

Council President

David R. Cormier

Council Vice President

Pauline M. Cormier



Councillors-at-Large

Todd M. Deacon

Claire M. Freda

Susan Chalifoux Zephir

Thomas F. Ardinger

Ward Councillors

Ward 1 – William A. Brady

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

JANUARY 24, 2022

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING 6:50 PM

24-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to Performance Guarantees for Site Plans.

RE: To ensure that all conditions of approval, issued by the Planning Board for Site Plan, are completed.

(Legal Affairs; Regular Course 01/10/2022; Public Hearing; January 24, 2022 @ 6:50PM; 2/3 Vote)

The public hearing opened at 6:50PM. Councillor Angelini recommended that the Planning Director take the request and draft it into a draft ordinance form before the City Council moves forward further with the petition.

Elizabeth Wood, Planning Director, explained that this is being instituted because there are currently no provisions enforcing the completion of work on site plans. Most communities do not have this for site plans, only subdivisions. Leominster would be setting a precedent and be a leader with this ordinance.

Councillor Freda called a point of order citing the location of the Planning Director. She was outside the bar speaking at the podium instead of inside the chambers speaking at the table as is typical practice.

Ms. Wood, the Planning Director, was invited into Council Chambers to sit at the table.

Councillor Bodanza agreed with Councillor Angelini. He stated that he believed this petition was a great initiative and has good intent but getting the petition into a draft ordinance form by working with the City Solicitor would be the best option before it is voted on.

Councillor Chalifoux-Zephir asked why the Legal Affairs Subcommittee was changing the process, as this has not been the precedent previously.

Councillor Freda also inquired why the process was changing.

Councillor Bodanza pointed out that other zoning petitions namely the solar and marijuana legislation were put in ordinance form before the petition was filed with the council and that it was not a change of policy.

Councillor Angelini informed the Council that the intent of this change in process is to streamline the process and make the ordinance language transparent before it is voted on.

The public hearing was continued to February 14, 2022, at 6:45PM.

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.

Councillor David Cormier opened the public forum at 7:12PM. He asked three times if anyone from the public wanted to speak for or against any item listed on the agenda. No one spoke. The public forum closed at 7:13PM.

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

The regular meeting of City Council was called to order at 7:00PM. Councillor Bodanza made a motion to recess. Councillor Ardinger seconded the motion. The City Council went into recess at 7:03PM and was called back to order at 7:13PM.

II. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Council President David Cormier, Council Vice President Pauline Cormier, Councillor Bodanza, Councillor Ardinger, Councillor Angelini, Councillor Brady, Councillor Chalifoux-Zephir, Councillor Deacon and Councillor Freda present. Others present: Katelyn Huffman, City Clerk

III. APPROVAL OF RECORDS

- January 10, 2022 – the meeting minutes were approved as amended.

IV. COMMUNICATIONS FROM THE MAYOR

C-45 Dean J. Mazarella, Mayor: Requests an appropriation of \$12,000.00 be made to the City Council Advertising Expense Account; the same amount to be transferred from the Stabilization Fund.

RE: Advertising costs
(Finance; Regular Course 1/24/2022; 2/3 Vote)

This communication was given regular course.

V. PETITIONS FIRST TIME ON THE AGENDA

25-22 Diane Amidon, on behalf of Upscale Consignment: request to renew license to deal secondhand articles at 875 Merriam Avenue St. 131.
(Ways & Means; Regular Course; 01/24/2022; REFERRALS IN: Treasurer, Police; Majority Vote)

This petition was given regular course.

26-22 George Degiaoui, on behalf of Hannoush Jewelers: request to renew license to deal secondhand articles at 100 Commercial Road.
(Ways & Means; Regular Course; 01/24/2022; REFERRALS IN: Treasurer, Police; Majority Vote)

This petition was given regular course.

27-22 Neil Abramson, on behalf of Cutiques: request to renew license to deal secondhand articles at 37 Mechanic Street.
(*Ways & Means; Regular Course; 01/24/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

This petition was given regular course.

