectfully remind the council that during its discussion of resolution 105 CMR 725, that it was very specific about signed leases and not letters of intent, and that all documents had to be submitted by June 9<sup>th</sup>. This was later confirmed in a call to the chairman of the Legal Affairs Committee, Councilor Dombrowski, that letters of intent were not acceptable. As DOHM has maintained since the Ways and Means and Legal Affairs sub-committees meeting, mistakes were made relative to the Council's own resolution.

Mr. Riley maintains that MIM's zoning is appropriate to which we disagree and would encourage the City zoning inspector to visit the property. We have visited the property and contend that the building does not conform to the zoning code.

Mr. Riley also believes that the leases of the other applicants were acceptable to meet the council's requirements. I would strongly encourage council members who have experience with leases to review those of all the applicants. DOHM maintains that the leases of the other applicants were submitted to get over the bar of minimum criteria and are not serious efforts at commercial leases. More importantly, there is a didactic value in the competency and serious of effort that is demonstrated in these lease documents.

Mr. Riley goes on to state, *"Whether to provide a letter of support/non-opposition is a discretionary decision for any community, and the City Council could approve all applicants, refuse all applicants, or something in between. It will be up to the Council and/or the two committees whether to reconsider DO Health's application."*

DOHM would ask that given the mistakes in the process that we be allowed to be interviewed for one of the dispensary and cultivation letters. This process was intended to find the best long-term partner for the City but we believe it had the opposite effect. The decision of which company to partner with will have major impacts on both jobs and revenue for the City for many years. Our single investment in Leominster represents a larger commitment than your other applicants combined in both jobs and dollars.

If after the interview process the council feels that we are not the best fit, we will walk away knowing that at least the community had an opportunity to hear what we had to offer.

Sincerely,



Mackie A Barch.  
For DOHM Massachusetts LLC  
9200 East Mineral Ave  
Suite 350  
Centennial, CO 80112

Councillor Freda said we will continue the hearing.

Councillor Bodanza said he objects to the continuation of this hearing. He sees no point to it. They don't have a Letter of Non-opposition of Support and this Special Permit can go no-where without that. If in fact the investigative process they have started ultimately leads to an issuance of a Letter of Support of Non-opposition they can always file another petition for a Special Permit. Sort of putting the cart before the horse. They can continue to investigate and do what they need to do with respect to the allegations and concerns they brought up and if they are fortunate enough to result in a reshuffle in this process for some reason or other there is an outlet for them to come back with a petition for another Special Permit. He said he sees no purpose for this petition to be before us. He said that is why he brought up the issue about "table" because as far as he is concerned this really doesn't have a place on our agenda.

Councillor Freda said in fairness they questioned our protocol, questioned our process and she thinks they have a right to understand. If they are wrong they will walk away knowing they had an opportunity in a community. Past practice has been the Chair of the subcommittee sets the date for the continuation. The Council wants to change that tonight and have an individual vote she is fine. She doesn't have a position one way or the other, but she is working in a position of filling in for the Chair of the committee and this has been past practice.

Councillor Bodanza said we are beating a dead horse. This permit was filed before they had a letter of non-opposition. They have to go a long way before this Special Permit can be acted upon. Even if they got a Letter of Support or Non-opposition they still have to get a license before they can come back here for the Special Permit. He said he doesn't begrudge them for looking into what they are looking into. That is up to them and that is their prerogative, their right. This is not doing anything to maintain their position. It's not helping them, not helping anybody. It's surplus on our calendar.

Councillor Freda said we have a subcommittee meeting on Wednesday night to discuss the others that are vying for the Letter of Non-opposition. She said she doesn't understand what the problem is to give them two more weeks to continue their conversation with the City Solicitor. If they feel that they have been wronged they have an opportunity and feels that it's not going to hurt us to wait two more weeks, we are not beating a dead horse they are. It's a two week process and she says it's not a big deal to wait and give them the opportunity. If we are wrong, they are wrong we will find out soon enough.

Councillor Bodanza asked what if we voted not to take it off the table at the end of the meeting, what happens then?

