



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

AMENDED

CITY OF LEOMINSTER

CITY COUNCIL

MAY 28, 2019

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING, 6:10 P.M.

C-76 Dean J. Mazzarella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-13. Vacations. Of the Leominster Revised Ordinances by deleting section (8) and replacing it with the following section (8) effective 1-1-2019. SEE ATTACHED. (*Regular Course; PH 5/28/2019 @ 6:10 PM; 2/3 Vote*)

The public hearing opened at 6:10PM. Councillor Dombrowski asked three times if anyone from the public wanted to speak for or against the petition. No one spoke. Councillor Dombrowski requested to leave the public hearing open. The Legal Affairs Committee recommended keeping the public hearing open until the June 10, 2019 meeting. (2-1 Councillor Bodanza)

PUBLIC HEARING, 6:11 P.M.

C-77 Dean J. Mazzarella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-30. Compensation grades. By inserting therein, the following sections: (a) (11). (a) (12), and (a) 13: SEE ATTACHED. (*Regular Course; PH 5/28/2019 @ 6:11 PM; 2/3 Vote*)

The public hearing opened at 6:14 PM. Councillor Dombrowski reads the proposed amendment to the public. Councillor Dombrowski asked if there is anyone who would like to speak for or against the proposed ordinance change. Councillor Freda and Councillor Chalifoux Zephir asked that this be continued. Councillor Chalifoux Zephir asked who this included, how it compared to the union negotiations and whom made the decision. Councillor Dombrowski asked three times whether there

is any member of the audience who would like to speak in favor of or against the communication. No one spoke. The Legal Affairs Committee recommended keeping the public hearing open until the June 10, 2019 meeting (2-1 Councillor Bodanza) and requested that the Mayor come down to speak.

PUBLIC HEARING, 6:12 P.M.

C-78 Dean J. Mazzarella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-33. Longevity (on regular compensation) of the Leominster Revised Ordinance by deleting section (a) (1) and replacing it with section (a) (1) as follows, effective 7-1-2018. SEE ATTACHED. *(Regular Course; PH 5/28/2019 @ 6:12 PM; Pending Referrals Human Resources, ~~Comptroller~~, Treasurer; 2/3 Vote)*

The public hearing opened at 7:02 PM. Councillor Dombrowski read allowed the proposed ordinance change. Councillor Cormier informed the Council that the last time the section was updated on November 2, 2004. He also asked why we are leaving the last sentence in the ordinance now, seems like last line may need to come out. Councillor Bodanza agrees that it is a typo. Councillor Chalifoux Zephir informed the Council that we received a letter from the Comptroller and would like to know which unions were awarded this longevity in their contracts. The Legal Affairs Committee recommended keeping the public hearing open until the June 10, 2019 meeting. (2-1 Councillor Bodanza)

PUBLIC HEARING, 6:13 P.M.

C-79 Dean J. Mazzarella, Mayor: Request that the attached Loan Order for \$11,294,000.00 be adopted for finance of an aeration basin and secondary clarifier upgrade project. *(Finance; PH 5/28/2019 @ 6:13 PM; 2/3 Vote)*

The public hearing opened at 7:08 PM. Councillor Bodanza read the Loan Order allowed to the public. Councillor Bodanza informed the council that he spoke with Mr. Brooks regarding this and he informed Councillor Bodanza that some debts would be retiring as we take on the new debt. Councillor Pauline Cormier informed the Council she had questions on how this will impact the rates. Councillor David Cormier asked how much debt we would be retiring compared to how much we are taking on and what the impact would be. The Finance Committee recommended to keep the public hearing open and ask Mr. Brooks down to explain this Loan Order in more detail.

PUBLIC INFORMATION SESSION, 6:15 P.M.

Information session with Ray Racine, DPW Director, regarding cemetery accounts.

Ray Racine, DPW Director, spoke to the City Council. Explained make-up of crew in charge of cemetery area. No maintenance been done since buildings built for cemeteries. No handicap accessibility and major structural upgrades would need to take place. Mr. Racine explained that things needed to be addressed. Submitted last three years of requests

for items absolutely needed for cemetery. Currently, trying to fix the chapel. Main building need to become handicap accessible. Councillor Marchand asked if any of the property is considered historical. Mr. Racine informed the council that is, trying to look at cost effective alternatives that would work for the historic nature. Councillor Marchand asked how people with disabilities could get into the building. Mr. Racine informed the council that they couldn't. Councillor Cormier asked if there were special accounts or donation accounts to fix these specific structures. Mr. Racine informed the council that the perpetual care accounts speaks to these repairs. Councillor Bodanza complimented Ray and his workers about the improvements being made at the cemetery. Councillor Chalifoux Zephir asked if there is a contract that is signed when signing a plot and asked if it is explicit. Mr. Racine said he would get back to the council with that information. Councillor Freda voiced concerns regarding the future use of the chapel.