28-22 Neil Abramson, on behalf of Cutie Patuties: request to renew license to deal secondhand articles at 1021 Central Street.
(*Ways & Means; Regular Course; 01/24/2022 REFERRALS IN: Treasurer, Police; Majority Vote*)

This petition was given regular course.

29-22 Roger Cormier, on behalf of Crowne Jewelers: requests to renew license to deal secondhand articles at 12 Lindell Avenue.
(*Ways & Means; Regular Course; 01/24/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

This petition was given regular course.

30-22 Susan Chalifoux Zephir, on behalf of Ginny's Helping Hand, Inc.: requests to renew license to deal secondhand articles at 52 Mechanic Street.
(*Ways & Means; Regular Course; 01/24/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

This petition was given regular course.

31-22 Richard M. Marchand: Request to Close off the following City streets and City property in downtown Leominster to host the 29th Annual Johnny Appleseed Arts and Cultural Festival. The festival will take place on Saturday, September 24th, 2022.

- West Street from the intersection of Cottage Street to Main Street.
- Park Street from Main Street to West Street.
- Main Street from Mechanic Street to Merriam Avenue.
- Church Street to be used for EMS only.
- School Street from West Street to Merriam Avenue.

In addition to the city streets, the festival would also include the parking lots adjacent to the City Hall, the City Hall parking lot, and the city parking lot between the First Baptist Church and the First Church Unitarian also be reserved for the festival.

The time of closure requested is from six o'clock in the morning until approximately six o'clock in the evening.
(City Property; Regular Course 01/24/2022; Majority vote)

This petition was given regular course with a referral to police, fire, DPW. It was also requested that the churches in the area that would be affected receive notification of such.

VI. MATTERS BEFORE THE CITY COUNCIL

VII. FINANCIAL REPORT

Councillor Bodanza reported that the balance of the stabilization fund was \$16,654,577. He also reported that he had checked with the Comptroller to see if the state had moved forward with the Cities Excess and Deficiency (Free Cash) certification and was informed as of January 24, 2022 no updates were available but the Comptroller would call the Department of Revenue to try to get an estimate of time.

VIII. FINANCE

C-43 Dean J. Mazzarella, Mayor: Requests an appropriation of \$45,000.00 be made to the Collective Bargaining Expense Account; the same amount to be transferred from the Stabilization Fund.

RE: Police Dept. sick leave and vacation leave payouts
(Finance; Regular Course 1/10/2022; 2/3 Vote)

Councillor Bodanza read the memo from the police chief into the record. He informed the Council that due to retirement payouts and vacation buybacks, the line item for the police department was short and required an additional appropriation.

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

ORDERED: By a roll call vote of 9-0, the communication was ADOPTED.

C-44 Dean J. Mazzarella: Requests an appropriation of \$250,000.00 be made to the Fire Department Overtime Account; the same amount to be transferred from the Stabilization Fund.

RE: Fire Department Overtime
(Finance; Regular Course 1/10/2022; 2/3 Vote)

Councillor Bodanza read the memo from the fire chief into the record. He informed the Council that due to COVID and quarantine requirements, more firefighters have been out, and others have had to cover that time via overtime. As such, the budget is currently 94.6% expended and there will not be enough overtime money for the rest of the year. Councillor Bodanza stated that the City does not typically fund the fire and police departments with a total sum for the entire year, and instead appropriates additional funds when necessary.

Councillor Freda stated that it will not be the last of the overtime requests. She asked that the Council take a vote to have the police chief and fire chief down to update the Council on their current operations and outlook.

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 8-0-1 (Councillor David Cormier abstained due to a possible conflict of interest) the communication was GRANTED.

ORDERED by a roll call vote of 8-0-1 (Councillor David Cormier abstained due to a possible conflict of interest) the communication was ADOPTED.

I. LEGAL AFFAIRS

20-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to the parking of unregistered vehicles.

