

HEARING BEFORE THE CITY COUNCIL, MAY 08, 2017

Hearing opened at 7:00 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:

Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by inserting a new section, Article II, Section 22-16.12 entitled "Recreational Marijuana Establishment Moratorium". (Legal Affairs – Petition 39-17)

Councillor Freda thought it was important to note that this is not a ban, but a moratorium.

Councillor Bodanza suggested that the Councillors review the recent lead article in the Massachusetts Municipal Association Magazine that covered an event at which Assistant Attorney General Margaret Hurley spoke about the issues created by the ballot initiative last fall. Her recommendation was for communities to being the process of zoning now. He thinks this is good advice. Although they can't do anything until the regulatory framework is put into place to institute this, it is better to be ready and have plenty of time for reflection and public input.

Councillor Freda said that since this petition was submitted, throughout the State, there have been fifty approved moratoriums, twelve bans and three attempted bans that failed. She also said there are 120 cities and towns considering some type of action.

Speaking in opposition to the ordinance was Kelly Wilbur of 98 Priest Street and Elisabeth Ricci of 581 Pleasant Street. No one in the audience spoke in favor of the ordinance.

HEARING ADJOURNED AT 7:10 P.M. AND CONTINUED TO JUNE 12, 2017 AT 7:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 08, 2017

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

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

The Committee on Records reported that the records from March 27, 2017, April 20, 2017 and April 24, 2017 were examined and found to be in order. The records were accepted.

A recess was called at 7:34 P.M. to conduct interviews.

Meeting reconvened at 7:43 P.M.

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, Mayor and the Assessor.

C-74 Dean J. Mazarella, Mayor: Consider acquiring, by eminent domain, permanent and temporary easements on certain properties located on or near North Street in connection with the reconstruction on North Street. The properties affected by the taking are set forth more particularly in Schedule A, and shown on a plan entitled "Plan of Road in the City of Leominster Mass Worcester County", dated April 18, 2017, prepared by VHB.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt 8/0. Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 8 "yeas"

C-75 Relative to the appropriation of \$5,000.00 to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Repair of City Hall parking lot retaining wall.

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

C-76 Relative to the appropriation of \$200,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-77 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 08, 2017, Cont.

- C-78 Relative to the appropriation of \$70,000.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-79 Relative to the appropriation of \$21,486.00 to the Police Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-81 Relative to the appropriation of \$130,000.00 to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer/Collector and the Police Department.

- 68-17 Nellye Molina: Renew the Second Hand Dealers License for J&J Consignment located at 232 Central Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, Department of Public Works, Police Department/Traffic Division and Fire Department.

- 69-17 Michael J. King: Grant an Easement for an existing driveway for the property located at 767 Willard Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, Mayor, Economic Development Coordinator, Department of Public Works, and the Board of Health.

- 70-17 Interim Chief Michael Goldman: Add a Section 13-25.1 to the City Ordinances prohibiting the sale or offering of vehicles, food, beverages, goods, wares or merchandise on City Property excluding City events in which the Chief of Police has authorized the closing of roads or parking lots.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, and given REGULAR COURSE. A hearing was set for May 22, 2017 at 6:35 P.M. Vt. 7/0. Councillor Cormier abstained due to a possible conflict of interest.

- 71-17 National Grid and Verizon New England, Inc.: Eighth Street – Install one jointly owned pole on Eighth Street beginning at a point approximately 180 feet south of the centerline of the intersection of Water Street and Eighth Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, and given REGULAR COURSE. A hearing was set for May 22, 2017 at 6:40 P.M. Vt. 7/0. Councillor Cormier abstained due to a possible conflict of interest.

- 72-17 National Grid and Verizon New England, Inc.: Lanides Lane – Install one jointly owned pole on Lanides Lane beginning at a point approximately 360 feet north of the centerline of the intersection of Hamilton Street and Lanides Lane.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, Mayor, Department of Public Works, the Planning Director, and the Planning Board.

- 73-17 Kenneth R. Hanson et al: Accept Duggan Drive as an accepted City street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works and the Planning Director.

- 74-17 David D. Watts: Request a dead end sign and/or stop sign on end of street for Montrose Street connecting to Grant Street.

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

William Connor – Assessor – Term to expire April 15, 2018

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

William Mitchell – Chief Assessor – Term to Expire April 15, 2020

Robert Fitzpatrick – Board of Appeals – Term to expire April 15, 2020

REGULAR MEETING OF THE CITY COUNCIL, MAY 08, 2017, Cont.

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

- C-66 Dean J. Mazzearella, Mayor: Exempt Stephanie Florio, a paraprofessional for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.
- C-67 Dean J. Mazzearella, Mayor: Exempt Marianne Pickering, a teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.
- C-68 Dean J. Mazzearella, Mayor: Exempt Jeremy Thurber, a special education teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as he will be taking a position as an enrichment program instructor for the Recreation Department.

