



CITY OF LEOMINSTER
REGULAR MEETING OF MAY 29, 2018
IN CITY COUNCIL

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 6:15 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following ORDINANCE was the subject of hearing:

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

James Whitney spoke and said he would like to get a drive through at MU-1 zoning for a coffee shop, restaurant, or any business he wants to have there.

Councillor Dombrowski read a letter of recommendation from Christopher Knuth, Board of Health Director, and Kristen Kelly, Planning Director, in support of the amendment.

Peter Niall, Building Inspector, submitted his recommendation letter and stated he was not in favor of the amendment.

Councillor Freda expressed concerns regarding traffic, Dunkin Donuts, specifically that there is always traffic and cars lined up against the road trying to get into that drive-through.

Councillor Cormier spoke in favor of the ordinance.

No one in the audience spoke in favor or opposition of the ordinance.

HEARING ADJOURNED AT 6:23 p.m.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 6:30 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:

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.

Petitioner request that the hearing be moved to June 11, 2018 at 6:30 P.M.

No one in the audience spoke in favor or opposition of the ordinance.

HEARING ADJOURNED AT 6:33 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 6:45 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 13, Section 13-66.6 of the Revised Ordinances entitled “Senior Citizen Parking” by rescinding Section 13-66.6 in its entirety. (Petition 21-18)

Councillor David Cormier stated that there was a parking lot dedicated to, “Senior citizens parking only”, by the old Senior Center near Mechanic and Mt. Pleasant Ave that is no longer there. This was an ordinance that needed some “housekeeping”.

No one in the audience spoke in favor or opposition to this petition.

Councillor Dombrowski said they will schedule a Legal Affairs Committee meeting under new business and they will continue this hearing until June 11, 2018 at 7:00 P.M.

HEARING ADJORNED AT 6:49 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 6:50 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 13, Section 13-88 of the Revised Ordinances entitled “Left Turn Prohibition” by inserting Albert Drive, northwest bound to Central Street southbound. (Petition 22-18)

Councillor David Cormier wanted to clarify the petition and stated that he would like to add a “No left turn” sign to avoid any accidents. There is currently no yield or stop sign there. He spoke with the Police Department for a recommendation to see if a Yield or Stop sign should be placed. Since there is a sharp turn, it was recommended not to have anyone take left turns for safety reasons.

No one in the audience spoke in favor or opposition to this petition.

HEARING ADJOURNED 6:52 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 6:55 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing:

Relative to amending 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. (Petition 25-18)

Petitioner, Councillor David Cormier stated that this was more “housekeeping”. Yield signs have been there for a long time and that there was no Ordinance for them.

No one in the audience spoke in favor or opposition to this petition.

HEARING ADJOURNED AT 6:56 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

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

The following PETITION was the subject of the hearing:

Relative to amending 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.

Petitioner, Councillor Bodanza stated that this area use to service a doctor’s office that is no longer there. Some of the residents living in the area have issues with this ordinance, which is why he wanted to address the petition.

No one in the audience spoke in favor or opposition to this petition.

HEARING ADJOURNED AT 7:01 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 7:05 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 13, Section 13-77 entitled “Stop Signs” by inserting King Avenue, against westbound drivers at Stuart Avenue. (Petition 42-18)

Councillor Feckley stated that there is a need for a Stop Sign there. It is a heavily populated area with many children.

No one in the audience spoke in favor or opposition.

HEARING ADJOURNED AT 7:06 P.M.

HEARING BEFORE THE CITY COUNCIL, MAY 29, 2018

Hearing opened at 7:10 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing:

Relative to amending 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. (Petition 37-18)

Councillor Bodanza stated that there was no prohibition regarding ingestion of medical marijuana on city public property.

No one in the audience spoke in favor or opposition.

HEARING ADJOURNED AT 7:06 P.M.

PUBLIC FORUM – 7:15PM

Carol Gaudet, of Merriam Ave, spoke in regards to Petition C-64, the appropriation of \$22,000.00 to Recreational Department Capital Outlay Expenses. Ms. Gaudet runs the programs at Doyle Field. Funds could be used to fix and repair courts. One of the courts is being used for pickle ball. While the other courts are being repaired, they plan to convert one of the courts into 4 regulated pickle ball courts. She has been running program for 5 years, going onto the 6th season. Last year there were over 80 plus members and this year, in one month, they already have 70 members. On average, 25-30 people meet every week for 3 nights, two mornings.

Attorney Anthony Zarrella spoke on behalf of his client Barbara Richards in regards to petition 66-18, to accept Garfield Street as an accepted way. He asked the council to be in favor of the consideration.

