

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

APRIL 27, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

The City Council meeting on April 27, 2020 will be held virtually, by a conference telephone call only. All City Councilors, and members of the public interested in participating in the public forum, or a scheduled public hearing, are requested to call the following number : +1 (669) 224-3412 and enter the following code : 785-690-485 (Please note: the call in number and code are different than the call in number and code from the last meeting conducted on April 13, 2020). The meeting will begin promptly at 6:30 PM on Monday, April 27, 2020. The conference phone call will be moderated by the City Council President and all discussion will be strictly limited to matters on the agenda. It is expected that the audio phone call will be broadcast on Leominster Access Television.

The April 27, 2020 meeting of the City Council was held virtually, via a teleconference call, the audio of which was carried live on local access television. This conference call was recorded and has been made available to the public for listening. This exception to the open meeting law was permitted by an executive order issued by Governor Charles Baker in response to the COVID-19 pandemic. Public participation was also provided by conference call.

PUBLIC HEARING, 6:50 P.M.

This public hearing was originally advertised to occur at 6:30PM, however the hearing notice anticipated an in person public hearing which cannot occur. Therefore, the hearing scheduled for April 27, 2020 is cancelled and will be rescheduled in conformance with teleconference protocols and legal advertising consistent therewith.

37-20 The Botanist: Grant a Special Permit to operate a Medical Marijuana Facility located at 1775 Lock Drive. (*Legal Affairs; Regular Course 02/10/2020; Further Time 2/24/2020, 3/9/2020, 3/23/2020; Pending Referrals Mayor, Health Director, ZBA; Public Hearing April 27, 2020 at 6:30 PM; Majority Vote*)

The Legal Affairs committee informed the Council that the Public Hearing would be moved to May 26, 2020 via teleconference.

PUBLIC HEARING, 6:53 P.M.

55-20 Officer Julio Ramos: Requests to amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic.” Be it ordained by the City Council of the City of Leominster, as follows: Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets” is hereby Amended by inserting the following text: No parking on Research Drive, (both sides) from a point beginning 1163 feet easterly from the intersection with Central Street, through the cul-de-sac, and back westerly to the 1163 feet starting point. (*Legal Affairs; Regular Course 3/23/2020; Public Hearing April 27, 2020 at 6:53 PM; 2/3 Vote*)

The public hearing opened at 6:53 PM. Councillor Dombrowski made a motion to amend the petition by deleting the word “through” and replacing it with “around”. Councillor David Cormier seconded the motion. The motion carried unanimously by Roll Call Vote: 9-0. 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 was closed at 7:00PM.

PUBLIC FORUM, 6:55 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 opened at public Forum at 7:02 PM. He asked three times if anyone would like to speak regarding any item on the agenda. No one spoke. The public forum was closed at 7:04 PM.

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

The regular meeting of the City Council opened at 7:00PM. Councillor Ardinger made a motion to recess. Councillor David Cormier seconded the motion. Roll Call Vote: 9-0 the motion to recess passed unanimously. The meeting went into recess at 7:02 PM and the regular meeting continued at 7:04 PM.

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

- April 13, 2020- **The approval of these minutes was given further time for more review.**

IV. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

A measure confirming the Mayor's appointment of **William Connor** to perform the duties of Interim Chief Assessor on a temporary basis for sixty (60) days until the office can be filled by a permanent appointment. (*Ways & Means; Regular Course 4/27/2020; Majority Vote*)

This appointment was given regular course. It was also requested that William Connor join the council for a teleconference interview at the next regular meeting.

A measure confirming the Mayor's reappointment of **Susan Chalifoux-Zephir** to the Library Board of Trustees; term to expire 4/15/2023. (*Ways & Means; Regular Course 4/27/2020; Majority Vote*)

This appointment was given regular course. It was also requested that Ms. Chalifoux Zephir join the council for a teleconference interview at the next regular meeting.

