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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

DECEMBER 10, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

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

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; 11/26/2018; 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*)

HEARING BEFORE THE CITY COUNCIL, 6:05 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. (*Regular Course 10/22/2018; Public Hearing 11/13/2018 @ 6:21 P.M.; Public Hearing Continued 12/10/2018 @ 6:05 P.M.; Further Time 11/13/2018; Pending Referrals Assessors, Mayor; 2/3 Vote*) (*Legal Affairs and Finance Committee*)

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

C-30 Dean J. Mazzarella, Mayor: Request that the annual Tax Classification Hearing be scheduled for December 10, 2018 for the purpose of setting the annual factor used for Fiscal Year 2019. (*Regular Course 11/26/2018; Public Hearing 12/10/2018 @ 6:10 P.M.; 2/3 Vote*)(Finance)

PUBLIC INFORMATION SESSION WITH THE MAYOR, 6:20 P.M.

Informational meeting with Mayor Dean J. Mazzarella, regarding Capital Improvement Plan.

- RESOLUTION: Regarding Grants for Phase II of the park at the corner of Mechanic and Laurel Streets.
- RESOLUTON: Regarding Grants for improvements to Fournier Park.

Any other pertinent matters.

HEARING BEFORE THE CITY COUNCIL, 6:40 P.M.

C-20 Dean J. Mazzarella, 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; Granted 11/13/2018; Further Time 11/26/2018; Public Hearing 12/10/2018 @ 6:40 P.M.; Majority Vote*)(Legal Affairs & Finance Committee)

PUBLIC FORUM, 6:45 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 que stions; however, at the discretion of the Council President, clarification may be given.

- I. **REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.**
- II. **ROLL CALL OF COUNCILLORS IN ATTENDANCE**
- III. **APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**
- IV. **COMMUNICATIONS FROM THE MAYOR**

APPOINTMENTS

Michael Shine – Office of Emergency Management – Admin Unit. (*Majority Vote*)(*Ways & Means*)

ORDERS

- C-32 EMERGENCY PREAMBLE: Dean J. Mazzearella, Mayor: Relative to the appropriation of \$150,000.00 to the Police Overtime Account; same to be transferred from the Stabilization Fund. (*2/3 Vote*)(*Finance*).
- C-33 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$17,500.00 to the Police Overtime Account; same to be transferred from the Stabilization Fund. (*2/3 Vote*)(*Finance*).
- C-34 Dean J. Mazzearella, Mayor: 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. (*2/3 Vote*)(*Finance*).
- C-35 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$160,500.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Stabilization Fund. (*2/3 Vote*)(*Finance*).
- C-36 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$40,000.00 to the School Department Expense Account; same to be transferred from the Stabilization Fund. (*2/3 Vote*)(*Finance*).

COMMUNICATIONS

- C-37 EMERGENCY PREAMBLE: Dean J. Mazzearella, Mayor: Request the City of Leominster adopt the BRAVE ACT prior to December 31, 2018 in order to take effect by January 1, 2019. (*2/3 Vote*)(*Legal Affairs*)

V. PETITIONS – FIRST TIME ON THE CALENDAR

- 17-19 National Grid: to install one (1) singular owned pole on Elm Street beginning at a point approximately 22 feet south of the centerline of the intersection of Elm Street and continuing approximately +/- 6 feet in a south direction. *(Public Hearing 01/14/2019 @ 6:38 P.M.; Majority Vote) (Public Service)*
- 18-19 National Grid: to install one (1) singular owned pole on Toleman Ave beginning at a point approximately 135 feet southeast of the centerline of the intersection of Dingley Street and continuing approximately +/- 15 feet in a northeast direction. National Grid to install 1 pole with an anchor and guy (on private property with an easement) to service house #35. *(Public Hearing 01/14/2019 @ 6:39 P.M.; Majority Vote)(Public Service)*
- 19-19 Middlesex Integrative Medicine c/o Law Office of Peter A. Campobasso, P.C.: Request a letter of support or non-opposition to Middlesex Integrative Medicine for proposed retail RMD, located at 205 Second Avenue, Waltham, MA, to be signed by the Mayor to authorized members of the City Council. (Majority Vote)(Legal Affairs).

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.; Public Hearing Continued 12/10/2018 @ 6:05 P.M.; Further Time 11/13/2018; 11/26/2018; Pending Referrals Assessors, Mayor; 2/3 Vote).*

VIII. CITY OF LEOMINSTER – FINANCIAL REPORT

IX. FINANCE

- C-28 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$575,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund. *(Regular Course 11/26/2018; 2/3 Vote)*
- C-29 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$570,570.00 to the Recreation Department Capital Outlay Expense account; same to be transferred from the Stabilization Fund. *(Regular Course 11/26/2018; 2/3 Vote)*
- C-30 Dean J. Mazzearella, Mayor: Request that the annual Tax Classification Hearing be scheduled for December 10, 2018 for the purpose of setting the annual factor used for Fiscal Year 2019. *(Regular Course 11/26/2018; Public Hearing 12/10/2018 @ 6:10 P.M.; 2/3 Vote)*
- C-31 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$45,000.00 to the Building Department Capital Outlay expense account; same to be transferred from the Stabilization Fund. *(Regular Course 11/26/2018; 2/3 Vote)*

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; 11/13/2018; 11/26/2018; 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.)*
- C-24 Dean J. Mazzearella, Mayor: Allow Roll on America to connect into the Leominster water system through a Special Act of the Legislature. *(Regular Course 11/13/2018; Further Time 11/26/2018; Public Hearing 1/14/2019 @ 6:40 P.M.; Majority Vote)*

XI. OLD BUSINESS

41-18 **2nd Reading Ordinance** - AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled “Zoning”.

