

HEARING BEFORE THE CITY COUNCIL, JANUARY 9, 2017

Hearing opened at 7:03 P.M. with Councillor Freda, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present. Councillor Dombrowski did not participate due to a possible conflict of interest.

The following PETITION was the subject of the hearing:

28-17 Prime Wellness Centers, Inc.: Grant a Special Permit for the use of a new building for the purpose of a Medical Marijuana Dispensary on Lock Drive.

Councillor Freda read recommendations from the Inspector of Buildings, the Health Director, the Police Chief, the Planning Board, the Planning Director, the Fire Chief, the Economic Development Coordinator, the Department of Public Works Director and Conservation.

Councillor Freda also read an opinion letter from Brian Riley of KP Law which stated a list of all owners, directors, etc. is attached but needs to be signed under oath possibly by Mr. Glowik. Attorney Riley said everything is in order to proceed once that document is signed.

Pat Scorzelli said the sworn statement was submitted to the Clerk. He said he submitted a letter to continue the public hearing to the next Council meeting due to Mr. Glowik being out of the country. He said the State is very stringent on what the requirements are for interior and exterior and site improvements on these dispensaries. For us to get the letter to come before you we had to pass those hurdles at the State level. He said he is very confident that when they submit the same things that they submitted to the State to Mr. Souza and the Planning Board that they will put short order to that. The night they actually went for Site Plan Approval it was discussed at that meeting that it was going to be a medical marijuana dispensary and Ms. Vittorioso made a comment their job is to give Site Plan Approval not use approval and that is why we are here in front of you. He said as far as Conservation, since that letter a lot has happened and they have responded and addressed the issues.

Councillor Freda asked Mr. Scorzelli if the Clerk has all the information that they submitted to the State.

Mr. Scorzelli said yes and some that has been marked confidential to some issues that are not for public use.

Ms. Linda Kinsey of 556 Central Street asked the Council to be cautious and the follow the guidelines. There are going to be lots of issues afterwards. We are fighting opioid abuse and now legalized marijuana. She said it is incumbent upon you as Councillors to really be sure that whatever you do is going to be for these kids. Please be very cautious in where you go from here.

No Councillors spoke.

HEARING ADJOURNED AT 7:23 P.M. AND CONTINUED TO JANUARY 23, 2017 AT 6:40 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 9, 2017

Hearing opened at 7:24 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 6, Section 6-4 of the Revised Ordinances entitled "Disposition of Unclaimed Dogs," by deleting the words "seven days" and inserting in their place the words "fourteen days."

No one in the audience spoke in favor or in opposition of the Ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:25 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017

Meeting was called to order at 7:32 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017, continued

The Committee on Records reported that the records through January 3, 2017 were examined and found to be in order. The records were accepted.

The Council paid tribute and held a moment of silence for Councillor Wayne A. Nickel who passed away December 17, 2016.

A recess was called at 7:35 P.M. to conduct an interview.

Meeting reconvened at 7:40 P.M.

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

- C-44 Relative to the appropriation of \$10,000.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-45 Relative to the appropriation of \$60,000.00 to the Gallagher Building Salary & Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

The following COMMUNICATION was received, referred to the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE, given REGULAR COURSE and referred to the Planning Board and the Economic Development Coordinator.

- C-46 Dean J. Mazzarella, Mayor: Request the Council approve the Housing Development Incentive Program for the upcoming housing project located at 45 Summer Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Director, the Planning Board, the Zoning Board of Appeals, Director of Inspections and the Economic Development Director. A hearing was set for February 13, 2017 at 7:00 P.M.

- 29-17 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3 and 503-3-4 from Industrial to Mixed Use (MU1) at the entryway of the Southgate Business Park.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Traffic Division.

