

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

JANUARY 28, 2019

JOHN P. MAHAN CITY COUNCIL CHAMBERS

HEARING BEFORE THE CITY COUNCIL, 6:30 P.M.

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. (*Regular Course 1/14/2019; Pending Referral **Building**; 2/3 Vote*) (*Legal Affairs*)

The public hearing opened at 6:30PM with the Legal Affairs Subcommittee presiding. Elizabeth Wood, Leominster Planning Director, informed the City Council that currently there are two areas in the bylaws and regulations that do not match regarding signage. After speaking with the Planning Board, it was recommended that the less restrictive language be used and that the other language be deleted in its entirety. Councillor Feckley asked if this change was answer to any particular applicant. Peter Niall, Leominster Building Commissioner and Zoning Enforcement Officer, informed the council it was just a general housekeeping item and not meant for any one business or person. Councillor Bodanza felt like the more restrictive wording should be kept. Councillor Freda informed Ms. Wood that she would like the Planning Board to get input from businesses in the community.

The Legal Affairs Subcommittee recommended to leave the public hearing open.

INFORMATIONAL SESSION WITH THE MAYOR, 6:31 P.M.

Regarding Chrome books for Leominster Public Schools.

Mayor, Dean J. Mazzarella, informed the Council that the process for Communication C-38 was running smoothly and asked the Council to continue to support the Communication so that Duggan and Comstock could become accepted streets.

Mayor Mazzarella also spoke about Chromebooks for the school. He informed the Council that the communication would allow the school to allocate 250 more Chrome Books which would allow them to provide Chrome Books to the Middle School and High School without having to consistently transport and share them. Paula Deacon, Superintendent of Leominster Public Schools, spoke in favor of the Chrome Books, she explained that they have been purchasing Chrome Books every year, but this additional appropriation would allow them to better equip themselves for mandated MCAS testing online, as well as for other state mandated online tests. She explained that the request is for small amounts at a time so that the schools can ensure they have the correct specifications for the information technology structure before putting all the chrome books online at once.

Councillor Pauline Cormier asked the Mayor to clarify the difference between this appropriation and the appropriation of the original budget. Mayor Mazzarella, informed the Council that the original budget was appropriated for the year, that this appropriation is above and beyond that budget, and would be added in to supplement the current budget for the unforeseen expense.

Councillor Freda asked if there were any grants available to offset the cost. The Mayor informed the council they are constantly checking for such grants. He also informed the Council that down the road, he would have a report for the schools siting safety concerns on the outside of the school and would ask for an appropriation to fix those hazards.

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.

Sondra Murphy, Library Director, informed the councilors that she is requesting money to acquire two public copiers. These copiers would replace two copiers that are not properly functioning, and would allow patrons to use credit cards, and pay less fees to do basic scanning which previously cost money.

Peter Campobasso, 3 Park Street, legal counsel for Middlesex Integrative Medicine (hereafter MIM), spoke about petition 19-19. He informed the

Council that he was here to speak on behalf of the letter of non-opposition that MIM was requesting. He noted that in the Legal Affairs Subcommittee Meeting there was discussion about amending the original host agreement to fix discrepancies that City Council was concerned about. They also discussed a proposed template for the letter and the wording involved in the letter. He asked the Council to please grant the letter.

Council President Marchand asked three times if any member of the public would like to speak. No one else spoke. The public forum closed at 7:00PM.

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

The meeting opened at 7:00PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

III. 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, Councillor Gail Feckley were in attendance.

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

IV. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- **September 10, 2018 – These meeting minutes were approved.**
- **September 24, 2018 - These meeting minutes were approved.**
- **November 13, 2018 - These meeting minutes were approved.**
- **November 26, 2018 - These meeting minutes were approved.**
- **January 7, 2019 Organizational Meeting- These minutes will be approved at the next regular meeting of the City Council.**
- **January 14, 2019 - These meeting minutes were approved.**

V. COMMUNICATIONS FROM THE MAYOR

ORDERS

C-45 Dean J. Mazarella, Mayor: Relative to the appropriation of \$192,000.00 to the Fire Department Salary & Wages Account; same amount to be

transferred from the Collective Bargaining Expense Account. (*Finance; Majority Vote*).

RE: To fund first year (FY2019) contract settlement from FY 2019 – FY 2021 agreement.

This communication was given regular course.

C-46 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$31,250.00 to the Fire Department Overtime Account; same amount to be transferred from the Collective Bargaining Account. (*Finance; Majority Vote*).

