

**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

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**Minutes**

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**JANUARY 14, 2019**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**HEARING BEFORE THE CITY COUNCIL, 6:38 P.M.**

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 +/-8 feet in a south direction. *(Regular Course 12/10/2018; Public Hearing 01/14/2019 @ 6:38 P.M.; Majority Vote)*

**The public hearing was opened at 6:38PM with Councillor Freda presiding. Mark Tapely, of National Grid, informed the Council that they would like to replace an anchor inside a tree that was already cut down due to safety concerns. This anchor would support an existing pole. Councillor Freda asked if there were any members of the public who would like to speak for or against the petition three times. No one spoke. The public hearing was closed at 6:39PM.**

**HEARING BEFORE THE CITY COUNCIL, 6:39 P.M.**

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. *(Regular Course 12/10/2018; Public Hearing 01/14/2019 @ 6:39 P.M.; Majority Vote)(Public Service)*

**The public hearing was opened at 6:39PM with Councillor Freda presiding. Mark Tapely, of National Grid, informed the Council that they would like to Put up a new pole for an existing customer. The customer currently has service on the other side of their house, this**

**new pole would allow them to change the service to the opposite location of their house. This pole and anchor would only be in front of, or on their property, and national grid has an easement. Councillor Freda asked if there were any members of the public who would like to speak for or against the petition three times. No one spoke. The public hearing was closed at 6:39PM.**

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

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.; Further Time 12/10/2018; Majority Vote*)(*Legal Affairs*)

**Councillor Freda opened the public hearing at 6:42PM. Jamie Cortez, the general manager of Roll On American informed the Council that Roll On America is looking to connect to the water system. Orchard Hills is already connected and they would like to amend their current agreement and also connect into the water supply system.**

**The Legal Affairs Committee recommended that the public hearing remain open. Vote: 8-0 the public hearing was continued to a date to be determined.**

#### **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 questions; however, at the discretion of the Council President, clarification may be given.

**Peter Campabasso, 3 Park Street, and legal counsel for Middlesex Integrative Medicine, spoke in support of petition 19-19. He informed the council that there would not be any additional facilities in Leominster, but the Cannabis Control Commission requires cultivation facilities to inform their host or town cities if they plan to supply marijuana to other licensed cities due to the increase in supply and business that the cultivation center would incur. He also asked the council to amend the proposed language to better express the request and fix grammatical errors that were originally submitted. Also, he informed the council that the current host agreement reflects a payment based off inventory and the payment is not a sales tax. He also let the council know that he would be available should they have any further questions for him.**

**Ed Bartlett, CEO of Middlesex Integrative Medicine, expressed to the council that they only had current interest in opening medical types of facilities, and would go back to the council openly if they decided to request a recreational marijuana license, but currently not looking at recreational marijuana. He informed the council that he and his business are trying to comply with the Cannabis Control Commissions rules, and reiterated that their host agreement does not have anything to do with sales tax, only pounds of product.**

**Ken Hansen, 34 Duggan Drive, spoke in favor of petition C-38. He thanked the council, specifically Councillor Bodanza and Councillor David Cormier, and the mayor for assisting in the process to accept the streets and thanked them again on behalf of the citizens of the neighborhood.**

**The public forum closed at 6:55PM.**

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**INTERVIEW, 6:50 P.M.**

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

**The interview for Michael Shine began at 7:05PM. Councillor David Cormier made a motion to recess, Councillor Freda seconded the motion, the motion carried unanimously.**

**Mr. Shine introduced himself to the Council. He informed them that he was a Devens resident, who had heard that Leominster needed civilian volunteers for their Emergency Management Department. Mr. Shine also is a member of the Coast Guard Auxiliary unit, has many years of administration and purchasing experience, and has also had experience supervising upwards of 100 employees at a time. He expressed his interest in continuing his education and expanding his horizons.**

**The City Council thanked him for his willingness to volunteer for the City of Leominster.**

**The Ways and Means Committee recommended the confirmation of Michael Shine.**

**Vote: 8-0 Michael Shine was confirmed as a member of the office of Emergency Management.**

**I. REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.**

**A moment of silence was given in honor of William McDonald and John Joey Casey, both of whom had recently passed. Both gentlemen were integral to the make-up of Leominster and will be dearly missed.**

**II. ROLL CALL OF COUNCILLORS IN ATTENDANCE**

**Councillor Richard Marchand, Councillor Claire Freda, Councillor John Dombrowski, Councillor Susan Challifoux Zephir, Councillor Mark Bodanza, Councillor Thomas Ardinger, Councillor Pauline Cormier, Councillor David Cormier were in attendance. Councillor Gail Feckley was absent.**

**Others Present: Katelyn Huffman, City Clerk and Titi Siriphan, Assistant City Clerk.**

**III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**

- September 10, 2018
- September 24, 2018
- November 13, 2018
- November 26, 2018
- January 7, 2019 Organizational Meeting

**Council President Marchand recommended that the meeting minutes be approved at the next meeting when Councillor Feckley was present.**

**IV. COMMUNICATIONS FROM THE MAYOR**

COMMUNICATIONS

C-38      Dean J. Mazarella, Mayor: To accept Duggan Drive and Comstock Road as public ways. (*Legal Affairs*)

**This communication was given regular course.**

ORDERS

C-39 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$575,000.00 to the Stabilization Fund; same amount to be transferred from the Recreation Department Capital Outlay Expense Account. *(2/3 Vote) (Finance)*

RE: To rescind appropriation of December 10, 2018 due to the Fournier Park project not being funded by the state.