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt 8/0

- 65-17 Joanne Atwood – Renew the Second Hand Dealers License for The Repair Palace, Inc. located at 100 Commercial Road.

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

- C-69 Dean J. Mazzearella, Mayor: Adopt Section 110 of Chapter 110 of the Acts of 1993 so that a disabled veteran or surviving spouse will only be required to have one year of residency in the state before applying for a property tax exemption.

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

- 66-17 Christopher Knuth, Director of Board of Health: Amend Chapter 2, Article X, Section 2-42.1, entitled “Fee Schedule” to increase certain fees charged by the Sealer of Weights and Measures.

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

- 67-17 Elisabeth Ricci (and 10 registered voters): Amend the Leominster Zoning Ordinance by adding Article XVIII entitled “Recreational Marijuana Facilities” to allow and regulate recreational marijuana facilities within the City. (Hearing continued to June 12, 2017 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	\$14,440,514.75
Free Cash	\$2,885,330.00

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

- C-70 Relative to the appropriation of \$20,650.00 to the Department of Public Works Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: - that the sum of Twenty Thousand, Six Hundred and Fifty Dollars (\$20,650.00) be appropriated to the Department of Public Works Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Utility Relocation for Monoosnoc Brook Phase II project not covered by grant award.
- C-71 Relative to the appropriation of \$8,000.00 to the Building Inspector Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: - that the sum of Eight Thousand Dollars (\$8,000.00) be appropriated to the Building Inspector Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- RE: Clerical sick leave coverage.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 5 “yeas” and 3 “nays”. Councillors Chalifoux Zephir, Feckley and Dombrowski opposed.

- C-72 Relative to the appropriation of \$30,000.00 to the Highway Department Overtime 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 Highway Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
- RE: Funds for special projects and LED lighting project.

REGULAR MEETING OF THE CITY COUNCIL, MAY 08, 2017, Cont.

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

C-73 Relative to the appropriation of \$2,000.00 to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Advertising Expenses

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

52-17 Jorge Andrew Syiek et al: Accept Constitution Drive and Federal Circle as accepted streets.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Library Board of Trustees – Carrie Noseworthy – Term to expire April 15, 2019

Library Board of Trustees – Eladia Romero – Term to expire April 15, 2020

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Office of Emergency Management

Assistant Directors – Jim LeBlanc and Richard Gauvin

Deputy Directors – Tom Piper, Dan Thibodeau and Al Staal

Auxiliary Officers – John J. Caron, Paul Topolski, Elympse Octavius, Charlie Williams, and Daniel Johnson

Planning Board

Salvatore M. Ciccone – Term to expire April 15, 2022

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. Vt. 8/0 (Hearing continued to June 12, 2017 at 7:00 P.M.)

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new section, Article II, Section 22-16.12 entitled “Recreational Marijuana Establishment Moratorium”. (Legal Affairs – Petition 39-17)

The following ORDINANCE was read once, ADOPTED as presented, ordered published and referred to the Planning Director. Vt. 8 “yeas”

1st Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new Section 22-104 relative to Solar Energy Installations. (Legal Affairs – Petition 21-17)

The following ORDINANCES were read once, ADOPTED as presented, and ordered published. Vt. 8 “yeas”

1st Reading Ordinance – Amend Chapter 22, Section 22-17 of the Revised Ordinances entitled “Zoning” by amending “Energy System, Renewable” in the Table of Uses and inserting “Onsite Solar System” and “Offsite Solar System”. (Legal Affairs – Petition 22-17)

1st Reading Ordinance – Amend Chapter 22, Section 22-4 of the Revised Ordinances entitled “Zoning” by deleting and replacing the definition for “Energy System Renewable” and inserting two new definitions “Solar Energy System for Onsite” and “Solar Energy System for Offsite”. (Legal Affairs – Petition 23-17)

Under old business, Councillor Feckley showed her support for Councillor Chalifoux Zephir’s request that they be provided backup documentation relative to Communication C-70.

Under new business:

Councillor Feckley requested an update on the North Street project, specifically, whether the offer letters have been sent to the residents. She also requested an update on the new police station.

REGULAR MEETING OF THE CITY COUNCIL, MAY 08, 2017, Cont.

In accordance with Section 3.6 of the Leominster City Charter, a vote was taken to have the Department of Public Works Director, Planning Director, and Chairman of the Planning Board attend the May 22, 2017 City Council Meeting at 6:00 P.M. to discuss Petitions 52-17 and 73-17. Vt. 8/0

A committee meeting was established for the President's Committee on Ordinance Review on Tuesday, May 16, 2017 at 6:00 P.M.

A committee meeting was established for the President's Committee on Street Acceptance on Tuesday, May 16, 2017 at 5:00 P.M.

MEETING ADJOURNED AT 8:57 P.M.

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