

Council President

Richard M. Marchand

Council Vice President

Gail P. Feckley



Councillors-at-Large

John Dombrowski
Claire M. Freda
Susan Chalifoux Zephir
Thomas F. Ardinger

Ward Councillors

Ward 1 – Gail P. Feckley
Ward 2 – Pauline M. Cormier
Ward 3 – David R. Cormier
Ward 4 – Mark C. Bodanza
Ward 5 – Richard M. Marchand

CITY OF LEOMINSTER

CITY COUNCIL

MAY 14, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

HEARING BEFORE THE CITY COUNCIL, 6:00 P.M.

Relative to amending Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” to insert the following:

- F&L Road, against southbound drivers at North Street
- Atlantic Avenue, against northbound drivers at North Street
- Primrose Avenue, against southbound drivers at North Street
- Lake Street, against northbound drivers at North Street
- Woodsome Avenue, against southbound drivers at North Street
- Morningside Street, against northbound drivers at North Street
- Sargent Avenue, against southbound drivers at North Street
- Cullen Avenue, against northbound drivers at North Street
- Stuart Avenue, against southbound drivers at North Street
- McKinley Street, against northbound drivers at North Street
- Amy Avenue, against northbound drivers at North Street
- Westminster Avenue, against southbound drivers at North Street
- Hobson Street, against northbound drivers at North Street
- Greenwich Avenue, against southbound drivers at North Street
- Schley Street, against northbound drivers at North Street
- Elmwood Avenue, against southbound drivers at North Street
- Beth Avenue, against northbound drivers at Debbie Drive
- Albert Drive, southwest bound drivers at Central Street
- Albert Drive, heading northwest bound onto Central Street

And further amending by deleting the following:

- Tanzio Road, against eastbound and westbound drivers at Aspinwall Avenue.
- Graham Street, against east and westbound drivers at Central Street.
- Litchfield Street, against southwest bound drivers at Central Street
- Willard Street, against northeast bound drivers at Lancaster Street.
- Viscoloid Avenue, against southbound drivers at Lancaster Street.
- Whitney Street, against northeast and southwest bound drivers at Mechanic Street.

Continued on next page

- Whitney Street, against northeast and southwest bound drivers at Water Street.
- Lindell Avenue, against eastbound and westbound drivers at Merriam Avenue.
- Washington Street, against northeast and southeast bound drivers at Merriam Avenue.
- Bel Air Heights, against eastbound drivers at Old Mill Road.
- Aspinwall Avenue, against northbound drivers at Malburn Street.
- Johnson Street, northwest bound entering Viscoloid Avenue.
- Johnson Street, southwest bound entering Viscoloid Avenue.
- Day Street, against southwest bound drivers at Main Street.
- North Street, against east and westbound drivers at Main Street.
- Mill Street, against westbound drivers at Haws Street.
- Mill Street, against westbound drivers entering Haws Street.
- Park Street, against southbound drivers at Monument Square
- River Street, against northwest bound drivers at Hamilton Street.
- River Street, against southeast bound drivers at Main Street.
- Nichols Street, against northbound drivers at North Main Street.
- Lindell Avenue, against eastbound drivers at North Main Street.
- Cross Street, against westbound drivers at Central Street.

And further amending by inserting the following:

- Bainbridge Street, against southeast bound drivers at Willard Street.
- Graham Street, against westbound drivers at Union Street.
- Gamache Lane, against southbound drivers at Grant Street.
- Decicco Drive, against northbound drivers at Union Street.
- Grant Street, against eastbound drivers at Central Street.
- Research Drive, against eastbound drivers at Central Street.
- Emerson Lane, against northbound drivers at Holland Woods Road.
- Holland Woods Road, against westbound drivers at Pleasant Street.
- Walden Court, against northbound drivers at Holland Woods Road.
- Tanzio Road, against northeast bound drivers at Lancaster Street.
- Tanzio Road, against east bound drivers at Malburn Street.
- Bel Air Heights, against westbound drivers at Legate Hill Road.
- Samoset Drive, against southeast bound drivers at Willard Street.
- Spindletop Drive, against southwest bound drivers at Samoset Drive.
- Ballard Court, against northwest bound drivers at Samoset Drive.
- Keeneland Circle, against southeast bound drivers at Samoset Drive.
- Candlewood Drive, against northwest bound drivers at Keeneland Circle.
- Candlewood Drive, against eastbound drivers at Willard Street.
- Samoset Drive, against northeast bound drivers at Candlewood Drive (intersection closest to Willard Street).
- Candlewood Drive, against southeast bound and northwest bound drivers at Samoset Drive.

