

Council President

Mark C. Bodanza

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 – Peter A. Angelini

CITY OF LEOMINSTER

CITY COUNCIL

FEBRUARY 10, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC FORUM, 6:55 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.

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

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- January 27, 2020 Minutes

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

C-50 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$112,768.00 be made to the Street Resurfacing Expense Account; the same amount to be transferred from the Highway State Aid Reserved for Appropriation Account. (*Finance; Regular Course 2/10/2020; Majority Vote*)

RE: Chapter 90 Supplemental Aid for Fiscal Year 2020.

C-51 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$250,000.00 to be made to the Snow & Ice Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 2/10/2020; 2/3 Vote*)

COMMUNICATIONS FROM THE MAYOR, CONTINUED

- C-52 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$50,000.00 be made to the Snow & Ice Overtime Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 2/10/2020; 2/3 Vote*)

COMMUNICATIONS

- C-53 Dean J. Mazzearella, Mayor: Request authorization to acquire, by purchase, gift, and/or eminent domain, a parcel of land located at 51 Lancaster Street, Leominster, containing 0.435 acres, more or less, and being the premises described in a deed recorded with the Worcester North District Registry of Deeds in Book 8240, Page 369 for general municipal purposes on such term and conditions as the Mayor deems in the best interests of the City, and further to authorize the Mayor to enter into any all agreements and execute any and all instruments as may be necessary or convenient to affect said acquisition. (*City Property; Regular Course 2/10/2020; 2/3 Vote*)

COMMUNICATIONS, SUSPENSION OF THE RULES

- C-54 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Dean Tran and State Representative Natalie Higgins file special legislation with the General Court, on behalf of the city, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G.L. c. 31, as follows:

AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The positions of police chief and police captain in the City of Leominster shall be exempt from Chapter 31 of the General Laws.

SECTION 2: This act shall take effect upon its passage.
(*Legal Affairs; Suspension of the Rules 02/10/2020; Regular Course 02/10/2020; Majority Vote*)

V. PETITIONS FIRST TIME ON THE AGENDA

- 37-20 The Botanist: Grant a Special Permit to operate a Medical Marijuana Facility located at 1775 Lock Drive. (*Legal Affairs; Regular Course 02/10/2020; Majority Vote*)

VI. PETITIONS FIRST TIME ON THE AGENDA, CONTINUED

- 38-20 Elizabeth Wood, Planning Director: Petition to Amend Section 22-34.2.1 accordingly:
- 34.2.1 ~~The FP District includes those areas designated as a floodway on the Leominster, Massachusetts Flood Boundary and Floodway Map (the “FBFM”), Community Panel Numbers 250314-0001-0010, effective September 16, 1982, and all special flood hazard areas designated as either Zone A or Zone A-1 through A-30 on the Leominster, Massachusetts Flood Insurance Rate Map (the “FIRM”) Community Panel Numbers 250314-0001-0010, effective September 16, 1982 and Community Panel Number 250314-0003, amended April 3, 1989.~~
- The Leominster Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the City of Leominster Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated September 16, 1982 as Zone A, AE, AH, AO, A1-30 and A99, and the FEMA Flood Boundary & Floodway Map dated September 16, 1982, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated April 3, 1989. The FIRM, Flood Boundary & Floodway Map, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Official, and Planning and Development Department.
- Amend Section 34.2.3.3.2 accordingly: NFIP State Coordinator, MA Department of Conservation and Recreation, 251 Causeway St., ~~Suite 500-700~~, 8th floor, Boston, MA 02114-2104; and *(Legal Affairs; Regular Course 02/10/2020; Majority Vote)*
- 39-20 Roger Brooks, DPW Water & Sewer Manager: Request to amend Chapter 21, Article III, Section 21-22.3, of the Leominster City Ordinance, as follows: SEE ATTACHED. *(Legal Affairs; Regular Course 2/10/2020; 2/3 Vote)*
- 40-20 Roger Brooks, DPW Water & Sewer Manager: Request to amend Chapter 21, Article II, Section 21-11.1 of the Leominster City Ordinance as follows: SEE ATTACHED. *(Legal Affairs; Regular Course 2/10/2020; 2/3 Vote)*
- 41-20 Adele Martin: Renew the Second Hand Dealers License for Cold Storage Antiques & Collectables located at 609 Main Street. *(Ways & Means; Regular Course 2/10/2020; Majority Vote)*
- 42-20 S&F Corp.: Renew the Second Hand Dealers License for Sam and Friends located at 710 N. Main Street. *(Ways & Means; Regular Course 2/10/2020; Majority Vote)*
- 43-20 Fred R. Tousignant: Renew the Second Hand Dealer License for Fred’s Auction located at 28 Spruce Street. *(Ways & Means; Regular Course 2/10/2020; Majority Vote)*

