

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

NOVEMBER 13, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC INFORMATION SESSION, 6:00 P.M.

Selia Cox of Fitchburg State University – Nursing Program: Substance Abuse Information.

HEARING BEFORE THE CITY COUNCIL, 6:20 P.M.

86-18 Gail Feckley: Amend Section 13-88.4 of Leominster Municipal Code by adding the following: No driver shall make a left hand turn from Day Street on to the rear driveway of Johnny Appleseed School during the hours of 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:30 P.M., Monday through Friday during the school year. (*Regular Course 06/25/18; Further Time 07/09/18; Granted 7/23/2018; 1st Reading 10/09/2018; PH 11/13/2018 @ 6:20 p.m.*)(*Public Safety and Traffic*)

HEARING BEFORE THE CITY COUNCIL, 6:21 P.M.

C-22 Dean J. Mazarella, Mayor: Relative to Authorize the Treasurer, with the approval of the Mayor, to borrow \$810,000.00 for the purpose of funding the foregoing acquisition and costs incidental or related thereto in accordance with G.L. c.44, §7 and/or any other enabling authority and to issue bonds and notes therefor, and, in accordance with G.L. c.44, §20, any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of project costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. (*Legal Affairs/Finance*) (*Public Hearing 11/13/2018 @ 6:21 P.M.; Pending Referrals Assessor; Mayor; 2/3 Vote*).

PUBLIC INFORMATION SESSION, 6:45 P.M.

Roger Brooks, Water and Sewer Business Manager: Discussion regarding City of Leominster's water supply.

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

41-18 Kristen Kelly, Planning Director: Amend XI, Section 22-60 of the Leominster Zoning Ordinance to add language requiring Deep Observation Hole Testing for storm water infiltration/detention areas. The Deep Observation Hole Testing shall be performed by a Massachusetts Department of Environmental Protection Certified Soil Evaluator. *(Regular Course 3/12/2018; Further time 3/26/2018; 4/9/2018; 4/23/2018; 5/14/2018; 5/29/2018;10/09/2018; Granted 6/11/2018. Public Hearing 11/13/2018 @ 7:00 P.M.)(Legal Affairs).*

HEARING BEFORE THE CITY COUNCIL, 7:01 P.M.

C-19 Dean J. Mazarella, Mayor: Request that the City Council approve Petition C-19 and authorize the Mayor, on behalf of the City, to petition the Massachusetts General Court for special legislation, substantially in the form as set forth below, relating to the City making payment on a certain unpaid bill to Royal Steam Heater Co., in the amount of \$60,105.12; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and provided further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. *(Regular Course 10/09/2018;Further Time 10/22/2018; Public Hearing 11/13/2018 @ 7:01 P.M.; Majority Vote)*

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.

INTERVIEW, 7:25 P.M.

A measure confirming the Mayor's Appointment of **Noelle Balutis** to the position of Disability Commission; term to expire April 15, 2021. (*Regular Course 10/22/2018; Majority Vote*)

- I. REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.**
- II. ROLL CALL OF COUNCILLORS IN ATTENDANCE**
- III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**
- IV. COMMUNICATIONS FROM THE MAYOR**

APPOINTMENT

A measure confirming the Mayor's Appointment of the permanent appointment of **James Leblanc**, effective immediately, to the position of Director of Emergency Management for the City of Leominster; term to expire in three years. (*Ways & Means; Majority Vote*)

COMMUNICATIONS

C-24 Dean J. Mazzarella, Mayor: Allow Roll on America to connect into the Leominster water system through a Special Act of the Legislature. (*Legal Affairs; Majority Vote*)

ORDERS

C-25 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$15,000.00 be made to the City Clerk Expense Account; same to be transferred from the Stabilization Fund. (*Finance; 2/3 Vote*)
RE: Copy Machine

C-26 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$1,500.00 to be made to the Conservation Commission Expense Account; same to be transferred from the Wetland Fee's Reserved for Appropriation Account. (*Finance; Majority Vote*)
RE: Two desks

C-27 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$223,898.00 to be made to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Receipts Reserved for Appropriation Account. (*Finance; Majority Vote*)
RE: Chapter 90 supplemental budget award for Fiscal Year 2019.

V. PETITIONS – FIRST TIME ON THE CALENDAR

16-19 An application by ecoATM, LLC for a License to Deal in Secondhand Articles. (*Ways & Means; Majority Vote*)

VI. MATTERS BEFORE THE CITY COUNCIL

VII. MATTERS JOINTLY REFERRED TO FINANCE AND LEGAL AFFAIRS COMMITTEE

C-22 Dean J. Mazarella, Mayor: Relative to Authorize the Treasurer, with the approval of the Mayor, to borrow \$810,000.00 for the purpose of funding the foregoing acquisition and costs incidental or related thereto in accordance with G.L. c.44, §7 and/or any other enabling authority and to issue bonds and notes therefor, and, in accordance with G.L. c.44, §20, any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of project costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. (*Regular Course 10/22/2018; Public Hearing 11/13/2018 @ 6:21 P.M.; Pending Referrals Assessors, Mayor; 2/3 Vote*).

