

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 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 P.M.; 11/23/2020 @ 6:00 PM; Majority Vote*)

The public hearing opened at 6:00PM. Council President Bodanza recused himself due to a possible conflict of interest.

Councillor Dombrowski summarized what occurred during the last meeting during the public hearing. He sited that there were concerns abouts amount of storage and safety.

Councillor Chalifoux Zephir asked that the applicant update the draft plan to include all above ground storage and where it would be located on the property.

Mr. Fraticelli informed Councillor Chalifoux Zephir that no propane would be stored above ground.

Councillor Angelini expressed concern that the blast map only shows the blast zone of a 200-gallon blast not 60,000. He requested a third-party review for the plans as submitted. He also noted that the company would have to submit more detailed plans to the fire marshal's office if they were to get this permit accepted.

Bob Seppi, engineer for the applicant, informed the Council he would make a construction schedule or adjustments if necessary. He also explained that all his work is done very seriously as it could cost him his engineering seal and livelihood if something went wrong.

Troy Phillips, propane expert, explained that the company would not have all tanks full at the site at one time. He also informed the Council that they could have the State Fire Marshall review the plans as well.

Councillor David Cormier asked if the applicant would be willing to amend the petition to reflect less storage on the site.

Mr. Fraticelli informed the Council he could amend the permit from 120,000 gallons above ground propane storage to 60,000 gallons above ground propane storage but keep the original request for 60,000 gallons underground propane storage.

The City Council agreed a new updated map showing more specific information, including the site and blast radiating from the site, should be submitted to the Council for review.

The Fire Chief explained that the biggest issue the City Council is facing is whether they want propane located at the site. He informed them that the site was previously zoned as industrial. He recommended that blast plans be designed for the site and that the City Council seek a third-party review. He also mentioned that the Fire Department does not inspect propane trucks that will be in and out of the lot, as well as the city which will store large quantities of propane, greater than 200 gallons.

Councillor Dombrowski felt that if this permit was issued it should have conditions.

Councillor Dombrowski asked three times if anyone from the public wanted to speak for or against the petition. No one spoke. The public hearing was continued to December 14, 2020 at 6:20PM.

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*)

The Ways and Means committee interviewed Henry Frye. Mr. Frye informed the City Council that he is a retired CPA who had practiced in Leominster and lived in Leominster his entire life. He wants to take this opportunity to give back to the community. He also has a background in construction and firsthand experience with Zoning Boards. He has read a draft of the zoning ordinance and has attended meetings and is excited to join the board.

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 interviewed Virginia "Ginny" Tocci. She informed the Council that she is on her fifth year with the Housing Authority. She was a City Councillor for 12 years and a long-term resident for 60 years. She enjoys giving back to the community and helping those in need. She looks forward to continuing her work with the Housing Authority.

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.

City Council President asked three times if anyone wanted to speak for or against an 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 Angelini seconded the motion. Roll Call Vote: 9-0 the meeting went into recess at 7:02PM and the regular meeting reconvened at 7:17PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Council President Bodanza, Council Vice President Feckley, Councillor Freda, Councillor Dombrowski, Councillor Challifoux Zephir, Councillor Angelini, Councillor Ardinger, Councillor Pauline Cormier and Councillor David Cormier in attendance.

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

III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT

- November 9, 2020 – **The meeting minutes were approved and placed on file.**

IV. COMMUNICATIONS FROM THE MAYOR

ORDERS

C-39 Dean J. Mazarella, 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:	<u>\$248,115.00</u>
Local Cost:	\$116,760.00

This communication was given regular course.

COMMUNICATIONS

C-40 Dean J. Mazarella, 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*)

This communication was given regular course.

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*)

This communication was given regular course.

- 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)

This communication was given regular course and it was requested that the principles attend the next meeting.

- 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*)

This communication was given regular course.

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*)

This petition was given regular course.

- 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*)

This petition was given regular course.

- 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*)

This petition was given regular course with a referral to the Planning Board, Planning Director, Building Department and Zoning Board of Appeals. A public hearing was set for January 11, 2021 at 6:35PM by Roll Call Vote: 9-0.

- 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*)

This petition was given regular course with a referral to the Planning Board, Planning Director, Building Department and Zoning Board of Appeals. A public hearing was set for January 11, 2021 at 6:35PM by Roll Call Vote: 9-0.

