



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

JULY 8, 2019

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING, 6:30 P.M.

64-19 Mark C. Bodanza, Esquire: Relative to Amend Section 13-34 of the Revised Ordinance for the City of Leominster eliminate 1 of 2 existing no parking zones that run southerly on Union Street from intersection of Central and Union Street. (*Legal Affairs; Regular Course 06/10/19; Further Time: 06/24/19; Public Hearing July 8, 2019 @ 6:30PM; 2/3 Vote*)

The public hearing opened at 6:30PM. Councillor Bodanza explained that there is a no parking zone that is being submitted to be deleted. There are two overlapping sections, so one is not needed. More parking is needed in the area. Councillor Dombrowski asked three times if anyone from the public wanted to speak in favor or against petition 64-19. Councillor Freda explained that she did not want to close the public hearing without all memos being submitted. The public hearing closed at 6:36PM.

PUBLIC HEARING, 6:35 P.M.

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; Regular Course 5/28/2019; Further Time: 06/10/19;06/24/19; Public Hearing 07/08/2019 @6:35 PM; 2/3 Vote*)

The public hearing opened at 6:37PM. Councillor Dombrowski read DPW Director Ray Racine's email into the record. Councillor Freda, and Bodanza voiced their support for the petition. Councillor Dombrowski asked three times if anyone from the public would like to speak for or against the petition. No one spoke. The public hearing closed at 6:40PM.

PUBLIC HEARING, 6:40 P.M.

62-19 National Grid and Verizon New England, Inc.: Request permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: National Grid to install 1 Jointly Owned Pole on Mill Street beginning at a point approximately 330 feet west of the centerline of the intersection of Commercial Road. National Grid to install 40' CL2 JO wood pole, anchor/guy for upgraded customer service. *(Public Service; Regular Course 06/10/2019; Further Time: 06/24/19; Public Hearing July 8, 2019 @ 6:40PM; Majority Vote)*

The public hearing opened at 6:41PM. Lauren Polter, Lancaster, explained that Mattress Firm would be the customer for the pole. Councillor Freda asked three times if there was any member from the public who would like to speak for or against the petition. No one else spoke. Public Hearing closed at 6:44PM.

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.

The Public Forum opened at 6:46PM.

John Roseberry, DPW, explained he sent out the offer letters for the project. He also explained more money is needed for the takings.

Public Forum closed at 6:52 PM.

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

The meeting opened at 7:00PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

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

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- June 24, 2019 Minutes – **The meeting minutes were approved.**
- June 28, 2019 Special Meeting Minutes - **The meeting minutes were approved.**

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS FIRST TIME ON THE CALENDAR

C-01 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$11,000.00 to the Police Department Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

This item was given regular course.

C-02 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$65,000.00 to the Highway Capital Outlay Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

This item was given regular course.

C-03 Dean J. Mazzearella, Mayor: Request that the attached Loan Order for \$3,000.00 be adopted for the Police Station Planning and Owner Project Manager. (*Finance; 2/3 vote*)

Councillor Bodanza Made a motion to amend the language of the communication to 3,000,000.00. Councillor David Cormier seconded the motion. The motion passed unanimously. This item was given regular course as amended.

C-04 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$83,100.00 to the Highway Capital Outlay Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

This item was given regular course. Councillor Bodanza informed the public an informational meeting would be held on July 22, 2019 at

6:30PM. He felt a public hearing for takings was not appropriate at the time.

C-05 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$1,200,000.00 to the Street Resurfacing Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

RE: Paving projects

This item was given regular course.

C-06 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$77,000.00 to the School Department Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

This item was given regular course.

C-07 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$10,000.00 to the Election & Registration Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; 2/3 vote*)

This item was given regular course.

V. PETITIONS – FIRST TIME ON THE CALENDAR

1-20 National Grid: Request to install 1 Singular Owned Pole on Pleasant Street beginning at a point approximately 45' feet northeast of the centerline of the intersection of Cottage Street and continuing approximately 25 feet in a northwest direction. Remove pole from private property behind fencing that is inaccessible and move pole to sidewalk before bridge. This is also to correct for a leaning pole which brings conductors too close to a house #99-101 Pleasant Street. (*Public Service; Public Hearing TBD; Majority Vote*)

This item was given regular course with public hearing to be set on July 22, 2019 at 6:40PM. Vote: 9-0 This item was given regular course with public hearing to be set on July 22, 2019 at 6:40PM.

