

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

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.

Selia Cox and her colleague Grace, from Fitchburg State University, presented the City Council with a presentation regarding homeless residents in the city.

- *They walked around the city and spoke with several homeless residents around Monument Square and Carter Park. Many of them have issues with drug or alcohol addiction.*
- *Ms. Cox and Grace would like to know what they could do to help the community. Possibly a methadone clinic or homeless shelter.*
- *Grace would like to see people have more compassion and care for the homeless. A lot of them come out of a treatment facility, do not have a place to go, no support from family and relapse.*
- *Sometime they would visit the “tent cities” and provide them with hot coffee and donuts, which the homeless greatly appreciate. It gives them a chance to speak to them and find ways to help them get treatment and off the streets.*

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.*)

The Public Hearing opened at 6:20 P.M.

No one in the audience spoke in favor or opposition of petition 86-18. Public Hearing closed at 6:25 P.M.

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).*

The Public Hearing opened at 6:21 P.M.

Mayor Dean J. Mazarella, William Mitchell and Stephen Bernard (owner of Sholan Farm) were present to discuss any questions regarding the potential purchase of Sholan Farm property.

Jodre Murray, 275 Mechanic Street, Leominster – Spoke in favor and support of C-22. He has been on the Sholan Farms Board for the past 10 years. Strongly believes in teaching young kids about farming. They should learn that apples don't just come from a supermarket.

Joanne Dinardo, 18 May Street, Leominster – Spoke in favor and support of C-22.

- *Believes that there is potential for a greenhouse and more orchards.*
- *There is no decent office space but would like to see one for workshops and bring things that are outdoor, indoors.*
- *She is in favor of preserving the property.*

John Souza, 347 Prospect Street, Leominster – Spoke in favor and support of C-22.

- *He believes that there is great potential for the farm.*
- *Would like to see this move forward.*
- *He is also a member of Sholan Farms Board of Directors.*

Dorothy Rouleau, 54 Lowe Street, Leominster – Spoke in favor and support of C-22. She does not want to see new homes being developed in the area.

Robert Perreault, 65 Wachusett Street – Spoke in opposition of C-22.

- *He believes it will be an expense to the City because the house is old and in need of repair.*

- *It's not built to be a visiting center because it's a home. It is not handicapped accessible, restrooms would need to be installed, furniture etc.*
- *Believes the value is too high. His son, who lives in the area, owns 4 acres of land, and his property will be on the market in spring for far less than what Sholan Farms was appraised for.*

Glen Shepherd, 388 Pierce Street, Leominster – Spoke in opposition of C-22.

- *He grew up on a farm and knows it's not an easy business.*
- *The appraisal is too high.*
- *The projective to maintain and bring the building up to code would be costly.*

Paul Gove, 925 Mechanic Street, Leominster – Spoke in opposition of C-22.

- *All of Leominster's history has fallen into "disrepair."*
- *He questioned who will maintain the building. If the City can't maintain their own buildings, why should the City purchase another building that needs repair?*

Councillor Ardinger is not in support of C-22 because of all the repairs it will cost the city to bring the house up to code.

Mayor Dean J. Mazzarella stated he wants to preserve the land and everything has been transparent. The purchase is not a done deal. He is opened to options and wants to go through this process with the Councillors.

Councillor Dombrowski will be submitting a Q&A to the mayor and will discuss his response at the next Council Meeting.

Chairman of the Legal Affairs and Finance Committee agreed to keep the Public Hearing open and continue to December 10, 2018 at 6:05 P.M.

Public Hearing adjourned at 7:18 P.M.

PUBLIC INFORMATION SESSION, 6:45 P.M.

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

Roger Brooks, Water and Sewer Business Manager, Ray Racine, Public Works Director, and Mark Piermarini, Assistant Public Works Director, were present to answer any questions regarding the City's water supply.

- *Total Organic Compound is what's causing the city's water issue. It's from the decay of leaves, plants and debris going into the water system.*
- *There has been a large volume of rain this year compared to other years. This year the city received 59 inches of rain. On average, the city usually gets 46 inches.*
- *All this rain has created issues with the shorelines, run offs, and storm water going into the ponds.*
- *This is not a health issue with long time exposure. The water is safe to drink now.*

Mark Piermarini, Assistant Public Works Director stated that this is not quick fix. There are solutions and operational changes that are being done.

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).*

The Public Hearing opened at 7:00 P.M.

No one in the audience spoke in favor or opposition of petition 41-18. Public Hearing was closed at 7:51 P.M.

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)*

The Public Hearing opened at 7:07 P.M.

