



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

MINUTES

CITY OF LEOMINSTER

CITY COUNCIL

SEPTEMBER 24, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

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

- 07-19 Mark C. Bodanza and Susan Chalifoux Zephir: Request to delete Section 2-16 of the Revised Ordinance for the City of Leominster and insert in its place a new Section 2-16 as follows:

Sec. 2-16 Regular Meetings

Except as hereinafter stated, regular meetings of the city council shall be held on the second and fourth Monday evenings of each month at 7:00 P.M. Whenever a meeting falls on a legal holiday, it shall be held the following night at the same time. Whenever a meeting falls on the evening before New Year's Day, it shall be held on the next night following the holiday at the same time. No meeting shall be held during the week of Christmas.

Councillor Dombrowski opened the public hearing at 6:15PM. He asked the public three times if there was anyone who would like to speak for or against the petition. No one from the public spoke. Councillor David Cormier informed the council he felt the language was antiquated. He felt that the piece regarding New Year's Eve was irrelevant and could be struck from the wording. Councillor Bodanza disagreed and cited the fact that New Year's Eve does not always fall on Christmas week and therefore a special meeting could technically be called on that day, and that the language is there to protect that from occurring. The public hearing closed at 6:21PM.

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

- 09-19 Mark C. Bodanza and Susan Chalifoux Zephir: Request to amend the City Council Rules of Procedure, namely Rule 1, Meetings, by changing the time of Monday evening meetings from 7:30 P.M. to 7:00 P.M.

Councillor Dombrowki opened the public hearing at 6:20PM. He asked the public three times if there was anyone who would like to speak for or against the petition. No one from the public spoke. Councillor David Cormier said that he felt that the rules were redundant and that the council could abolish the rule completely. Councillor John Dombrowski agreed but felt that it was helpful to have full rules. Councillor Mark Bodanza cited that it does not hurt anything to have the rules restate the time of the meeting. The public hearing was closed at 6:24PM.

JOINT HEARING BEFORE THE CITY COUNCIL AND PLANNING BOARD, 6:25 P.M.

- 10-19 New Vue Liabilities to Assets.

The joint meeting of the City Council and Planning Board was called to order at 6:25PM. Council President Richard Marchand, Councillor David Cormier, Councillor Pauline Cormier, Councillor Thomas Ardinger, Councillor Mark Bodanza, Councillor Gail Feckley, Councillor Sue Chalifoux Zephir, Councillor John Dombrowski, Councillor Claire Freda, Katelyn Huffman, City Clerk, and Titi Siriphan, Assistant City Clerk were in attendance. 5 members of the Planning Board were present. Both Boards made a motion to recess. The motion carried unanimously.

Wendy Wiiks and Mark Dohan were present to explain the NewVue Communities application. The project aimed to help clean up properties in disarray. Mark Dohan explained that the funds cannot be used for demo, only the rehabilitation of homes under the older state statute. This would also not allow them to relocate people. They are allowed to take these types of home under 121A of MGL which cites eminent domain. The City would get the tax money but it would be calculated as an excise tax instead of a proper tax value while the homes are under rehabilitation through the program.

John Souza, Planning Board Chair, indicated that some of the indicated homes, specifically 5 Eaton St, may be occupied. Mr. Dohan explained that he would look into that.

Councillor Marchand asked if there is a cap for rehabilitation funds. Mr. Dohan explained that there is an overall budget. Councillor Marchand asked if Mr. Dohan would seek funds from CDBG. Mr. Dohan expressed that it was not his intention to do so. Councillor Marchand asked if there was a safety net in the program where it prevents the property from becoming blighted again in the future. Mr. Dohan explained that while there was not a specific safety net, that they would be looking

to house people who make at least 110% of the area median income and who would be financed through a reliable and qualified lender.

Mr. Souza asked if there was any current lender criteria. Mr. Dohan informed the boards that there was not.

Councillor Pauline Cormier asked about the turnaround time for the houses. Mr. Dohan explained that it is a 3 year program.