- 30-17 Mark C. Bodanza: Amend Section 13-77 of the Leominster Municipal Code entitled "Stop Sign" by adding a stop sign for west bound traffic on Kendall Hill Road at the intersection of Old Tavern Road.
- 31-17 Mark C. Bodanza: Amend Section 13-77 of the Leominster Municipal Code entitled "Stop Signs" by adding a stop sign for northeast bound traffic on Kendall Hill Road at the intersection of West Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A Hearing was set for January 23, 2017 at 6:20 P.M.

- 32-17 National Grid and Verizon New England: McKinley Street – Install one jointly owned pole on McKinley Street beginning at a point approximately 150 feet north of the centerline of the intersection of Starr Street and McKinley Street.

Councillor Freda said at the Organizational Meeting the Legal Affairs Committee was moved to five members at the Council Presidents' order. If you look at Rule 31 of the Rules and Procedures, "Amendments of Rules And Procedures" In order to amend, delete or add to these rules of procedure, they must first be presented in petition form to the Council; a majority vote of the Council is required.

Council President Cormier said he inquired to the City Clerk on that and during the Organizational Meetings it is different. We have received a ruling from KP Law in the past because those rules hadn't been accepted as of yet and we were accepting them in the beginning of the year and that is part of organizing. Anything here on out would have to be taken through that procedure but when we are organizing we have been told that is how we can proceed.

Councillor Freda said she thought it was changed when Councillor Marchand did that a few years ago, presented it and we voted at the following meeting.

Council President Cormier said what happened back then is there were so many changes to be made it was put out that way so everybody would be on the same page. This was just a minor change from three members to five members and none of the other language changed. KP Law indicated that since the rules were being accepted that night they could be proposed for changes, you could vote on them as amended and that would be it. Anything here on inward would have to be petitioned through the City Council.

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

- 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."

## REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017, continued

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

- 21-17 Kristen Kelly on behalf of the Planning Board: Adopt a new Zoning Ordinance regarding the installation of Solar Energy. (Hearing continued to January 23, 2017 at 6:50 P.M.)
- 22-17 Kristen Kelly on behalf of the Planning Board: Update the Zoning Ordinance Table of Uses to modify the applicability of Energy Systems, Renewable and to add two new uses, On Site Solar System and Off Site Solar System. (Hearing continued to January 23, 2017 at 6:55 P.M.)
- 23-17 Kristen Kelly on behalf of the Planning Board: Update the definition of “Energy System, Renewable” and create definitions for “Solar Energy System for On Site Use” and “Solar Energy System for Off Site Use”. (Hearing continued to January 23, 2017 at 7:00 P.M.)
- 24-17 Kristen Kelly on behalf of the Planning Board: Amend Section 22-62.3.7 of the Leominster Zoning Ordinances by removing the words “and always within the right-of-way”. (Hearing continued to January 23, 2017 at 7:05 P.M.)
- 28-17 Prime Wellness Centers, Inc.: Grant a Special Permit for the use of a new building for the purpose of a Medical Marijuana Dispensary on Lock Drive. (hearing continued to January 23, 2017 at 6:40 P.M.)

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

Stabilization Account           \$12,490,534.75

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”

- C-39 Relative to the appropriation of \$11,315.00 to the City Clerk Salary & Wages Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Eleven Thousand Three Hundred Fifteen Dollars (\$11,315.00) be appropriated to the City Clerk Salary & Wages Account; same to be transferred from the stabilization Fund.

RE: Sick leave buy back for retiring employee

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-40 Relative to the appropriation of \$54,000.00 to the Fire Department Salary & Wages Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Fifty Four Thousand Dollars (\$54,000.00) be appropriated to the Fire Department Salary & Wages Account; same to be transferred from the Stabilization Fund.

RE: Firefighter training/replacements

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”

- C-41 Relative to the appropriation of \$10,000.00 to the Fire Department Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Fire Department Expense Account; same to be transferred from the Stabilization Fund.

RE: New firefighter equipment

- C-42 Relative to the appropriation of \$109,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of One Hundred Nine Thousand Dollars (\$109,000.00) be appropriated to the Highway Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

- C-43 Relative to the appropriation of \$10,000.00 to the Police Department Expense Account; same to be transferred from the Stabilization Fund.

