

Council President

Mark C. Bodanza

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 – Peter A. Angelini

MINUTES
CITY OF LEOMINSTER

CITY COUNCIL

JANUARY 27, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING, 6:40 P.M.

25-20 National Grid and Verizon New England, Inc.: Nashua Street – Requests to install 4 Jointly Owned Poles on Nashua Street beginning at a point approximately 15 feet southwest of the centerline of the intersection of Main Street & Nashua Street and continuing approximately 311 feet in a southeast direction. *(Public Service; Regular Course 1/13/2020; Public Hearing 1/27/2020 @ 6:40 P.M.; Majority Vote)*

The public hearing opened at 6:40PM. Mark Tapley, of National Grid, spoke in favor of the petition. He explained that National Grid needed to relocate 2 poles from east to west, add an additional pole, and replace a pole to alleviate overhead lines above the train tracks. Councilor Pauline Cormier thanked National Grid for their efforts in preparing materials, providing presentations and supply staff at the Council meetings to explain these petitions. Councillor Freda asked three times if anyone would like to speak for or against the petition. No one spoke. The public hearing closed at 6:43PM.

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.

Council President Bodanza asked three times if anyone from the public would like to speak. No one spoke. The public forum closed at 6:46PM.

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

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- **January 7, 2020 Organizational Meeting Minutes – It was asked that these meeting minutes be amended and brought back to Council for approval.**
- **January 13, 2020 Minutes – These meeting minutes were approved and placed on file.**

IV. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

A measure confirming the Mayor's Reappointment of Anne B. Mahan to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This appointment was given regular course in block.

A measure confirming the Mayor's Reappointment of Nancy Piermarini to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This appointment was given regular course in block.

A measure confirming the Mayor's Reappointment of Charles Milhans to Registrar of Voters; term to expire April 15, 2023. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This appointment was given regular course in block.

ORDERS

C-47 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$60,000.00 be made to the Elections & Registration Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 1/27/2020; 2/3 Vote*)

This communication was given regular course.

C-48 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$2,000 be made to the Police Department Overtime Account; same amount to be transferred from the Disability Fines Receipts Reserved for Appropriation Account. (*Finance; Regular Course 1/27/2020; 2/3 Vote*)

This communication was given regular course. Councillor Cormier informed the Council that he would be abstaining in all matters regarding this communication due to a conflict of interest.

C-49 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$150,000.00 be made to the I.T.T.F. Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 1/27/2020; 2/3 Vote*)

This communication was given regular course.

V. PETITIONS FIRST TIME ON THE AGENDA

32-20 Election Order: An Order by the City of Leominster, Relative to the Presidential Primary, March 3, 2020. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This petition was given regular course.

33-20 Diane P. Amidon: Renew the Second Hand Dealers License for Upscale ConsignMINT located at 875 Merriam Ave, Suite 131. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This petition was given regular course.

34-20 Susan Chalifoux-Zephir: Renew the Second Hand Dealers License for Ginny's Helping Hand, Inc. located at 52 Mechanic Street. (*Ways & Means; Regular Course 1/27/2020; Majority Vote*)

This petition was given regular course.

35-20 Gregory C. Chapdelaine, Purchasing Agent: Request to allow the Purchasing Agent to award a contract for Information Technology Managed Services for the City for a six-year period. (*Finance; Regular Course 1/27/2020; Majority Vote*)

This petition was given regular course.

36-20 Claire M. Freda, Councillor at Large: Requests to Amend Sections 21-13(b) and 21-13 of the Leominster City Ordinance, by deleting “cost of all repairs made to or connections between private property and main sewers shall be paid for by the owner of the property” and replace with, “cost of all repairs made to or connections between private property and main sewers shall be the responsibility of the city with no cost to the home owner.” (*Legal Affairs; Regular Course 1/27/2020; Majority Vote*)

This petition was given regular course with a referral to DPW, Mayor, and the Comptroller. The City Council President also asked that the number of residents who take part in the water line insurance plan be provided to the Council. Councillor Freda asked that the petition be referred to Legal Affairs and Public Service. The petition will be referred to both subcommittees separately when Councillor Freda renewed her request to refer the petition to Public Service as well under old business.

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

a. The balance of the stabilization fund was \$16,202,923.55.

VIII. FINANCE

C-45 Dean J. Mazarella, Mayor: Relative to the appropriation of \$70,000.00 be made to the Gallagher Building Salary & Wages account; same amount to be transferred from the Gallagher Building Revolving Fund. (*Finance; Regular Course 1/13/2020; Majority Vote*)

RE: Craftsman Salary:	\$56,528.00
Gallagher Overtime:	<u>\$13,472.00</u>
	\$70,000.00

Councillor Cormier, Finance Committee Chairman, explained that this petition was to supplement the salary line item for the craftsman

in City Hall. The Finance Committee recommended to GRANT the communication. Vote: 9-0 the communication was GRANTED.

