

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

CITY OF LEOMINSTER

CITY COUNCIL

MONDAY, NOVEMBER 23, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

The City Council meeting on November 23, 2020 will be held virtually, by a conference telephone call only. All City Councillors, 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](tel:+16692243412) and enter the following code 509-976-413 (Please note: the call in number and code are different than the call in number and code from the last meeting conducted on November 9, 2020). The meeting will begin promptly at 6:00 PM on Monday, November 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.

PUBLIC HEARING, 6:00 P.M.

17-21 Stephen Fraticelli of Fraticelli Oil Co., Inc.: Request to amend Flammable Liquids License from 335,000 gallons to 575,000 gallons of flammable liquids at 239 Litchfield Street. (*Legal Affairs; Regular Course 9/28/2020; Further Time 10/13/2020, 10/26/2020; 11/9/2020; Public Hearing 10/13/2020 @ 6:52 PM; Public Hearing Continued 10/26/2020 @ 6:30 P.M., 11/9/2020 @ 6:15 PM.;11/23/2020 @ 6:00 PM; Majority Vote*)

INTERVIEW, 6:45 P.M.

A measure confirming the Mayor's appointment of **Henry Frye** to the position of the Board of Appeals: term to expire 4/15/2023. (*Ways & Means; Regular Course 10/26/2020; Further Time 11/9/2020, 11/9/2020; Majority Vote*)

A measure confirming the Mayor's appointment of **Virginia Tocci** to the position of the Housing Authority: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Further Time 11/9/2020, 11/9/2020; Majority Vote*)

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 time frame. The Council will not be responding or answering any questions; however, at the discretion of the Council President, clarification may be given.

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- I. REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.**
 - II. ROLL CALL OF COUNCILLORS IN ATTENDANCE**
 - III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**

- November 9, 2020

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

C-39 Dean J. Mazzarella, Mayor: Request that an appropriation of \$364,875.00 be made to the Park Capital Outlay Expense Account (Frankie Fortuna Skate Park); the same amount to be transferred from the Stabilization Fund. (*Finance Committee; Regular Course 11/23/2020; 2/3 Vote*)

RE: Full funding for the Frankie Fortuna Skatepark.

Project Total Cost: \$364,875.00
PARC Grant: \$248,115.00
Local Cost: \$116,760.00

COMMUNICATIONS

C-40 Dean J. Mazzarella, Mayor: Request the City Council vote of support, by RESOLUTION, to file and accept grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Parkland Acquisitions and Renovations for Communities Grant Program for the renovation and expansion of the Johnson Street Skatepark at the corner of Johnson and Carter Streets in the City of Leominster. (*Ways and Means; Regular Course 11/23/2020; Majority Vote*)

COMMUNICATIONS FROM THE MAYOR, CONTINUED

- C-41 Dean J. Mazzearella, Mayor: Request that the annual Tax Classification Hearing be scheduled for December 14, 2020 for the purpose of setting the annual factor used for Fiscal Year 2021. *(Finance Committee; Regular Course 11/23/2020; Public Hearing; 12/14/2020 at 6:00PM; 2/3 Vote)*
- C-42 Dean J. Mazzearella, Mayor: Request City Council vote of support, by RESOLUTION, for Guardian Angel Senior Services, located at 29 Main Street, Leominster MA. *(Ways and Means; Regular Course 11/23/2020; Majority Vote)*.
- RE: Tax Incentive Financing Agreement (TIF)
- C-43 Dean J. Mazzearella, Mayor: Request that John Joffrion be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. Mr. Joffrion is currently employed by the City of Leominster as a Master Craftsman of the Building Department and will be talking a position as a part-time night custodian. *(Ways and Means; Regular Course 11/23/2020; Majority Vote)*

V. PETITIONS FIRST TIME ON THE AGENDA

- 23-21 Katelyn Huffman, City Clerk: Request to accept a RESOLUTION authorizing a policy regarding electioneering during absentee voting for the 2021 municipal elections. *(Ways & Means; Regular Course 11/23/2020; Majority Vote)*
- 24-21 Katelyn Huffman, City Clerk: Request to accept the attached election schedule and set September 21, 2021 as the date for the preliminary election to be held for the purpose of nominating candidates for city wide office. This is the sixth Tuesday preceding the regular city election which will be held on November 2, 2021. *(Ways & Means; Regular Course 11/23/2020; Majority Vote)*
- 25-21 Elizabeth Wood, Economic Development and Planning Director: Request to amend the zoning ordinance pertaining to Home Occupations. See attached letter. *(Legal Affairs; Regular Course 11/23/2020; Public Hearing; January 11, 2021 @ 6:35PM; 2/3 Vote)*
- 26-21 Elizabeth Wood, Economic Development and Planning Director: Request to amend the zoning ordinance pertaining to Lot Frontage and adding a definition for Paper Streets. See attached letter. *(Legal Affairs; Regular Course 11/23/2020; Public Hearing; January 11, 2021 @ 6:40PM; 2/3 Vote)*

PETITIONS FIRST TIME ON THE AGENDA, CONTINUED

27-21 Elizabeth Wood, Economic Development and Planning Director: Request to amend the zoning ordinance pertaining to Solar. See attached letter. *(Legal Affairs; Regular Course 11/23/2020; Public Hearing; January 11, 2021 @ 6:45PM; 2/3 Vote)*

RE: Amend Article III Table of Uses re: Solar Use and Article XV Section 22-104 Solar Ordinance.

