

**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**

**MONDAY, DECEMBER 14, 2020**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**The City Council meeting on December 14, 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 \(872\) 240-3212](tel:+18722403212) and enter the following code 739-895-301 (Please note: the call in number and code are different than the call in number and code from the last meeting conducted on November 23, 2020). The meeting will begin promptly at 6:00 PM on Monday, December 14, 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.**

All documents relative to the agenda can be viewed at the following link:

<https://www.leominster-ma.gov/cals/default.asp>

Click the City Council Meeting Link on the calendar. Then click “click here” after more info to view the packet.

**PUBLIC HEARING, 6:00 P.M.**

C-41 Dean J. Mazzarella, 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*)

**The public hearing opened at 6:00 PM. The Assessors explained that the annual factor for FY20 and FY21 was determined based off sales during that time. Each class increased differently depending on market trend and values. The increase in taxes depends on class type. The assessors explained that the council would need to decide whether or not to vote on a factor of 1 or split the rate. Councillor David Cormier asked three times whether anyone would like to speak for or against the communication. No one spoke. The public hearing closed at 6:30 PM.**

## **PUBLIC HEARING, 6:20 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, 12/14/2020 @ 6:20 P.M.; Majority Vote)*

**The public hearing opened at 6:30PM. Council President Bodanza recused himself from the petition due to a possible conflict of interest. Councillor Dombrowski gave an overview of information presented at the previous public hearings. He also informed the Council and the public that Mr. Fraticelli had submitted new information per the City Council's request. He stated that Mr. Fraticelli submitted new blast maps that accurately depict blasts on the property for different sized tanks. He also submitted an updated site plan with the amended proposed locations for propane storage above ground and also showed where the underground tanks would be placed. Additionally, resumes were submitted for the experts on Mr. Fraticelli's team for this project.**

**The City Council voiced concern about the blast radius and its potential impact on the residents in the area.**

**A majority of the Council requested that a third-party review occur for this project to ensure it is done properly and safely.**

**Councillor Chalifoux Zephir asked why the plans state that the size of tanks may vary. Mr. Ceppi, the engineer for Fraticelli, explained that when installing the tanks they may end up smaller than anticipated.**

**Councillor Chalifoux Zephir requested that this be looked at by the City Solicitor, including all proposed conditions on the permit.**

**Councillor Dombrowski read the proposed conditions into the record.**

**Councillor Dombrowski presented the Council with information for a candidate named Michael Nicoloro. He informed the Council that he has 40 years of experience in engineering these types of facilities and would make a great candidate for the third party review.**

**Councillor David Cormier presented the Council with information for a candidate named Carl Kozlowski of Ryback Engineering. He informed the Council that he is an expert in Fire Safety engineering and would make a good candidate for the Third Party Review.**

**The majority of the Council agreed to interview the two candidates at the Special Meeting of the City Council on December 21, 2020.**

**Councillor Freda felt that the permit should be voted on and that it was not in the City Councils purview to condition a third-party review on the permit. She informed the Council that the business has been in the City for many years and has always been in good standing.**

**Councillor Dombrowski asked three times whether anyone from the public wanted to speak for or against the petition. Maryann Fraticelli, spoke in favor of the petition. She informed the Council about the business over the past years as a prior owner. She explained that they work very hard to ensure everything is done safely. No one else spoke.**

**The public hearing was continued to December 21, 2020 at 5:30PM. Interviews for each proposed third-party review candidate would take place at this time.**

#### **PUBLIC HEARING, 6:50 P.M.**

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 public hearing opened at 8:05PM. The Legal Affairs Committee recommended that the City Council GRANT the petition.**

**The majority of the Council felt that video should not be required during the meetings but could be used if necessary. Councillor Freda informed the Council that she felt all meetings should be by video and that she did not agree with the petition.**

**Roll Call Vote: 8-1 (Councillor Freda nay) the petition was GRANTED.**

## **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.

**The public forum opened at 8:18PM. Council President Bodanza asked three times if anyone from the public wanted to speak regarding any item listed on the agenda. No one spoke. The public forum closed at 8:19PM.**

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

**The regular meeting of the City Council opened at 7:00PM. Councillor David Cormier made a motion to recess. Councillor Angelini seconded the motion. The meeting went into recess at 7:02PM. The regular meeting reconvened at 8:20PM.**

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

**City Council President Bodanza, City Council Vice President Feckley, Councillor Freda, Councillor Dombrowski, Councillor Chalifoux Zephir, Councillor Angelini, Councillor Ardinger, Councillor Pauline Cormier and Councillor David Cormier were present.**

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

### **III. APPROVAL OF RECORDS PRESENTED BY THE VICE PRESIDENT**

- November 23, 2020 – **The minutes were approved and placed on file.**

### **IV. COMMUNICATIONS FROM THE MAYOR**

#### APPOINTMENTS

A measure confirming the Mayor's appointment of **Kristine Lacerda** to the position of the Cultural Commission; term to expire 4/15/2024. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:30PM.**

A measure confirming the Mayor's appointment of **Kaitlyn Montagna** to the position of the Cultural Commission; term to expire 4/15/2024. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:31PM.**

