



**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

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**Minutes  
CITY OF LEOMINSTER**

**CITY COUNCIL**

**AUGUST 12, 2019**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**PUBLIC HEARING, 6:40 P.M.**

C-03 Dean J. Mazarella, Mayor: Request that the attached Loan Order for \$3,000,000.00 be adopted for the Police Station Planning and Owner Project Manager. (*Finance; Regular Course 7/08/2019; Granted 7/22/2019; Public Hearing 8/12/2019 @ 6:40 PM; 1<sup>st</sup> Reading 8/12/2019; 2<sup>nd</sup> Reading 8/15/2019; 2/3 vote*)

**The public hearing opened at 6:40PM. Councillor Bodanza asked three times whether anyone from the audience would like to speak for or against C-03. No one spoke. Councillor Freda spoke her support for the communication. The public hearing closed at 6:45PM.**

**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.

**John DeCicco, 193 North Main Street, speaking C-11, C-12, C-13 and give a status update. Thanked the council and Nikki Peters, Brown Richardson and**

**Row, and the landscapers, and everyone else involved. Felt should go forward with the project because far in with funds and benefits.**

**Joyce Leger, 11 Amy Ave, on Twin Cities Rail Trail Steering Committee, in favor of the project. Feels that abutters with encroachments did not have rights to land to begin with. The rail trail will be a benefit.**

**Bernadette Colley, spoke in favor of the rail trail. (SEE PAPER FOR ADDRESS)**

**Kathleen Coakley, spoke about concern about the trail being so close to her house. Council president Marchand explained it has been taken care of.**

**Jean Hall, 445 North Street, spoke in favor of the rail trail.**

**John Icaboni, 54 Green street #412, spoke in favor of the trail.**

**Jane Kalfus-Maine, 770 Main Street, spoke in favor of the rail trail and cited some benefits.**

**Andrea Freeman, 431 Pleasant Street, spoke in favor of the rail trail, applauded Nikki Peters for her work.**

**Mary Jean, 40 Royal Oaks Way, cited a prior meeting on November 28, 2019, and an Emergency Preamble, she cited that in the presentation that CSX is responsible for paying for the encroachments, she said the purchase and sale agreement was signed without that piece and so CSX is no longer responsible for the removal of encroachments. She cited other letters and dates that she felt were important to the project. She felt the letters regarding encroachments were threatening and felt that there was a lack of understanding for the citizens. She informed the council she gave the Council a soft traffic understanding she prepared. She also provided the Council with papers regarding the cons of rail trails and information about the site being on a Superfund site. She urged the Council not to approve the trail.**

**Angela Chebeske, 42 Willow Street, spoke in favor of the Rail Trail, including its safety benefits.**

**Peter Latches, 22 DiMassa Drive, informed the Council that he watched the June 13, 2016 Rail Trail presentation meeting. He explained the Mayor cited**

it as a great project. He mentioned at that meeting that the Mayor mentioned that there would only be a few encroachments when there are many. He feels Councillors were kept in the dark and the taxpayers are suffering. He informed the Council that the project will also be using Chapter 90 funds for the rail trail.

Dennis Rosa, 40 Royal Oaks Way, spoke against the petition, he said that the rail trail would take away jobs, noted that progress has been made, but is speaking against C-04, C-12 and C-13. He felt this was very serious, was not good for business. Explained he is speaking for other business owners that are being impacted by the trail. He explained that business owners groomed the abandoned land for many years. He asked the Councillors to table the petitions for study.

Caleb Weldon, 78 Sturridge Way, spoke in favor of the rail trail, cited the benefits for transportation and recreation, make it safer for community and sees it as an advantage.

Tyrese Sabina, 227 Priest Street, informed the council no one has walked her property with her. Nikki Peters explained that they did not reach out because the decision was to continue the fence all the way to the road, and will send it to her.

Public Forum was closed at 7:24PM.

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

The Regular Meeting opened at 7:12 PM.

Councillor Bodanza made a motion to recess, Councillor David Cormier seconded the motion, the motion carried unanimously. The meeting went into recess at 7:13PM.

