

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 26, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

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.

James Lanciani spoke in favor of the appointment of James Leblanc for the position of Director of Emergency Management for the City of Leominster.

Gary Zimmerman, 47 Lynnhaven Road, asked the City Council to consider adding more detail to the agendas to better surmise agenda topics. He also spoke against the purchasing of 1183 Pleasant Street, C-22 (Sholan Farms).

The Public Forum was closed at 7:19PM.

INTERVIEW, 7:25 P.M.

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*)

Councillor Feckley, Chairwoman of Ways & Means, opened the interview of James Leblanc at 7:25PM. Mr. Leblanc explained to the Council his new initiatives for the Emergency Management Division, training, and the future of Emergency Management as a whole. He also explained to the Council that he has had many years' experience on the job as a volunteer and enjoys the work immensely.

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

The Regular meeting of the City Council was opened at 7:30PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

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.

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

There were no records submitted for approval.

Councillor John Dombrowski made a motion to recess. Councillor David Cormier seconded the motion, the motion carried unanimously. The interview of James Leblanc concluded and recess ended.

WAYS AND MEANS

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*)

The Ways and Means Committee recommended the confirmation of James Leblanc.

Vote: 9-0 – Appointment CONFIRMED.

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

- C-28 Dean J. Mazzarella, 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. *(Finance; 2/3 Vote)*

This communication was given Regular Course.

- C-29 Dean J. Mazzarella, 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. *(Finance; 2/3 Vote)*

This communication was given Regular Course.

- 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. *(Finance)(Public Hearing 12/10/2018 @ 6:10 P.M.; 2/3 Vote)*

This communication was given Regular Course.

- C-31 Dean J. Mazzarella, 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. *(Finance; 2/3 Vote)*

This communication was given Regular Course.

V. MATTERS BEFORE THE CITY COUNCIL

VI. 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; Pending Referrals Assessors, Mayor; 2/3 Vote).*

The Finance Committee and Legal Affairs Committee jointly recommended this communication be given further time. The public hearing had been continued to December 10, 2018.

Vote: 9-0 – Further Time was GRANTED.

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

VIII. FINANCE

C-25 Dean J. Mazzearella, 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)(Regular Course 11/13/2018; 2/3 Vote)*
RE: Copy Machine

Finance Committee Recommended that the City Council Grant this Communication. Vote: 9-0 – GRANTED

ORDERED: Vote: 9-0 – The communication was ADOPTED.

C-26 Dean J. Mazzearella, 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)(Regular Course 11/13/2018; Majority Vote)*
RE: Two desks

Finance Committee Recommended that the City Council Grant this Communication. Vote: 9-0 – GRANTED

ORDERED: Vote: 9-0 – The communication was ADOPTED.

C-27 Dean J. Mazzearella, 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)(Regular Course 11/13/2018; Majority Vote)*
RE: Chapter 90 supplemental budget award for Fiscal Year 2019.

Finance Committee Recommended that the City Council Grant this Communication. Vote: 9-0 – GRANTED

ORDERED: Vote: 9-0 – The communication was ADOPTED.

IX. 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; 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 recused himself from this petition due to a possible conflict of interest. Councillor Freda presided. The Legal Affairs Committee recommended that petition 39-18 be given Further Time. The public hearing has been continued to December 10, 2018 at 6:00PM.

Vote: 8-0 – The petition was GRANTED Further Time.

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

The Legal Affairs Committee recommended that C-24 be given Further Time. They also noted that they would like to have the referral back from the City Solicitor before moving forward. The public hearing has been continued to January 14, 2018 at 6:40PM.

Vote: 9-0 – The Communication was GRANTED Further Time.

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; Granted 11/13/2018; Public Hearing 12/10/2018 @ 6:40 P.M.; Majority Vote)*

The Legal Affairs Committee recommended that C-20 be given Further Time.

Vote: 9-0 – The Communication was GRANTED Further Time.

X. WAYS AND MEANS

16-19 An application by ecoATM, LLC for a License to Deal in Secondhand Articles. (*Ways & Means*)(*Regular Course 11/13/2018; Majority Vote*)

Councillor Feckley informed the City Council that all referrals were in and that there were no outstanding issues with this application.

The Ways and Means Committee recommended the petition be GRANTED.

Vote: 9-0 – The petition was GRANTED.

XI. OLD BUSINESS

Councillor Freda asked that agendas give more information regarding content for the citizens of the city.

Councillor Dombrowski submitted questions for the Mayor regarding the purchase of 1183 Pleasant Street (Sholan Farm additional land).

Councillor Dombrowski also mentioned that his conflict of interest for petition 39-18 may have resolved itself and that he would confirm that it was true before presiding over the item on the next agenda.

XII. NEW BUSINESS

Suspension of the Rules: The City Council voted 8-1 (Councillor David Cormier, Nay) to suspend the rules to allow the following Resolutions to be given Regular Course:

Resolution: Regarding Grants for Phase II of the park at the corner of Mechanic and Laurel Streets.

Resolution: Regarding Grants for improvements to Fournier Park.

After the suspension of the rules, these items were given regular course.

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; Further Time 10/09/2018 10/22/2018; 11/13/2018; Majority Vote Required) (Petition 04-19)

The Legal Affairs Committee Recommended that this Ordinance be given Further Time. A Subcommittee meeting, with the Chief of Police, will commence at a date to be decided.

Vote: 9-0 – The first reading of the Ordinance was GRANTED Further Time.

1st 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 11/26/2018.) (Petition 41-18)

The Legal Affairs Committee Recommended the ADOPTION of this Ordinance. Roll Call Vote: 9 -0 The first reading of the Ordinance was ADOPTED.

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:

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; Granted as Amended 9/24/2018; Granted 10/9/2018; Majority Vote Required)(Petition 8-19)

**The Legal Affairs Committee Recommended the ADOPTION of this Ordinance.
Roll Call Vote: 9 -0 The first reading of the Ordinance was ADOPTED.**

XIII. COMMUNITY CALENDAR

- **Winter Stroll December 1, 2018.**
- **Festival of Trees running through December 17th, 2018.**
- **Drake House having a Holiday festival on December 8th from 1:00PM to 4:00PM**

XIV. ADJOURNMENT

The meeting adjourned at 8:35PM

Minutes Respectfully Submitted by:

Katelyn Huffman
City Clerk