

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

MEETING MINUTES

CITY OF LEOMINSTER

CITY COUNCIL

JULY 23, 2018

JOHN P. MAHAN CITY COUNCIL CHAMBERS

Amended July 23, 2018

HEARING BEFORE THE CITY COUNCIL, 7:05 P.M.

63-18 Relative to amending Section 13-77 of the Leominster Municipal Code by adding a stop sign for northeast bound traffic on Revolution Drive at the intersection of Exchange Street. (*Legal Affairs 63-18, First Reading Ordinance 07/09/18, Public Hearing 07/23/18, Requires Majority Vote*)

Councillor Dombrowski opened the public hearing at 7:05PM. He asked if any members of the public would like to speak in favor or opposition of the public hearing three times. No one from the public choose to speak. Councillor Dombrowski asked the City Council if anyone had questions. No Councillors had questions. The Public Hearing was closed at 7:06 PM.

HEARING BEFORE THE CITY COUNCIL, 7:10 P.M.

62-18 Relative to amending Section 13-77 of the Leominster Municipal Code by adding a stop sign for southwest bound traffic on Commonwealth Circle at the intersection of Exchange Street. (*Legal Affairs 62-18, First Reading Ordinance 07/09/18, Public Hearing 07/23/18, Requires Majority Vote*)

Councillor Dombrowski opened the public hearing at 7:10PM. He asked if any members of the public would like to speak in favor or opposition of the public hearing three times. No one from the public choose to speak. Councillor Dombrowski asked the City Council if anyone had questions. No Councillors had questions. The Public Hearing was closed at 7:12 PM.

PUBLIC FORUM, 7:15 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.

Jimmy Lanciani spoke in favor of the appointment of James Leblanc. He informed the Councillors that he knew the gentleman for over 50 years and felt he would make a good fit in the office of Emergency Management. He felt the Councillors should confirm him.

Tim Hardigan, 19 Pierce Avenue, spoke in support of Claire Freda's proposal for a moratorium. He felt the City Council was rushing into an ordinance that would restrict recreational marijuana too much.

I. REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Six (6) Councillors present including Councillors Richard Marchand, Pauline Cormier, Mark Bodanza, Gail Feckley, John Dombrowski, and Claire Freda.

Three (3) Councillors absent including Councillors Frank Ardinger, David R. Cormier, and Susan Chalifoux-Zephir.

Others present, City Clerk Katelyn Huffman and Assistant City Clerk, Titi Siriphan

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

Councillor Feckley informed the Council that the May 29, 2018 minutes were submitted, appeared to be in order, and asked that they would be placed on file. The meeting minutes of May 29, 2018 were approved.

IV. COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS

C-05 **SUSPENSION OF THE RULES:** Dean J. Mazzarella, Mayor: Authorize the City of Leominster to pursue \$26,580.00 through the United States Department of Justice – Justice Assistance Grant Program.

Mark Bodanza made a motion to suspend the Rules for Communication C-05 due to deadline restrictions. The motion carried unanimously. The petition no longer needed regular course and could be voted on the same night due to deadline restrictions.

APPOINTMENTS

A measure confirming the Mayor's Appointment of **Vicente Estrella-Reyes** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee. She asked the City Clerk to set up an interview with Mr. Estrella-Reyes because he is a new appointee, and the others are reappointments.

A measure confirming the Mayor's Reappointment of **Charlie Williams** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee.

A measure confirming the Mayor's Reappointment of **Paul Topolski** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee.

A measure confirming the Mayor's Reappointment of **John J. Caron** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee.

A measure confirming the Mayor's Reappointment of **Elympse Octavius** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee.

A measure confirming the Mayor's Reappointment of **Daniel Johnson** to the Position of Auxiliary Officer; term to expire July 17, 2019. (Ways & Means)

This appointment was given Regular Course by the Chairwoman of the Ways & Means Committee.

ORDERS

C-03 Mayor, Dean J. Mazarella: Relative to the appropriation of \$100,000.00 be made to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund. (Finance)

C-03 – This communication was given regular course by the Chairman of the Finance Committee.

C-04 Mayor, Dean J. Mazarella: Relative to the appropriation of \$75,000.00 be made to the Gallagher Building Salary & Wages Account; same to be transferred from the Gallagher Building Revolving Fund. (Finance)

C-04 – This communication was given regular course by the Chairman of the Finance Committee.

V. PETITIONS – FIRST TIME ON THE CALENDAR

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. (Legal Affairs)

02-19 – This communication was given regular course by the Chairman of the Legal Affairs Committee. Referrals were requested from the Planning Board, Police, and Treasurer.

03-19 Claire M. Freda: Request to adopt a temporary moratorium regarding Recreational Marijuana in the City of Leominster including definition and purpose. (Legal Affairs)

03-19 – This communication was given regular course by the Chairman of the Legal Affairs Committee. Referrals were requested from the Building Department, Planning Board, Police, City Solicitor and ZBA.

