

**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

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**MINUTES**

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**MARCH 23, 2020**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**The City Council meeting on March 23, 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, are requested to call the following number : +1 (646) 749-3122 and enter the following code : 571-760-389. The meeting will begin promptly at 6:55 PM on Monday, March 23, 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 March 23, 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 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.

The public forum opened at 7:02 PM. Council President Bodanza asked three times if anyone from the public would like to speak. No one spoke. The Public Forum closed at 7:03 PM.

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

The regular meeting of the City Council opened at 7:00 PM. Councillor David Cormier made a motion to recess. Councillor Angelini seconded the motion. Roll Call Vote: 9-0 the motion carried unanimously. The regular meeting of the City Council began again at 7:03 PM.

**II. ROLL CALL OF COUNCILLORS IN ATTENDANCE**

**III. 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.

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

- March 9, 2020 – The meeting minutes were approved and placed by file.

**V. COMMUNICATIONS FROM THE MAYOR**

APPOINTMENTS

A measure confirming the Mayor's appointment of **Jeffery Goyne** to Conservation Commission; term to expire 4/15/2023. (*Ways & Means; Regular Course 3/23/2020; Majority Vote*)

**These appointments were given regular course and a virtual interview was requested at the next meeting.**

A measure confirming the Mayor's appointment of **Nathan Fontaine** to Conservation Commission; term to expire 4/15/2023. (*Ways & Means; Regular Course 3/23/2020; Majority Vote*)

**These appointments were given regular course and a virtual interview was requested at the next meeting.**

ORDERS

C-58 Dean J. Mazarella, Mayor: Relative to the appropriation of \$12,000.00 be made to the Veteran's Department Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 3/23/2020; 2/3 Vote*)  
Re: Replacement of two doors at the Veterans Center.

**This communication was given regular course.**

**VI. PETITIONS FIRST TIME ON THE AGENDA**

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

**This petition was given regular course with a referral to the City Engineer, DPW, Planning Board and Building Commissioner.**

54-20 Jill A. Natola: Petition for acceptance of sewer easements at Brooks Pond. (*Legal Affairs; Regular Course 3/23/2020; 2/3 Vote*)

**This petition was given regular course with a referral to the City Engineer, DPW, Planning Board and Building Commissioner.**

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; 2/3 Vote*)

**This petition was given regular course with a referral to the traffic agent.**

56-20 Everything Cutie, Inc.: Renew the Second Hand Dealers License for Cutiques located at 37 Mechanic Street, 2<sup>nd</sup> Floor. (*Ways & Means; Regular Course 3/23/2020; Majority Vote*)

**This petition was given regular course.**

57-20 Everything Cutie, Inc.: Renew the Second Hand Dealers License for Cutie Patuties located at 1021 Central Street. (*Ways & Means; Regular Course 3/23/2020; Majority Vote*)

**This petition was given regular course.**

58-20 Christopher Rivard: Requests a Transient Vendors License for the sale of flowers and plants. (*Ways & Means; Regular Course 3/23/2020; Majority Vote*)

**This petition was given regular course.**

**VII. MATTERS BEFORE CITY COUNCIL**

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

- a. The balance of the stabilization fund was \$15, 433,323.55.**

**IX. FINANCE**

C-57 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$200,000.00 be made to the Police Overtime Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 3/9/2020; 2/3 Vote*)

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

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

**X. LEGAL AFFAIRS**

C-54 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Dean Tran and State Representative Natalie Higgins file special legislation with the General Court, on behalf of the city, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G.L. c. 31, as follows:

**AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

**SECTION 1: The positions of police chief and police captain in the City of Leominster shall be exempt from Chapter 31 of the General Laws.**

**SECTION 2: This act shall take effect upon its passage.**  
*(Legal Affairs; Suspension of the Rules 02/10/2020; Regular Course 02/10/2020; Further Time 2/24/2020,3/9/2020; Pending Referral Mayor; Public Hearing TBD; Majority Vote)*

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

- 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; Pending Referrals Mayor, Health Director, ZBA; Public Hearing recommended April 27, 2020 at 6:30 PM; Majority Vote*)

**The Legal Affairs Committee recommended that the communication be given FURTHER TIME and it was recommended that a public hearing be established on April 27, 2020 at 6:30 PM. Councillor Dombrowski also asked that the City Clerk formally write to the applicant to inform them of the public hearing date. Councillor Angelini recused himself from the petition due to a conflict of interest. Roll Call Vote: 8-0 the communication was given FURTHER TIME unanimously and the public hearing date was set for April 27, 2020 at 6:30 PM.**

- 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-I 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~~, 8<sup>th</sup> floor, Boston, MA 02114-2104; and (*Legal Affairs; Regular Course 02/10/2020; Further Time 2/24/2020, 3/9/2020; Pending Referrals Planning, ZBA.; Public Hearing 3/9/2020 @ 6:45 P.M.; Public Hearing Continued 3/9/2020; 2/3 Vote*)