V. PETITIONS FIRST TIME ON THE AGENDA

59-20 National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Water St. National Grid to install 1 JO Pole on Water St beginning at a point approximately 90 feet southwest of the centerline of the intersection of Prescott St and continuing approximately 17 feet in a southeast direction. Install 1 pole #5-84 across Water St, between poles #4 and #5 as a stub pole with an anchor to support pole #5 when it feeds 3 phase primary down Prescott St for a new service. (*Public Service; Regular Course 04/27/2020; Public Hearing 05/11/2020 at 6:53PM; Majority Vote*)

This petition was given regular course and it was recommended that a public hearing be set for May 11, 2020 at 6:53 PM. Councillor David Cormier abstained from the vote due to a possible conflict of interest. Roll Call Vote: 8-0-1(abstention by Councillor David Cormier) the public hearing was set for May 11, 2020 at 6:53 PM.

- 60-20 Sterling Jewelers, Inc.: Renew the Second Hand Dealers License for Kay Jewelers #1285 located at 100 Commercial Road. (*Ways & Means; Regular Course 4/27/2020; Majority Vote*)

This petition was given regular course.

- 61-20 Albert D. Mason of Mason Investments Inc.: Renew Bowling Alley License for Mason Recreation Center located at 640 North Main Street. (*Ways & Means; Regular Course 4/27/2020; Majority Vote*)

This petition was given regular course.

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

The balance of the stabilization account was \$14,952,968.00.

VIII. FINANCE

- C-60 Dean J. Mazarella, Mayor: Relative to the appropriation of \$600,000.00 be made to the Pension Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 4/13/2020; 2/3 Vote*)

Councillor Freda made a motion to recess. Councillor David Cormier seconded the motion. Roll Call Vote: 9-0 the motion carried unanimously and the Council went into recess at 7:31 PM. Councillor David Cormier explained that the purpose of this communication is to fund the retirement payroll, the City will borrow from stabilization fund. Usually the City sells investments in order to cover the payroll, but due to the volatility of the market, it is not plausible to do so at this time. Councillor Freda voiced concern that the money is coming out of the stabilization fund with hard times coming. She also asked why this money could not come out of Free Cash. John Richard, Leominster Comptroller, explained that this is the first time the City was doing this. He also explained doing it this way would save the City a hundred thousand dollars or more, and losses would be minimal. Additionally, he informed the Council that at the end of the fiscal

year, the money would be put back from Free Cash and it would not be permanently depleted. The regular meeting reconvened at 7:41PM. The Finance Committee recommended that the communication be GRANTED. Roll Call Vote: 8-1 (Councillor Freda Nay) the communication was GRANTED.

ORDERED: Roll Call Vote: 8-1 (Councillor Freda Nay) the communication was ADOPTED.

- C-61 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$400,000.00 be made to the Pension Expense Account; the same amount to be transferred from the Principal-Debt Service Expense Account. (*Finance; Regular Course 4/13/2020; Majority Vote*)

The Finance Committee recommended that the communication be GRANTED. Roll Call Vote: 9-0 the communication was GRANTED.

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

- C-62 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$385,000.00 be made to the School Department Transportation Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 4/13/2020; 2/3 Vote*)

RE: Pay ongoing bus service costs.

Councillor Cormier informed the Council that the Mayor respectfully requested that this communication be given leave to withdraw without prejudice. The Finance Committee recommended that the communication be given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Roll Call Vote: 9-0 the communication was given LEAVE TO WITHDRAW WITHOUT PREJUDICE.

IX. LEGAL AFFAIRS

- 37-20 The Botanist: Grant a Special Permit to operate a Medical Marijuana Facility located at 1775 Lock Drive. (*Legal Affairs; Regular Course 02/10/2020; Further Time 2/24/2020, 3/9/2020, 3/23/2020; Pending Referrals Mayor, Health Director, ZBA; Public Hearing April 27, 2020 at 6:30 PM CANCELLED; Public Hearing Needs to be rescheduled; Majority Vote*)

The Legal Affairs committee recommended that this petition be given further time and a new public hearing date be set for Tuesday, May 26, 2020 at 6:30PM via teleconference. Councillor Angelini recused himself from this petition due to a possible conflict of interest. Roll

Call Vote: 8-0-1 (Councillor Angelini abstained due to possible conflict of interest) the petition was given FURTHER TIME and a public hearing was set for Tuesday, May 26, 2020 at 6:30PM via teleconference.

