

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

MONDAY, NOVEMBER 9, 2020

JOHN P. MAHAN CITY COUNCIL CHAMBERS

The City Council meeting on November 9, 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 \(224\) 501-3412](tel:+12245013412) and enter the following code 154-599-429 (Please note: the call in number and code are different than the call in number and code from the last meeting conducted on October 26, 2020). The meeting will begin promptly at 6:10 PM on Monday, November 9, 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.

INTERVIEW, 6:10 P.M.

A measure confirming the Mayor's appointment of **Dean Valliere** to the position of the Planning Board: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Majority Vote*)

The Ways and Means Committee interviewed Mr. Valliere. Mr. Valliere informed the City Council that he has practiced law for thirty seven years and has concentrated in domestic relations, probate, estate planning and real estate. He wants to give back to his hometown by volunteering for the Planning Board. He feels his expertise in law will be an asset to the city.

A measure confirming the Mayor's appointment of **Jason Pare** to the position of the Planning Board: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Majority Vote*)

The Ways and Means Committee interviewed Mr. Pare. Mr. Pare informed the City Council that he is currently a Senior UCCE Support Engineer at Cameo Global, Inc. He has experience in technical writing and often does volunteer work. He has previously volunteered as a Coach for Leominster Schools, and Keeping Kids Focused. He would like to continue to give back to the community through assisting the planning board.

PUBLIC HEARING, 6:15 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; Public Hearing 10/13/2020 @ 6:52 PM; Public Hearing Continued 10/26/2020 @ 6:30 P.M., 11/9/2020 @ 6:15 p.m.; Majority Vote*)

The continued public hearing opened at 6:10PM. Council President Bodanza recused himself from the petition due to a possible conflict of interest. Bob Seppi, engineer for the applicant, explained to the City Council that he had made blast zone maps for the Council per their request. He explained that there were different scenarios provided for different areas of the city. He compared the blast zone to that of a BBQ propane tank.

Councillor David Cormier expressed to Mr. Seppi that he was looking for the blast maps to be bigger but understood the generalized picture.

Councillor Angelini asked Mr. Seppi about concentric circles with the blast threat. He expressed that in some areas this blast could cause serious injury depending on the severity of said circle. It ranged from serious injury, to shattered glass to thermal threat. He also asked if there was a bleivi in the ground. He also expressed concern of the propane gas leaking within the ground and migrating to cause an incident.

Mr. Seppis informed him there is no bleivi in the ground.

Councillor Angelini asked if there would be no more than 200 gallons of propane stored above ground at a time. Mr. Phillips informed him that generally there would not be more than 200 gallons of propane stored above ground at a time. The company would need to seek permission to store the remaining propane back into the storage tanks.

Chief Sideleau mentioned to the Council that a condition could be made regarding this.

Councillor Dombrowski requested that the applicant explain the entire process for obtaining licensure to store and sell propane.

Mr. Fraticelli informed the Council that the company would have to comply with FDCA, NFPA, and local fire regulations beyond this permit.

Councillor Dombrowski asked Mr. Fraticelli what the chances of an underground propane leak were.

Mr. Fraticelli explained that they were low. He also informed the Council that the company checks it main way daily, they maintain visual inspections on the lines

monthly, are in compliance with fire code, have an inspection with the local fire marshal yearly, maintenance them regularly, and evacuate the lines and then rapid open to test them as well.

Councillor Dombrowski suggested that the company hire a third party to regularly check the lines.

Councillor Chalifouz Zephir asked why the plan submitted shows storage for tanks that are not listed on the plan.

Mr. Fraticelli explained that they have to account for empty tanks, not just full tanks so the plan sites more storage than what will be stored on the property.

Councillor Pauline Cormier asked when the trucks of propane come back to park, do they empty them or do they stay filled.

Mr. Fraticelli explained that they would be emptied.

Councillor Cormier asked if the Fire Department will have a role in the inspections of the propane lines and tanks.

Chief Sideleau informed the Council that the Fire Department would have a role in these inspections but they did rely a lot on the installer and engineer of record. They would ensure it complies with NFPA58.

Councillor Feckley asked why the company would not consider starting with only one 30,000 tank instead of two.

Mr. Fraticelli explained it was not economical to do so.

Troy Phillips, propane expert, explained to the Council that propane does not take the path of least resistance but rises upward when it leaks, he also explained that as it moves through the layers of ground it is buried under it is filtrated.

Steve Fraticelli, owner and applicant, informed the Council that currently, there is no other propane facility proposed or existing like this. If this were approved Fraticelli Oil would be the first with the equipment, ability and knowledge to fix or stop any issue in the city or surrounding area in regard to a propane leak, blast etc. He informed the Council they have assisted with oil spills in the past and would be willing to assist with propane issues as well.

Councillor Freda asked how many above ground propane tanks existed in the City. Fire Chief Sideleau informed her there were quite a few.

Councillor Freda asked the Chief if homes had underground propane storage. He informed her there were homes with 120 gallon and 500-gallon propane tanks.

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.

Council President Bodanza asked three times whether anyone would like to speak for or against any item listed on the agenda. No one spoke.

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

The regular meeting of the City Council opened at 7:00PM. Councillor David Cormier made a motion to recess. Councillor Pauline Cormier seconded the motion. The meeting went into recess at 7:02PM. The regular meeting reconvened at 8:16PM.

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

- **October 26, 2020 – The minutes were approved and placed on file.**

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

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.

This communication was given regular course.

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.

This communication was given regular course.

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.

This communication was given regular course.

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.

This communication was given regular course.

C-37 Dean J. Mazzarella, 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.

This communication was given regular course.

COMMUNICATIONS

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.

