

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

AMENDED

CITY OF LEOMINSTER

CITY COUNCIL

FEBRUARY 24, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING, 6:34 P.M.

- 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: *(Legal Affairs; Regular Course 2/10/2020; Public Hearing 2/24/2020 @ 6:34 P.M.; Pending Referrals Mayor, DPW, Water Department; 2/3 Vote)*

Chapter 21, Article II, Sections 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” by deleting the provision for metered rates within and outside the city and inserting the following rates in its place:

“Metered rates per unit, 4 units and over – effective March 1, 2020

Within City: \$4.00 per unit

Outside the City: \$5.03 per unit

Metered rates per unit, 4 units and over – effective March 1, 2021

Within City: \$4.15 per unit

Outside the City \$5.18 per unit

Sec. 21-11.1 Water user rate schedule.

The water user rate schedule for residential and industrial use shall be as follows:

Effective

Minimum water charger per quarter:

5/8” meter	\$25.00
3/4” meter	\$25.00
1.0” meter	\$30.00
1.5”meter	\$30.00
2.0”meter	\$30.00
3.0”meter	\$35.00
4.0”meter	\$35.00
6.0”meter	\$45.00
8.0”meter	\$45.00
Out of City	\$45.00

PUBLIC HEARING, 6:37 P.M.

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; Pending Referrals Mayor, DPW, Water Department; Public Hearing 2/24/2020 @ 6:37 P.M.; 2/3 Vote*)

User Class	Factor	Unit	Rate
Residential (includes low strength industrial) (As of March 1, 2020)	metered water	100 cu. Ft.	\$4.56
(As of March 1, 2021)			\$4.70
Minimum sewer charge per quarter			\$25.00
Lunenburg (As of March 1, 2020 Per Intermunicipal Agreement Dated June 24, 1999)	Metered Water	100 cu. Ft.	\$5.18
(As of March 1, 2021)			\$5.32
Out of City (As of March 1, 2020)	Metered water	100 cu. Ft.	\$8.83
(As of March 1, 2021)			\$9.97

PUBLIC HEARING, 6:45 P.M.

Loan Order C-79 of 2019 – Aeration Basin Project - \$11,294,000.00

In accordance with section 3-9 of the Leominster City Charter, a Public Hearing will be held on Monday February 24, 2020 at 6:45 P.M. in the Council Chambers, 25 West Street, Leominster, MA. The subject of the hearing will be the following Loan Order:

ORDERED, that \$11,294,000.00 is appropriated for the purpose of financing an aeration basin and secondary clarifier upgrade project, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow such amount and issue bonds or notes therefor under G.L. c.44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote. Any premium received 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 costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

PUBLIC HEARING, 6:46 P.M.

28-20 Officer Julio Ramos: Install no parking signs on Research Drive. (*Legal Affairs; Regular Course 1/13/2020; Amended 1/27/2020; 2/10/2020 to “no parking”; Granted 1/27/2020; Public Hearing 2/24/2020 @ 6:46 P.M.; 1st Reading 2/24/2020; 2/3 Vote*)

PUBLIC HEARING, 6:47 P.M.

C-53 Dean J. Mazzarella, 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 and 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; Public Hearing 2/24/2020 @ 6:47 P.M.; 2/3 Vote*)

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

- February 10, 2020

IV. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

A measure confirming the Mayor’s appointment of **Paul Brennan** to the Office of Emergency Management; volunteer. (*Ways & Means; Regular Course 2/24/2020; Majority Vote*)

ORDERS

C-55 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$7,600.00 be made to the Emergency Management Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 2/24/2020; 2/3 Vote*)

C-56 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$250,000.00 be made to the Fire Department Overtime Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 2/24/2020; 2/3 Vote*)