The regular meeting continued at:

**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.

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

**III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**

July 22, 2019 Meeting Minutes. – **The meeting minutes were given further time.**

**IV. COMMUNICATIONS FROM THE MAYOR**

COMMUNICATIONS UNDER SUSPENSION OF THE RULES

**SUSPENSION OF THE RULES/Emergency Preamble**

C-09 Dean J. Mazzarella, Mayor: Authorize the City of Leominster to pursue \$25,190.00 through the United States Department of Justice – Justice Assistance Grant Program. (*Majority Vote*)

**Councillor Marchand Made a motion to suspend the rules. Councillor Bodanza seconded the motion. Vote: 9-0 the motion carried unanimously.**

**The Ways and Means Committee recommended that the Emergency Preamble for the communication be granted. Vote: 9-0 the motion carried unanimously.**

**RATIFY NEXT TIME**

COMMUNICATIONS

C-10 Dean J. Mazzarella, Mayor: Request that the Cross-Connection Control Ordinance, Chapter 17, Section 17-18 be updated per the attached document. The adoption of this updated ordinance will help with the safety preservation of the water quality within the City of Leominster water distribution system, which is a continuous goal of the Department of Public Works. (*Legal Affairs; Regular Course 08/12/19; 2/3 Vote*)

**This item was given regular course with a referral to DPW and Health Department.**

C-11 Dean J. Mazzarella, Mayor: Request that the list of Election Officers for 2019-2020 be appointed. (*Ways & Means; Regular Course 08/12/19; Majority Vote*)

**This item was given regular course.**

C-12 Dean J. Mazzarella, Mayor: Petition the Honorable City Council to consider acquiring, by eminent domain, permanent and temporary

easements on certain properties located adjacent or near the City-owned Twin Cities Rail Trail in connection with the Twin Cities Rail Trail Construction Project. The properties affected by the taking are identified more particularly in Schedule A of the Order of Taking by which the City will acquire the easements, enclosed herewith, and shown on a plan entitled: "Easement Plan of Land Twin Cities Rail Trail Leominster & Fitchburg, MA Prepared for City of Leominster", dated August 12, 2019, prepared by SMC Surveying and Mapping Consultants. (*Legal Affairs; Regular Course 08/12/19; Public Hearing 08/26/2019; 2<sup>nd</sup> Reading 08/26/2019; 2/3 Vote*)

**This item was given regular course with a referral to Mayors Office, Conservation Commission, and Environmental Agent, Police Chief, and Traffic Agent and a motion to set a public hearing on August 26, 2019 at 6:05 PM. Vote: 8-0 the communication was given regular course and the public hearing was set. Councillor Chalifoux Zephir abstained from the vote.**

- C-13 Dean J. Mazarella, Mayor: Petition the Honorable City Council to adopt an Order of Taking, taking by eminent domain permanent and temporary easements in, on and under the parcels of land shown on a plan entitled: "Easement Plan of Land Twin Cities Rail Trail Leominster & Fitchburg, MA Prepared for City of Leominster", dated August 12, 2019, prepared by SMC Surveying and Mapping Consultants, and award damages for said taking to the landowners affected thereby in the amounts set forth in Schedule B, enclosed herewith. (*Legal Affairs; Regular Course 08/12/19; Public Hearing 08/26/2019; 2<sup>nd</sup> Reading; 08/26/2019; 2/3 Vote*)

**This item was given regular course with a referral to Mayors Office, Conservation Commission, and Environmental Agent Police Chief, and Traffic Agent and a motion to set a public hearing on August 26, 2019 at 6:10 PM. Vote: 8-0 the communication was given regular course and the public hearing was set. Councillor Chalifoux Zephir abstained from the vote.**

## ORDERS

- C-14 Dean J. Mazarella, Mayor: Request that an appropriation of \$1,127,677.00 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 08/12/19; 2<sup>nd</sup> Reading: 08/15/2019; Majority Vote*)

RE: Chapter 90 Funds.

**This item was given regular course.**

C-15 Dean J. Mazzearella, Mayor: Request that an appropriation of \$570,964.00 be made to the School Department Expense Account; the same amount to be raised by Fiscal Year 2020 Revenue. (*Finance; Regular Course 08/12/19; Majority Vote*)

RE: FY 2020 State Budget Adoption.

**This item was given regular course.**

C-16 Dean J. Mazzearella, Mayor: Request that an appropriation of \$100,000.00 be made to the Gallagher Building Expense Account; the same amount to be transferred from the Gallagher Building Revolving Fund. (*Finance; Regular Course 08/12/19; Majority Vote*)

RE: Operational Expenses for FY 2020.