ORDERED: Roll Call Vote: 9-0 (all councillors yea) the communication was ORDERED and ADOPTED.

C-46 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$36,375.00 be made to the Police Department Expense Account; same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 1/13/2020; 2/3 Vote*)

Councillor David Cormier explained that this communication would allow the Police Department to expand the number of licenses for their MDT's and also the amount of staff they have on their force. The Finance Committee recommended to GRANT the communication. Vote: 9-0 the communication was GRANTED.

ORDERED: Roll Call Vote: 9-0 (all councillors yea) the communication was ORDERED and ADOPTED.

30-20 Gregory C. Chapdelaine, Purchasing Agent, and Paula Deacon, Superintendent of Schools: Request to allow the Purchasing Agent to award a contract for Internet Connectivity Services for a five-year period, on behalf of the School Department. (*Finance; Regular Course 1/13/2020; Majority Vote*)

Councillor David Cormier explained that this communication would allow the school to enter into a contract for a longer period of time with a company for Internet Connectivity Services which would in turn, save the City money long term and allow for a more competitive bidding process. The Finance Committee recommended to GRANT the communication. Vote: 9-0 the communication was GRANTED.

IX. LEGAL AFFAIRS

C-44 Dean J. Mazzearella, Mayor: Request that the Leominster City Council vote to adopt an Order to authorize the Mayor, on behalf of the City, to enter into lease agreements for eleven (11) certain properties described as attached. (*Legal Affairs; Regular Course 1/13/2020; Pending Referrals, Treasurer, Board of Health; Majority Vote*)

Councillor Chalifoux Zephir abstained from this communication due to a possible conflict of interest. The Legal Affairs Committee recommended to GRANT the communication. Councillor Dombrowski read the referral from the Chief Assessor of the City of Leominster into the record. The referral expressed support for the

communication, and sited that the encroachers would pay a certain amount of rent to the city, that had a 2% rent escalator each year. These leases were necessary because it was not practical to remove these encroachments. Without the approval of the leases, the Rail Trail project as a whole would be delayed. The Legal Affairs Committee recommended that the communication be GRANTED. Roll Call Vote: 8-0 (Councillor Chalifoux Zephir abstained) the communication was GRANTED.

26-20 Jeffrey D. Nickel and ten registered voters to accept Dobson Circle as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Pending Referrals DPW, Engineer, Planning Director, Planning Board, Building Inspector; Majority Vote*)

The Legal Affairs committee recommended that the petition be given further time. Councillor David Cormier requested that all referrals include the following information:

- Original bond
- How much of the bond has been released thus far
- Last contact with developer and or owners
- If it was part of a subdivision plan
- If the 2 years had passed for completion of work

Councillor Dombrowski also requested the following information be included in the referral:

- If a covenant was involved
- If a covenant was involved, when was it released, and if it was released was it released by lot or was it a blanket release

Vote: 9-0 the petition was given FURTHER TIME and the additional information would be requested from all parties relevant to each referral.

27-20 Beth Spinelli and ten registered voters to accept Massapoag Road as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Pending Referrals DPW, Engineer, Planning Director, Planning Board, Building Inspector; Majority Vote*)

The Legal Affairs committee recommended that the petition be given further time. Councillor David Cormier requested that all referrals include the following information:

- Original bond
- How much of the bond has been released thus far
- Last contact with developer and or owners
- If it was part of a subdivision plan
- If the 2 years had passed for completion of work

Councillor Dombrowski also requested the following information be included in the referral:

- **If a covenant was involved**
- **If a covenant was involved, when was it released, and if it was released was it released by lot or was it a blanket release**

Vote: 9-0 the petition was given FURTHER TIME and the additional information would be requested from all parties relevant to each referral.

28-20 Officer Julio Ramos: Install ~~stop~~ parking signs and no parking signs on Research Drive. (*Legal Affairs; Regular Course 1/13/2020; Majority Vote*)

Councillor David Cormier said he wanted to ensure that this petition was not adversely. It was also requested that more specificity be provided from the Traffic Agent to better understand exactly where these signs would be placed. Councillor Dombrowski made a motion to amend the petition by deleting “stop signs and”. Councillor Chalifoux Zephir seconded the motion. The motion carried unanimously. Vote: 9-0 the petition was amended. The Legal Affairs committee recommended that the petition be GRANTED AS AMENDED. Vote: 9-0 the petition was GRANTED AS AMENDED.

29-20 Jill A. Natola: to accept Samoset Drive and Candlewood Drive as a street in the City of Leominster. (*Legal Affairs; Regular Course 1/13/2020; Pending Referrals DPW, Engineer, Planning Director, Planning Board, Building Inspector; Majority Vote*)

The Legal Affairs committee recommended that the petition be given Further Time due to the pending referrals. Vote: 9-0 the petition was given further time.