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

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

Office of Emergency Management – Admin Unit – John Carroll

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017, continued

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

The City of Leominster  
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 6 of the Revised Ordinances entitled “Dogs.”

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

Chapter 6, Section 6-4 of the Revised Ordinances entitled “Disposition of Unclaimed Dogs,” is hereby amended by deleting the words “seven days” and inserting in their place the words “fourteen days.”

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Upon recommendation of the WAYS & MEANS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 6 “yeas” and 2 “Nays”, Councillors Chalifoux Zephir and Feckley opposed.

**A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE FEDERAL LAND AND WATER CONSERVATION FUND FOR IMPROVEMENTS TO DOYLE FIELD**

- Whereas: Doyle Field is by and far a community wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: Doyle Field restoration will greatly enhance this facility by addressing current maintenance needs and present safety concerns by upgrading the walking track, bathrooms and playground; and
- Whereas: The main focus of the renovation is to improve handicap access to bathrooms and the playground and upgrade the facility such that it can more effectively utilized without over-taxing the facility.
- Whereas: Said property is designated as recreational land under Chapter 45, Section 14 by deed and subsequent vote of the City Council and is under the jurisdiction of the Leominster Recreation Department.
- Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund, (P.L. 88-578, 78 Stat 897); and
- Whereas: Renovations to Doyle Field will cost a total of \$588,000 (Five Hundred Eighty-Eight Thousand) and the City has allocated \$588,000 through its General Fund for the purposes of the Doyle Field renovation project.

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Leominster Recreation Department; and
3. That this resolution shall take effect upon passage.

Adopted by the Leominster City Council  
January 9, 2017

/s/ Councillor John Dombrowski  
/s/ Councillor Mark C. Bodanza  
/s/ Councillor James Lanciani, Jr.  
/s/ Councillor Richard M. Marchand  
/s/ Councillor Claire Freda  
/s/ Councillor David R. Cormier

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Under Old Business Councillor Feckley said she doesn't have any light to shine on the status of the Police Chief Position. She said the communication was on the agenda a while back and the Mayor pulled it back and we haven't heard anything since then. She wants to know what is the status and if the Mayor is planning on coming back to them? Are we going to have a non-interim police chief at one point? She suggested to have representatives from other towns who have adopted this come and speak to us. Do we need to take any action? Can we help?

Councillor Cormier said he knows we have a strong police chief's law in Massachusetts. He said he hasn't heard anything from that side either. We could ask the City Clerk to send a communication to the Mayor and indicate to him that it was on our agenda and it's a question that has been asked and see if we get a response and we can proceed from there.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017, continued

Councillor Chalifoux Zephir said she would like some clarity. She asked when was the Interim Chief Goldman temporarily appointed.

Councillor Cormier said September 2015.

Councillor Chalifoux Zephir said she was under the impression that temporary appointments of Department Heads had a finite time limit. Could we clarify that, if that's the case?

Councillor Bodanza said money was already appropriated for the assessment process. We could be in that process now.

Councillor Freda said she doesn't think the appointment information would apply because it is Civil Service. Our ability in confirming an appointment wouldn't apply because it would be the Mayor's authority in Civil Service. So the question would be what the Civil Service rules are on temporary appointment and our ability to appoint.

Councillor Chalifoux Zephir said so Civil Service would supersede our own local Charter and what are the limitations on temporary appointments under Civil Service if there are any? She said she would like that clarified.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following ELECTION CALENDARS were ADOPTED.