Councillor Bodanza asked what the funding sources are for the project. Mr. Dohan explained that it would come from an affordable housing trust fund and sales proceeds.

Councillor Bodanza asked what the taxes are on the properties now and with the new calculation, how it would affect the cities revenues from those properties. Mr. Dohan explained that some properties may give less revenue and others may give the same but once they are sold they would be giving more revenue to the city.

Councillor Gail Feckley asked how the project would choose an owner and what their qualifications would be. Mr. Dohan explained that it would likely be a lottery process but that no process has been outlined specifically at the time. Councillor Feckley asked if there would be a deed restriction on the properties and Mr. Dohan explained that there would be an owner occupied deed restriction on the property for 7 years.

Councillor Feckley asked if any other communities had started. Mr. Dohan explained that they could not start until all the partnering communities made a decision, and that Leominster was the last community to determine whether or not that they would want to be part of the process.

Councillor Chalifoux Zephir felt that the project was self-sustaining and that the Council and Planning Board had a good amount of control in the process.

Councillor Dombrowski felt that there was no downside. Procedurally, he asked what was needed from the Planning Board and the City Council. Mr. Dohan explained that they would need a letter of support from the Planning Board and then the City Council's approval of the Planning Board's memo.

The Planning Board and the City Council felt that there should be some greater restrictions on the houses once they sell. Mr. Dohan informed the Council that he would look into other potential restrictions for Leominster.

The Planning Board made a motion to continue their public hearing to their next Planning Board Meeting.

City Council President Marchand opened the Regular Meeting of the City Council at 7:30PM. Council President Richard Marchand, Councillor David Cormier, Councillor Pauline Cormier, Councillor Thomas Ardinger, Councillor Mark

Bodanza, Councillor Gail Feckley, Councillor Sue Chalifoux Zephir, Councillor John Dombrowski, Councillor Claire Freda, Katelyn Huffman, City Clerk, and Titi Siriphan, Assistant City Clerk were in attendance. Councillor Chalifouz Zephir made a motion to recess. Councillor Bodanza seconded the motion. The motion carried unanimously.

Council President Marchand opened the floor for public comment.

Jane Kennedy, 9 Norton Street, wants to see improvement. Feels the project should be passed as it would benefit all.

Francis Arsenal, 25 Fifth Street, informed the Council that his house is on the list, is not vacant, is trying to work on prepping the property for sale. Councillor Marchand confirmed that his property was placed on the list without his consent.

The public hearing was closed at 7:36PM.

The Joint Meeting of the City Council and Planning Board Adjourned at 7:36PM.

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.

The Public Forum began at 7:26PM.

Janet Pultney, 36 Burrage Avenue, spoke in favor of the speed limit petition for Burrage Avenue.

Al Houde Jr, 32 Burrage Avenue, would like another speed study for the road. He felt that the speed study that was previously submitted did not reflect accurate information.

Ralph Pultney, 36 Burrage Avenue, asked the council to consider adding a flashing speed sign to the street to help slow down traffic.

-
- 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

ORDERS

C-18 Dean J. M Mazzarella: Relative to the appropriation of \$455,000.00 to be made to the Debt Service Principle Expense Account; same to be raised by Fiscal Year 2019 revenue.

RE: National Grid Rebate	\$223,000.00
MAPC Rebate	<u>\$232,000.00</u>
	\$455,000.00

This communication was given regular course.

V. MATTERS BEFORE THE CITY COUNCIL

VI. CITY OF LEOMINSTER – FINANCIAL REPORT

Councillor Bodanza, chairperson of the finance committee, reported that there is a balance of \$18,296.285 in the Stabilization Fund.

VII. FINANCE

C-16 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$200,000.00 to the Landfill Expense Account; same to be transferred from the Stabilization Fund. RE: Mechanic Street Landfill repairs. *(Regular Course 9/10/2018; 2/3 Vote)*

(Request by Mayor Dean J. Mazzarella to amend the appropriation to \$243,000.00)

Councillor Chalifoux Zephir made a motion to recess. Councillor Freda seconded the motion. The motion carried unanimously. Christopher Knuth, the Health Director, explained to the council that due to changes in regulations, the Landfill cap needs to be repaired to be in compliance. Quotes were given and after seeing the project in the field, it was made apparent that more monies would need to be appropriated. He also explained that the parcel has a restriction on it for passive recreation and in order to do anything with it, this fix would need to occur.