(Legal Affairs- Petitions 20-18, 23-18, 24-18, 26-18, 27-18, 30-18, and C-30)

HEARING BEFORE THE CITY COUNCIL, 6:10 P.M.

Relative to amending Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic by inserting a new section 13-68.1 “Bicycles Lanes as follows: In accordance with the provisions of chapter 89, section 9 of the General Laws of Massachusetts, the following streets are designated for marked bicycle lanes: North Street (south side) from Lunenburg town line to 100 feet west of Main Street and North Street (north side), from 100 feet west of Main Street to Lunenburg town line. (*Legal Affairs – C-29*)

HEARING BEFORE THE CITY COUNCIL, 6:15 P.M.

40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities. (*Legal Affairs- Hearing continued from April 9, 2018*)

HEARING BEFORE THE CITY COUNCIL, 6:30 P.M.

33-18 Dean J. Mazzarella: Change the zoning of eight lots of land from the Residence B zoning district to the Commercial zoning district located along the north side of Mechanic Street and the south side of the unimproved portion of Glendale Street and also the unimproved Milton Street and adjacent portion of Glendale Street, all as shown on a plan entitled “Plan to Accompany Petition for Zoning Change – Leominster, Mass. Prepared for Dean J. Mazzarella”, dated January 10, 2018, by Whitman & Bingham Associates, LLC. (*Legal Affairs- Hearing continued from April 23, 2018*)

HEARING BEFORE THE CITY COUNCIL, 6:45 P.M.

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. (*Legal Affairs – Hearing continued from April 9, 2018*)

HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.

59-18 James Whitney and ten registered voters: Amend the Zoning Ordinance to add drive through to the allowable uses under MU-1 zoning. (*Legal Affairs*)

PUBLIC FORUM, 7:15 P.M

The public forum is an opportunity for any member of the audience to speak on a matter specifically listed on the Council Agenda. Speakers will be asked to come to the microphone and state their formal name and address along with identifying the specific item(s) they wish to address. Each speaker is respectfully asked to keep their comments within a two (2) minute timeframe. The Council will not be responding or answering any questions; however, at the discretion of the Council President, clarification may be given.

REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.

ROLL CALL OF COUNCILLORS IN ATTENDANCE

APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

COMMUNICATIONS FROM THE MAYOR

- C-54 Relative to the appropriation of \$4,000.00 to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.(Finance)
- C-55 Relative to the appropriation of \$150,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.(Finance)
- C-56 Relative to the appropriation of \$94,600.00 to the School Choice Revolving Fund; same to be transferred from the Excess and Deficiency Account.(Finance)
- C-57 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.(Finance)

PETITIONS – FIRST TIME ON THE CALENDAR

- 64-18 Mason’s Bowling Center : Renew the license for 24 Bowling Alleys at 650 R. North Main Street.(Ways & Means)
- 65-18 Joanne Atwood: Renew the second hand dealers license for The Repair Place, Inc. at 100 Commercial Road. (Ways & Means)
- 66-18 Barbara Richardson et al: Accept Garfield Street as an accepted way.(Public Service)
- 67-18 Jill A. Natola: Accept Lexington Circle together with the Water Line Easement as shown on the “Street Acceptance Plan in Leominster, Massachusetts” prepared for the Sheldon Hills Realty Trust by Hannigan Engineering Inc. dated March 15, 2018. (Public Service)

APPOINTMENTS

Historical Commission – Ronald Girouard – term to expire April 15, 2021

Board of Health – Wendy Wiiks – term to expire April 15, 2021

Emergency Management, Rehab Unit – Tyler Yalian

MATTERS BEFORE THE CITY COUNCIL

WAYS AND MEANS & VETERANS AFFAIRS

- 60-18 Mark Gordon: Renew the second hand dealer's license for Music Mania Inc. located at 875 Merriam Ave.
- 61-18 Matthew Zvacek: Renew the secondhand dealer's license for Gold Buyers of America located at 100 Commercial Road.