RE: Overflow lots
(Legal Affairs; Regular Course 06/14/2021; Public Hearing; January 10, 2022 @ 6:50PM; Cont. Public Hearing February 14, 2022 @ 6:50 PM; REFERRALS IN: Planning Director; REFERRALS OUT: Building Inspector, Zoning Board of Appeals; 2/3 Vote)

The Legal Affairs Committee recommended that the City Council give this petition further time. By a vote of 9-0 this petition was given further time.

24-22 Elizabeth Wood (on Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to Performance Guarantees for Site Plans.

RE: To ensure that all conditions of approval, issued by the Planning Board for Site Plan, are completed.
(Legal Affairs; Regular Course 01/10/2022; Public Hearing; January 24, 2022 @ 6:50PM; 2/3 Vote)

The Legal Affairs Committee recommended that the City Council grant the petition FURTHER TIME and continue the public hearing to February 14, 2022 at 6:45PM.

Councillor Bodanza informed the Council that the intent of the petition was great but the first and second reading should not be the place where the City Council hammers out new pieces of the ordinance. It should be done and in ordinance form for consideration in this instance. He informed the Council that in his opinion each petition should be treated individually and by a case by case basis regarding process. If a proposed ordinance has a lot of detail and large impact, it should be done this way, if it is minimal such as a traffic signs it may not need to be put in draft ordinance form before it is sent to the City Solicitor. Different case by case.

Councillor Freda disagreed with Councillor Bodanza regarding the new process.

Councillor Chalifoux-Zephir stated that this has not been done this way historically.

II. NEW BUSINESS

Councillor Brady asked why the City Council issues second hand dealer license, and if there was an appetite to change the issuing authority to the license commission.

III. OLD BUSINESS

First Reading of an Ordinance

21-22 Julio Ramos, Traffic Officer Leominster Police Department, requests to amend Chapter 13, Section 13-24 of the Revised Ordinance entitled "No Parking on Certain Streets" to be amended by inserting the following text: Mount Pleasant Ave., easterly side, from a point beginning at 20 feet from the intersection with Mechanic Street to a point of 760 feet from the intersection with Pine Street.

RE: Firefighting vehicles inability to maneuver with parking on both sides.

(Legal Affairs; Regular Course 12/13/2021; Public Hearing: January 10, 2022 at 6:45 PM)

The Legal Affairs Committee recommended that the City Council ADOPT the first reading of the ordinance. By a roll call vote of 9-0 the first reading of the ordinance was ADOPTED.

- Notice to Appear – establishment of hearing - 645 Lancaster Street – Flammable Storage Violation
(Legal Affairs; Public Hearing: February 14, 2022 @ 6:30 PM)

The Legal Affairs Committee recommended that the City Council issue a Notice to Appear to the owner and license holder of 645 Lancaster Street and set a public hearing for the same on February 14, 2022, at 6:30PM. They also requested the Fire Chief’s presence at the hearing. By a roll call vote of 8-0-1 (Councillor Freda abstained due to a possible conflict of interest) the Council authorized the City Clerk to issue the notice to appear via certified mail or other necessary means and to set the public hearing date for February 14, 2022.

Councillor Freda requested that the Fire Chief and Police Chief come down at the next meeting to give the Council an update on current operations and status. By a vote of 9-0 the Council voted to invite the Fire Chief and Police Chief down on February 14, 2022, at 6:15PM.

Councillor Freda also requested that the City Clerk provide the Council with a breakdown of costs for advertising as compared to the ordinances they accompanied to provide to the Council. It was also requested that an itemized cost sheet be provided by the City Solicitor to explain their cost for this process as well in conjunction with Communication-45 for an appropriation of an additional \$12,000 for the City Council Advertising Budget.

Councillor Bodanza asked that the City Clerk request that the mayor’s office and the City Solicitor start sending the legal bills to the Finance Chair regularly for review again.

IV. COMMUNITY CALENDAR

V. ADJOURNMENT

Councillor Bodanza made a motion to adjourn. Councillor Pauline Cormier seconded the motion. The motion was carried unanimously by a vote of 9-0. The meeting adjourned at 7:50PM.

Minutes respectfully drafted and submitted by: Katelyn Huffman, City Clerk