

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

FEBRUARY 11, 2019

JOHN P. MAHAN CITY COUNCIL CHAMBERS

INFORMATIONAL SESSION WITH THE MAYOR, 6:15 P.M.

Regarding Schools and Athletic Field.

At 6:15pm the public information session with Mayor Dean J. Mazzarella began. Anthony Pallazzi, of Whitman & Bingham Associates, gave a presentation of the amended proposed design for the School Athletic Fields. He showed the original proposed design and the amended proposed design and explain to the City Council what changes had been implemented. He explained that the driveway had been moved closer to the school so that a curb cut would not be needed on Granite Street. He explained that the driveway was also at a lower grade which would make it less visible to abutters. He informed the Council that an additional 100 parking spaces would be provided with the new plan. The project would also remove the current softball field and would turn it into a multi-purpose athletic field. Additionally, the fields would have a lower elevation as a whole which would help with screening. Mr. Pallazzi also informed the Council that they are still looking into fencing and more landscaping in the area.

Council President Marchand asked if lighting had been addressed. Mr. Palazzi said that at the next step, lighting, stormwater, drainage, landscaping and sewer would be addressed. This plan was in the preliminary stages and would get more detailed at the next step.

Councillor David Cormier asked if there would be a difference in cost from the first plan to the new plan. Mr. Palazzi explained that it was likely, but no set monetary figures had been determined yet.

Mayor Mazzarella informed the Council that the bond was written “not to exceed” a certain dollar amount. He also informed the council that depending on the final design,

additional funds may need to be appropriated, or it could be right in line with the original estimate.

Councillor Pauline Cormier asked what the rationale was in disposing of the softball field and turning it into an all-purpose athletic field.

The Athletic Director informed the Council that since there was already another softball field, this field would be used as an all-purpose field so that more athletic teams can practice on it at once.

Councillor Bodanza cited that the abutters in the area were concerned about the use of the field, and that he had been tasked with writing a memorandum of use for the City, Abutters, and School to address this topic. He informed the Council that it would address who could use the fields, when the fields could be used, and may possibly have a time where use would end.

Councillor Freda felt that the memorandum was not needed and that the School could address these items in a written policy instead.

Mayor Mazzarella informed the Council that after speaking with the abutters and the school, this memorandum was agreed upon and was best practice for this certain situation.

Councillor Feckley asked if there would be a sound system on the field.

The Athletic Director informed her that there would not be.

Council President Marchand informed the Mayor that the abutters were concerned about the possibility of subletting.

Mr. Palazzi finished the presentation, informing the Council that more updates would come as more concrete pieces of the plan were put together such as recommendations from a Landscape Architect and an Electric Engineer.

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.

Ryan Young, a firefighter, spoke in favor of Communications C-45 and C-46. He informed the Council that these communications addressed the newly negotiated union contracts and would fund them.

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

The regular meeting of the City Council opened at 7:00PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Councillor Richard Marchand, Councillor Claire Freda, Councillor John Dombrowski, Councillor Mark Bodanza, Councillor Thomas Ardinger, Councillor Pauline Cormier, Councillor David Cormier, Councillor Gail Feckley were in attendance.

Councillor Susan Challifoux Zephir was absent.

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- January 7, 2019 Organizational Meeting – **These meeting minutes were approved as amended.**
- January 28, 2019 - **These meeting minutes were approved as written.**

IV. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

A measure confirming the Mayor’s Appointment to the Leominster Police Department Building Committee: (Ways & Means; Majority Vote)

Mayor Dean Mazarella
Councillor Claire Freda
Chief Michael Goldman
Lt. Mark Amico
Sgt. Daniel Proietti
Patrolman Daniel Contois
Patrolman Michael Wing

Kelly Gammell
Wendy Wiiks
Greg Chapdelaine
William Mitchell
James Whitney
Henry Frye
Patrick McCarty

This measure was given regular course. Councillor Feckley requested that the Mayor provide the City Council with a letter or narrative about the credentials of the people who were chosen for the committee, how they were chosen, and how often they would meet.

A measure confirming the Mayor's Appointment of **Anthony McCauliff** to the Office of Emergency Management – EMS Unit; Volunteer (*Ways & Means; Majority Vote*)

This measure was given regular course. Councillor Feckley, Chairwomen of the Ways & Means Committee, asked that Mr. McCauliff come down to the next meeting for an interview, and supply the Council with a summary of experience.

A measure confirming the Mayor's Appointment of **Samuel Gallagher** to the Conservation Commission; term to expire 4/15/2022. (*Ways & Means; Majority Vote*)

This measure was given regular course. Councillor Feckley, Chairwomen of the Ways & Means Committee, asked that Mr. Gallagher come down to the first March meeting for an interview, and supply the Council with a summary of experience.

ORDERS

C-47 Dean J. Mazarella, Mayor: Relative to the appropriation of \$250,000.00 to the Snow & Ice Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 Vote*).

This communication was given regular course.

V. PETITIONS – FIRST TIME ON THE CALENDAR

24-19 Susan Chalifoux-Zephir, Councillor at Large, Gail Feckley, Ward 1 Councillor, and Peter Niall, Building Inspector: Amend the Leominster Zoning Ordinance as follows:

Section 22-16.2.2 to read: “One commercial vehicle with gross weight under 10,000 pounds may be stored or parked outdoors on a lot provided that such storage or parking area is substantially screened”.