Mr. Racine also informed the council about OSHA and MS4 mandates. Most communities have a coordinator for each, would like to take one person, combine the position, and adjust the salary from an S-5 to an S-7. This request is on the agenda for the first time tonight.

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.

Tom Cornacchia, 315 Joslin Street, 8 months past the deadline to close the books, want to know what the hold up is with Leominster. Free Cash not certified. State has withheld Chapter 70 aid for Schools due to this.

INTERVIEW, 6:50 P.M.

A measure confirming the Mayor's Appointment of **Nathan Fontaine** to the Office of Emergency Management - Dive Unit; volunteer. (*Ways & Means; Regular Course 5/13/2019; Majority Vote*)

Candidate did not show for his interview.

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

The regular meeting of the City Council opened at 7:00PM. Councillor Chalifoux Zephir made a motion for recess, Councillor David Cormier seconded the motion. The motion carried unanimously. The Regular Meeting was back in session at 7:08 PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Council President Marchand, Council Vice President Feckley, Councillor Chalifoux Zephir, Councillor Dombrowski, Councillor Freda, Councillor David Cormier, Councillor Pauline Cormier, Councillor Ardinger, Councillor Bodanza present.

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

May 13, 2019 Meeting Minutes- **These minutes were approved as amended.**

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

C-89 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$50,000.00 to the Police Department Capital Outlay Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 Vote*)

This communication was given regular course.

C-90 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$125,000.00 to the Fire Department Overtime Account; same amount to be transferred from the Fire Department Salary and Wages Account. (*Finance; Majority Vote*)

This communication was given regular course.

C-91 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$1,700.00 to the Conservation Commission Expense Account; same amount to be transferred from the Wetland Fee's Receipts Reserved for Appropriations Account. (*Finance; Majority Vote*)

This communication was given regular course.

V. PETITIONS – FIRST TIME ON THE CALENDAR

59-19 Teknor Apex Co. located at 31 Fuller Street: Request to amend Flammable Liquids License from 30,000 gallons to 60,000 gallons. (*Legal Affairs: PH 6/24/2019 @ 6:35 P.M.; Majority Vote*)

This petition was given regular course. Referral to Board of Health and Fire Chief. Public Hearing Set for June 24, 2019 at 6:35 PM. Vote: 9-0.

- 60-19 Georgia-Pacific Consumer Operations LLC for Dixie Consumer Products located at 149 Hamilton Street: Request to amend Flammable Liquids License from 17,067 gallons to 21,967 gallons. *(Legal Affairs; PH 6/24/2019 @ 6:40 P.M.; Majority Vote)*

This petition was given regular course. Referral to Board of Health and Fire Chief. Public Hearing Set for June 24, 2019 at 6:40 PM. Vote: 9-0.

- 61-19 Raymond Racine, DPW Director: Request that the City Council amend the City Ordinances to reclassify the position of “Water Specialist” into the position “Code Enforcer” and change the salary grade from an S-5 to an S-7. *(Legal Affairs; PH TBD; 2/3 Vote)*

This petition was given regular course. Referral to Ray Racine, DPW Director for Job Description.

VI. MATTERS BEFORE THE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

- a. The Stabilization Fund had a balance of \$14,708,834.00.**
- b. Councillor Freda asked how close to having Free Cash certified. Councillor Bodanza informed the Council that he believes it is very close.**
- c. Councillor Bodanza informed the Council that the Budget Hearings would be on June 11, 2019 and June 12, 2019 using the same protocol of the past year. Councillor Chalifoux Zephir voiced concern about evaluating the budget without knowing the Free Cash Certification. Councillor Freda agreed with this.**

VIII. FINANCE

- C-68 Dean J. Mazarella, Mayor: Relative to the appropriation of \$20,400.00 to the ITTF Expense Account; same amount to be transferred from the Stabilization Fund. *(Regular Course 4/22/2019; Further Time 5/28/2019; 2/3 Vote)*

The Finance Committee recommended that the communication be granted. Councillor Chalifoux Zephir asked why we are taking money

out of the Stabilization Fund when there is such a high balance left in the budget. She requested that this question be referred to Mr. Mitchell. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

- C-79 Dean J. Mazzarella, Mayor: Request that the attached Loan Order for \$11,294,000.00 be adopted for finance of an aeration basin and secondary clarifier upgrade project. (*Finance; PH 5/28/2019 @ 6:13 PM; 2/3 Vote*)

The Finance Committee recommended that the communication be given further time. Vote: 9-0 the communication was given further time.

