

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2017

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

The following PETITION was the subject of the hearing:

11-18 Committee on Ordinance Review: Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by amending Section 22-14 “Adoption and Amendment” to require notification of abutters for zoning changes and the costs associated will be paid by the petitioner.

Councillor Chalifoux Zephir explained that this petition came to be under the subcommittee on ordinance review. This came out of a couple of different instances where petitions came before the City Council and petitioned for zoning changes for specific parcels of land and the abutters were never notified. There is no ordinance currently in place that requires notification of abutters. Based on their experience and the recent petitions they have had, they thought they would address this in the subcommittee on ordinance review. This ordinance requires that any petitioner who is proposing to have a parcel rezoned must notify abutters within 350 feet of the parcel by certified mail. In this particular draft of the ordinance, the process for notifying abutters is handled by the City Clerk’s office and is paid for by the petitioner. The draft was reviewed at least twice by the City Solicitor to ensure that it is consistent with Mass General Law. He determined that it was in fact consistent with MGL.

Councillor Dombrowski said that there is a slight issue that may require further time.

Councillor Chalifoux Zephir stated her understanding is that the way the ordinance is drafted it includes notices to abutters and not necessarily the parcel owners.

Councillor Bodanza explained that they should be including notification to the parcel owner as well, because in some cases, the petitioner may not be the owner of the parcel being affected by the zoning change as is the case with a new petition on the agenda.

Councillor Marchand requested that in addition to the owners of abutting parcels be notified that the tenants residing in the properties be included as well.

Councillor Bodanza said that he couldn’t think of a situation where the tenant would ultimately be impacted and trying to determine who the tenants are would be almost impossible.

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Councillor Feckley asked whether a standard lease would contain any wording that the lessor would have to inform their tenant of a zoning change.

Councillor Bodanza said in a residential setting it would be doubtful, but in a commercial or industrial setting there is a possibility, but even then, more than likely not.

Councillor Dombrowski read letters from the City Solicitor and the Planning Board into the record. They also received letters from the Building Commissioner and the Zoning Board of Appeals both in favor of making this amendment. He asked if the Committee on Ordinance Review had a response to the questions that were raised in the letter from the Planning Board regarding who would be responsible for the cost for notifying abutters when the petitioner is a public entity and how this ordinance revision work with large parcels of land which may generate a large number of abutters.

With regards to the Planning Board's question on the petitioner being a public entity, Councillor Bodanza suggested they modify the language in section 14.4.F to suggest that if the petitioner is a public entity that the City assumes the cost.

The committee agreed that regardless of the size or number of the parcels that the abutters still need to be notified.

Dorothy Rouleau of 54 Lowe Street spoke in opposition to the petition.

HEARING ADJOURNED AT 7:20 P.M. AND CONTINUED TO NOVEMBER 27, 2017 AT 7:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2017

Meeting was called to order at 7:30 P.M.

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

The Committee on Records reported that the records from October 23, 2017 were examined and found to be in order. The records were accepted.

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

C-16 Dean J. Mazzarella, Mayor: Adopt M.G.L., Chapter 31, Section 58A which allows the city to hire veterans over the age of 32 at the time of the appointment.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-17 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary and Wages Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, Building Inspector, Planning Board, and Zoning Board of Appeals. (A hearing was set for December 11, 2017 at 7:00 P.M.) Vt. 9/0

14-18 John P. Bulger and ten (10) registered voters: Rezone the following parcels on Pleasant Street and Lowe Street from Residence B to Residence A:

- **Pleasant Street West Side**
 - Map 342, Lots 12 & 13
 - Map 481, Lots 16, 17, 18, 19, 20
 - Map 521, Lot 1 & 39
 - Map 488, Lots 1, 5, 6, 7, 8
 - Map 494, Lots 18, 3A, 3-1A, 3-2A, 3-2B, and 3-2C
- **Pleasant Street East Side**
 - Map 561, Lots 35A, 36A, 37A
 - Map 340, Lots 1 & 2
 - Map 410, Lots 1, 2, 3, 4, 5, 22, & 23
 - Map 496, Lots 1, 2, 3, 4, 5, 6, 6A, & 7
 - Map 481, Lot 16
- **Lowe Street**
 - Map 488, Lot 5

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2017, Cont.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Building Inspector and Planning Board.