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Mr. McCarty said they submitted the Special Permit prior to even being an understanding on who was going to issue the Letter of Support or Non-opposition, this Council or the Mayor. He said the Council asked us to continue and then asked us to continue again so we patiently waited. We are still of the opinion that you can't apply rules to our application that were adopted after the date of filing of our application and we haven't got a response for that. We are really trying to work with the City to have our chance and sit here at this table with Doctors Orders and simply present and if the Council doesn't select us after that presentation then that is fine. At least we had our moment to present to this Council the \$4M investment they want to make in the City and the fifty jobs they want to create in the City. If there was any other industry coming down here, plastics, manufacturing, the Council will be open arms but instead we are getting bounced around and we don't understand why our petition for the Letter of Support of Non-opposition was given leave to withdraw when we raised questions the week prior. No one responded to us and we knew this discussion was going on. All they want is a chance for an interview. They feel that there were mistakes made along the way, right, wrong, whatever, it's all behind us. This was put on the table to allow the determination on who was writing the letter. It was suppose to come back off the table on July 11<sup>th</sup>. We really feel we shouldn't been given leave to withdraw. All they want is a change to interview and present their case and if we fail, we fail but we are not even given the opportunity. We can all admit there were mistakes made along the way. Let's not continue to make them, let's give these people an opportunity to present to the City their benefit and let it go from there.

Councillor Bodanza said, if I understand this correctly Mr. McCarty is saying that this Special Permit application is not subject to the Letter of Support or Non-opposition because it was filed before that process was created. That's one of his arguments and the other argument is in the meantime while we put that on the shelf we'll see if we can get an interview and get back into this horse race. He said he sees this as very troublesome. To come down here and suggest to us that by, the way, we would like to get back in the horse race because we are good players but at the same time suggest to us we are not really subject to your rules because we filed our Special Permit application before there was a process in place to issue the Letter of Non-opposition of Support and he has a big problem with that.

Councillor Freda said because that was Mr. McCarty's suggestion doesn't mean that's what we are going to follow, but she wants the City Solicitor to tell us that and she wants the continuation of the conversation between both attorneys and have that said through them. If there was a flaw because they submitted it before the process and before we had a protocol, before they knew we were going to issue the letters and not the Mayor's office. She said she thinks we all need to know that.

Councillor Bodanza said he has no difficulty whatsoever with the fact that they filed their Special Permit application before there was a protocol for the letters to be issued. He said he doesn't care about that because at the end of the day they won't win on that point. He is not going to let this petition kick around so they can kick sand back in our face because they happen to file their letter before the letters of protocol or the protocol for Letters of Non-opposition of Support was filed. That's a problem for me. On top of that we have an issue our City Solicitor has already highlighted relative to the constructive grant problem. So we have two significant cogent reasons to make this go away.

Councillor Freda said the constructive grant process isn't going to be an issue if they agree to continue the hearing if both sides agree to continue the hearing.

Councillor Bodanza said he understands that but at the same time they are telling us that may be all for not because they have some kind of grandfathering by having their Special Permit application before the protocol was established. Those two things develop a problem for him. If they happen to get a letter of support down the road then they can always file another application for a Special Permit. They need to get a couple of things done before they do that anyway. So as far as he is concerned it would be much cleaner for us as a City, a City Council to give this leave to withdraw this evening.

Councillor Freda said she doesn't agree with that position and she doesn't think two weeks will make a difference.

Council President Cormier said he objects to continuing the hearing. There is nothing that Kopelman & Paige has not said in writing. He has given them a list of all their concerns they had and Kopelman & Paige has no concern whatsoever and has made no concern to him with the process the Council has been following. He said this hearing is for a Special Permit and we are talking about a Letter of Non-opposition which this Council has already spoken about and given it leave to withdraw.

Councillor Feckley said that Mr. McCarty feels they have been bounced around. Mr. McCarty and his client has been given every opportunity along with all the other applicants to go through the rubric to have all the information given to us, reviewed, we did not bounce him around and said the letter that was read is smoke and mirrors, muddying the waters and taking up to much of our time. The petition for the Letter of Support has been withdrawn and she is strongly against continuing the hearing.

Councillor Freda's recommendation is to continue the hearing until August 22, 2016 at 6:30 P.M.

Councillor Bodanza asked how we are going to protect ourselves with respect to the constructive grant?

Councillor Freda said because we are going to have a letter signed by them.

Councillor Bodanza asked if we have that letter now.

Councillor Freda said she believes the Clerk prepared one depending on what our position was going to be. She asked her to and both sides can be done by email as long as there is an agreement on their part and they are requesting a continuation which is what I understood what's happening here tonight. So we won't be subject to that.