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

## **XI. WAYS & MEANS**

A measure confirming the Mayor's appointment of **Kristin Howlett** to the License Commission; term to expire 4/15/2026. (*Ways & Means; Regular Course 3/09/2020; Majority Vote*)

**The Ways and Means Committee recommended that the communication be given FURTHER TIME and asked that Ms. Howlett take part in a virtual interview at the next City Council Meeting. Roll Call Vote: 9-0 the communication was given FURTHER TIME unanimously.**

52-20 Paul Rouleau: Renew the Second Hand Dealers License for Protech Solutions located at 345 Central Street. (*Ways & Means; Regular Course 3/9/2020; Majority Vote*)

**The Ways and Means Committee recommended that the petition be GRANTED. Roll Call Vote: 9-0 the petition was GRANTED unanimously.**

## **XII. NEW BUSINESS**

**There were no new businesses items discussed.**

**XIII. OLD BUSINESS**

**2<sup>nd</sup> Reading Ordinance**

39-20 Roger Brooks, DPW Water & Sewer Manager: Request to amend Chapter 21, Article III, Section 21-22.3, of the Leominster City Ordinance, as follows: SEE ATTACHED. (*Legal Affairs; Regular Course 2/10/2020; Pending Referrals Mayor, DPW, Water Department; Public Hearing 2/24/2020 @ 6:37 P.M.; Granted 2/24/2020; 1<sup>st</sup> Reading 3/9/2020; 2<sup>nd</sup> Reading 3/23/2020; 2/3 Vote*)

User Class	Factor	Unit	Rate
Residential (includes low strength industrial) (As of March 1, 2020)	metered water	100 cu. Ft.	\$4.56
(As of March 1, 2021)			\$4.70
Minimum sewer charge per quarter			\$25.00
Lunenburg (As of March 1, 2020 Per Intermunicipal Agreement Dated June 24, 1999)	Metered Water	100 cu. Ft.	\$5.18
(As of March 1, 2021)			\$5.32
Out of City (As of March 1, 2020)	Metered water	100 cu. Ft.	\$8.83
(As of March 1, 2021)			\$9.97

**The Legal Affairs Committee recommended that the second reading of the ordinance be ADOPTED. Councillor Chalifouz Zephir recused herself from the petition due to a conflict of interest. Roll Call Vote: 8-0 the second reading of the ordinance was ADOPTED.**

**Councillor Dombrowski reminded the Clerk to send formal correspondence regarding the public hearing date for The Botanist, Inc. special permit.**

**Councillor Angelini requested that the Finance Chair ask the Police Chief if the Grant Program will be impacted by new policy that applies to the Sanctuary Cities.**

**2<sup>nd</sup> Reading Ordinance**

40-20 Roger Brooks, DPW Water & Sewer Manager: Request to amend Chapter 21, Article II, Section 21-11.1 of the Leominster City Ordinance as follows: (*Legal Affairs; Regular Course 2/10/2020; Public Hearing 2/24/2020 @ 6:34 P.M.; Granted 2/24/2020; 1<sup>st</sup> Reading 3/9/2020; 2<sup>nd</sup> Reading 3/23/2020; Pending Referrals Mayor, DPW, Water Department; 2/3 Vote*)

Chapter 21, Article II, Sections 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” by deleting the provision for metered rates within and outside the city and inserting the following rates in its place:

“Metered rates per unit, 4 units and over – effective March 1, 2020

Within City: \$4.00 per unit

Outside the City: \$5.03 per unit

Metered rates per unit, 4 units and over – effective March 1, 2021

Within City: \$4.15 per unit

Outside the City \$5.18 per unit

Sec. 21-11.1 Water user rate schedule.

The water user rate schedule for residential and industrial use shall be as follows:

Effective

Minimum water charger per quarter:

5/8” meter	\$25.00
3/4” meter	\$25.00
1.0” meter	\$30.00
1.5”meter	\$30.00
2.0”meter	\$30.00
3.0”meter	\$35.00
4.0”meter	\$35.00
6.0”meter	\$45.00
8.0”meter	\$45.00
Out of City	\$45.00

**The Legal Affairs Committee recommended that the second reading of the ordinance be ADOPTED. Councillor Chalifouz Zephir recused**



**herself from the petition due to a conflict of interest. Roll Call Vote: 8-0 the second reading of the ordinance was ADOPTED.**

**XIV. COMMUNITY CALENDAR**

**XV. ADJOURNMENT**

**Councillor David Cormier made a motion to adjourn the meeting. Councillor Peter Angelini seconded the motion. Roll Call Vote: 9-0 the motion carried unanimously.**

- Katelyn Huffman, City Clerk