VI. MATTERS BEFORE THE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

The balance of the stabilization fund was: \$18,417,242.00

VIII. FINANCE

C-116 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$17,200.00 to the Emergency Management Agency Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-116. Vote: 9-0 the communication was ratified.

- **It was noted that this communication was passed at a special meeting and did not need additional ratification, but it was also recognized that the extra ratification did not harm any outcome.**

C-117 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$250,000.00 to the Highway Capital Outlay Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-117. Vote: 9-0 the communication was ratified.

C-118 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$400,000.00 to the School Department Expense Account; same amount to be raised by Fiscal Year 2020 Revenue. *(Granted with an emergency preamble; ratification vote is required)*

RE: This appropriation is being made in anticipation of Chapter 70 Aid being increased from the Governor's budget. In the event that the final State Aid Chapter 70 amount does not increase, the Fiscal Year 2020 Tax Levy will absorb this amount.

The Finance Committee recommended to ratify C-118. Vote: 8-1 (Councillor Freda opposed) the communication was ratified.

C-119 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$75,000.00 to the Refuse Disposal Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-119. Vote: 9-0 the communication was ratified.

- **It was noted that this communication was passed at a special meeting and did not need additional ratification, but it was also recognized that the extra ratification did not harm any outcome.**

C-120 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$220,000.00 to the School Department Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

| | |
|-------------------------|---------------------|
| RE: School Phone System | \$200,000.00 |
| Northwest HVAC | <u>\$ 20,000.00</u> |
| | \$220,000.00 |

The Finance Committee recommended to ratify C-120. Vote: 9-0 the communication was ratified.

C-121 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$36,000.00 to the Election & Registration Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-121. Vote: 9-0 the communication was ratified.

C-122 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$20,359.00 to the Police Department Salary & Wages Account; same amount to be transferred from the Collective Bargaining Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-122. Vote: 8-1 the communication was ratified.

Councillor Freda made a motion to reconsider the vote. Councillor Chalifoux Zephir seconded the motion. The motion carried unanimously.

The Finance Committee recommended to ratify C-122. Vote: 9-0 the communication was ratified.

C-123 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$25,000.00 to the Medicare Expense Account; same amount to be transferred from the Excess and Deficiency Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-123. Vote: 9-0 the communication was ratified.

- C-124 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$4,700.00 to the Forestry Regular Labor Account; same amount to be transferred from the Collective Bargaining Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-124. Vote: 9-0 the communication was ratified.

- C-125 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$20,000.00 to the Highway Regular Labor Account; same amount to be transferred from the Collective Bargaining Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-125. Vote: 9-0 the communication was ratified.

- C-126 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$5,500.00 to the Highway Overtime Account; same amount to be transferred from the Collective Bargaining Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-126. Vote: 9-0 the communication was ratified.

- C-127 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$8,750.00 to the Sewer Department Regular Labor Account; same amount to be transferred from the Sewer Support Services Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

| | | |
|-----|---------------|-------------------|
| RE: | Regular Labor | \$7,500.00 |
| | Overtime | <u>\$1,250.00</u> |
| | | \$8,750.00 |

The Finance Committee recommended to ratify C-127. Councillor Chalifoux Zephir recused herself from the vote due to a possible conflict of interest. Vote: 8-0 the communication was ratified.

- C-128 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$4,300.00 to the Cemetery Regular Labor Account. Same amount to be transferred

from the Collective Bargaining Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

The Finance Committee recommended to ratify C-128. Vote: 9-0 the communication was ratified.

C-129 Dean J. Mazarella, Mayor: Relative to the appropriation of \$17,000.00 to the Water Regular Labor Account; same amount to be transferred from the Water Support Services Expense Account. *(Granted with an emergency preamble; ratification vote is required)*

| | |
|-------------------|--------------------|
| RE: Regular Labor | \$14,800.00 |
| Overtime | <u>\$ 2,200.00</u> |
| | \$17,000.00 |

The Finance Committee recommended to ratify C-129. Councillor Chalifoux Zephir recused herself from the vote due to a possible conflict of interest. Vote: 8-0 the communication was ratified.