04-19 Lt. Richard J. Kinney: Replace City Ordinance Sec. 20-10. – Parades, Processions and Assemblies with the attached proposed Sec. 20-10 Parades/Races. (Legal Affairs)

04-19 – This communication was given regular course by the Chairman of the Legal Affairs Committee. Referrals were requested from the Fire Department, Police, DPW, and Mayor.

VI. MATTERS BEFORE THE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

Councillor Bodanza reported that the Fiscal Year 2018 Stabilization fund started at \$14,517,854.57. He informed the City Council that there are three pending appropriations totaling \$5,174,554.810. If these appropriations are granted and ordered then the Stabilization fund will have a new balance of \$15,080,719.37.

VIII. FINANCE

C-02 Mayor, Dean J. Mazzarella: Relative to the appropriation of \$255,711.00 be made to the FY 2019 Insurance Expense Account; same to be transferred from the Worker Compensation Loss Funds. (*Regular Course 07/019/18*)

The Finance Committee recommended to GRANT Communication C-02. The City Council voted 6-0 to Grant Communication C-02.

ORDERED: - that the sum of Two Hundred Fifty-Five Thousand Seven Hundred and Eleven Dollars (\$255,711.00) be appropriated to the FY 2019 Insurance Expense Account; same to be transferred from the Worker Compensation Loss Funds.

IX. LEGAL AFFAIRS

C-79 Mayor, Dean J. Mazzarella: Request authorization to file a home rule petition as follows: AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO AMEND THE SPECIAL ACT OF 2002 RELATIVE TO RETIRED OFFICER DETAILS. (*Further Time on 07/09/18; Pending Referrals: City Solicitor*)

Councillor Dombrowski read the referrals into the record. The Legal Affairs Committee Recommended that the City Council Grant the petition. By a vote of 6-0 the petition was granted.

- 79-18 David R. Cormier: Install a stop sign on Sawtelle Road against eastbound drivers at Central Street. *(Regular Course 06/25/18; Further Time 07/09/18)*
- 80-18 David R. Cormier: Install a stop sign on Litchfield Street against northbound drivers at Lancaster Street. *(Regular Course 06/25/18; Further Time 07/09/18)*
- 81-18 David R. Cormier: Install a stop sign on Tocci Street against eastbound drivers at Central Street. *(Regular Course 06/25/18; Further Time 07/09/18)*
- 82-18 David R. Cormier: Install a stop sign on Columbus Street against westbound drivers at Litchfield Street. *(Regular Course 06/25/18; Further Time 07/09/18)*
- 83-18 David R. Cormier: Install a stop sign on Columbus Street against eastbound drivers at Ruth Street. *(Regular Course 06/25/18; Further Time 07/09/18)*

Petitions 79-18 through 83-18 were taken in block. The Legal Affairs Committee recommended that petitions 79-18 through 83-18 be given further time. Vote 6-0 Petition given further time.

- 84-18 Interim Chief Michael D. Goldman: Amend Chapter 10 of the Leominster Peddlers License as authorized by M.G.L. Chapter.6, Section 172 B ½. *(Regular Course 06/25/18; Further Time 07/09/18; Pending Referrals: City Solicitor)*

The Legal Affairs Committee recommended that this petition be given further time. Vote 6-0 Petition given further time.

- 85-18 Green Briar Realty Trust: Request an easement over the parcel shown on the City of Leominster Assessors Maps as Map 12, Parcel 5, as shown on a Utility Plan prepared by McCarty Engineering, dated December 16, 2005, and revised June 14, 2018, to install four (4) domestic water services and one (1) hydrant service off the City owned water main. *(Regular Course 06/25/18; Further Time 07/09/18; Pending Referrals: Engineer, Fire, Planning, City Solicitor)*

The Legal Affairs Committee recommended that this petition be given further time due to outstanding referrals. Vote 6-0 Petition given further time.

C-01 Mayor, Dean J. Mazzarella: Request that the City Council approve Petition C-01 and authorize the Mayor, on behalf of the City, to petition the Massachusetts General Court for special legislation, substantially in the form as set forth below, relating to the City making payment on a certain unpaid bill to Royal Steam Heater Co., provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and provided further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. (*Regular Course 07/09/18; Pending Referrals: Mayor, City Solicitor, Purchasing, School Department, Comptroller*)

The Legal Affairs Committee recommended that this petition be given further time due to outstanding referrals. Vote 6-0 Petition given further time.

01-19 Janet L. Scherer Poultney and ten (10) registered voters: Request speed bump(s) to be installed on Burrage Avenue. (*Regular Course 07/09/18; Pending Referrals: Mayor, City Solicitor, DPW*)

The Legal Affairs Committee recommended that this petition be given further time. Vote 6-0 Petition given further time.