This communication was given regular course.

V. PETITIONS FIRST TIME ON THE AGENDA

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; Majority Vote*)

This communication was given regular course with a referral to the Mayor's office and DPW.

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; 2/3 Vote*)

This communication was given regular course.

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

VIII. FINANCE

C-28 Dean J. Mazzarella, Mayor: Request an appropriation of \$6,600.00 be made to the Emergency Management Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 10/26/2020; 2/3 Vote*)

RE: Completion of removal of underground storage tank.

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

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

C-29 Dean J. Mazzarella, Mayor: Request an appropriation of \$16,000.00 be made to the Police Department Expense Account; the same amount to be transferred from the Stabilization Fund. (*Finance; Regular Course 10/26/2020; 2/3 Vote*)

RE: Repairs at 210 Lancaster Street.

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

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

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; Public Hearing 10/13/2020 @ 6:52 PM; Public Hearing Continued 10/26/2020 @ 6:30 P.M., 11/9/2020 @ 6:15 p.m.; Majority Vote*)

The Legal Affairs Committee recommended that the City Council give this petition FURTHER TIME and continue the public hearing to November 23, 2020 at 6:00PM. Council President Bodanza recused himself from the petition due to a possible conflict of interest. Roll

Call Vote: 8-0-1 (Councillor Bodanza abstained due to a possible conflict of interest) the petition was given FURTHER TIME and the public hearing was continued to November 23, 2020 at 6:00PM.

C-32 Dean J. Mazzarella, 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; Pending Referral DPW; Majority Vote*)

The Legal Affairs Committee recommended that the City Council give the communication FURTHER TIME. Roll Call Vote: 9-0 the communication was given FURTHER TIME.

X. WAYS & MEANS

A measure confirming the Mayor's appointment of **Dean Valliere** to the position of the Planning Board: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Majority Vote*)

The Ways and Means Committee recommended that the City Council CONFIRM the appointment. Roll Call Vote: 9-0 the appointment was CONFIRMED.

A measure confirming the Mayor's appointment of **Jason Pare** to the position of the Planning Board: term to expire 4/15/2025. (*Ways & Means; Regular Course 10/26/2020; Majority Vote*)

The Ways and Means Committee recommended that the City Council CONFIRM the appointment. Roll Call Vote: 9-0 the appointment was CONFIRMED.

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*)

The Ways and Means Committee recommended that the City Council give the appointment FURTHER TIME. Roll Call Vote: 9-0 the appointment was given FURTHER TIME.

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*)

The Ways and Means Committee recommended that the City Council give the appointment FURTHER TIME. Roll Call Vote: 9-0 the appointment was given FURTHER TIME.

C-30 Dean J. Mazzearella, Mayor: Request that Nicole Laplante be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. (*Ways & Means; Regular Course 10/26/2020; Majority Vote*)

RE: Election work

The Ways and Means Committee recommended that the City Council GRANT the exemption. Roll Call Vote: 9-0 the exemption was GRANTED.

C-31 Dean J. Mazzearella, Mayor: Request the approval of the CDBG-CV Budget/Action Plan. (*Ways & Means; Regular Course 10/26/2020; Pending Referral Mayor; Majority Vote*)

The Ways and Means Committee recommended that the City Council GRANT the communication. Roll Call Vote: 9-0 the exemption was GRANTED.

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; Majority Vote*)

The Ways and Means Committee recommended that the City Council give the appointment FURTHER TIME. Roll Call Vote: 8-1 (Councillor Freda Nay) the appointment was given FURTHER TIME.

XI. NEW BUSINESS

XII. OLD BUSINESS

2nd Reading Ordinance

15-21 Susan Chalifoux-Zephir, Councillor at Large, and Mark C. Bodanza, Ward 4 Councillor: Request to Amend Article III, Division 2, Section 13-34 – No Parking on Certain Streets of the amended ordinances of the City of Leominster to add: No Parking along the side of Chestnut Street for cars heading East, extending approximately 60 (sixty) feet up Chestnut Street from the intersection of Chestnut Street and Pleasant Street. (*Legal Affairs; Regular Course 9/28/2020; Public Hearing 10/13/2020 @ 6:53*)

PM; 10/13/2020 Granted as Amended from 40 (forty) to 60 (sixty) feet; 1st Reading 10/26/2020; 2nd Reading 11/9/2020; 2/3 Vote)

The Legal Affairs Committee recommended that the City Council ADOPT the second reading of the ordinance. Roll Call Vote: 9-0 the second reading of the ordinance was ADOPTED.

2nd Reading Ordinance

16-21 Mark C. Bodanza, Ward 4 Councillor: Request to Amend Section 13-34 of the Leominster Revised Ordinances as follows: “By adding a No Parking Zone on ADAMS STREET (Southerly Side), beginning at the intersection with Cotton Street then Westerly to the intersection of BOWEN PLACE.” *(Legal Affairs; Regular Course 9/28/2020; Public Hearing 10/13/2020 @ 6:54 PM; Granted 10/13/2020; 1st Reading 10/26/2020; 2nd Reading 11/9/2020; 2/3 Vote)*

The Legal Affairs Committee recommended that the City Council ADOPT the second reading of the ordinance. Roll Call Vote: 9-0 the second reading of the ordinance was ADOPTED.

XIII. COMMUNITY CALENDAR

- **It was noted that the Veteran’s Day ceremonies would be broadcast on LATV due to the COVID-19 Pandemic.**
- **Council President Bodanza thanked the City Clerk’s office for their efforts on Election Day.**

XIV. ADJOURNMENT

The meeting adjourned at 8:50PM.mark

- Katelyn Huffman, City Clerk