VIII. CITY OF LEOMINSTER – FINANCIAL REPORT

IX. FINANCE

C-21 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$40,000.00 to the Landfill Expense Account; same to be transferred from the Stabilization Fund. (*Regular Course 10/22/2018; 2/3 Vote*)

RE: Additional Engineering Services and Contingency Funds for Landfill Improvement Project.

X. LEGAL AFFAIRS

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. (*Regular Course 03/12/2018; Amended to change address to 1771 Lock Drive 03/26/2018; 04/09/2018 - hearing continued to 5/14/2018; Further Time; 04/2/2018; 5/14/2018; 06/11/2018; 10/22/2018; Hearing continued to 6/11/2018; Tabled with hearing continued 06/11/2018; Removed from Table 09/24/2018; Public Hearing Continued 10/22/2018 @ 6:30 P.M.; 12/10/2018 @ 6:00 P.M..*)(*Legal Affairs*)

- C-19 Dean J. Mazzearella, Mayor: Request that the City Council approve Petition C-19 and authorize the Mayor, on behalf of the City, to petition the Massachusetts General Court for special legislation, substantially in the form as set forth below, relating to the City making payment on a certain unpaid bill to Royal Steam Heater Co., in the amount of \$60,105.12; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and provided further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. *(Regular Course 10/09/2018; Further Time 10/22/2018; Public Hearing 11/13/2018 @ 7:01 P.M.; Majority Vote)*
- C-20 Dean J. Mazzearella, Mayor: Relative to Amending Chapter 13 of the Revised Ordinance entitled "Motor Vehicles and Traffic", as part of the Safety Improvement Project for the Intersection at the Leominster Connector and Nashua Street, the Federal Highway Administration is requiring that a Traffic Control Agreement exist between the City of Leominster and the Massachusetts Department of Transportation. *(Regular Course 10/22/2018; Pending Referrals from Fire; Majority Vote)*
- 41-18 Kristen Kelly, Planning Director: Amend XI, Section 22-60 of the Leominster Zoning Ordinance to add language requiring Deep Observation Hole Testing for storm water infiltration/detention areas. The Deep hole testing shall be performed by a Massachusetts Department of Environmental Protection Certified Soil Evaluator. *(Regular Course 3/12/2018; Further time 3/26/2018; 4/9/2018; 4/23/2018; 5/14/2018; 5/29/2018; 10/09/2018; 10/22/2018; Granted 6/11/2018. Public Hearing 11/13/2018 @ 7:00 P.M.).*

XI. WAYS AND MEANS

A measure confirming the Mayor's Appointment of **Noelle Balutis** to the position of Disability Commission; term to expire April 15, 2021. *(Regular Course 10/22/2018; Majority Vote)*

XII. PUBLIC SERVICE

- 14-19 National Grid: to install one (1) singular owned pole on West Street beginning at a point approximately 40 feet southeast of the centerline of the intersection of Hillery Road and continuing approximately 15 feet in a northeast direction. National Grid to install one (1) pole with an anchor and guy to service house #845. The current service goes over the roof of the home and is no longer in code. *(Regular Course 10/09/2018; Public Hearing 10/22/2018 @ 6:25 P.M.; Majority Vote) (Public Service)*

XIII. OLD BUSINESS

2nd Reading Ordinance – AN ORDINANCE: Amending Chapter 13 of the Revised Ordinance entitled “Motor Vehicles and Traffic”. Be it ordained by the City Council of Leominster, as follows:

Section 13-88.4 of the Revised Ordinance entitled “Left Turn Restriction” is hereby amended by adding the following text:

No driver shall make a left hand turn from Day Street on to the rear driveway of Johnny Appleseed School during the hours of 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:30 P.M., Monday through Friday during the school year. *(Regular Course 06/25/18; Further Time 07/09/18; Granted 7/23/2018; 1st Reading Adopted 10/09/2018; Public Hearing 11/13/2018 @ 6:20 P.M.)***(Petition 86-18)**

2nd Reading Ordinance – AN ORDINANCE
Amending Chapter 20 of the Revised Ordinance entitled “Streets and Sidewalks.”

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

Section 20-10 of the Revised Ordinance entitled “Parades, Processions and Assemblies” is hereby amended rescinding the current text in its entirety and by inserting in its place the following: a new section, **SECTION 20-10. PARADE/RACES.**

(Regular Course 7/23/18; Granted 8/13/2018; 1st Reading Adopted 10/09/2018; Further Time 10/09/2018; Majority Vote Required) **(Petition 04-19)**

2nd Reading Ordinance – AN ORDINANCE: Amending Chapter 13 of the Revised Ordinance entitled “Motor Vehicles and Traffic”. Be it ordained by the City Council of Leominster, as follows:

Section 13-88.4 of the Revised Ordinance entitled “Left Turn Restriction” is hereby amended by adding the following text:

No driver shall make a left hand turn from Day Street on to the rear driveway of Johnny Appleseed School during the hours 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:30 P.M., Monday through Friday during the school year. **(Petition 86-18)**

XIV. NEW BUSINESS

XV. COMMUNITY CALENDAR

XVI. ADJOURNMENT