Interview with new appointees:

Ronald Girourd, member of Historical Commission, term to expire April 15, 2021.

- A LTV volunteer.
- A member of Historical Commission for the past two years and loves what he is doing.
- Also a member of the Historical Society.
- Conducts a lot of interviews and covers many events throughout the city.
- He has over two thousand Facebook friends and several followers.
- Has won documentary awards.

REGULAR MEETING OF THE CITY COUNCIL, MAY 29, 2018

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

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

A recess was called 7:37 P.M. to continue interviews with appointees.

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

- Lifelong resident of Leominster.
- Worked for law firm previously
- After graduating from college, she started to work for congressman Olver.
- Has made 20 million dollars in grants as the grant writer for City of Leominster.
- Interested in helping the board with interpreting state and federal laws.

REGULAR MEETING OF THE CITY COUNCIL, MAY 29, 2018, reconvened at 7:38 P.M.

COMMUNICATIONS

All of the communications below were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE:

- C-58 Relative to the appropriation of \$125,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-59 Relative to the appropriation of \$5,000.00 to the City Clerk Salary & Wages Account; same to be transferred from the City Clerk Salary & Wages Account.

- C-60 Relative to the appropriation of \$40,129.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-61 Relative to the appropriation of \$37,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-62 Relative to the appropriation of \$13,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-63 Relative to the appropriation of \$250,000.00 to the School Department Expense Account; \$40,000.00 to be transferred from the Excess and Deficiency Account and \$210,000.00 from the School Department Prior Year Expense Account.
- C-64 Relative to the appropriation of \$572,000.00 to the General Fund Accounts as listed; same to be transferred from the Excess and Deficiency Account:

Fire Capital Outlay Expenses	\$163,000.00
Highway Capital Outlay Expenses	\$232,000.00
Municipal Building Capital Outlay Expenses	\$120,000.00
Emergency Management Capital Outlay Expenses	\$ 35,000.00
Recreation Department Capital Outlay Expenses	\$ 22,000.00

ITEMS FIRST TIME ON AGENDA

COMMUNICATIONS

- C-65 Dean J. Mazarella, Mayor: Request that Wendy Wiiks be exempt from the provisions of M.G.L. Chapter 268A (20B) Conflict of Interest. Ms. Wiiks is currently employed by the City of Leominster as the Grant Administrator and will be filling the vacant seat on the Leominster Board of Health. Referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE.
- C-66 Dean J. Mazarella, Mayor: Request the approval of the CDBG Budget/Action Plan for Year 44. Referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE.

Additionally, Councillor Feckley requests a referral from the Mayor asking if all the allotments were fulfilled, and a breakdown of recipients and applicants of the grant money.

PETITIONS

- 68-18 Officer Patrick Bresnahan: Request no parking signs be placed on Mt. Pleasant Avenue, between Short Street and Pine Street, against Southeast bound traffic on the even numbered side of the street. With referral from Traffic Agent of

Leominster Police Agent. Referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE.

- 69-18 Nouria Energy Corporation: Amend the existing license to store 30,000 gallons of gasoline/diesel at 436 Lancaster Street. With referrals from Board of Health, Fire Department and Building Inspector. Referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE.

By a vote of 9/0, a hearing for petition 69-18 was set for June 25, 2018 at 6:45 P.M.

- 70-18 National Grid: Central Street – Install one singular owned pole on Central Street beginning at a point approximately 20 feet west of the centerline of the intersection of 1155 Central Street. Referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Director of Inspection, DPW, Planning Board and the City Solicitor.

A hearing for petition 70-18 was scheduled for June 11, 2018 at 6:20 P.M.

- 71-18 National Grid and Verizon New England, Inc.: Grant Street – Install one jointly owned pole on Grant Street beginning at a point approximately 370 feet northwest of the centerline of the intersection of Central Street and continuing approximately 16 feet in a north direction. Referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Director of Inspection, DPW, Planning Board and the City Solicitor.

Councillor David R. Cormier abstained from vote due to a possible conflict of interest.

By a vote of 8/0, a hearing for petition 71-18 was set for June 11, 2018 at 6:25 P.M.

APPOINTMENTS

Council on Aging – **Larry Ginakis, Sr.** - Term to expire April 15, 2021. Councillor Feckley requests an interview for the next meeting on June 11, 2018. Referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

CONFIRMATIONS OF APPOINTMENTS

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

- **Ronald Girourd**, member of Historical Commission, term to expire April 15, 2021.
- **Wendy Wiiks**, member of Board of Health, term to expire April 15, 2021.