**SPECIAL MUNICIPAL ELECTION CALENDAR  
LEOMINSTER MASSACHUSETTS  
WARD TWO CITY COUNCIL  
2017**

Tuesday, March 21, 2017	Last day to file Nomination Papers with the Board of Registrars – 5:00 P.M.
Tuesday, April 4, 2017	Last day to file Nomination Papers including Statement of Candidacy with the City Clerk – 5:00 P.M.
Wednesday, April 5, 2017	Post list of candidates
Thursday, April 6, 2017	Last day to file withdrawals or objections as a Candidate in the Municipal Election – 5:00 P.M.
Friday, April 7, 2017	Draw for ballot position
Wednesday, April 19, 2017	Last day to register to vote in the Special Municipal Election
Tuesday, May 2, 2017	Last date to post warrant for the Special Municipal Election
Monday, May 8, 2017	Noon – deadline to apply for absentee ballots for the Special Municipal Election
Tuesday, May 9, 2017	SPECIAL MUNICIPAL ELECTION 7:00 A.M. – 8:00 P.M.

**MUNICIPAL ELECTION CALENDAR  
LEOMINSTER, MASSACHUSETTS**

**2017**

Tuesday, August 8, 2017	Last day to file Nomination Papers with the Board of Registrars – 5:00 P.M.
Tuesday, August 22, 2017	Last day to file Nomination Papers including Statement of Candidacy with the City Clerk – 5:00 P.M.
Thursday, August 24, 2017	Last day to file withdrawal or objections as a candidate in the preliminary election -5:00 P.M.
Wednesday, August 23, 2017	City Clerk post list of candidates
Friday, August 25, 2017	Draw for ballot position
Wednesday, September 6, 2017	Last day to register to vote in the Preliminary Election – 8:30 A.M – 8:00 P.M.
Tuesday, September 19, 2017	Last date to post warrant for Preliminary
Monday, September 25, 2017	Noon – deadline to apply for absentee ballots for the preliminary.
Tuesday, September 26, 2017	PRELIMINARY ELECTION 7:00 A.M. - 8:00 P.M.
Monday, October 2, 2017	Last day to file withdrawals or objections as a candidate in the Municipal Election and for filing written acceptances by write-in or sticker candidates who won in the Preliminary with the City Clerk 5:00 P.M.
Tuesday, October 3, 2017	Draw for ballot position
Wednesday, October 18, 2017	Last day to register to vote in the Municipal Election –8:30 A.M. – 8:00 P.M.

## REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2017, continued

Tuesday, October 31, 2017	Last date to post warrant for the Municipal Election
Monday, November 6, 2017	Noon – deadline to apply for absentee ballots for the Municipal Election
Tuesday, November 7, 2017	MUNICIPAL ELECTION 7:00 A.M. - 8:00 P.M.

Lynn A. Bouchard  
City Clerk

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A meeting was established for the President’s Committee on City Ordinance Review for January 12, 2017 at 5:00 P.M.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 23, 2017 at 6:25 P.M. Vt. 8 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” by inserting “Winter Street against southbound drivers at Walnut Street.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 23, 2017 at 6:30 P.M. Vt. 8 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 21, Article II, Section 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” by deleting said section in its entirety and inserting in its place a new rate schedule.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 23, 2017 at 6:35 P.M. Vt. 8 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 21, Article III, Section 21-22.3 of the Revised Ordinances by deleting in its entirety and inserting a new sewer rate schedule.

Councillor Freda reminded the Council of the upcoming MMA Conference January 19<sup>th</sup> and 20<sup>th</sup>, 2017.

Councillor Freda said she disagrees with the process for the Assistant City Clerk selection. She said it has nothing to do with the Ways & Means members or the committee. She said she has sat through a number of them and they have been political. People have been eliminated because of politics and as a City Councillor, not to be able to see who is applying for the position is wrong. It should have been a Council of the Whole making the decision. She is not supportive of the process.

Councillor Cormier said he respects how she feels but they received a ruling from KP Law.

Councillor Freda said sometimes when we get an opinion from KP Law they are answering the question that it is asked. Many communities have had Council of the Whole doing the process. Doesn’t have to be one committee doing it.

MEETING ADJOURNED AT 9:02 P.M.

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