- C-80 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$930,175.00 be made to the School Transportation Expenses; same amount to be transferred from the Stabilization Fund. (*Regular Course 5/13/2019; 2/3 Vote*)

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

- C-81 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$24,000.00 be made to the Police Department Overtime Account; same amount to be transferred from the Collective Bargaining Expense Account. RE: Patrolman and Superior Officers Wage Agreement Settlement. (*Regular Course 5/13/2019; Majority Vote*)

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

- C-82 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$195,000.00 be made to the Police Department Salary & Wages Account; same amount to be transferred from the Collective Bargaining Expense Account. (*Regular Course 5/13/2019; Majority Vote*)

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

C-83 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$6,000.00 be made to the City Council Expense Account; same amount to be transferred from the Stabilization Fund. *(Regular Course 5/13/2019; 2/3 Vote)*

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

C-84 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$119,023.00 to the Various General Fund Salary and Wages Appropriation Accounts as listed; same amount to be transferred from the Collective Bargaining Expense Account. *(Regular Course 5/13/2019; Majority Vote)*

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

Councillor Chalifoux Zephir asked that the Mayor explain why the money is being appropriated out of this expense account. Also, why nonunion personnel pay raises are coming out of a collective bargaining expense account that we appropriate money to for collective bargaining.

C-85 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$5,967.00 be made to the Wastewater Salary & Wages Account; same amount to be transferred from the Wastewater Support Services Expense Account. *(Regular Course 5/13/2019; Majority Vote)*

The Finance Committee recommended that the communication be granted. Vote: 8-0.

ORDERED: Vote: 8-0 the communication was ADOPTED.

Councillor Chalifoux Zephir abstained from the communication due to a possible conflict of interest.

C-86 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$7,403.00 to the Water Department Salary & Wages Account; same amount to be transferred from the Water Department Support Services Expense Account. *(Regular Course 5/13/2019; Majority Vote)*

The Finance Committee recommended that the communication be granted. Vote: 8-0.

ORDERED: Vote: 8-0 the communication was ADOPTED.

Councillor Chalifoux Zephir abstained from the communication due to a possible conflict of interest.

C-87 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$1,538.00 to the Gallagher Building Salary & Wages Account; same amount to be transferred from the Gallagher Building Salary & Wages Account. *(Regular Course 5/13/2019; Majority Vote)*

The Finance Committee recommended that the communication be granted. Vote: 9-0.

ORDERED: Vote: 9-0 the communication was ADOPTED.

C-88 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same amount to be transferred from the Stabilization Fund. *(Regular Course 5/13/2019; 2/3 Vote)*

The Finance Committee recommended that the communication be granted. Vote: 8-0.

ORDERED: Vote: 8-0 the communication was ADOPTED.

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

IX. LEGAL AFFAIRS

C-76 Dean J. Mazzearella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-13. Vacations. Of the Leominster Revised Ordinances by deleting section (8) and replacing it with the following section (8) effective 1-1-2019. SEE ATTACHED. *(Regular Course; PH 5/28/2019 @ 6:10 PM; 2/3 Vote)*

The Legal Affairs Committee recommended that the communication be given further time. The Committee asked for the Mayor or the Personnel Director to come down and explain these changes. Vote: 8-1 (Councillor Bodanza Nay) the communication was given further time.

C-77 Dean J. Mazzearella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-30. Compensation grades. By inserting therein, the following sections: (a) (11). (a) (12), and (a) 13: SEE ATTACHED. *(Regular Course; PH 5/28/2019 @ 6:11 PM; 2/3 Vote)*

The Legal Affairs Committee recommended that the communication be given further time. The Committee asked for the Mayor or the

Personnel Director to come down and explain these changes. Vote: 8-1 (Councillor Bodanza Nay) the communication was given further time.

- C-78 Dean J. Mazzarella, Mayor: Request that the following ordinance change be adopted: Amend Chapter 16. Personnel. Section 16-33. Longevity (on regular compensation) of the Leominster Revised Ordinance by deleting section (a) (1) and replacing it with section (a) (1) as follows, effective 7-1-2018. SEE ATTACHED. *(Regular Course; PH 5/28/2019 @ 6:12 PM; Pending Referrals Human Resources, ~~Comptroller~~, Treasurer; 2/3 Vote)*

The Legal Affairs Committee recommended that the communication be given further time. The Committee asked for the Mayor or the Personnel Director to come down and explain these changes. Vote: 8-1 (Councillor Bodanza Nay) the communication was given further time.