The Council resumed their meeting. Councillor Ardinger made a motion to amend the communication and increase the amount from \$200,000 to \$245,000. Councillor Chalifoux Zephir seconded the motion. The motion carried unanimously (Vote 9-0).

The Finance Committee recommended that the Council Grant the communication. Vote 9-0 the communication was GRANTED. ORDERED: Vote 9-0 the communication was ORDERED.

C-17 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$26,000.00 to the Election & Registration Expense Account; same to be transferred from the Stabilization Fund. RE: Election related additional expenses. *(Regular Course 9/10/2018; 2/3 Vote)*

The Finance Committee recommended that the Council Grant the communication. Vote 9-0 the communication was GRANTED. ORDERED: Vote 9-0 the communication was ORDERED.

VIII. LEGAL AFFAIRS

C-01 Mayor, Dean J. Mazzarella: Request that the City Council approve Petition C-01 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., 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 07/09/18; Further Time: 07/23/18; 8/13/2018; 8/27/2018; 9/10/2018; Pending Referrals: Mayor, City Solicitor, Purchasing, School Department, Comptroller; Majority Vote Required).*

Councillor Freda expressed concern about the language of the Special Act that will be submitted to the House. She wanted to ensure that it did not cite City Council as the debtors. Councillor Feckley asked if any bills had been submitted with the request. There was no bill submitted with the original request.

Councillor Chalifouz Zephir made a motion to recess at 7:59. Councillor Freda seconded the motion. The motion carried unanimously.

The Chair of the Finance Committee for the Schools informed the City Council that the outstanding obligation is about \$60,000. The City Council felt that the occurrence was unacceptable and agreed that they would need to get an itemized bill from the superintendent of schools.

The Legal Affairs Committee recommended that the Council GRANT the petition.

Roll Call Vote: 9-0 the Petition was GRANTED.

- 07-19 Mark C. Bodanza and Susan Chalifoux Zephir: Request to delete Section 2-16 of the Revised Ordinance for the City of Leominster and insert in its place a new Section 2-16 as follows:

Sec. 2-16 Regular Meetings

Except as hereinafter stated, regular meetings of the city council shall be held on the second and fourth Monday evenings of each month at 7:00 P.M. Whenever a meeting falls on a legal holiday, it shall be held the following night at the same time. Whenever a meeting falls on the evening before New Year's Day, it shall be held on the next night following the holiday at the same time. No meeting shall be held during the week of Christmas. *(Regular Course 8/27/2018; Further Time 9/10/2018; Public Hearing September 24, 2018 @ 6:15 P.M.; 2/3 Vote Required)*

The Legal Affairs Committee recommended that the Council GRANT the petition.

Roll Call Vote: 9-0 the Petition was GRANTED.

- 09-19 Mark C. Bodanza and Susan Chalifoux Zephir: Request to amend the City Council Rules of Procedure, namely Rule 1, Meetings, by changing the time of Monday evening meetings from 7:30 P.M. to 7:00 P.M. *(Regular Course 8/27/2018; Further Time 9/10/2018; Public Hearing September 24, 2018 @ 6:20 P.M.; Majority Vote Required)*

The Legal Affairs Committee recommended that the Council GRANT the petition as amended in conformance with Section 2-16 of the City Ordinances.

Roll Call Vote: 9-0 the Petition was GRANTED as amended.

- 10-19 New Vue Liabilities to Assets. *(Regular Course 9/06/2018; Further Time 9/10/2018)*

The Legal Affairs Committee recommended that the Council GRANT the petition and that the letter be drafted based off the Planning Board's Memo.

Roll Call Vote: 9-0 the Petition was GRANTED.