V. PETITIONS FIRST TIME ON THE AGENDA

- 50-20 National Grid: Mechanic Street - Request permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Mechanic Street – Leominster - Massachusetts. *(Public Service; Regular Course 2/24/2020; Majority Vote)*
- 51-20 National Grid and Verizon: Mechanic Street- Requests to install 2 Jointly Owned Poles on Mechanic Street beginning at a point approximately 950 feet east of the centerline of the intersection of Mechanic Street and White Pond Road and continuing approximately 510 feet in an east direction. Installing 2 new poles (pole 111-50 & pole 115-50 on Mechanic Street). *(Public Service; Regular Course 2/24/2020; Majority Vote)*

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

VIII. FINANCE

Loan Order C-79 of 2019 – Aeration Basin Project - \$11,294,000.00

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ORDERED, that \$11,294,000.00 is appropriated for the purpose of financing an aeration basin and secondary clarifier upgrade project, including without limitation all costs thereof; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow such amount and issue bonds or notes therefor under G.L. c.44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project and this vote. Any premium received 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 costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FINANCE, CONTINUED

C-50 Dean J. Mazzarella, 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. Mazzarella, 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)*

C-52 Dean J. Mazzarella, 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)*

IX. LEGAL AFFAIRS

C-54 Dean J. Mazzarella, 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; Pending Referral Mayor, Police Union; Public Hearing TBD; Majority Vote)

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, 2/10/2020; 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, 2/10/2020; 2/3 Vote)*

LEGAL AFFAIRS, CONTINUED

- 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; Further Time 2/10/2020; Public Hearing TBD; 2/3 Vote*)
- 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; Pending Referrals Mayor, Planning, Health Director, ZBA; Public Hearing TBD; Majority Vote*)
- 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; Pending Referrals Planning, ~~Conservation~~, ZBA, Engineer; Public Hearing 3/9/2020 @ 6:45 P.M.; 2/3 Vote*)

LEGAL AFFAIRS, CONTINUED

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; Pending Referrals Mayor, DPW, Water Department; Public Hearing 2/24/2020 @ 6:37 P.M.; 2/3 Vote*)

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3.0" meter	\$35.00
4.0" meter	\$35.00
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8.0" meter	\$45.00
Out of City	\$45.00

X. 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; Further Time 2/10/2020; Public Hearing TBD; 2/3 Vote)*

XI. WAYS & MEANS

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)*

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)*

WAYS & MEANS, CONTINUED

- 46-20 ecoATM LLC.: Renew the Second Hand Dealers License for ecoATM located at 100 Commercial Road (inside The Mall 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*)

XII. CITY PROPERTY

- C-53 Dean J. Mazzaella, 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 and 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; Public Hearing 2/24/2020 @ 6:47 P.M.; 2/3 Vote*)

XIII. NEW BUSINESS

New Business under Suspension of the Rules

- **Proposed scheduling of an Informational meeting relative to the impact of the Health Alliance Emergency Room on local Fire and Police resources with a vote to invite the Fire Chief, the Police Chief and Steve Roach President and Chief Executive Officer of Health Alliance – Clinton Hospital to attend.**

1st Reading Ordinance

- 28-20 Officer Julio Ramos: Install no parking signs on Research Drive. (*Legal Affairs; Regular Course 1/13/2020; Amended 1/27/2020; 2/10/2020 to "no parking"; Granted 1/27/2020; Public Hearing 2/24/2020 @ 6:46 P.M.; 1st Reading 2/24/2020; 2/3 Vote*)

XIV. OLD BUSINESS

2nd Reading Ordinance

20-20 Patrick Bresnahan, Leominster Police Officer: Requests to amend Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets” is hereby amended by inserting the following phrase:

No parking signs on Priest Street (south side), from a point eighty-eight feet east of the intersection with North Main Street and then easterly for a distance of one hundred fifty -five feet. Priest Street (north side), no parking signs between poles #24 and #25 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; Amended 2/10/2020; 2/3 Vote*)

XV. COMMUNITY CALENDAR

XVI. ADJOURNMENT

- Katelyn Huffman, City Clerk