



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
AMENDED

CITY OF LEOMINSTER

CITY COUNCIL

OCTOBER 15, 2019

JOHN P. MAHAN CITY COUNCIL CHAMBERS

INFORMATION SESSION WITH THE MAYOR. 6:00 P.M.

Regarding new technology upgrade and Windows 7 dangers.

ClearComIT, the Cities Information Technology Vendor, spoke to the City Council about the upcoming discontinuation of the Windows 7 Operation System by Microsoft, and how it would effect the City as a whole. They explained that if the City did not update any and all equipment operating on Windows 7 it would pose a very severe cyber security risk and leave the City very vulnerable.

PUBLIC HEARING, 6:40 P.M.

5-20 National Grid and Verizon New England: Requests to install 1 Jointly Owned Pole and remove 1 Jointly Owned Pole on Hall Street beginning at a point approximately 265 feet west of the centerline of the intersection of West Street and continuing approximately 15 feet in a north direction. *(Regular Course 9/09/2019; Further Time 9/23/2019; Public Hearing 10/15/2019 @ 6:40 P.M.; Majority Vote)*

The public hearing opened at 6:40PM. National Grid representative, Kimberly Talvalamo, spoke about the petition. She informed the Council that the pole had been placed, a mistake on behalf of National Grid had occurred, and expressed National Grid's remorse and plan to remedy any other such situations as this occurring in the future. The public hearing closed at 6:47PM.

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 6:47PM.

Fran Bassett, 36 Barry Lane, spoke for petition 6-20, a street acceptance.

Jeff Miller, 5 Jay Ave, spoke for petition 10-20, a street acceptance.

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

The regular meeting of the City Council opened at 7:00PM.

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 Bodanza were in attendance. Councillor Pauline Cormier and Councillor Ardinger were absent.

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- August 26, 2019 – **approved and put on file.**
- September 9, 2019 - **approved and put on file.**
- September 23, 2019 - **approved and put on file.**

IV. COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS

C-28 Dean J. Mazarella, Mayor: Request that Kevin Iannacone be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. (*Ways & Means*) (*Regular Course 10/15/2019; Majority Vote*)

This communication was given regular course.

ORDERS

C-29 *Emergency Preamble*

Dean J. Mazzarella, Mayor: Request an appropriation of \$308,000.00 to the I.T.T.F Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance*) (*Regular Course 10/15/2019; 2/3 Vote*)

Council President Marchand made a motion to accept the Emergency Preamble, Councillor Bodanza seconded the motion. Vote: 7-0 the motion passed unanimously.

The Finance Committee recommended to grant the communication. Vote: 7-0. ORDERED: The communication was ADOPTED by a vote of 7-0.

C-30 Dean J. Mazzarella, Mayor: Request an appropriation of \$60,000.00 to various accounts as listed below; same amount to be raised by Fiscal Year 2020 Revenue. Re: Expenses related to FY 2019 Collective Bargaining Agreement. (*Finance*) (*Regular Course 10/15/2019; Majority Vote*)

| | |
|--|--------------------|
| Collective Bargaining Sick Leave Buyback | \$40,000.00 |
| Collective Bargaining Expenses | \$14,887.00 |
| Health Salary & Wages | \$ 2,766.00 |
| Economic Development Salary & Wages | <u>\$ 2,347.00</u> |
| | \$60,000.00 |

This communication was given regular course and the breakdown of the step raises was requested.

C-31 *Suspension of the Rules*
Dean J. Mazzarella, Mayor: Request an appropriation of \$221,100.00 to the Fire Department Capital Outlay Expense Account; same amount to be transferred from the Stabilization Fund. Re: Central Fire Station Rear Energy Reconstruction. (*Finance*) (*2/3 Vote*)

Council President Marchand made a motion to suspend the rules and accept communication C-31 onto the agenda. Councillor Bodanza seconded the motion. The motion carried unanimously. Vote 7-0. The communication was given regular course.

V. PETITIONS FIRST TIME ON THE AGENDA

12-20 Richard M. Marchand, Festival Facilitator: Request the closure of the following streets 5:30 A.M. to 7:00 P.M. for the Annual Johnny Appleseed Arts and Cultural Festival on Saturday, September 26, 2020, with a rain date of Saturday, October 3, 2020. (*City Property*) (*Regular Course 10/15/2019; Majority Vote*)

- West Street from School Street to Main Street.
- Park Street from West Street intersection in the Church Street vicinity to Main Street.
- The City Hall Parking Lot.
- The City parking lot adjacent to the City Hall located off West Street.
- The City parking lot (defined spaces) located between the First Baptist Church and the First Church Unitarian for handicap parking.
- Church Street from Merriam Avenue to West Street. (The section of Church Street to be closed off is still available with an altered egress pattern for public safety vehicles and business).