**This communication was given regular course.**

C-40 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$9,500.00 to the City Clerk Expense Account; same amount to be transferred from the Stabilization Fund. *(2/3 Vote) (Finance)*

RE: Software Upgrade.

**This communication was given regular course. Referrals were requested from DPW, City Engineer, and the Planning Board. Additionally, Councillor Freda requested a list of all streets that need to be accepted in the city, who's responsibility the streets were, and if there are any as-builts, bonds, and the pavement condition of each street.**

**Councillor Bodanza informed the Council that such a report was compiled by himself.**

**It was noticed that the Planning Board should write a report regarding this first and then an order of layout should be made.**

C-41 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$4,000.00 to the Police Department Overtime Account; same to be transferred from the Disability Fines Receipts Reserved for Appropriation Account. *(Majority Vote) (Finance)*

RE: Parking Enforcement Details.

**This communication was given regular course.**

C-42 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$6,600.00 to the Highway Department Expense Account; same amount to be transferred from the Stabilization Fund. *(2/3 Vote) (Finance)*

RE: OSHA Requirements Supplies.

**This communication was given regular course.**

C-43 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$92,000.00 to the School Department Expense Account; same amount to be transferred from the Stabilization Fund. (2/3 Vote) (Finance)

RE: Purchase of Chrome Books.

**This communication was given regular course.**

C-44 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$13,000.00 to the Library Expense Account; same amount to be transferred from the Stabilization Fund. (2/3 Vote) (Finance)

RE: Purchase of 2 copy machines for public use.

**This communication was given regular course.**

**V. PETITIONS – FIRST TIME ON THE CALENDAR**

20-19 Elizabeth Wood, Planning & Development Director: To amend the Zoning Ordinance accordingly: Remove the section of Article XIII 22-71.1 that states "...Signs may not extend above the building's roofline and/or the wall upon which the sign is located." This contradicts section 22-71.9.1 that covers sign height and states that a sign may extend eight feet above the roof line. (2/3 Vote) (Legal Affairs)

**This communication was given regular course. Referrals were requested from the Building Department. Councillor Freda requested that the new Planning Director come to the Public Hearing.**

**VI. MATTERS BEFORE THE CITY COUNCIL**

**VII. CITY OF LEOMINSTER – FINANCIAL REPORT**

**VIII. FINANCE**

C-33 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$17,500.00 to the Police Overtime Account; same to be transferred from the Stabilization Fund. (Regular Course 12/10/2018; 2/3 Vote).

**The Finance Committee Recommended to grant the communication.  
Vote: 8-0 the communication was granted.**

**ORDER: By a vote of 8-0 the communication was ADOPTED.**

- 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. (*Regular Course 12/10/2018; Majority Vote*).

**The Finance Committee Recommended to grant the communication.  
Vote: 8-0 the communication was granted.**

**ORDER: By a vote of 8-0 the communication was ADOPTED.**

- 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. (*Regular Course 12/10/2018; 2/3 Vote*).

**The Finance Committee Recommended to grant the communication.  
Vote: 8-0 the communication was granted.**

**ORDER: By a vote of 8-0 the communication was ADOPTED.**

- 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. (*Regular Course 12/10/2018; 2/3 Vote*).

**The Finance Committee Recommended to grant the communication.  
Vote: 8-0 the communication was granted.**

**ORDER: By a vote of 8-0 the communication was ADOPTED.**

## **IX. LEGAL AFFAIRS**

- 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 12/10/2018; Pending Referral City Solicitor; Public Hearing 1/14/2018 @ 6:40 P.M.; Majority Vote*)

**The Legal Affairs Subcommittee informed the Council that they had kept the public hearing open for this communication. The Legal Affairs**

**Subcommittee recommended this petition be given further time, be put onto the January 28, 2019 Legal Affairs Subcommittee Agenda, and ask that Roger Brooks or Ray Racine come down to discuss the communication.**

**Councillor Bodanza questioned what this agreement would cost the City and if there was any motive to expand and redevelop the Roll On America Property after water was acquired.**

**Vote: 8-0 this petition was given further time, would be put onto the January 28, 2019 Legal Affairs Subcommittee Agenda, and the Council would ask that Roger Brooks or Ray Racine come down to discuss the communication.**

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. *(Regular Course 12/10/2018; Pending Referral Mayor; Majority Vote).*

**This petition was moved to the front of the agenda by Council President Marchand. Councillor Dombrowski read the proposed amended language allowed to the Council:**