And

Section 22-15. Penalty to read: “A violation of the zoning ordinance is punishable by a fine of not more than \$300 per vehicle per violation; provided that each day such violation constitutes a separate offense”.
(Legal Affairs)

This petition was given regular course with referral to the Building Commissioner, the Planning Board, the Zoning Board of Appeals, and the Mayor’s Office.

VI. MATTERS BEFORE THE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

The balance of the Stabilization fund was: \$17,024,340.00.

VIII. FINANCE

C-45 Dean J. Mazzarella, 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. *(Regular Course 1/28/2019; Majority Vote).*

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

Councillor David Cormier recused himself from the communication due to a possible conflict of interest.

The Finance Committee Recommended to GRANT the communication. By a vote of 7-0 the communication was granted.

ORDERED: By a vote of 7-0 the Communication was ADOPTED.

C-46 Dean J. Mazzarella, 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. *(Regular Course 1/28/2019; Majority Vote).*

RE: To fund increased costs associated with contract settlement.

Councillor David Cormier recused himself from the communication due to a possible conflict of interest.

The Finance Committee Recommended to GRANT the communication. By a vote of 7-0 the communication was granted.

ORDERED: By a vote of 7-0 the Communication was ADOPTED.

IX. LEGAL AFFAIRS

C-38 Dean J. Mazarella, Mayor: To accept Duggan Drive and Comstock Road as public ways. (*Regular Course 1/14/2019; Further Time 1/28/2019; Majority Vote*).

City Clerk, Katelyn Huffman, read the Planning Board Memo aloud to the City Council. The Planning Board memo voted for the acceptance of the Order of Layout and Taking of Duggan Drive and Comstock Road.

Councillor Freda asked if there was an as-built and survey already in place for the proposed roads. She was concerned that if there were not any such plans on file, that it could be detrimental.

Councillor Dombrowski read the Order of Layout allowed.

The Legal Affairs Committee Recommended that the City Council adopt and approve the Order of Layout.

Roll Call Vote: 8-0 the Order of Layout was Granted for the first time.

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.*)

Councillor Dombrowski informed the Council that at the subcommittee meeting, held before the regular meeting, it was decided that the petition would be given leave to withdraw without prejudice. The police had agreed to deal with those who continuously violate the current ordinance.

The Legal Affairs Committee recommended that the petition be given leave to withdraw without prejudice.

Vote: 8-0 the petition was given leave to withdraw without prejudice.

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; Further Time 1/28/2019; 2/3 Vote*)

Councillor Dombrowski asked that the Planning Director be reminded that they are awaiting a follow-up on this matter, specifically addressing why the Planning Board chose the lesser restrictions. They want the Planning Board to reiterate their justification.

The Legal Affairs Committee recommended that this petition be given further time.

Vote: 8-0 the petition was given further time.

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. (*Regular Course 1/28/2019; Pending Referral Traffic; 2/3 Vote*).

Councillor Dombrowski informed the Council that the memo from the Traffic Division approved the petition, and cited that it would help business owners in the area and provide them with more parking.

The City Clerk informed the Council that Officer Bresnahan had requested the ordinance be set forth for all times of the day.

The Legal Affairs Committee recommended that the Council GRANT the petition as amended. The petition would read:

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 **pursuant to 13-51.3 of the City Ordinances.**

Vote: 8-0 The petition was granted as amended.

X. OLD BUSINESS

Councillor Freda asked that the Safety Valve information for sewer lines be added to the next meeting so that the DPW could address the topic and better inform citizens on how the safety valve works.

XI. 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;1/28/2019; Public Hearing TBD; Majority Vote Required)

Councillor Dombrowski made a motion to amend the first reading ordinance, and replace it with the new, updated text.

Councillor Bodanza seconded the motion.

The motion carried unanimously.

The Legal Affairs Committee recommended that the first reading of the ordinance, as amended, be adopted.

Roll Call Vote: 8-0 the first reading ordinance was adopted as amended.

C-38 **1st Reading Order of Layout and Order of Taking of Duggan Drive and Comstock Road as Public Ways.** Refer to enclosures.

Councillor Dombrowski had previously read the order of taking for the first time earlier in the meeting. He read the Taking of Duggan Drive and Comstock Road aloud.

The Legal Affairs Committee recommended that the City Council approve and accept the order of taking.

Roll Call Vote: 8-0 the Order of Taking was Adopted.

XII. COMMUNITY CALENDAR

- Councillor Ardinger informed the Council that on March 16, 2019, the 100th anniversary of the American Legion would take place. The celebration would be in the form of a dinner that would cost \$20.00, from 6:00PM-12:00AM, at the Leominster Elks Lodge.
- Councillor Pauline Cormier reminded the public that there is currently no On Street Parking with the pending storm in Ward 2.
- Council President Marchand informed the Council and the Public that the schools would have a two hour early dismissal the following day due to the pending storm.
- Councillor Bodanza informed the Council that on Saturday, February 16, 2019, the Drake House would be open to commemorate the anniversary of the capture of Mr. Minkins, one of the first slaves captured after the implementation of the Missouri Compromise. The house would be open from 1:00PM-4:00PM, relics and artifacts would be present for inspection, and the address is 21 Franklin Street, Leominster, MA 01453.

XIII. ADJOURNMENT

The meeting adjourned at 7:47 P.M.

Meeting Minutes Respectfully Submitted By:

Katelyn Huffman, City Clerk