15-18 Karen Bruwer: Accept the westerly end of Sawtelle Road as a public way.

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

Office of Emergency Management – Communications Unit – Kimberly K. Allen

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt 9/0.

C-13 Dean J. Mazzarella, Mayor: Exempt Greg Chapdelaine, Purchasing Agent, 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 at the Department of Public Works as a replacement snowplow operator on an as needed basis.

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

11-18 Committee on Ordinance Review: Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by amending Section 22-14 “Adoption and Amendment” to require notification of abutters for zoning changes and the costs associated will be paid by the petitioner.

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

13-18 Pat Scorzelli as Agent for Highland Manor Realty Trust: Accept the deed for Katie Lane and request the street be taken by eminent domain by the City of Leominster. Petitioner offers to pay any legal fees that may be incurred.

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

Stabilization Account: \$11,779,188.57

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”, 1 “nay”. Councillor Chalifoux Zephir opposed.

C-11 Relative to the appropriation of \$50,000.00 to the Highway Department Overtime Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Highway Department Overtime Account; same to be transferred from the Stabilization Fund.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”

C-14 Relative to the appropriation of \$60,000.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Stabilization Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”.

C-15 Relative to the appropriation of \$45,000.00 to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account.

ORDERED: - that the sum of Forty-five Thousand Dollars (\$45,000.00) be appropriated to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account.

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE the following APPOINTMENTS were CONFIRMED. Vt 9 “yeas”.

Council on Aging – Donald Basterache – Term to expire April 15, 2020

Board of Appeals Alternate Member – Lee Barron – Term to Expire April 15, 2018

The following ORDINANCE was read a first time, ADOPTED as presented and ordered published. A hearing was set for November 27, 2017 at 6:55 P.M. Vt. 9 “yeas”.

1st Reading Ordinance – Amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” by amending Section 13-34 entitled “No Parking on Certain Streets” by inserting Spruce Street (north side) starting three hundred and six feet west of the intersection of Spruce Street and Whitney Street, for a distance of one hundred feet from pole number five to pole number four, between 8:00 A.M. and 6:00 P.M. Monday through Friday.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following ELECTION ORDER was ADOPTED. Vt. 9/0

CITY OF LEOMINSTER
SPECIAL STATE ELECTION
ELECTION ORDER
DECEMBER 5, 2017

ORDERED:-that the City Clerk be and she hereby is authorized and directed to notify and warn the voters of the City of Leominster to assemble in their respective polling places in the several wards and precincts of the City, designated by the City Council as follows:

WARD 1A	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1B	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1C	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 2A	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2B	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2C	FRANCES DRAKE ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 3A	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3B	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3C	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 4A	SENIOR CITIZEN DROP-IN CENTER 5 POND STREET
WARD 4B	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 4C	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 5A	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5B	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5C	FIRST BAPTIST CHURCH OF LEOMINSTER 23 WEST STREET

On Tuesday, the 5th, December 2017, then and there for the purpose of giving in their votes for the election of Senator in General Court – Worcester & Middlesex.

And it is further ORDERED:- that the polls shall be opened at 7:00 A.M. and closed at 8:00 P.M. and that notice shall be given by publication of this order in a conspicuous place in the office of the City Clerk.

Per Order Leominster City Council
True Copy Attest:
Lynn A. Bouchard
City Clerk

Under Old Business, Councillor Chalifoux-Zephir requested backup for Communication C-12 and requested an update on the joint meeting with the School Department.

MEETING ADJOURNED AT 8:20 P.M.

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