The petition was given regular course.

13-20 National Grid and Verizon New England, Inc.: Union Street – Requests to install 1 Jointly Owned Pole on Union Street beginning at a point approximately 250 feet west of the centerline of the intersection of Theodore Drive and continuing approximately 20 feet in a northern direction. Install new pole #98-50 at entrance of driveway to 827 Union Street to service new pole line running up driveway and remove back yard poles from house #821 that service #827. *(Public Service) (Regular Course 10/15/2019; Public Hearing 10/28/2019 @ 6:40 P.M.; Majority Vote)*

The petition was given regular course and a hearing was set for October 28, 2019 at 6:40PM (Vote 6-0 Councillor David Cormier abstained due to a possible conflict of interest).

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

a. The balance of the stabilization account was \$17,365,359.00.

VIII. FINANCE

C-25 Dean J. Mazzearella, Mayor: Request that an appropriation of \$28,000.00 be made to the Emergency Management Expense Account; same to be transferred from the Stabilization Fund. *(Finance; Regular Course 09/23/2019; 2/3 Vote)*

The Finance Committee recommended to grant communication C-25. Vote: 7-0. ORDERED: 7-0 the communication was ADOPTED.

FINANCE, continued

C-26 Dean J. Mazzarella, Mayor: Request that an appropriation of \$23,200.00 be made to the School Department Expense Account; same to be transferred from the Stabilization Fund. (*Finance; Regular Course 09/23/2019; 2/3 Vote*)

The Finance Committee recommended to grant communication C-26. Vote: 7-0. ORDERED: 7-0 the communication was ADOPTED.

C-27 Dean J. Mazzarella, Mayor: Request that an appropriation of \$8,000.00 be made to the Police Department Expense Account; same to be transferred from the Stabilization Fund. (*Finance; Regular Course 09/23/2019; 2/3 Vote*)

The Finance Committee recommended to grant communication C-27. Vote: 7-0. ORDERED: 7-0 the communication was ADOPTED.

IX. LEGAL AFFAIRS

6-20 Joseph Bassett and ten registered Voters to accept Barry Lane as a street in the City of Leominster. (*Legal Affairs; Regular Course 9/23/2019; Pending Referrals **Planning Board Director, Planning Board**; Majority Vote*)

The Legal affairs committee recommended to GRANT the petition. Vote: 7-0 the petition was GRANTED.

7-20 Gail P. Feckley: Request to amend Section 13-77, Stop Signs, of the Leominster Municipal Code, by adding a stop sign for north bound traffic on Dingley Street at Fairview Street. (*Legal Affairs; Regular Course 9/23/2019; Pending Referrals **Traffic Agent, Leominster Police Department**; 2/3 Vote*)

The Legal affairs committee recommended to give further time to the petition. Vote: 7-0 the petition was given further time.

8-20 Gail P. Feckley: Request to amend Section 13-77, Stop Signs, of the Leominster Municipal Code, by adding a stop sign for south bound traffic on Dingley Street at Tolman Avenue. (*Legal Affairs;*

Regular Course 9/23/2019; Pending Referrals Traffic Agent; 2/3 Vote)

**The Legal affairs committee recommended to give further time to the petition.
Vote: 7-0 the petition was given further time.**

9-20

Michael Goldman, Police Chief: Request to delete Section 13-26 of the Revised Ordinance for the City of Leominster and insert a new Section 13-26 as follows:

A. Whenever the Mayor, or the Mayor's designee, declares a snow emergency exists in the City in regard to snow plowing or snow removal by giving at least six hours' notice, it shall be unlawful for the owner, operator or person in charge of any vehicle (other than one acting in an emergency) to park such vehicle or permit or suffer the same to be parked on any public street in this City for the duration of the emergency. A snow emergency so declared shall continue for a forty-eight-hour period which may be extended by the Mayor or his or her designee as circumstances require.

During said snow emergency, the Director of Public Works shall conduct snow plowing, removal, and sand and salt operations.