Councillor Bodanza said he would like to see that done before we do anything procedurally.

Councillor Freda said I beleive the wording is done, would you like them to go outside and sign it and bring it back in?

Councillor Bodanza said he would like to see that.

HEARING BEFORE THE CITY COUNCIL, AUGUST 8, 2016, continued

Councillor Freda said she doesn't have a problem with this and she is going by past practice. It has always been done and in mid stream the Chair of this committee had a conflict and if you look at some of these comments from our attorney went to certain members of the committee and I never saw them until tonight, five minutes ago.

Councillor Marchand said he will agree that the application came in for a Special Permit before we had a protocol on how to deal with all of this, that is a fact. He said he is in a position where he feels that we should give the petition given leave to withdraw without prejudice. The rationale is this, he doesn't want to punish them for the position they are in, we want to protect the integrity of the position and the fact of the matter is that we as a Council do not have enough votes to push forward with this then the applicant is in a situation that they are denied a Special Permit. So they can't come back to the Council for two years. If we happen to not be comfortable with the current applicant and there is a glitch and we disqualify that applicant then what that would mean potentially to this applicant they couldn't resubmit an application because of the rules of special permitting. They would have to comply with the two year process. In all fairness it appears that there is not enough support to move forward with this, let's give them the courtesy to move in a different direction and they can potentially come back in the near future if we have a problem with the other applicant and open it up again. Just food for thought.

Councillor Bodanza said he has an additional point, this same exact thing happened with Attorney Campobasso's petition. You might recall from our history with this that Attorney Campobasso filed a Special Permit application on behalf of his client before the protocol was established and it was pointed out early on at the informational meeting upstairs when Attorney Goldrosen was here that our ordinance required not only a Letter of Support of Non-opposition but a license from the State and Attorney Campobasso withdrew his application for a Special Permit with leave to withdraw which is exactly what Councillor Marchand is suggesting.

Councillor Marchand told Mr. McCarty he just wants to leave the door open for them.

Mr. McCarty said his recollection is the other application withdrew because he was within 200 feet of a residential zone.

Councillor Marchand said that was part of it.

Mr. McCarty said it is a little apples and oranges.

Councillor Marchand said if you are in a situation where potentially there might be another round coming and what happens is you pick up the pieces and move ahead with that. Basically you see the situation we are in and you know how we feel about it and we are all in the same quagmire trying to deal with it the best we can. He said he doesn't want to see them in a situation that we deny the Special Permit and you're stuck and can't apply for two years. He said he would feel comfortable if they could give them their position on that. If you want to push the vote then that potentially happen later on this evening.

Mr. McCarty said he doesn't have the authority and asked for the continuation until August 22<sup>nd</sup> and they will make the decision that evening. He will be happy to sign whatever Councillor Bodanza feels comfortable with him signing and it's not a constructive approval. He said he will consult with the parties in Colorado and get back.

Councillor Marchand said he doesn't have a problem with that.

Councillor Bodanza asked why don't we have them offer their protection regarding the constructive grant before we do anything?

Mr. McCarty said the Clerk has that for him.

Councillor Freda said it was pretty clear. She said she would have never suggested to put us in a position to be in jeopardy with a constructive grant. That I never would have done, I know a little bit more than that.

The Clerk said she has something that needs to be signed saying you are in agreement but Mackie Barch is not here to sign so she would have to email it to him tomorrow.

Mr. McCarty said he can sign it as his agent.

Councillor Freda said that was their content for a continuation not hers. She said she believes he has the authority, he is down here for the extension.

Mr. McCarty said yes.

Councillor Marchand told Mr. McCarty that is isn't easy for any of them. You are a great guy and do great work and your family is awesome. He said we try to put the blinders on and look at process and protocol and what's coming and what's not.

Mr. McCarty said he understands.

HEARING ADJOURNED AT 7:35 P.M. AND CONTINUED TO AUGUST 22, 2016 AT 6:30 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, AUGUST 8, 2016

Meeting was called to order at 7:36 P.M.

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

The Committee on Records reported that the records through July 11, 2016 were examined and found to be in order. The records were accepted.

A recess was called at 7:37 P.M. to hold a public forum.

Meeting reconvened at 7:41 P.M.