VII. PETITIONS FIRST TIME ON THE AGENDA, CONTINUED

- 44-20 RCDC Inc.: Renew the Second Hand Dealers License for Crowne Jewelers located at 12 Lindell Ave. (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)
- 45-20 ecoATM, LLC.: Renew the Second Hand Dealers License for ecoATM located at 11 Jungle Road (inside Walmart 2964). (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)
- 46-20 ecoATM LLC.: Renew the Second Hand Dealers License for ecoATM located at 100 Commercial Road (inside The Wall at Whitney Field) (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)
- 47-20 Jon Andre Zajon: Renew the Second Hand Dealers License for George's Fine Jewelers, Inc. located at 255 North Street. (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)
- 48-20 Jon Andre Zajon: Renew the Second Hand Dealers License for House of Relics, located at 1292 Main Street. (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)
- 49-20 Deghan, Inc.: Renew the Second Hand Dealers License for Hannoush Jewelers located at 100 Commercial Road (The Mall at Whitney Field). (*Ways & Means; Regular Course 2/10/2020; Majority Vote*)

VIII. MATTERS BEFORE CITY COUNCIL

IX. CITY OF LEOMINSTER – FINANCIAL REPORT

X. FINANCE

- C-47 Dean J. Mazzaella, Mayor: Relative to the appropriation of \$60,000.00 be made to the Elections & Registration Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 1/27/2020; 2/3 Vote*)
- C-48 Dean J. Mazzaella, Mayor: Relative to the appropriation of \$2,000 be made to the Police Department Overtime Account; same amount to be transferred from the Disability Fines Receipts Reserved for Appropriation Account. (*Finance; Regular Course 1/27/2020; Majority Vote*)
- C-49 Dean J. Mazzaella, Mayor: Relative to the appropriation of \$150,000.00 be made to the I.T.T.F. Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 1/27/2020; 2/3 Vote*)
- 35-20 Gregory C. Chapdelaine, Purchasing Agent: Request to allow the Purchasing Agent to award a contract for Information Technology Managed Services for the City for a six-year period. (*Finance; Regular Course 1/27/2020; Majority Vote*)

XI. LEGAL AFFAIRS

- 26-20 Jeffrey D. Nickel and ten registered voters to accept Dobson Circle as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Further Time 1/27/2020; 2/3 Vote*)
- 27-20 Beth Spinelli and ten registered voters to accept Massapoag Road as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Further Time 1/27/2020; 2/3 Vote*)
- 28-20 Officer Julio Ramos: Install parking signs and no parking signs on Research Drive. (*Legal Affairs; Regular Course 1/13/2020; Amended 1/27/2020; Granted 1/27/2020; Public Hearing TBD; 2/3 Vote*)
- 29-20 Jill A. Natola: to accept Samoset Drive and Candlewood Drive as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Further Time 1/27/2020; Pending Referrals Engineer; 2/3 Vote*)
- 36-20 Claire M. Freda, Councillor at Large: Requests to Amend Sections 21-13(b) and 21-13 of the Leominster City Ordinance, by deleting “cost of all repairs made to or connections between private property and main sewers shall be paid for by the owner of the property” and replace with, “cost of all repairs made to or connections between private property and main sewers shall be the responsibility of the city with no cost to the home owner.” This language also to be applied to water mains as described in 21-13(b), Leominster City Ordinance Section 21-23. (*Legal Affairs; Regular Course 1/27/2020; 2/3 Vote*)