B. The Mayor or the Mayor's designee may remove the restrictions imposed in any snow emergency for areas of the City as they become cleared.

C. The Director of Public Works shall notify the Leominster Police Department, activate CodeRed, and announce the snow emergency through TV, radio, newspaper and City social media outlets and as many other public channels as the Director deems necessary.

D. The provision of this section shall not apply to handicapped parking areas located in residential zones.

E. Any vehicle found in violation of this Section may be removed to a convenient place under the direction of an officer of the police department and the owner of the vehicle so removed,

or towed away, shall be liable to the cost of such removal and storage. *(Legal Affairs; Regular Course 9/23/2019; Pending Referrals Mayor, DPW; 2/3 Vote)*

**The Legal affairs committee recommended to give further time to the petition.
Vote: 7-0 the petition was given further time and to vote the Chief down to the next meeting to discuss the petition.**

10-20

Jeffrey Miller and ten registered voters request to accept Jay Ave as a Street in the City of Leominster. *(Legal Affairs; Regular Course 9/23/2019; Pending Referrals Planning Director, Planning Board, DPW; Majority Vote)*

The Legal affairs committee recommended to GRANT the petition. Vote: 7-0 the petition was GRANTED.

11-20 Claire M. Freda: Request to amend Section 13-77, Stop Signs, of the Leominster Municipal Code, by adding three stop signs for the following locations:

Barry Lane at the intersection of Barry Lane and Debbie Drive.

Barry Lane at the intersection of Barry Lane and Beth Avenue.

Jay Avenue at the intersection of Jay Avenue and Debbie Drive.
*(Legal Affairs; Regular Course 9/23/2019; Pending Referrals
Traffic Agent; 2/3Vote)*

The Legal affairs committee recommended to give further time to the petition. Vote: 7-0 the petition was given further time.

X. PUBLIC SERVICE

5-20 National Grid and Verizon New England: Requests to install 1 Jointly Owned Pole and remove 1 Jointly Owned Pole on Hall Street beginning at a point approximately 265 feet west of the centerline of the intersection of West Street and continuing approximately 15 feet in a north direction.
(Regular Course 9/09/2019; Further Time 9/23/2019; Public Hearing 10/15/2019 @ 6:40 P.M.; Majority Vote)

The Public Service Committee recommended to GRANT the petition. Vote: 6-0 the petition was GRANTED. Councillor David Cormier abstained from the vote due to a possible conflict of interest.

XI. NEW BUSINESS

David R. Cormier, Ward 3 Councillor: Requests that a vote be taken by the Leominster City Council to have John Roseberry, Chairman of the Planning Board and if he chooses, the Planning Director and/or designee(s) attend the next meeting of the City Council on October 28, 2019.

Re: The partial release of a certain bond on a certain subdivision in January, 2019 without the City Council being petitioned for street acceptance under the subdivision regulations of the City of Leominster as stated in Section 14 of the regulations.

Councillor David Cormier made a motion to vote to have the Planning Director, Planning Board Chair, and John Roseberry down to the next Council meeting to

discuss the above referenced topic. Vote: 6-1(Councillor Freda, Nay) the above listed were voted down for the next City Council meeting.

XII. OLD BUSINESS

2nd Reading Ordinance

C-10 Dean J. Mazzarella, Mayor: Request that the Cross-Connection Control Ordinance, Chapter 17, Section 17-18 to 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; Further Time 8/26/2019; Adopted 9/09/2019; Public Hearing 9/23/2019 @ 6:40 P.M.; 1st Reading 9/23/2019; 2/3 Vote)*

The Legal Affairs Committee recommended to ADOPT the second reading of the ordinance. Vote: 7-0 the second reading of the ordinance was ADOPTED.

Councillor David Cormier made a motion have the Police Chief down at the next meeting to discuss the snow ban ordinance. Councillor Bodanza seconded the motion. Vote: 7-0 the Police Chief was voted down to the next City Council meeting.

XIII. COMMUNITY CALENDAR

- **Veterans Day Ceremony, November 11, 2019 at 10:30AM.**
- **Leominster Highschool Homecoming October 19, 2019.**
- **November 2, 2019 1-4 – Drake House Open to public**
- **October 22, 2019 7:30PM – Tour**
- **December 14, 2019 1-4 Drake House open to public.**

XIV. ADJOURNMENT

The meeting adjourned at 7:45 PM.

- Katelyn Huffman, City Clerk