38-20 Elizabeth Wood, Planning Director: Petition to Amend Section 22-34.2.1 accordingly:

~~34.2.1 The FP District includes those areas designated as a floodway on the Leominster, Massachusetts Flood Boundary and Floodway Map (the "FBFM"), Community Panel Numbers 250314-0001-0010, effective September 16, 1982, and all special flood hazard areas designated as either Zone A or Zone A-1 through A-30 on the Leominster, Massachusetts Flood Insurance Rate Map (the "FIRM") Community Panel Numbers~~

~~250314-0001-0010, effective September 16, 1982 and Community Panel Number 250314-0003, amended April 3, 1989.~~

The Leominster Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the City of Leominster Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated September 16, 1982 as Zone A, AE, AH, AO, A1-30 and A99, and the FEMA Flood Boundary & Floodway Map dated September 16, 1982, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated April 3, 1989. The FIRM, Flood Boundary & Floodway Map, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Official, and Planning and Development Department.

Amend Section 34.2.3.3.2 accordingly: NFIP State Coordinator, MA Department of Conservation and Recreation, 251 Causeway St., ~~Suite 500-700~~, 8th floor, Boston, MA 02114-2104; and (*Legal Affairs; Regular Course 02/10/2020; Further Time 2/24/2020, 3/9/2020; 3/23/2020; Pending Referrals, ZBA,; Public Hearing 3/9/2020 @ 6:45 P.M.; Public Hearing Continued 3/9/2020; Further Time; 04/13/2020; 2/3 Vote*)

The Legal Affairs Committee recommended that this petition be given FURTHER TIME. Roll Call Vote: 9-0 the petition was given FURTHER TIME.

LEGAL AFFAIRS, continued

53-20 Jill A. Natola: Petition for acceptance of Sheldon Hill Drive and Pheasant Run Circle. (*Legal Affairs; Regular Course 3/23/2020; Further Time; 04/13/2020; 2/3 Vote*)

The Legal Affairs Committee recommended that this petition be given FURTHER TIME. Roll Call Vote: 9-0 the petition was given FURTHER TIME.

55-20 Officer Julio Ramos: Requests to amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic.” Be it ordained by the City Council of the City of Leominster, as follows: Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets” is hereby Amended by inserting the following text: No parking on Research Drive, (both sides) from a point beginning 1163 feet easterly from the intersection with Central Street, through the cul-de-sac, and back westerly to the 1163 feet starting point. (*Legal Affairs; Regular Course 3/23/2020; Public Hearing April 27, 2020 at 6:53 PM; 2/3 Vote*)

The Legal Affairs Committee recommended that this petition be GRANTED. Roll Call Vote: 9-0 the petition was GRANTED.

X. CITY PROPERTY

C-59 Dean J. Mazzearella, Mayor: Request that the Council adopt an Order to authorize the Mayor, on behalf of the City, to accept an easement from the owners of the property described below. A copy of the easement granted by the owner of the property is attached. (*City Property; Regular Course 4/13/2020; 2/3 Vote*)

170 Main Street, Leominster, MA
174 Main Street, Leominster, MA

The Legal Affairs Committee recommended that this petition be GRANTED and a public hearing date be reserved for May 11, 2020 at 6:52PM if deemed applicable by the City Solicitor. Councillor Chalifoux Zephir recused herself from the communication due to a possible conflict of interest. Roll Call Vote: 8-0-1 (Councillor Chalifoux Zephir abstained due to a possible conflict of interest) the petition was GRANTED and a public hearing date be reserved for May 11, 2020 at 6:52PM if deemed applicable by the City Solicitor.

XI. NEW BUSINESS

- None

XII. OLD BUSINESS

- None

XIII. COMMUNITY CALENDAR

- **Mayor, Dean J. Mazzarella, gave the Council an update on measures being taken in the City for safety, assistance, and communication regarding the COVID-19 pandemic. He informed them that the City has been very active in assisting the community, as well as planning ahead for the future of the pandemic, including staff and citizen safety.**

XIV. ADJOURNMENT

The meeting adjourned at 8:01PM.

Minutes Respectfully Submitted By:

Katelyn Huffman, City Clerk