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

- C-9 Relative to the appropriation of \$198,910.00 to the Various Department Salary & Wages Accounts; same to be raised by Fiscal Year 2017 Revenue.
- C-10 Relative to the appropriation of \$94,613.00 to the Various Department Salary & Wages Accounts; same to be transferred from the Collective Bargaining Expenses-Prior Year Account.
- C-11 Relative to the appropriations of \$8,725.00 to the Water Department Salary & Wages Account; same to be transferred from the Water Department Support Services Expense Account.
- C-12 Relative to the appropriation of \$8,560.00 to the Wastewater Salary & Wages Account; same to be transferred from the Wastewater Support Services Expense Account.
- C-13 Relative to the appropriation of \$4,197.00 to the Water Department Salary & Wages Account; same to be transferred from the Water Department Support Services Expense-Prior Year Account.
- C-14 Relative to the appropriation of \$4,189.00 to the Wastewater Salary & Wages Account; same to be transferred from the Wastewater Support Services-Prior Year Expense Account.
- C-15 Relative to the appropriation of \$15,900.00 to the Rubbish Removal Expense Account; same to be transferred from the Stabilization Fund.
- C-16 Relative to the appropriation of \$12,000.00 to the Fire Department Expense Account; same to be transferred from the Stabilization Fund.

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

- 6-17 Best Buy Stores, LP #1433: Renew the Second Hand Dealers License for the location at 33 Orchard Hill Park Drive.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for August 22, 7:05 P.M.

- 7-17 National Grid: Manchester Street – Install 1 singly owned pole beginning at a point approximately 107 feet west of the centerline of the intersection of Colburn Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for August 22, 7:10 P.M.

- 8-17 National Grid: Leominster Connector-Relocate 1 singly owned pole at the intersection of Mechanic Street to the west approximately thirty feet.

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

Council on Aging-terms to expire April 15, 2019  
Donna S. Smith and Phyllis Gagne

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

- 67-16 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.
- 69-16 Andrew Rome for Classic's Pub: Approve the License for one pool table at 285 Central Street.
- 70-16 Josh Longtin for Rye & Thyme: Approve the License for one pool table at 14 Monument Square.

Upon request of the WAYS & MEANS AND LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0, Councillor Dombrowski abstained due to a possible conflict of interest.

- 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.

## REGULAR MEETING OF THE CITY COUNCIL, AUGUST 8, 2016, continued

Upon recommendation of the WAYS & MEANS and LEGAL AFFAIRS COMMITTEES the following PETITION was AMENDED. Vt. 9/0 Upon request of the WAYS & MEANS and LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0 Amended to read cultivation facility not dispensary.

54-16 Edward J. Bartlett, Jr., CFO for Middlesex Integrative Medicine: Request a letter of support or non-opposition to operate a registered marijuana cultivation facility at 25 Mohawk Drive.

Upon request of the WAYS & MEANS and LEGAL AFFAIRS COMMITTEES the following PETITION was given FURTHER TIME. Vt. 8/0, Councillor Dombrowski abstained due to a possible conflict of interest.

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 request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 9/0

1-17 President's Committee on City Ordinance Review: Request that Chapter 14, Section 14-8 be deleted and replaced with a new section 14-8 entitled "Noise Control Ordinance".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

2-17 President's Committee on City Ordinance Review: Request that Chapter 3, Section 3-2 entitled "Injurious Noise Prohibited" be deleted and replace with the following: "No person, partnership, company, corporation or association leasing or controlling any device (or property) shall willfully, negligently or through failure to provide effective available control technology, shall allow the creation of noise that will cause injury, fatigue, interference with the quiet enjoyment of life and property".

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0, Councillor Feckley abstained due to a possible conflict of interest.

3-17 President's Committee on City Ordinance Review: Request that Chapter 13, Section 13-33 entitled "Schedule of Parking Fines", Group E, #22 relative to the Handicapped Parking Zone be amended to increase the fine for parking in a handicap zone to \$200.00.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

4-17 President's Committee on City Ordinance Review: Request that Chapter 10 "Solicitors, Hawkers and Peddlers", Section 10-2 entitled "Definitions" be revised to add "the foregoing definition shall not include political campaigning".

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

Stabilization Account	\$13,963,574.15
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Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED Vt. 9 "yeas". Granted with an Emergency Preamble on July 25, 2016; another vote was needed.

C-3 Relative to the appropriation of \$6,500.00 to the Personnel Department Expense Account; same to be transferred from the Personnel Department Salary and Wages Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-4 Relative to the appropriation of \$10,000.00 to the Police Private Details Fund; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Police Private Details Fund; same to be transferred from the Stabilization Fund.