A measure confirming the Mayor's appointment of **Brian Harper** to the position of the Office of Emergency Management; volunteer. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:31PM.**

A measure confirming the Mayor's appointment of **Joseph Kenny** to the position of the Office of Emergency Management; volunteer. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:31PM.**

A measure confirming the Mayor's appointment of **Joseph Carlino** to the position of the Office of Emergency Management; volunteer. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:31PM.**

A measure confirming the Mayor's appointment of **Alex Ostroff** to the position of the Office of Emergency Management; volunteer. (*Ways & Means; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course and an interviewed was scheduled for January 11, 2020 at 6:31PM.**

#### ORDERS

C-44      Dean J. Mazarella, Mayor: Request that an appropriation of \$32,000.00 be made to the Gallagher Building Expense Account; the same amount to be transferred from the Gallagher Building Revolving Fund. (*Finance Committee; Regular Course 12/14/2020; Majority Vote*)

**This communication was given regular course.**

C-45 Dean J. Mazzearella, Mayor: Request that an appropriation of \$75,000.00 be made to the Gallagher Building Salary & Wages Account; the same amount to be transferred from the Gallagher Building Revolving Fund. *(Finance Committee; Regular Course 12/14/2020; Majority Vote)*

RE: Craftsman: \$60,684.00  
Overtime: \$14,316.00  
\$75,000.00

**This communication was given regular course.**

C-46 Dean J. Mazzearella, Mayor: Request that an appropriation of \$50,000.00 be made to the Unemployment Expense Account; the same amount to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 12/14/2020; 2/3 Vote)*

**This communication was given regular course.**

C-47 Dean J. Mazzearella, Mayor: Request that an appropriation of \$210,000.00 be made to the Park Capital Outlay Monument Park Expense Account; the same amount to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 12/14/2020; 2/3 Vote)*

RE: Bid response came in higher than anticipated.

**This communication was given regular course.**

C-48 Dean J. Mazzearella, Mayor: Request that an appropriation of \$200,000.00 be made to the Police Department Overtime Account; the same amount to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 12/14/2020; 2/3 Vote)*

**This communication was given regular course.**

C-49 Dean J. Mazzearella, Mayor: Request that an appropriation of \$32,000.00 be made to the Gallagher Building Capital Outlay Expense Account; the same amount to be transferred from the Gallagher Building Revolving Fund. *(Finance Committee; Regular Course 12/14/2020; Majority Vote)*

RE: Holding cell and restroom, renovation plans and construction oversight.

**This communication was given regular course.**

**V. MATTERS BEFORE CITY COUNCIL**

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

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

**VII. FINANCE**

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

**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-41 Dean J. Mazzarella, 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*)

**The Finance Committee recommended to establish a factor of 1 for the annual tax classification. Vote: 9-0 the communication was GRANTED.**

**VIII. 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, 12/14/2020 @ 6:20 P.M.; Majority Vote*)

**The Legal Affairs Committee recommended that the City Council give the petition FURTHER TIME and continue the public hearing to**

**December 21, 2020 at 5:30PM. Roll Call Vote: 7-1 (Councillor Freda Nay)-1 (Councillor Bodanza abstained due to recusal for a possible conflict of interest) the petition was given FURTHER TIME and the public hearing was continued to December 21, 2020 at 5:30PM.**

- 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 GRANT the petition. Roll Call Vote: 8-1 (Councillor Freda Nay) the petition was GRANTED.**

- 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; Further Time 12/14/2020; Public Hearing; January 11, 2021 @ 6:35PM; Pending Referrals ZBA, Planning Board Director, Planning Board, Building; 2/3 Vote*)

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

- 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; Further Time 12/14/2020; Public Hearing; January 11, 2021 @ 6:40PM; Pending Referrals ZBA, Planning Board Director, Planning Board, Building; 2/3 Vote*)



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

- 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; Further Time 12/14/2020; Public Hearing; January 11, 2021 @ 6:45PM; Pending Referrals ZBA, Planning Board Director, Planning Board, Building, Health; 2/3 Vote)*

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

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

- 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; Further Time 12/14/2020; Public Hearing; January 11, 2021 @ 6:50PM; Pending Referrals ZBA, Planning Board Director, Planning Board, Building, Health; 2/3 Vote)*

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

## **IX. WAYS & MEANS**

- C-40 Dean J. Mazzearella, 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)*

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

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)

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

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 taking a position as a part-time night custodian. (*Ways and Means; Regular Course 11/23/2020; Majority Vote*)

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

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*)

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

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*)

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

**X. 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; Further Time 11/23/2020; Pending Referral Mayor; Majority Vote*)

**The Public Service Committee recommended that the City Council give the petition FURTHER TIME. Roll Call Vote: 9-0 the petition was given FURTHER TIME.**

**XI. NEW BUSINESS**

**XII. OLD BUSINESS**

**XIII. COMMUNITY CALENDAR**

- **A moment of silence was given in honor of the passing of Settimio Firmani**

**XIV. ADJOURNMENT**

**The meeting adjourned at 9:30PM.**

- Katelyn Huffman, City Clerk