LEGAL AFFAIRS

- 33-18 Dean J. Mazzarella: Change the zoning of eight lots of land from the Residence B zoning district to the Commercial zoning district located along the north side of Mechanic Street and the south side of the unimproved portion of Glendale Street and also the unimproved Milton Street and adjacent portion of Glendale Street, all as shown on a plan entitled "Plan to Accompany Petition for Zoning Change – Leominster, Mass. Prepared for Dean J. Mazzarella", dated January 10, 2018, by Whitman & Bingham Associates, LLC.
- 39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive.
- 40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities.
- 41-18 Kristen Kelly, Planning Director: Amend Article XI, Section 22-60 of the Leominster Zoning Ordinance to add language requiring Deep Observation Hole Testing for storm water infiltration/detention areas. (*Hearing continued to May 29, 2018 @ 6:30 P.M.*)
- 59-18 James Whitney and ten registered voters: Amend the Zoning Ordinance to add drive through to the allowable uses under MU-1 zoning.
- 62-18 Mark C. Bodanza, Esq.: Amend Section 13-77 of the Leominster Municipal Code by adding a stop sign for southwest bound traffic on Commonwealth Circle at the intersection of Exchange Street.
- 63-18 Mark C. Bodanza, Esq.: Amend Section 13-77 of the Leominster Municipal Code by adding a stop sign for northeast bound traffic on Revolution Drive at the intersection of Exchange Street.

MATTERS BEFORE THE CITY COUNCIL, Continued

CITY OF LEOMINSTER – FINANCIAL REPORT

FINANCE

- C-45 Relative to the appropriation of \$1,176,706.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-46 Relative to the appropriation of \$100,000.00 to the Sewer Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-47 Relative to the appropriation of \$815,656.00 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-48 Relative to the appropriation of \$250,000.00 to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account. *(Granted with an Emergency Preamble on April 23, 2018)*
- C-49 Relative to the appropriation of \$1,048,157.00 to the School Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-50 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.
- C-51 Relative to the appropriation of \$5,000,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

CITY PROPERTY

- C-52 Dean J. Mazzearella, Mayor: Request authorization to acquire by purchase, gift, and/or eminent domain, the parcel of land located at Legate Hill Road/Central Street and described in a deed recorded with the Worcester Northern District Registry of Deeds in Book 3977, Page 14, for general municipal purposes, on such terms and conditions as the Mayor deems appropriate; and, as funding therefor, raise and appropriate, transfer from available funds, and/or borrow the sum of \$350,000.00 for the purpose of said acquisition and costs related or incidental thereto; and further, to authorize the Mayor to enter into any and all agreements and execute any and all instruments as may be necessary or convenient to accomplish the foregoing acquisition.
- C-53 Dean J. Mazzearella, Mayor: Request that the property known to the Assessors as Map 302 Block 1A and located on Jungle Road be declared surplus.

RE-APPOINTMENTS

Planning Board – Patrick Perla and Fred Fredricks - terms to expire 4/15/2023

Board of Assessors – William Connor – term to expire 4/15/2021

OLD BUSINESS

Election of a City Clerk for a term beginning July 2, 2018 and expiring April 15, 2023 (Ways & Means)

2nd Reading Ordinance – Amend Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” to insert the following:

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- Viscoloid Avenue, against southbound drivers at Lancaster Street.
- Whitney Street, against northeast and southwest bound drivers at Mechanic Street.
- Whitney Street, against northeast and southwest bound drivers at Water Street.
- Lindell Avenue, against eastbound and westbound drivers at Merriam Avenue.