RE: To fund increased costs associated with contract settlement.

This communication was given regular course.

VI. PETITIONS – FIRST TIME ON THE CALENDAR

23-19 Officer Patrick S. Bresnahan: Requesting a “30 Minute” Parking sign be placed in front of what is now the Fluer Du Jour Flower Boutique located at 5 West Street. (*Legal Affairs*).

This communication was given regular course and was given a referral for the Traffic Division of the Police Department.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. CITY OF LEOMINSTER – FINANCIAL REPORT

The balance of the Stabilization Fund was \$17,274,340.00

IX. FINANCE

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. (*Regular Course 1/14/2019; Majority Vote*)

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

**The Finance Committee Recommended to rescind the communication.
Vote: 9-0 the communication was rescinded**

- C-40 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$9,500.00 to the City Clerk Expense Account; same amount to be transferred from the Stabilization Fund. *(Regular Course 1/14/2019; 2/3 Vote)*

RE: Software Upgrade.

**The Finance Committee Recommended to grant the communication.
Vote: 9-0 the communication was granted.**

ORDER: By a vote of 9-0 the communication was ADOPTED.

- C-41 Dean J. Mazzarella, 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. *(Regular Course 1/14/2019; Majority Vote)*

RE: Parking Enforcement Details.

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

**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-42 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$6,600.00 to the Highway Department Expense Account; same amount to be transferred from the Stabilization Fund. *(Regular Course 1/14/2019; 2/3 Vote)*

RE: OSHA Requirements Supplies.

**The Finance Committee Recommended to grant the communication.
Vote: 9-0 the communication was granted.**

ORDER: By a vote of 9-0 the communication was ADOPTED.

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. *(Regular Course 1/14/2019; 2/3 Vote)*

RE: Purchase of Chrome Books.

**The Finance Committee Recommended to grant the communication.
Vote: 9-0 the communication was granted.**

ORDER: By a vote of 9-0 the communication was ADOPTED.

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. *(Regular Course 1/14/2019; 2/3 Vote)*

RE: Purchase of 2 copy machines for public use.

**The Finance Committee Recommended to grant the communication.
Vote: 9-0 the communication was granted.**

ORDER: By a vote of 9-0 the communication was ADOPTED.

X. LEGAL AFFAIRS

C-24 Dean J. Mazzarella, 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 11/26/2018; 12/10/2018; 1/14/2019; Public Hearing 1/14/2018 @ 6:40 P.M.; Majority Vote)*

This item was brought to the top of the agenda. Councillor Chalifoux Zephir made a motion to recess. Councillor David Cormier seconded the motion. The motion carried unanimously.

Jamie Cortes, the general manager of Roll On America, appeared before the City Council on behalf of the owners of the company, whom reside out of state. She informed the council that the owners were requesting to tie in to the Leominster Water Supply.

Councillor Bodanza was concerned as to why the company wanted to do so now, he wanted to know whether or not there was a plan to continue to operate the business as it stands today or to further develop it. He also questioned whether or not the owners of the property have pursued legal representation to properly implement this process.

Ms. Cortes informed the Council that they currently had no legal counsel and were waiting to see the direction the Council chose before hiring a legal team.

The Legal Affairs Committee recommended to table the petition for study. Vote: 9-0 the petition was tabled for study.

C-38 Dean J. Mazarella, Mayor: To accept Duggan Drive and Comstock Road as public ways. *(Regular Course 1/14/2019; Majority Vote).*

Councillor Dombrowski read the communication from KP Law regarding the process of accepting the streets. He noted that the first step would be to get a memo from the Planning Board or to wait 45 days, whichever is sooner before continuing the process of the acceptance of the street. He also noted that it is optional to have a public hearing and notify abutters about the acceptance of the street. Councillor Freda recommended that a notice be sent out to abutters to inform them of the acceptance. Councillor David Cormier that notifications have been sent through the Mayor's office, so this step may not need to be taken.

The Legal Affairs Committee recommended giving this communication further time. Vote: 9-0 the communication was given further time.

19-19 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. *(Regular Course 12/10/2018; Further Time 1/14/2019; Petition Language Amended 1/14/2019; Pending Referral Mayor; Majority Vote).*

Councillor Dombrowski informed the council that during the Legal Affairs subcommittee meeting, the applicant and legal counsel for the petition informed the committee that they were trying to get approval to open a facility in Waltham, and in order to do so, they would need a letter from the original host community to open such facility. It is a State Requirement through the CCC. The Legal Affairs Committee recommended that the City Council grant petition 19-19 with the condition that they get a copy of the amended, signed, host agreement and the proposed new language from the petitioner that would clarify the last sentence in the draft letter that was submitted to the subcommittee for review.