No one in the audience spoke in favor or opposition of communication C-19. Public Hearing was closed at 7:53 P.M.

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.

Jodre Murray, 275 Mechanic Street, Leominster – Spoke in favor and support of C-22. He does not want to see new development and homes being built in the area. If someone does decide to build, they would have to deal with tractors in the morning, noise from kids at U-Pick apples events, spraying. The city will start receiving calls complaining about noise with new neighbors.

Public Forum was closed at 7:57 P.M.

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*)

Noelle Balutis submitted a letter of interest and resume to the City Council.

- *A Leominster resident for 4.5 years.*
- *She's had Spondyloepiphyseal Dysplasia since birth and understands the struggles to advocate for herself and personal battles. Because of her personal experience, she is interested in representing people with disabilities and provide guidance.*
- *Has an Associates in Paralegal from Mount Wachusett Community College and Bachelors in Criminal Justice from Fitchburg State University.*

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

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Eight Councillors were present including Council President Richard Marchand, Councillor Gail P. Feckley, Councillor John Dombrowski, Councillor Claire Freda, Councillor Thomas F. Ardinger, Councillor Pauline Cormier, Councillor David R. Cormier, and Councillor Mark C. Bodanza.

Councillor Susan Chalifoux-Zephir was absent.

Assistant City Clerk, Titi Siriphan was present as well.

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

No meeting minutes were present for approval.

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*)

This appointment was given Regular Course by the Chairwoman of Ways & Means for the next City Council Meeting on December 10, 2018.

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*)

Communication C-24 was given Regular Course by the Legal Affairs Chairman with referrals from Public Works, Water Department and Treasurer.

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

Communication C-25 was given Regular Course by Chairman of Finance Committee.

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

Communication C-26 was given Regular Course by Chairman of Finance Committee.

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.

Communication C-27 was given Regular Course by Chairman of Finance Committee.

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*)

Petition 16-19 was given Regular Course by the Chairwoman of Ways & Means, with referrals from Treasurer, Collector and Police.

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*).

Communication C-22 was given Further Time with a Public Hearing continued to December 10, 2018 at 6:05 P.M.

VIII. CITY OF LEOMINSTER – FINANCIAL REPORT

Councillor Bodanza reported that the balance subject to Appropriation/transfers approvals is \$18,281,285.25.

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.

The Finance Committee recommended to GRANT Communication C-21. The City Council voted 8-0 to Grant Communication C-21.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Landfill Expense Account; same amount to be transferred from the Stabilization Fund.

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)*

Councillor Dombrowski abstained from petition 39-18 due to a possible conflict of interest.

Councillor Freda, Clerk of Legal Affairs Committee recommended Further Time. The City Council voted 7/0 to Grant Further time for petition 39-18.

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)*

Chairman of Legal Affairs and Finance Committee recommended to Grant Communication C-19. The City Council voted 8/0 to Grant Communication C-19.

C-20 Dean J. Mazarella, 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*)

Chairman of Legal Affairs recommended to Grant Communication C-20. City Council voted 8/0 to Grant Communication C-20.

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.*)

Chairman of Legal Affairs recommended to Grant Communication 41-18. City Council voted 8/0 to Grant Communication 41-18.

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*)

The Ways & Means Committee recommended that the appointment for Noelle Balutis be confirmed by the City Council. Vote: 8-0 to confirm the appointment of Noelle Balutis.

XII. 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**)

The Legal Affairs Committee Reccomended that the City Council adopt the 2nd reading ordinance relative to petition 86-18. Roll Call Vote: Councillor Dombrowski, Councillor Bodanza, Councillor Ardinger, Councillor Pauline

Cormier, Councillor David Cormier, Councillor Freda, Councillor Feckley and Council President Marchand voted “Yea”. By a vote of 8/0 the 2nd Reading Ordinance was ADOPTED.

XIII. NEW BUSINESS

1st 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)

Legal Affairs Committee recommended Further Time to the City Council for petition 04-19. The City Council voted to Grant Further Time for petition 04-19 by a vote 8/0.

XIV. COMMUNITY CALENDAR

Councillor Bodanza mentioned there will be tours at the Drake House be on December 8, 2018.

Councillor Freda mentioned Breakfast for the band on Sunday, November 18, 2018. A fundraiser for the band program.

Council President mentioned on Tuesday that there will be a rally and the traditional Burning of the Shoe.

XV. ADJOURNMENT

City Council Meeting Adjourned at 8:30 P.M.

Respectfully Submitted,

Titi Siriphan