XII. PUBLIC SERVICE

- 36-20 Claire M. Freda, Councillor at Large: Requests to Amend Sections 21-13(b) and 21-13 of the Leominster City Ordinance, by deleting “cost of all repairs made to or connections between private property and main sewers shall be paid for by the owner of the property” and replace with, “cost of all repairs made to or connections between private property and main sewers shall be the responsibility of the city with no cost to the home owner.” This language also to be applied to water mains as described in 21-13(b), Leominster City Ordinance Section 21-23. (*Public Service; Regular Course 1/27/2020; 2/3 Vote*)

XIII. WAYS & MEANS

APPOINTMENTS

A measure confirming the Mayor’s Reappointment of **Anne B. Mahan** to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

A measure confirming the Mayor’s Reappointment of **Nancy Piermarini** to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

XIV. WAYS & MEANS, CONTINUED

A measure confirming the Mayor's Reappointment of **Charles Milhans** to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

- 32-20 Election Order: An Order by the City of Leominster, Relative to the Presidential Primary, March 3, 2020. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)
- 33-20 Diane P. Amidon: Renew the Second Hand Dealers License for Upscale ConsignMINT located at 875 Merriam Ave, Suite 131. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)
- 34-20 Susan Chalifoux-Zephir: Renew the Second Hand Dealers License for Ginny's Helping Hand, Inc. located at 52 Mechanic Street. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

XV. NEW BUSINESS

1st Reading Ordinance

- 20-20 Patrick Bresnahan, Leominster Police Officer: Requests "no parking" signs on North Main, East, and Priest Street. Also "no parking between signs" on poles #24 and #25 located in front of 227 Priest Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:40 P.M.; Further Time 12/9/2019; 1/27/2020; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

XVI. OLD BUSINESS

2nd Reading Ordinance

- 59-18 James Whitney and ten registered voters: Amend the Zoning Ordinance to add drive through to the allowable uses under MU-1 zoning, provided the applicant obtain a Special Permit from the Planning Board. (*Legal Affairs; Regular Course 4/09/2018; Further Time 4/23/2018, 5/14/2018; 12/9/2019; Public Hearing 5/14/2018; Public Hearing Continued to 5/29/2018; Granted 5/29/2018; 1/13/2020; Public Hearing 12/09/2019 @ 6:40 P.M.; 1st Reading 1/27/2020; 2nd Reading 2/10/2020; 2/3 Vote*)

2nd Reading Ordinance

- 17-20 David R. Cormier: Request a stop sign on South Street against southbound drivers at Tisdale Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:37 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

2nd Reading Ordinance

- 18-20 David R. Cormier: Request to install a stop sign on South Street against northbound drivers at Crown Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:38 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

XVII. OLD BUSINESS, CONTINUED

2nd Reading Ordinance

19-20 David R. Cormier: Request to Amend Chapter 13, Section 13-77 Stop Signs and add the following: (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:39 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

- Comstock Road against southbound drivers at Union Street.
- Comstock Road against eastbound drivers at Duggan Drive.
- Duggan Drive against southeast bound drivers at Union Street.
- Duggan Drive against westbound drivers at Glenwood Drive.

Establish a public hearing for Loan Order C-79 of 2019 – Aeration Basin Project - \$11,294,000.00

XVIII. COMMUNITY CALENDAR

XIX. ADJOURNMENT

- Katelyn Huffman, City Clerk