X. PUBLIC SERVICE

25-20 National Grid and Verizon New England, Inc.: Nashua Street – Requests to install 4 Jointly Owned Poles on Nashua Street beginning at a point approximately 15 feet southwest of the centerline of the intersection of Main Street & Nashua Street and continuing approximately 311 feet in a southeast direction. (*Public Service; Regular Course 1/13/2020; Public Hearing 1/27/2020 @ 6:40 P.M.; Majority Vote*)

The Public Service committee recommended to GRANT the petition. Councillor David Cormier abstained from the vote due to a possible

conflict of interest. Vote: 8-0 (Councillor David Cormier abstained) the petition was GRANTED unanimously.

XI. WAYS & MEANS

Appointment of Legal Counsel - Leominster City Council Appoint Stephen Madaus of Mirick O'Connell as the City Council's Legal Counsel for 2020. (*Ways & Means; First time on the agenda at the Organizational Meeting 1/6/2020; Further Time 1/13/2020; Majority Vote*)

Councillor Feckley read the email of acceptance from Attorney Madaus into the record. The Ways and Means committee recommended that the appointment of Stephen Madaus be CONFIRMED. Vote: 9-0 the appointment was CONFIRMED unanimously.

31-20 Katelyn Huffman, City Clerk: A resolution authorizing a policy regarding electioneering during absentee voting for the 2020 State and Federal elections. (*Ways & Means; Regular Course 1/13/2020; Pending Referrals Board of Registrars, City Solicitor; Majority Vote*)

The Ways and Means committee recommended that the petition for the RESOLUTION be ADOPTED. Roll Call Vote: 9-0 the RESOLUTION was ADOPTED unanimously.

XII. NEW BUSINESS

1st Reading Ordinance

59-18 James Whitney and ten registered voters: Amend the Zoning Ordinance to add drive through to the allowable uses under MU-1 zoning, provided the applicant obtain a Special Permit from the Planning Board. (*Legal Affairs; Regular Course 4/09/2018; Further Time 4/23/2018, 5/14/2018; 12/9/2019; Public Hearing 5/14/2018; Public Hearing Continued to 5/29/2018; Granted 5/29/2018; 1/13/2020; Public Hearing 12/09/2019 @ 6:40 P.M.; 1st Reading 1/27/2020; Majority Vote*)

Councillor Dombrowski read the first reading of the ordinance aloud. The Legal Affairs committee recommended the first reading of the ordinance be ADOPTED. Roll Call Vote: 9-0 the first reading of the ordinance was ADOPTED unanimously.

1st Reading Ordinance

17-20 David R. Cormier: Request a stop sign on South Street against southbound drivers at Tisdale Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:37 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

Councillor Dombrowski read the first reading of the ordinance aloud. The Legal Affairs committee recommended the first reading of the ordinance be ADOPTED. Roll Call Vote: 9-0 the first reading of the ordinance was ADOPTED unanimously.

1st Reading Ordinance

18-20 David R. Cormier: Request to install a stop sign on South Street against northbound drivers at Crown Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:38 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

Councillor Dombrowski read the first reading of the ordinance aloud. The Legal Affairs committee recommended the first reading of the ordinance be ADOPTED. Roll Call Vote: 9-0 the first reading of the ordinance was ADOPTED unanimously.

1st Reading Ordinance

19-20 David R. Cormier: Request to Amend Chapter 13, Section 13-77 Stop Signs and add the following: (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:39 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

- Comstock Road against southbound drivers at Union Street.
- Comstock Road against eastbound drivers at Duggan Drive.
- Duggan Drive against southeast bound drivers at Union Street.
- Duggan Drive against westbound drivers at Glenwood Drive.

Councillor Dombrowski read the first reading of the ordinance aloud. The Legal Affairs committee recommended the first reading of the ordinance be ADOPTED. Roll Call Vote: 9-0 the first reading of the ordinance was ADOPTED unanimously.

1st Reading Ordinance

20-20 Patrick Bresnahan, Leominster Police Officer: Requests “no parking” signs on North Main, East, and Priest Street. Also “no parking between signs” on poles #24 and #25 located in front of 227 Priest Street. (*Legal Affairs; Regular Course 11/25/2019; Public Hearing 1/13/2020 @ 6:40 P.M.; Further Time 12/9/2019; Granted 1/13/2020; 1st Reading 1/27/2020; 2/3 Vote*)

Councillor Dombrowski read the first reading of the ordinance aloud. It was requested that more specificity be requested for this ordinance from the traffic agent so it was clear as to where the signs would be placed. The Legal Affairs committee recommended the first reading of the ordinance be given

further time. Roll Call Vote: 9-0 the first reading of the ordinance was given further time unanimously.

XIII. OLD BUSINESS

- **Councillor Freda renewed her request to refer petition 36-20 to Public Service as well as Legal Affairs and the Council President agreed.**

XIV. COMMUNITY CALENDAR

XV. ADJOURNMENT

Councillor Chalifoux Zephir made a motion to adjourn the meeting. The meeting adjourned at 8:00PM.

Minutes Respectfully Submitted by:
Katelyn Huffman, City Clerk