**“Approve a local letter of support or non-opposition to Middlesex Integrative Medicine for a proposed retail Registered Marijuana Dispensary (RMD) to be located at 305 Second Avenue, Waltham, MA to be signed by the Mayor or the duly authorized members of the Leominster City Council.”**

**Councillor Dombrowski made a motion to accept the amended language of the petition. Councillor Chalifoux Zephir seconded the motion. The motion carried unanimously through a roll call vote 8-0.**

**Councillor Dombrowski informed the council that we are still awaiting a referral from the Mayor. Councillor Freda informed the Council she wanted to wait for the Mayor’s referral. Councillor Bodanza informed the Council that he had researched the host agreement and that paragraph 8 section A states that if Leominster and the Commonwealth of Massachusetts adopts a sales tax for medical marijuana then the host agreement is void. He expressed that currently there is no tax but that it could change in the future, which**



would cause Leominster to end up with no revenue from this property. He proposed an amendment to the host agreement.

The Legal Affairs Committee recommended Further Time, and also recommended that the petition be put on the next Legal Affairs Subcommittee meeting agenda for January 28, 2019 at 5:00PM.

Vote: 8-0 the petition was given further time and would come up on the Legal Affairs Subcommittee agenda.

## X. PUBLIC SERVICE

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 +/-8 feet in a south direction. (*Regular Course 12/10/2018; Public Hearing 01/14/2019 @ 6:38 P.M.; Majority Vote*).

**The Public Service Subcommittee Recommended that the petition be granted. Vote: 8-0 the petition was granted.**

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. (*Regular Course 12/10/2018; Public Hearing 01/14/2019 @ 6:39 P.M.; Majority Vote*)(*Public Service*).

**The Public Service Subcommittee Recommended that the petition be granted. Vote: 8-0 the petition was granted.**

## XI. WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE

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

**This confirmation was moved to the front of the agenda. The Ways & Means Subcommittee recommended the appointment of Michael Shine to the Office of Emergency Management.**

## XII. OLD BUSINESS

### C-20 2<sup>nd</sup> 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.; 1<sup>st</sup> Reading Adopted 12/10/2018; Majority Vote).*

The Legal Affairs Subcommittee read the ordinance for a second time. They recommended that the second reading of the ordinance be adopted.

**Roll Call Vote: 8-0 the second reading of the ordinance was adopted.**

Additionally, the Legal Affairs Subcommittee recommended that a public hearing be set for petition 20-19 on January 28, 2019 at 6:30PM. They also requested that the Planning Director be present at the public hearing.

**Vote: 8-0 the public hearing for petition 20-19 was set and the Council would ask the Planning Director to be present at the public hearing.**

### **XIII. NEW BUSINESS**

04-19     **1<sup>st</sup> 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; 11/26/2018; 12/10/2018; Public Hearing TBD; Majority Vote Required)*

**The Legal Affairs Subcommittee recommended to give this petition further time, add it to their subcommittee agenda for January 28, 2019 at 5:00PM, and to ask the Police Chief down to discuss the proposed changes to the ordinance.**

**Vote: 8-0 the petition was given further time, it was added to the January 28, 2019 Legal Affairs Subcommittee agenda, and the police chief would be asked down to the subcommittee meeting.**

21-19     Katelyn Huffman, City Clerk: A Resolution authorizing a policy regarding electioneering during absentee voting for the 2019 local elections. *(Majority Vote) (Ways & Means).*

**The Ways & Means Committee read the resolution allowed. The resolution was given regular course.**

22-19     Katelyn Huffman, City Clerk: A Resolution to support the continued efforts to encourage all citizens to participate in elections and to educate the public on the importance of key election practices. *(Majority Vote) (Ways & Means).*

**The Ways & Means Committee read the resolution allowed. The resolution was given regular course.**

#### **XIV. COMMUNITY CALENDAR**

- **Councillor Freda informed the Council that the rotary calendar is out for \$20.00. anyone who buys one will have a chance to win \$50.00 a week for a year. Contact a rotary club member or the Mayor’s office to buy one.**
- **Councillor Chalifoux Zephir informed the Council that there would be a meeting on January 29, 2019 to talk about foundation formula and issues with the formula, including its implementation for the schools. It would be held at Skyview School at 6:00PM.**

#### **XV. TABELD PETITIONS UPON WHICH ACTION IS PROPOSED**

02-19 Gail P. Feckley: Request to amend Chapter 22 of the Revised Ordinances, entitled, “Zoning” Article I, Section 22-4 Definitions, Yard Sale by adding application and permitting requirements for all Yard Sales. (*Regular Course 7/23/18; Further Time: 8/13/2018; Pending Referrals: Planning, Zoning Board of Appeals; 2/3 Vote Required, Public Hearing Required: TBD; Tabled 8/27/2018.*)

**It was recommended that this petition be brought back onto the next agenda for discussion.**

#### **XVI. ADJOURNMENT**

**The meeting adjourned at 8:04 P.M.**

Minutes Respectfully Submitted By:

Katelyn Huffman  
City Clerk