X. PUBLIC SAFETY AND TRAFFIC

86-18 Gail Feckley: Amend Section 13-88.4 of Leominster Municipal Code by adding the following: No driver shall make a left hand turn from Day Street on to the rear driveway of Johnny Appleseed School during the hours of 7:00 A.M. and 9:00 A.M., Monday through Friday during the school year. (*Regular Course 06/25/18; Further Time 07/09/18*)

The Public Safety and Traffic Committee recommended that the City Council Grant petition 86-18, with the amended times recommended by Meg O’hearn-Curran, Principal of Johnny Appleseed Elementary, from 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:30 P.M. These times encompass the drop off, and pick up times at the school. By a vote of 6-0 the petition was granted.

72-18 David R. Cormier: Install a street light on Pole #10 on Independence Drive. (*Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning*)

73-18 David R. Cormier: Install a street light on Pole # 12 on Bicentennial Avenue. (*Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning*)

- 74-18 David R. Cormier: Install a street light on Pole #4 on Flintlock Drive.
(Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning)
- 75-18 David R. Cormier: Install a street light on Pole #5 on Bicentennial Avenue.
(Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning)
- 76-18 David R. Cormier: Install a street light on Pole #2 on Drummer Lane.
(Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning)
- 77-18 David R. Cormier: Install a street light on Pole #4 on Indian Ridge Drive.
(Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning)
- 78-18 David R. Cormier: Request to install a street light on Pole #2 on Bicentennial Avenue.
(Regular Course 06/11/18; Further Time 06/25/18 & 07/09/18 Pending Referrals: Mayor, Planning)

Petitions 72-18 through 78-18 were taken in block. The Public Safety and Traffic Committee recommended that petitions 72-18 through 78-18 be given Further Time. Vote: 6-0 Petitions 72-18 through 78-18 were given further time.

XI. WAYS AND MEANS & VETERANS AFFAIRS

APPOINTMENTS

A measure confirming the Mayor's Appointment of **Sondra Murphy** to the Position of Disability Commission; term to expire April 15, 2021. *(Communication from the Mayor, Regular Course 07/09/18, Majority Vote to Confirm)*

A measure confirming the Mayor's Appointment of **James Leblanc** to perform the duties of the Emergency Management Director on a temporary basis for sixty (60) days until the office can be filled by a permanent appointment. *(Communication from the Mayor, Regular Course 07/09/18, Majority Vote to Confirm)*

The Ways & Means Committee took the appointments of Sondra Murphy and James Leblanc. The Ways & Means Committee recommended that the appointments be confirmed by the City Council. Vote: 6-0 to confirm the appointments of Sondra Murphy and James Leblanc.

XII. OLD BUSINESS

2nd Reading Ordinance – Relative to amending Section 13-77 of the Leominster Municipal Code by adding a stop sign for southwest bound traffic on Commonwealth Circle at the intersection of Exchange Street. (*Legal Affairs 62-18, First Reading 07/09/18, Public Hearing 07/23/18, Majority Vote to Adopt*)

The Legal Affairs Committee Recommended that the City Council adopt the 2nd reading ordinance relative to petition 62-18.

Roll Call Vote: Councillor Dombrowski, Councillor Bodanza, Councillor Pauline Cormier, Councillor Claire Freda, Councillor Gail Feckley and Council President Marchand voted “Yea”. By a vote of 6-0 the 2nd reading ordinance was ADOPTED.

2nd Reading Ordinance – Relative to amending Section 13-77 of the Leominster Municipal Code by adding a stop sign for northeast bound traffic on Revolution Drive at the intersection of Exchange Street. (*Legal Affairs 63-18 First Reading 07/09/18, Public Hearing 07/23/18, Majority Vote to Adopt*)

The Legal Affairs Committee Recommended that the City Council adopt the 2nd reading ordinance relative to petition 63-18.

Roll Call Vote: Councillor Dombrowski, Councillor Bodanza, Councillor Pauline Cormier, Councillor Claire Freda, Councillor Gail Feckley and Council President Marchand voted “Yea”. By a vote of 6-0 the 2nd reading ordinance was ADOPTED.

XIII. NEW BUSINESS

- Discussion on tabled items on which action is to be proposed

Council President Marchand mentioned that he would like to work on these within the next few months and clean up.

XIV. TABLED PETITIONS UPON WHICH ACTION IS PROPOSED

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. (*Legal Affairs: 03/12/2018- Regular Course; 03/26/2018 - Amended to change address to 1771 Lock Drive; 04/09/2018 - hearing continued to 5/14/2018; 04/23/2018 - Further Time; 5/14/2018 - Further Time, hearing continued to 6/11/2018; 06/11/2018 - Tabled with hearing continued*)

- *Councillor John Dombrowski recused himself due to a possible conflict of interest.*
- *Councillor Claire Freda asked to take petition 39-18 of the table.*
- *Councillor Mark Bodanza believes there is no reason to do so at this point.*
- *No action was taken, petition remained tabled.*

XV. COMMUNITY CALENDAR

- *City Clerk, Katelyn Huffman informed the audience that there will be an Election Worker Public Forum at the City Hall Auditorium on August 15, 2018 at 6:30 P.M.*

XVI. ADJOURNMENT

8:30 P.M.

Respectfully submitted,
Titi Siriphan, Assistant City Clerk