PETITIONS GRANTED AS AMENDED – LEGAL AFFAIRS

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED as amended, by a vote of 9/0.

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

GRANTED PETITIONS – WAYS AND MEAN and VETERANS AFFRAIRS COMMITTEE

Upon recommendation of the WAYS & MEANS and VETERANS AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

- 64-18 Mason’s Bowling Center: Renew the license for 24 Bowling Alleys at 650 R. North Main Street.
- 65-18 Joanne Atwood: Renew the second hand dealer’s license for The Repair Place, Inc. at 100 Commercial Road.

PETITIONS GIVEN FURTHER TIME – LEGAL AFFAIRS

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME.

- 39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. Vt. 8/0, Councillor Dombrowski abstained due to a possible conflict of interest. Hearing continued to June 11, 2018.
- 40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities. Vote 9/0 Hearing continued to June 11, 2018.
- 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. Vote 9/0 Hearing continued to June 11, 2018.
- 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. Vote 9/0 – Awaiting recommendation from City Solicitor

- 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. Vote 9/0 – Awaiting recommendation from City Solicitor

FINANCIAL REPORT

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record.

COMMUNICATIONS GRANTED AND ORDERED - FINANCE

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

- C54 Relative to the appropriation of \$4,000.00 to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: - the sum of Four Thousand Dollars (\$4,000.00) to be appropriated to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.
- 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.
- ORDERED:- the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) to be appropriated to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.
- 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.
- ORDERED:- the sum of Ninety Four Thousand Six Hundred Dollars (\$94,600.00) to be appropriated to the School Choice Revolving Fund; same to be transferred from the Excess and Deficiency Account.
- 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.

ORDERED:- the sum of Five Thousand Dollars (\$5,000) to be appropriated to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

PETITIONS GIVEN FURTHER TIME – PUBLIC SERVICE

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was given FURTHER TIME, awaiting recommendation from Planning Board, Building Inspector and the City Solicitor. Vt. 9/0.

- 66-18 Barbara Richardson et al: Accept Garfield Street as an accepted way.
- 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.

COMMUNICATIONS GIVEN FURTHER TIME – PUBLIC SERVICE

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

- C-53 Dean J. Mazarella, Mayor: Request that the property known to the Assessors as Map 302 Block 1A and located on Jungle Road be declared surplus.

APPOINTMENTS – WAYS & MEANS AND VETERANS AFFAIRS

Tyler Yalian, member of Emergency Management, Rehab Unit. Referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE and given FURTHER TIME. Chair requested that Mr. Yalian come in for an interview.

2ND READING ORDINANCES:

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending Chapter 13, Section 12-66.6 of the Revised Ordinance entitled “Senior Citizen Parking” by rescinding Section 13-66.6 in its entirety.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending Chapter 1, Section 13-88 of the Revised Ordinances entitled “Left Turn Prohibition” by inserting Albert Drive, northwest bound to Central Street southbound.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending 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.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending Chapter 13, Section 13-40 of the Revised Ordinances entitle “One Hour Parking – Between 8:00 AM and 8:00 PM” by deleting 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 fee.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending 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).

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen AN ORDINANCE Amending Chapter 13, Section 13-77 entitled “Stop Signs” by inserting King Avenue, against westbound drivers at Stuart Avenue.

OLD BUSINESS

Councillor Marchand gave an update on Police Station and LHS Athletic Complex. Councillor Marchand said Bill from the Assessor’s office reported that everything is moving forward. On the Athletic Fields, Whitman and Bingham indicated that they should have a revised modification on the LHS Athletic Complex by the end of the month. He is also requesting that the Mayor and/or school department come down and give an update as well. He had nothing new to report regarding the Police Station.

NEW BUSINESS

Council President would like to have a discussion regarding an open meeting law complaint that was filed by James Whitney. After a few amendments, the councilors have agreed to submit the

letter to the Attorney for Director Division of Open Government, office of the Attorney General, 1 Ashburton Place, Boston, MA.

Councillor Dombrowski indicated that he would like to schedule a joint meeting with Legal Affairs and Planning Board for June 11, 2018 at 5:00 P.M.

COMMUNITY CALENDAR

Councillor Marchand mentioned:

- Summer Stroll downtown, for Saturday, June 9th.
- June 16th, Starburst at Doyle Field.
- High School Graduations around the corner.

Councillor Bodanza mentioned on June 7, 2018 at 7:00 P.M., Historical Society is hosting an event for Lou D'Allesandro longest state Senator in New Hampshire. Democratic contender.

MEETING ADJOURNED AT 9:11 P.M.

Titi Siriphan, Assistant City
Clerk