28-21 Elizabeth Wood, Economic Development and Planning Director: Request to amend the zoning ordinance to include provision for regulating commercial kitchens. See attached letter. *(Legal Affairs; Regular Course 11/23/2020; Public Hearing; January 11, 2021 @ 6:50PM; 2/3 Vote)*

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

VIII. FINANCE

C-33 Dean J. Mazzarella, Mayor: Request an appropriation of \$1,846,172.00 to be made to the School Department Expense Account; the same amount to be raised by Fiscal Year 2021 Revenue. *(Finance; Regular Course 11/9/2020; Majority Vote)*

RE: State Aid estimate for tax rate setting purposes.

C-34 Dean J. Mazzarella, Mayor: Request an appropriation of \$220,534.00 to be made to the School Department Expense Account; the same amount to be raised by Fiscal Year 2021 Revenue. *(Finance; Regular Course 11/9/2020; Majority Vote)*

RE: Estimate FY 2021 E-Rate Revenue.

C-35 Dean J. Mazzarella, Mayor: Request an appropriation of \$25,000.00 be made to the Landfill Expense Account; the same amount to be transferred from the Stabilization Fund. *(Finance; Regular Course 11/9/2020; 2/3 Vote)*

RE: Landfill Repairs.

C-36 Dean J. Mazzarella, Mayor: Request an appropriation of \$16,000.00 be made to the Police Department Capital Outlay Expense Account; the same amount to be transferred from the Stabilization Fund. *(Finance; Regular Course 11/9/2020; 2/3 Vote)*

RE: Boiler Replacement.

FINANCE, CONTINUED

C-37 Dean J. Mazzearella, Mayor: Request an appropriation of \$57,463.00 be made to the Cemetery Capital Outlay Account; the same amount to be transferred from the Cemetery Perpetual Care Income Account. (*Finance; Regular Course 11/9/2020; Majority Vote*)

RE: Cemetery Truck.

IX. LEGAL AFFAIRS

17-21 Stephen Fraticelli of Fraticelli Oil Co., Inc.: Request to amend Flammable Liquids License from 335,000 gallons to 575,000 gallons of flammable liquids at 239 Litchfield Street. (*Legal Affairs; Regular Course 9/28/2020; Further Time 10/13/2020, 10/26/2020; 11/9/2020; Public Hearing 10/13/2020 @ 6:52 PM; Public Hearing Continued 10/26/2020 @ 6:30 P.M.; 11/9/2020 @ 6:15 PM.;11/23/2020 @ 6:00 PM; Majority Vote*)

22-21 Mark C. Bodanza, Ward 4 Councillor, and David R. Cormier, Ward 3 Councillor: Request to amend Section 2-14 of Article III of the Revised Ordinances for City of Leominster as follows:

By deleting “All meetings of the council shall be held in the municipal building. In the event of a public emergency or other condition which renders it impossible for the council to hold any meeting in the City Hall, the council will hold a meeting at the Leominster High School” **and substituting in its place the following language therein;**

“All meetings of the council shall be held in the municipal building. In the event of a public emergency or other condition which renders it impossible for the council to hold any meeting in the City Hall, the council shall be permitted to conduct its meetings at the Emergency Management Operation Center or the Leominster High School”. (*Legal Affairs; Regular Course 11/9/2020; Further Time; 11/23/2020; Public Hearing 12/14/2020 @ 6:50PM; 2/3 Vote*)

C-32 Dean J. Mazzearella, Mayor: Request that the City Council review and accept the Water Supply and Development Agreement between the City of Leominster and 702, LLC. (*Legal Affairs; Regular Course 10/26/2020; Further Time 11/9/2020; Pending Referral DPW; Majority Vote*)

X. WAYS & MEANS

A measure confirming the Mayor's appointment of **Henry Frye** to the position of the Board of Appeals: term to expire 4/15/2023. (*Ways & Means; Regular Course 10/26/2020; Further Time 11/9/2020, 11/9/2020; Majority Vote*)

A measure confirming the Mayor's appointment of **Virginia Tocci** to the position of the Housing Authority: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Further Time 11/9/2020, 11/9/2020; Majority Vote*)

C-38 Dean J. Mazzarella, Mayor: Request that Cheryl Canedo be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. (*Ways & Means; Regular Course 11/9/2020; Majority Vote*)

RE: Election Work.

20-21 Claire M. Freda, Councillor at Large: Request that the City Council amend Rule #1 of the Leominster City Council Rules and Procedures entitled "Meetings" by adding the following after the second paragraph that refers to public emergency: In the event that in-person meetings are rendered impossible or a public safety issue, all meetings and public hearing be held virtually by Zoom, Google or other virtual means in order to provide clear transparency to the public and media. (*Ways & Means; Regular Course 10/26/2020; Further Time 11/9/2020; Majority Vote*)

XI. PUBLIC SERVICE

21-21 Pauline Cormier, Ward 2 Councillor: On behalf of residents of Johnny Appleseed Lane, in the City of Leominster, respectfully requests the installation of streetlights, specifically the area of the home number 172 Johnny Appleseed Lane. (*Public Service: Regular Course 11/9/2020; Pending Referral Mayor, DPW; Majority Vote*)

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. COMMUNITY CALENDAR

XV. ADJOURNMENT

- Katelyn Huffman, City Clerk