C-130 Dean J. Mazarella, Mayor: Relative to the appropriation of \$2,836.00 to the Library Expense Account; same amount to be transferred from the Library State Aid Receipts Reserved for Appropriation Account. *(Finance; Regular Course 06/24/19; Majority Vote)*

**The Finance Committee recommended to grant C-130. Vote: 9-0 the communication was GRANTED.
ORDERED: Vote: 9-0 the communication was ADOPTED.**

IX. LEGAL AFFAIRS

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; Regular Course 5/28/2019; Further Time: 06/10/19;06/24/19; PH 07/08/2019 @6:35 PM; 2/3 Vote)*

The Legal Affairs committee recommended that the petition be granted. Vote: 9-0 the petition was GRANTED.

LEGAL AFFAIRS, continued

64-19 Mark C. Bodanza, Esquire: Relative to Amend Section 13-34 of the Revised Ordinance for the City of Leominster eliminate 1 of 2 existing no

parking zones that run southerly on Union Street from intersection of Central and Union Street. *(Legal Affairs; Regular Course 06/10/19; Further Time: 06/24/19; PH July 8, 2019 @ 6:30PM; 2/3 Vote)*

Councillor Dombrowski noted that the referral from the Traffic Agent was missing. He noted that continuing without all referrals is a slippery slope and in the future it should only occur for very compelling reasons. Councillor Freda explained that she does not disagree with this, but it should be prepared appropriately and not bypass the process. Councillor Bodanza informed the council it was filed on May 28, 2019, it did not receive a public hearing date until the second meeting it came up on, and the petitioner has been dealing with this issue since May. Councillor Dombrowski explained that Councillor Freda is not wrong and noted two more opportunities will be available and reiterated his feeling. Councillor Freda said that the process is the meeting, and a step is still being skipped. Councillor Bodanza explained that this will not become law immediately. Councillor Chalifoux Zephir stated that soliciting input from experts is a critical component and consideration of hers when she casts an informed vote. The Legal Affairs committee recommended that the petition be granted. Vote: 7-2 (Councillor Freda, Chalifoux Zephir, opposed) the petition was GRANTED.

X. PUBLIC SERVICE

- 62-19 National Grid and Verizon New England, Inc.: Request permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: National Grid to install 1 Jointly Owned Pole on Mill Street beginning at a point approximately 330 feet west of the centerline of the intersection of Commercial Road. National Grid to install 40' CL2 JO wood pole, anchor/guy for upgraded customer service. *(Public Service; Regular Course 06/10/2019; Further Time: 06/24/19; Public Hearing July 8, 2019 @ 6:40PM; Majority Vote)*

The Public Service committee recommended that the petition be granted. Councillor David Cormier recused himself from the vote due to a possible conflict of interest. Vote: 8-0 the petition was GRANTED.

XI. NEW BUSINESS

XII. OLD BUSINESS

- **Councillor Chalifoux-Zephir asked that the agenda have more description when items are provided on the agenda. The City Clerk agreed that she would ask the Mayor's Office for more descriptive materials to make items more transparent.**
- **Councillor Chalifoux Zephir asked that the City Clerk ask the Mayor's Office the following:**
 - **\$20,000,000 Chapter 70 Funds, have we received them?**
 - **Have we received school choice funding yet?**
 - **What is the City Local Contribution for FY2020.**
- **Councillor Freda explained that she was not against the schools C-118 but was concerned that we could put that much money towards it in anticipation of Chapter 70 funds.**

XIII. COMMUNITY CALENDAR

- Dining Under the Stars – September 5, 2019 – 6:00-10:00PM – Downtown Leominster
- Food Truck Festival – September 13, 2019 – 5:00-9:00PM
- City Wide Yard Sale – September 14, 2019 – 8:00AM-3:00PM
- Johnny Appleseed Festival – September 21, 2019 – 9:00AM-5:00PM
- Farmer's Market – Saturdays – 9:00AM-1:00PM
- Colonial Band Concert Series – July 9 – August 6 – Carter Park
- Johnny Appleseed Craft Beer Festival – August 3, 2019 – 3:00PM-7:00PM – Monument Square Park
- Ladies Night Out – August 8, 2019 – 5:00PM-9:00PM
- Kids Day – August 24, 2019 – 4:00PM-7:00PM – Downtown Leominster

XIV. ADJOURNMENT

The meeting adjourned at 7:38PM.

Katelyn Huffman, City Clerk