- Washington Street, against northeast and southeast bound drivers at Merriam Avenue.
- Bel Air Heights, against eastbound drivers at Old Mill Road.
- Aspinwall Avenue, against northbound drivers at Malburn Street.
- Johnson Street, northwest bound entering Viscoloid Avenue.
- Johnson Street, southwest bound entering Viscoloid Avenue.
- Day Street, against southwest bound drivers at Main Street.
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- Mill Street, against westbound drivers at Haws Street.
- Mill Street, against westbound drivers entering Haws Street.
- Park Street, against southbound drivers at Monument Square
- River Street, against northwest bound drivers at Hamilton Street.
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- Candlewood Drive, against southeast bound and northwest bound drivers at Samoset Drive.

(Legal Affairs- Petitions 20-18, 23-18, 24-18, 26-18, 27-18, 30-18, and C-30)

OLD BUSINESS, Continued

2nd Reading Ordinance – Amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic by inserting a new section 13-68.1 “Bicycles Lanes” as follows: In accordance with the provisions of chapter 89, section 9 of the General Laws of Massachusetts, the following streets are designated for marked bicycle lanes: North Street (south side) from Lunenburg town line to 100 feet west of Main Street and North Street (north side), from 100 feet west of Main Street to Lunenburg town line. *(Legal Affairs – C-29)*

2nd Reading Ordinance – Amend Chapter 13, Section 13-66.6 of the Revised Ordinances entitled “Senior Citizen Parking” by rescinding Section 13-66.6 in its entirety. *(Legal Affairs – Petition 21-18- Hearing scheduled for May 29, 2018 at 6:45 P.M.)*

2nd Reading Ordinance – Amend Chapter 13, Section 13-88 of the Revised Ordinances entitled “Left Turn Prohibition” by inserting Albert Drive, northwest bound to Central Street southbound. *(Legal Affairs – Petition 22-18 – Hearing scheduled for May 29, 2018 at 6:50 P.M.)*

2nd Reading Ordinance – Amend Chapter 13, Section 13-79 Yield Signs by inserting Litchfield Street, facing drivers on the exit to Litchfield Street from Central Street northbound and Litchfield Street, facing drivers exiting Litchfield Street heading southbound on Central Street. *(Legal Affairs – Petition 25-18 – Hearing scheduled for May 29, 2018 at 6:55 P.M.)*

2nd Reading Ordinance – Amend Chapter 13, Section 13-40 of the Revised Ordinances entitled “One Hour Parking – Between 8:00 AM and 8:00 PM” by deleting in its entirety: Central Street (westerly side), beginning at a point one hundred twenty feet south of Union Street southerly for a distance of two hundred five feet. *(Legal Affairs- Petition 36-18 – Hearing scheduled for May 29, 2018 at 7:00 P.M.)*

2nd Reading Ordinance – Amend Chapter 14, Section 14-21 of the Revised Ordinance entitled “Ingestion of Medical Marijuana on Public Property” by deleting the current text in its entirety and inserting in its place a new Section 14-21 entitled Consumption of Marijuana or Tetrahydrocannabinol (THC). *(Legal Affairs – Petition 37-18 – Hearing Scheduled for May 29, 2018 at 7:10 P.M.)*

2nd Reading Ordinance – Amend Chapter 13, Section 13-77 entitled “Stop Signs” by inserting King Avenue, against westbound drivers at Stuart Avenue. *(Legal Affairs – Petition 42-18 – Hearing scheduled for May 29, 2018 at 7:05 P.M.)*

Update on Police Station and LHS Athletic Complex

NEW BUSINESS

COMMUNITY CALENDAR

TABLED PETITIONS UPON WHICH ACTION IS PROPOSED

CITY PROPERTY

C-18 (2009) Dean J. Mazarella, Mayor: Request the land located on Jungle Road as shown on Assessor's Map 301, Lot 1A (former Transfer Station site) be declared surplus.

Lynn A. Bouchard
City Clerk
May 10, 2018