- 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.

This petition was given regular course with a referral to the Planning Board, Planning Director, Building Department and Zoning Board of Appeals. A public hearing was set for January 11, 2021 at 6:35PM by Roll Call Vote: 9-0.

- 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*)

This petition was given regular course with a referral to the Planning Board, Planning Director, Building Department and Zoning Board of Appeals. A public hearing was set for January 11, 2021 at 6:35PM by Roll Call Vote: 9-0.

VI. MATTERS BEFORE CITY COUNCIL

VII. CITY OF LEOMINSTER – FINANCIAL REPORT

- **The balance of the stabilization fund was \$19,274,550.46.**

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.

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

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

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.

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

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

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.

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

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

- 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*)

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

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

RE: Boiler Replacement.

- 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.

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

ORDERED: By a Roll Call Vote of 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; 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 P.M.; 11/23/2020 @ 6:00 PM; Majority Vote*)

The Legal Affairs Committee recommended that the City Council give this petition Further Time. They also requested that the applicant submit a formal letter requesting an amendment to the original permit request and submit a new map with the reduction of storage as per the amendment. They

also informed the Council that the continued public hearing would take place on December 14, 2020 at 6:20PM. Roll Call Vote: 9-0 the petition was given FURTHER TIME and the continued public hearing date was set.i wish lol

- 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*)

The Legal Affairs Committee recommended that the City Council give the petition FURTHER TIME and set the public hearing for December 14, 2020 at 6:50PM. Roll Call Vote: 9-0 the meeting was given Further Time and the public hearing was set.

- 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*)

Councillor Dombrowski made a motion for the Council to recess. Councillor David Cormier seconded the motion. The City Council went into recess at 7:54PM and the regular meeting later reconvened at 8:16PM.

Mayor, Dean J. Mazzearella, spoke in favor of the communication. He explained to the Council that this agreement is different from prior agreements. He explained that Leominster has a say in each proposal for water connections and for resale. He also explained that KP Law has been involved from the beginning in this agreement and ensured the agreement covers the Cities potential liabilities as well.

Councillor Angelini asked where the connection would be made. Roger Brooks, DPW, explained to the City Council that it would connect off a distributing system that recently received an upgrade and could manage such a connection.

Councillor Chalifoux Zephir asked what the effect of the added volume would do the current water supply.

Mr. Brooks explained that the City uses 3.9 million gallons a day with a total capacity of 4.9 million gallons. This addition would add 100,000 gallons of use to the system.

Councillor Freda informed the Council that she saw this as a good thing for Leominster.

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

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*)

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 **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 CONFIRM the appointment. Roll Call Vote: 9-0 the appointment was CONFIRMED.

C-38 Dean J. Mazarella, 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.

The Ways and Means Committee recommended that the City Council GRANT the communication. Roll Call Vote: 9-0 the appointment 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; Further Time 11/9/2020; Majority Vote*)

Councillor Freda made a motion to amend the petition by striking “by zoom, Google or other virtual means” and substituting in its place, “by video conferencing in order to provide clear transparency to the public.” Roll Call Vote: 9-0 the petition was amended.

The majority of the Council felt that the petition, as amended, would not be appropriate and sited concerns for safety, clarity, and quality. Councillor Freda and Feckley felt that it would be a good way to conduct the meetings.

The majority of the Legal Affairs Committee recommended to DENY the petition. Roll Call Vote: 7-2 (Councillor Freda and Councillor Feckley Nay) the petition was DENIED.

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*)

The Public Service Committee recommended that the petition be given FURTHER TIME. The petitioner and committee felt it was important to get a referral back from the mayor before moving forward. Roll Call Vote: 9-0 the petition was given FURTHER TIME.

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. COMMUNITY CALENDAR

- **Councillor Freda congratulated Planning Board Chairman John Souza for being awarded Citizen Planner of the year for 2020.**
- **Councillor Pauline Cormier asked the public to drive slowly and carefully in the neighborhoods. Small children have been getting struck by cars because they are home and outside more due to COVID.**

XV. ADJOURNMENT

The meeting adjourned at 9:15PM.

- Katelyn Huffman, City Clerk