RE: To assist with payroll cash flow due to timing of contractor's payments

C-5 Relative to the appropriation of \$30,000.00 to the Police Department Salary & Wages Account; same to be raised by Fiscal Year 2017 Revenue.

ORDERED: - that the sum of Thirty Thousand Dollars (\$30,000.00) be appropriated to the Police Department Salary & Wages Account; same to be raised by Fiscal Year 2017 Revenue.

RE: FY 2017 costs associated with police dispatcher's union contract settlement

## REGULAR MEETING OF THE CITY COUNCIL, AUGUST 8, 2016, continued

C-6 Relative to the appropriation of \$12,000.00 to the Police Department Salary & Wages-Prior Year Account; same to be transferred from the Collective Bargaining Expense Account-Prior Year Account.

ORDERED: - that the sum of Twelve Thousand Dollars (\$12,000.00) be appropriated to the Police Department Salary & Wages-Prior Year Account; same to be transferred from the Collective Bargaining Expense Account-Prior Year Account.

RE: FY 2016 cost associated with police dispatcher's union settlement

C-7 Relative to the appropriation of \$48,000.00 to the Police Department Salary & Wages Account; same to be raised by Fiscal Year 2017 Revenue.

ORDERED: - that the sum of Forty Eight Thousand Dollars (\$48,000.00) be appropriated to the Police Department Salary & Wages Account; same to be raised by Fiscal Year 2017 Revenue.

RE: FY 2017 costs associated with police superior officer's union contract settlement

C-8 Relative to the appropriation of \$30,000.00 to the Police Department Salary & Wages Account-Prior Year Expenses; same to be transferred from the Collective Bargaining Expense-Prior Year Expense Account.

ORDERED: - that the sum of Thirty Thousand Dollars (\$30,000.00) be appropriated to the Police Department Salary & Wages Account – Prior Year Expenses; same to be transferred from the Collective Bargaining Expense – Prior Year Expense Account.

RE: FY 2016 costs associated with police superior officer's union contract settlement

Upon recommendation of the PUBLIC SAFETY & TRAFFIC COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

5-17 Officer Richard Shea: Request a stop sign to be installed on Roche Avenue at Merriam Avenue for traffic exiting Roche Avenue onto Merriam Avenue.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9/0