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

Section 22-60 of the Revised Ordinances entitled “Procedure for Review” is hereby amended by adding the following subsection:

60.1.18 Deep observation hole test for stormwater infiltration/detention areas.

The purpose of the deep observation hole test is to determine the soil profile in the proposed infiltration/detention area, the depth of overburden above ledge, bedrock or impervious layer(s), soil type and characteristics, and to determine the estimated seasonal high ground-water elevation.

A minimum of one deep observation hole test shall be performed in the presence of the Approving Authority at each proposed infiltration/detention area. The number and location of the deep hole tests should be coordinated with the Approving Authority. Additional testing shall be required if, in the opinion of the Soil Evaluator or the Approving Authority, there is evidence of inconsistent soil characteristics, the presence of ledge, or additional testing is necessary to properly assess site conditions with the proposed location to ensure that it can be installed in accordance with the proposed design. The above referenced Approving Authority is the City of Leominster Department of Public Works Engineering Division.

(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; 1st Reading Adopted 11/26/2018.)

OLD BUSINESS, continued

08-19 **2nd Reading Ordinance** - AN ORDINANCE
Amending Chapter 13 of the Revised Ordinances entitled “Motor
Vehicles and Traffic”.

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

Section 13-75 of the Revised Ordinance entitled “Speed Limits –
Specific Streets” is hereby amended by adding the following text:

Burrage Avenue, from Main Street to Pierce Street, at twenty-five
miles per hour.

*(Regular Course 8/27/2018; Further Time 9/10/2018; Public Hearing
9/24/2018 @ 7:05 P.M.; Granted as Amended 9/24/2018; Granted 10/9/2018;
1st Reading Adopted 11/26/2018; Majority Vote Required)*

XII. NEW BUSINESS

C-20

1st Reading Ordinance – AN ORDINANCE

Amending Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic.”

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

Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” is hereby amended as follows:

Section 13-7 of the Revised Ordinances entitled “One-Way Streets” is hereby amended by adding the following:

Nashua Street off-ramp, from Leominster Connector in a southerly direction.

Section 13-18 of the Revised Ordinances entitled “Responsibility for Installation and Maintenance” is hereby amended by adding the following:

The following locations shall be marked with appropriate signs as “Keep Right”:

Nashua Street, southbound at Leominster Connector off-ramp.

Nashua Street, northbound at Leominster Connector.

Leominster Connector, eastbound at approximately Sta. 34+92.

Leominster Connector, westbound at approximately Sta.34-13.

Section 13-79 of the Revised Ordinances entitled “Yield Signs” is hereby amended by adding the following:

Nashua Street, facing southbound drivers entering the Leominster Connector.

Section 13-81 of the Revised Ordinances entitled “Driving Upon Closed Street Prohibited” is hereby amended by adding the following:

The following locations shall be marked with appropriate signs as “Do Not Enter”:

Nashua Street, southbound at Leominster Connector.

Nashua Street off-ramp, southbound at Leominster Connector.

Section 13-89 of the Revised Ordinances entitled “U-Turns” is hereby amended by adding the following:

Leominster Connector, westbound.

Leominster Connector, eastbound.

(Regular Course 10/22/2018; Granted 11/13/2018; Further Time 11/26/2018; Public Hearing 12/10/2018 @ 6:40 P.M.; Majority Vote)

NEW BUSINESS, continued

<p>04-19 1st Reading Ordinance – AN ORDINANCE Amending Chapter 20 of the Revised Ordinance entitled “Streets and Sidewalks.”</p> <p>Be it ordained by the City Council of the City of Leominster, as follows:</p> <p>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.</p> <p><i>(Regular Course 7/23/18; Granted 8/13/2018; Further Time 10/09/2018 10/22/2018; 11/13/2018; 11/26/2018; Majority Vote Required)</i></p>
<p>RESOLUTION: Regarding Grants for Phase II of the park at the corner of Mechanic and Laurel Streets. <i>(Finance)</i></p>
<p>RESOLUTON: Regarding Grants for improvements to Fournier Park. <i>(Finance)</i></p>
<p>City of Leominster 2019 Municipal Election Calendar. <i>(Ways & Means)</i></p>
<p>Organizational Meeting Regarding City Council for January 7, 2019. <i>(Ways & Means)</i></p>
<p>Richard Marchand – Discussion regarding the City of Leominster snow removal ordinance, Chapter 20 § 20-2.</p>

XIII. COMMUNITY CALENDAR

XIV. ADJOURNMENT

Katelyn Huffman
City Clerk