- 58-19 Michelle Powell and ten registered voters: Declare and accept Cleveland Street as a street in the City of Leominster. *(Regular Course 5/13/2019; Pending Referrals Engineer, Planning; Majority Vote)*

Councillor Dombrowski read the referral from the DPW regarding this manner. It was noted that the Planning Board would make a recommendation at their first June meeting. Councillor Bodanza informed the council it was not on his original report but that the mayor has said he is committed to working on these unaccepted streets. The Legal Affairs Committee recommended that the petition be given further time. Vote: 9-0 the petition was given further time. Councillor Pauline Cormier informed the council that she met with the neighbors, they are active and cooperative. Councillor David Cormier explained that there are drainage issues and would encourage the neighbors to be at the planning board meeting. Councillor Ardinger informed the Ward Chair that there are three similar streets and asked if all three would work together or if it would be done separately. Councillor Pauline Cormier informed the Council that it would be one street at a time. Vote: 9-0 the petition was given further time.

X. WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE

A measure confirming the Mayor's Appointment of **Nathan Fontaine** to the Office of Emergency Management - Dive Unit; volunteer. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the appointment be given further time. The chair of the Ways and Means Committee asked that the City Clerk reach out to him and ask him to come down again or ask that a representative from OEM speak on his behalf. Vote: 9-0 the appointment was given further time.

A measure confirming the Mayor's Appointment of **Jeffrey B. O'Neill** to the Recreation Commission; term to expire 4/15/2022. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the appointment be confirmed. Vote: 9-0 the appointment was confirmed.

C-70 Dean J. Mazzearella, Mayor: A Measure Approving an Exemption under M.G.L. Ch. 268A, § 20(b), Conflict of Interest of **Stephanie Martin** as a Leisure Head Counselor. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the exemption be granted. Vote: 9-0 the exemption was granted.

C-71 Dean J. Mazzearella, Mayor: A Measure Approving an Exemption under M.G.L. Ch. 268A, § 20(b), Conflict of Interest of **Rebecca Baker-Warry** as a Leisure Head Counselor. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the exemption be granted. Vote: 9-0 the exemption was granted.

C-72 Dean J. Mazzearella, Mayor: A Measure Approving an Exemption under M.G.L. Ch. 268A, § 20(b), Conflict of Interest of **Mary Newton** as a part time clerk for the Department of Veterans' Services. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the exemption be granted. Vote: 9-0 the exemption was granted.

C-73 Dean J. Mazzearella, Mayor: A Measure Approving an Exemption under M.G.L. Ch. 268A, § 20(b), Conflict of Interest of **Counsel** to the Leominster Public Schools. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the exemption be granted. Vote: 9-0 the exemption was granted. This allows Merrick O'Connell to act as a Special Municipal Employee for the school.

57-19 Best Buy Stores LP: Renew the Second Hand Dealers License for Best Buy Stores LP #1433, located at 33 Orchard Hill Park Drive. *(Regular Course 5/13/2019; Majority Vote)*

The Ways and Means Committee recommended that the secondhand dealers license be granted. Vote: 9-0 the license was granted.

XI. CITY PROPERTY

- C-74 Dean J. Mazzearella, Mayor: Request that the Council vote to grant the attached Petition to Transfer Property to Recreation Commission.
(Regular Course 5/13/2019; 2/3 Vote)

The City Property Committee recommended that the communication be granted. Councillor Chalifoux Zephir would like to seek a recommendation from the Recreation Commission. The recommendation was reconsidered to give the petition further time. Councillor David Cormier asked how this could be transferred from Conservation Land without a Special Act of the Legislature. Councillor Chalifoux Zephir felt that we should get an opinion from the City Solicitor. Vote: 9-0 the communication was given further time with a referral from the Recreation Commission.

- C-75 Dean J. Mazzearella, Mayor: Request that the Leominster City Council vote to accept the Lincoln School property as surplus for the purposes of building the new police station. *(Regular Course; 2/3 Vote)*

The City Property Committee recommended that the communication be granted. Councillor Freda informed the council that it was checked whether it was historical and was determined not to be historical. Vote: 9-0 the communication was granted.

XII. NEW BUSINESS

- None

XIII. OLD BUSINESS

- **Councillor Freda asked whether the school would have to be offered to every other department. Councillor Bodanza agreed that that was the process.**
- **Councillor Freda asked to have someone down to speak to the Council why it is taking so long to budget and certify Free Cash for the City.**
- **Councillor Feckley informed the Council that there was another festival at the Fitchburg Municipal Airport and it disturbed people in North Leominster. Reverberations flow through the neighborhoods and it is excessively loud. Councillor Bodanza suggested that the City seek an injunction to prohibit licenses for entertainment at the airport. Councillor Freda recommended a joint meeting with Fitchburg's City Property Committee regarding this.**
- **Council President thanked staff for the Memorial Day activities. Councillor Chalifoux Zephir echoed the sentiment.**

XIV. COMMUNITY CALENDAR

- **Council President informed the Council that June 9, 2019 the Firefighter Ceremony will occur at 8:00AM.**

XV. ADJOURNMENT

The meeting adjourned at 8:46 PM.

Katelyn Huffman, City Clerk