## ELECTION OFFICERS 2016-2017

WARD 1A	P	NAME	WARD 2B	P	NAME	WARD 3C	P	NAME
Warden	U	Kathleen Kaldis	Warden	D	Kerry A. Boudreau	Warden	U	Louise Comeau
Clerk	U	Mary Golas	Clerk	D	Debra McNally	Clerk	U	Nilah Gerhard
Inspector	D	Jane Kalfus-Maine	Inspector	D	Roland S. Hammons	Inspector	U	Beverly Amedio
Inspector	U	Emery Gaudet	Inspector	D	Patricia C. Vallee	Inspector	U	Gerald R. LeBlanc
Inspector	U	Jeannita Gaudet	Inspector	U	Claire M. Babineau	Inspector	D	Nancy A. Lee
Inspector	U	Chris Chiumento	Inspector	D	Marie Richard	Inspector	D	Katherine Saunders
Inspector	U	Dennis Grammont	Inspector	U	Emilda E. Sauvageau	Inspector	D	Diana D. Giannetti
Inspector	U	Phyllis Grammont	Inspector	D	Barbara E. Leblanc	Inspector	D	Sharon Bennett
Handi								
Inspctor	D	Domenic Marcantonio	Dep. Insp.	U	Joyce C. Bourque	Dep. Insp.	U	Ralph Sacramone
Dep Insp	R	Michael Gantt	Dep Insp.	U	Kevin Boudreau	Dep Insp.	U	Mary P. Richard
Dep Insp	U	Rosemary Cella	<b>WARD 2C</b>		NAME	<b>WARD 4A</b>		
Dep Insp		Ann C. Loiselle	Warden	U	Dennis M. Lyddy	Warden	R	Janet Baron
		Charlene J.						
Dep Insp	U	Renczkowski	Clerk	U	Amelia Piermarini	Clerk	U	Joyce LaFleur
Dep Insp	U	Cheryl Noyes	Inspector	U	Jean Morel	Inspector	U	Phyllis DelGiudice
<b>WARD 1B</b>			Inspector	U	Susan Sanguinetti	Inspector	D	Verna Charpentier
Warden	D	Margaret Woovis	Inspector	D	Anna McCarthy	Inspector	U	Arnold Baron
Clerk	U	James Woovis	Inspector	U	Rita Souliere	Inspector	U	Rosalie LaManna
Inspector	U	Sandra L. Ricci	Inspector	U	Marie J. Sharrigan	Inspector	D	Janet Flanagan
Inspector	D	Concetta Ayles	Inspector	U	Anne M. Richard	Inspector	U	Magella Jackson
Inspector	R	Betsey McPhee	<b>WARD 3A</b>			Dep Insp	U	Marcia J. Tarara
Inspector	D	Beatrice Robichaud	Warden	D	Kathleen Haskell	Dep Insp	D	Louise Bourque
Inspector	U	Carmelita Giambrocco	Clerk	D	Patricia Porter Adams	Dep Insp	D	Linda Allard
Inspector	R	Evelyn Vignola	Inspector	U	Karen J. McNall	Dep Insp	U	Linda Vezina
Dep Insp	U	Joanne Migrants	Inspector	U	Lucy Ciccolini	<b>WARD 4B</b>		
Dep Insp	D	Eugenia Goldsby	Inspector	U	Norma Surovich	Warden	R	Janet Parker
Dep Insp	U	Elaine D.G. Greene	Inspector	U	John J. Caron	Clerk	R	Benjamin Parker
Dep Insp	R	Francis X Gesel Jr.	Inspector	D	Dorothy Comeau	Inspector	D	Louise DiPalma
<b>WARD 1C</b>			Inspector	D	Claudette A. Guilmette	Inspector	R	Joan Nicholson
Warden	U	Priscilla Regopoulos	Dep. Insp.	D	John Purretta	Inspector	U	Birdie Siciliano
Clerk	U	David Henderson	Dep. Insp.	U	Doris A. Quinn	Inspector	D	Patricia Pinder
Inspector	U	Barbara A. Burke	Dep. Insp.	D	Nancy Oxner	Inspector	U	Joanne Petricca
Inspector	U	Philena Richards	<b>WARD 3B</b>			Inspector	R	Rebecca Leavenworth
Inspector	U	Janice LeDuc	Warden	U	Nancy Koski	Dep. Insp.	R	Dawn Weld
Inspector	U	Anne Kastal	Clerk	D	William Ryan	Dep. Insp.	R	Anthony M. Fiduccia
Inspector	U	Brenda Maffeo	Inspector	U	Deanne Comeau	Dep Insp.	D	Karen Gustafson
Inspector	U	Jeanne Jekanowski	Inspector	U	Gail Cunningham	<b>WARD 4C</b>		
<b>WARD 2A</b>			Inspector	U	Caroline Perla	Warden	U	Joanne Anderson
Warden	U	Kelly Lyddy	Inspector.	U	Kathleen Lamb	Clerk	D	Elizabeth Denis
Clerk	U	Taylor Lyddy	Inspector	U	Laura Casey	Inspector	U	Deborah G. Hebert
Inspector	D	Claire M. Lincoln	Inspector	U	Ronald A. St. Laurent	Inspector	U	Nancy Hicks