- 11-19 Heather Branthoover and ten registered voters: Accept Danielle Drive as an accepted road in the City of Leominster. *(Regular Course 9/10/2018; Pending Referrals DPW, Planning Board, and ZBA; Majority Vote)*

The City Council felt that the petitioners needed to provide more information in order to grant the petition. Councillor Bodanza recommended that the petition be tabled for study.

The Legal Affairs Committee recommended that the petition be tabled for study.

Vote: 9-0 – The petition was tabled for study.

IX. PUBLIC SERVICE COMMITTEE

- 08-19 Gail P. Feckley and Susan Chalifoux-Zephir: Request to reduce the speed limit on Burrage Avenue from Main Street to Pierce Street to 20 mph. *(Regular Course 8/27/2018; Further Time 9/10/2018; Pending Referral Police; Majority Vote Required)*

Councillor Feckley would like to designate the street a new speed limit to help address safety concerns. Councillor Chalifoux Zephir echoed Councillor Feckley’s sentiment. Councillor Bodanza said that the Council would need to accept Chapter 90 Section 18B of MGL in order to establish a speed limit that low. He also suggested that the Council give the petition further time so that the statue could be accepted so the petition could pass legally. Councillor Dombrowski informed the Council that the Statue may not allow the City to accept a 20 MPH speed limit piecemeal.

Councillor Feckley made a motion to amend the petition to 25 MPH. Councillor Bodanza seconded the motion. Vote: 9-0 the amendment to the motion passed unanimously.

Roll Call Vote: 9-0 – The petition was GRANTED as amended.

By a vote of 9-0 the City Council voted to hold a Public Hearing for this petition on October 9 , 2018 at 7:05PM.

- 12-19 National Grid: install one singular owned pole on Church Street beginning at a point approximately 120 feet Northeast of the centerline of the intersection of Merriam Ave and continuing approximately 15 feet in an East direction. *(Regular Course 9/10/2018; Public Hearing TBD; Majority Vote)*

The Legal Affairs Committee recommended the petition be given further time and that a public hearing be set for October 9, 2018 at 7:10PM.

Vote: 9-0 the petition was GRANTED further time and a public hearing was set for October 9, 2018 at 7:10PM.

X. OLD BUSINESS

Councillor Feckley asked who has jurisdiction over the Planning Director. The Council felt that the Planning Board had jurisdiction over the Planning Director.

XI. NEW BUSINESS

ELECTION ORDER: An Order Relative to the November 6, 2018 State Election. (Ways & Means)

The Ways and Means Committee recommended that the Election Order be adopted as amended.

Councillor Feckley made a motion to adopt the Election Order as amended. Councillor Bodanza seconded the motion. The motion carried unanimously

Vote: 9-0 The Election Order was ADOPTED as amended.

Discussion regarding Burrage Avenue.

Council President Marchand informed the Council that there have been severe flooding issues in the Burrage Avenue area. Councillor Feckley expressed concern due to the severe flooding. She also mentioned the importance of keeping the drains cleaned and clear and looking into what is causing such severe flooding in the future.

XII. COMMUNITY CALENDAR

- **September 29, 2018 – St. Bernard’s Hall of Fame Gala**
- **September 28, 2018 – Police Gala at Double Tree Hilton**

XIII. TABLED PETITIONS UPON WHICH ACTION IS PROPOSED

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. (*Legal Affairs: 03/12/2018- Regular Course; 03/26/2018 - Amended to change address to 1771 Lock Drive; 04/09/2018 - hearing continued to 5/14/2018; 04/23/2018 - Further Time; 5/14/2018 - Further Time, hearing continued to 6/11/2018; 06/11/2018 - Tabled with hearing continued*)

Councillor John Dombrowski recused himself due to a conflict of interest.

The Legal Affairs Committee recommended taking the petition off the table and to set the continued hearing date to October 22, 2018 at 6:30PM.

Vote 8-0 The petition as taken off of the table and the continued public hearing date was set.

XIV. ADJOURNMENT

The meeting adjourned at 8:47PM.

Minutes Respectfully Submitted by:
Katelyn Huffman
City Clerk