Councillor Freda felt that the Council should speak with the City of Waltham, since they were not even aware of the proposed project. She also recommended the petition be given further time.

Councillor Bodanza felt that the petition was purely administrative. He also noted that the petitioner is being cooperative and agreed to amend the host agreement and the proposed letter template, which would be delivered to the City Clerk.

Councillor Dombrowski noted that this will support a local business and help to continue to provide good jobs for the people in the City.

The Legal Affairs Committee recommended to grant the petition with the condition that the City Council and City Clerk get a copy of the amended, signed, host agreement and the proposed new language from the petitioner that would clarify the last sentence in the draft letter that was submitted to the subcommittee for review.

Vote: 8-1 (Councillor Freda, Nay), the petition was granted with conditions.

- 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. *(Regular Course 1/14/2019; Pending Referral **Building**; 2/3 Vote) (Legal Affairs)*

The Legal Affairs Committee recommended to give this petition further time.

Vote: 9-0 the petition was given further time.

XI. WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE

- 21-19 Katelyn Huffman, City Clerk: A Resolution authorizing a policy regarding electioneering during absentee voting for the 2019 local elections. *(Regular Course 1/14/2019; Majority Vote)*

The Ways and Means Committee Recommended to adopt this resolution.

Roll Call Vote: 9-0 the resolution was adopted.

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. *(Regular Course 1/14/2019; Majority Vote)*

The Ways and Means Committee Recommended to adopt this resolution as amended.

Roll Call Vote: 9-0 the resolution was adopted as amended.

XII. OLD BUSINESS

- **Councillor Feckley informed the Council that Stephen F. Madaus of Mirick O’Connell Attorneys At Law was still interested in continuing as their legal counsel. He would send in a letter indicating so to the City Clerk. The Ways and Means Committee recommended that the City Council Confirm the appointment of Stephen F. Madaus of Mirick O’Connell Attorneys At Law with the condition that the City clerk receives the letter indicating his interest in the position. Vote: 9-0 the appointment was confirmed.**

XIII. NEW BUSINESS

04-19 **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; 11/26/2018; 12/10/2018; 1/14/2019; Public Hearing TBD; Majority Vote Required)

The Legal Affairs Committee recommended that the first reading be given further time until a clean copy of the new proposed language was submitted.

Vote: 9-0 the first reading of the ordinance was given further time.

The City Clerk also informed the City Council and viewers that nomination papers could be picked up on Monday, February 4, 2019. She also informed the

Council that the City Clerk's office would no longer notarize the candidates statement as it may cause the perception of a conflict of interest.

XIV. COMMUNITY CALENDAR

- Councillor Chalifoux Zephir informed the council that a meeting for the schools, regarding public funding will be on Wednesday at 6:00PM at Skyview Middle School.
- On January 30, 2019 there would be a neighborhood meeting regarding the athletic fields for the Leominster High School in Room 10 of the City Hall.
- Councillor Freda informed the council that a joint meeting with the Fitchburg rotary club would be tomorrow night to distribute proceeds from the breakfast for the bands.
She also informed the council that the vocational awards night would be April 3rd recognizing municipal employees
- Councillor Bodanza informed the Council that the Drake House would be open on February 16, 2019, from 1:00PM to 4:00PM at 21 Franklin Street, to commemorate the rescue of a former slave.

XV. TABELED 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.*) (*Legal Affairs*)

The Legal Affairs Committee recommended to take the petition off the table.

Vote: 9-0 the petition was taken off the table.

Action and Disposition:

The Legal Affairs Committee recommended to give the petition further time, and to place it on the subcommittee meeting agenda for February 11, 2019 at 5:30PM. They also recommended to invite Peter Niall, the Building Commissioner and Zoning Enforcement Officer, down to discuss the petition.

Vote: 9-0 the petition was given further time and placed on the subcommittee meeting agenda for February 11, 2019 at 5:30PM. They also invited to

invite Peter Niall, the Building Commissioner and Zoning Enforcement Officer, down to discuss the petition.

XVI. ADJOURNMENT

The meeting adjourned at 8:15PM.

Minutes Respectfully Submitted By:

Katelyn Huffman
City Clerk