**This item was given regular course.**

#### **V. PETITION - FIRST TIME ON THE CALENDAR**

2-20 National Grid and Verizon New England, Inc. to install 2 Jointly Owned poles on Willard Street at a point approximately 50 feet southwest of the centerline of the intersection of Willard St & New Lancaster Road and continuing approximately 150ft in a southwest direction. National Grid to install 2 new poles for Reliability and Solar farm. (*Public Service; Public Hearing 8/26/2019 @ 6:00PM; Majority Vote*)

**This item was given regular course and a public hearing was set for August 26, 2019 at 6:00PM. Vote: 9-0 the petition was given regular course and a public hearing was set for August 26, 2019 at 6:00PM.**

3-20 National Grid to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named (Portland Street, Leominster, MA). (*Public Service; Public Hearing 8/26/2019 @ 6:01PM; Majority Vote*)

**This item was given regular course and a public hearing was set for August 26, 2019 at 6:01PM. Vote: 9-0 the petition was given regular course and a public hearing was set for August 26, 2019 at 6:01PM.**

**VI. MATTERS BEFORE THE CITY COUNCIL**

**VII. CITY OF LEOMINSTER – FINANCIAL REPORT**

**The balance of the stabilization account was: \$ 18,369,750.00**

**VIII. FINANCE**

C-03 Dean J. Mazzearella, Mayor: Request that the attached Loan Order for \$3,000,000.00 be adopted for the Police Station Planning and Owner Project Manager. *(Finance; Regular Course 7/08/2019; Granted 7/22/2019; Public Hearing 8/12/2019 @ 6:40 PM; 1<sup>st</sup> Reading 8/12/2019; 2<sup>nd</sup> Reading 8/15/2019; 2/3 vote)*

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

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; Regular Course 7/08/2019; Further Time 7/22/2019; 2/3 vote)*

RE: Rail Trail.

**Councillor Chalifoux Zephir recused herself from the discussion and left the room. Councillor Bodanza explained that money from prior DOT projects are available to be used towards the project to satisfy the outstanding balance. Councillor Freda asked that this information be shared in advanced to all councilors. Councillor Feckley ased that the police Chief and Traffic Agent give referrals for this project. Councillor Freda explained that pleased with project management and what was done for abutters. The Finance Committee Recommended that the communication be granted. Vote: 8-0 the communication was granted.**

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

C-08 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$75,000.00 to the Fire Department Capital Outlay Expense Account; same amount to be transferred from the Stabilization Fund. *(Finance; Regular Course 7/22/2019; 2/3 Vote)*

RE: Purchase of new utility truck and Scott Air Packs.

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

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

## IX. NEW BUSINESS

### 1<sup>st</sup> Reading Ordinance

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; 1<sup>st</sup> Reading 8/12/2019; 2/3 Vote*)

**Councillor Dombrowski read the ordinance in full for the first time. The Legal Affairs Committee recommended that the first reading of the ordinance be ADOPTED.**

**Vote: 9-0 the first reading was ADOPTED.**

### 1<sup>st</sup> Reading Ordinance

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; 1<sup>st</sup> Reading 8/12/2019; 2/3 Vote*)

**Councillor Dombrowski read the ordinance in full for the first time. The Legal Affairs Committee recommended that the first reading of the ordinance be ADOPTED.**

**Vote: 9-0 the first reading was ADOPTED.**

### 1<sup>st</sup> Reading Ordinance

C-03 Dean J. Mazzarella, Mayor: Request that the attached Loan Order for \$3,000,000.00 be adopted for the Police Station Planning and Owner Project Manager. (*Finance; Regular Course 7/08/2019; Granted 7/22/2019; Public Hearing 8/12/2019 @ 6:40 PM; 1<sup>st</sup> Reading 8/12/2019; 2<sup>nd</sup> Reading 8/15/2019; 2/3 vote*)



SEE ATTACHED LOAN ORDER

**Councillor Dombrowski read the ordinance in full for the first time. The Legal Affairs Committee recommended that the first reading of the ordinance be ADOPTED.**

**Vote: 9-0 the first reading was ADOPTED.**

**Councillor Dombrowski made a motion to take a vote to have the police chief down and a patrolman in the area to speak about areas in the city regarding loitering and affecting other people as well as concerns for the Rail Trail. Councillor David Cormier seconded the motion. Vote: 9-0 the motion carried unanimously.**

**Councillor Bodanza informed the public of the Special meeting to take place on August 15, 2019 at 6:00PM.**

**X. OLD BUSINESS**

**Councillor Dombrowski asked to add the Economic Development Coordinator onto the list of referrals for C-12 and C-13.**

**XI. COMMUNITY CALENDAR**

- **Paul Henry Preville, will turn 90 on September 23, 2019, had a surprise birthday party for him the past Saturday, and he was touched by the citation.**

**XII. ADJOURNMENT**

**The meeting adjourned at 7:56 PM.**

Katelyn Huffman, City Clerk