## REGULAR MEETING OF THE CITY COUNCIL, AUGUST 8, 2016, continued

Inspector	D	Ida Kendall	Dep. Insp.	R	Constance Cardoza	Inspector	U	Maureen Jennings
Inspector	U	Diane Aubuchon	Dep. Insp.	R	Nicole Cote	Inspector	D	Kathleen Vaillette
Inspector	U	Barbara Lanza	Dep. Insp.	U	Edward A. Sullivan	Inspector	U	Gail Duplease
Inspector	U	Leonie M. Cormier	Dep. Insp.	D	Christine Souter	Inspector	U	Anna Mikels
Inspector	R	Milagros Vazquez	Dep. Insp.	U	Paula Iacoboni Richard			
Dep Insp	U	Theresa Andrzejewski	Dep. Insp.	U	Sushmita Basu			
<b>WARD 5A</b>			<b>WARD 5B</b>			<b>WARD 5C</b>		
Warden	U	Cynthia Henderson	Warden	R	Donald Piermarini	Warden	U	Diane Shepherd
Clerk	R	Chester Carter	Clerk	U	Doris DeCicco	Clerk	U	Margaret Allen
Inspector	R	Marilyn Carter	Inspector	D	Eleanora Bissonnette	Inspector	D	Anthony E. Stelluto
Inspector	U	Leslie Tobin	Inspector	U	Guilio G. Greco	Inspector	U	Timothy Keller
Inspector	U	Therese M. Tobin	Inspector	U	Irene C. Greco	Inspector	U	Lisa Holley
Inspector	U	Gail Purretta	Inspector	U	Bessie Lindsay	Inspector	U	Marta Bahde
Inspector	D	Madeleine Marcoux	Inspector	U	Charles Hayes	Inspector	U	Rosalie O'Donnell
Inspector	D	Marie Blondin	Inspector	D	Francis J. Giangrande	Inspector	U	Karen Tata
			Dep. Insp.	U	Denise Lamkin			
			Dep. Insp.	U	Donna Allard			
			Dep Insp	D	David W. Grimm Sr.			
			Dep Insp	U	Jean A. Gagne			
			Dep Insp	D	Arthur M. Tunnessen			
			Dep Insp	D	JoAnn Tunnessen			

The following ORDINANCES were read a second time, ADOPTED as presented and passed to be ordained. Vt.8 "yeas", Councillor Marchand abstained due to a possible conflict of interest.

City of Leominster  
In the year two thousand and sixteen

## AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled "Zoning" by amending the Zoning Map.

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

Chapter 22 of the Revised Ordinances entitled "Zoning" is hereby amended by changing the Leominster Zoning Map, so that a 21,840 square foot parcel, more or less identified as Assessors Map 317, Parcel 7A is hereby designated as located in zoning district Residence C (RC).

City of Leominster  
In the year two thousand and sixteen

## AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled "Zoning" by amending the Zoning.

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

Chapter 22 of the Revised Ordinances, entitled "Zoning" is hereby amended in Section 22-40.3, Table of Dimensional Regulations, so that the maximum building height in the RC District column provides "35<sup>8</sup>" and by adding the following footnote to the Table of Dimensional Regulations:

8. Lots with at least five acres in area will have a maximum of 40 feet in height.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for August 22, 2016 at 6:45 P.M. Vt. 9 "yeas"

1<sup>st</sup> Reading Ordinance – Amend Chapter 16, Section 30 of the Revised Ordinances entitled "Compensation Grades" by inserting sections (b) (8), (b) (9) and (b) (10) to increase salaries and wages of W-1 thru W-6 by 2% effective 7/1/2015, 2% effective 7/1/2016 and 2% effective 7/1/2017 relative to the Department of Public Works Salaries.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for August 22, 2016 at 6:50 P.M. Vt. 9 "yeas"

1<sup>st</sup> Reading Ordinance – Amend Chapter 16, Section 30 of the Revised Ordinances entitled "Compensation Grades" by adding Schedule (d) in its entirety to increase salaries and wages of S-5 thru S-8 by 2% effective 7/1/2015, 2% effective 7/1/2016 and 2% effective 7/1/2017 relative to the Middle Managers Union.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 8, 2016, continued

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for August 22, 2016 at 6:55 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 16, Section 30 of the Revised Ordinances entitled “Compensation Grades” by inserting sections (a) (8), (a) (9) and (a) (10) to increase salaries and wages of S-1 thru S-10 by 2.5% effective 7/1/2015, 2.5% effective 7/1/2016 and 2.5% effective 7/1/2017 relative to non-union employees.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for August 22, 2016 at 7:00 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 16, Section 30 of the Revised Ordinances entitled “Compensation Grades” by deleting Schedule (c) in its entirety and inserting a new Schedule (c) to increase salaries and wages of P-1 thru P-5 by 2% effective 7/1/2015, 2% effective 7/1/2016 and 2% effective 7/1/2017 relative to the Police Superior Officer’s Union.

A Legal Affairs Committee meeting was established on September 6, 2016 at 6:00 P.M.

Councillor Freda, Clerk 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 6/0, Councillors Nickel, Chalifoux Zehpir, and Dombrowski abstained due to a possible conflict of interest. Committee reports as follows:

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. Given FURTHER TIME until the August 22, 2016 meeting. Vt. 4/2, Councillor Feckley and Bodanza opposed.

MEETING ADJOURNED AT 8:38 P.M.

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