



**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**

**SPECIAL MEETING**

**MARCH 15, 2021**

**6:00 PM**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**The City Council Special Meeting on March 15, 2021 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 \(646\) 749-3122](tel:+16467493122) and enter the following code 113-438-509 (Please note: the call in number and code are different than the call in number and code from the last meeting conducted on March 8, 2021). The meeting will begin promptly at 6:00 PM on Monday, March 15, 2021. 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 FORUM, 6:00 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 timeframe. 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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**Council President Bodanza asked three times for questions or comments. No one spoke. He declared the public forum closed.**

**I. SPECIAL MEETING OF THE CITY COUNCIL, 6:00 P.M.**

The special meeting of the City Council opened at 6:00PM. Councillor David Cormier made a motion to recess. Councillor Ardinger seconded the motion. Roll Call Vote: 9-0 the meeting went into recess at 6:01PM.

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

**PRESENT:**

**Mark Bodanza, President; Peter Angelini, David Cormier, Pauline Cormier, Claire Freda, Susan Chalifoux Zephir, John Dombrowski, Thomas Ardinger, Gail Feckley, Vice President.**

**OTHERS PRESENT:**

**Katelyn Huffman, City Clerk; Dianne M. Reardon, Assistant City Clerk; Brian Maser; Roger Brooks; Jake Fleming; Dan Prioretti; John Fraher; Chief Aaron Kennedy.**

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

C-59 Dean J. Mazzearella, Mayor: Request that the City Council review and accept the proposed Intermunicipal Agreement between the City of Leominster and Town of Lancaster for the Provision of Water Service. *(Legal Affairs; Regular Course; 02/22/2021; Public Hearing; March 8, 2021 at 6:30PM; Continued Public Hearing March 15, 2021 at 6:00 PM; Pending Referrals; Mayor, Majority Vote)*

**Jake Fleming, who has been training with Roger Brooks, spoke about the Intermunicipal Agreement extending the water line just beyond Johnny Appleseed Lane and would continue down Route 190 to the completion of Johnny Appleseed Lane. This agreement allows the early November agreement to be put into effect.**

**Councillor Chalifoux Zephir asked a series of questions and they were answered by Roger Brooks or Jake Fleming:**

- 1) Exhibit B and whether she could see it.**
  - Jake Fleming tried to get a copy from KP-LAW, but did not hear back from them.**
- 2) The rate for water (out of town rate)**
  - Roger Brooks explained that the out of town rate inflates the same as the city rate. He added that this is for commercial retail space only and just a few houses**

over the Leominster-Lancaster line at Johnny Appleseed Lane will have consumption.

- 3) Whether the \$250,000 one-time connection charge will be used to extend the water line.
  - Roger Brooks replied that Lancaster will have to put the water line in. When it is done, they will pay the \$250,000 connection fee.
- 4) Where will the connection be located?
  - The connection is up Johnny Appleseed Lane, cross the Route 190 bridge, right at the Leominster-Lancaster line. This will bring water to homes on Johnny Appleseed Lane and also for Fire Department use.
- 5) What is the water use and capacity?
  - As of February, 2.98 million gallons water. Numbers are usually lower in the winter (summer is higher, around 3.95 gallons)
- 6) Is the water drinkable?
  - Yes, the water is directly from the reservoir system.
- 7) Drought response? The MWRA system at the Wachusett Reservoir and the ability to tap into that system.
  - The emergency response plan is requested by the Department of Environmental Protection. There was a line put in around 1964-1965 from the Wachusett Reservoir and it has never been used. It is there for emergency use and is good for 5 million gallons.
- 8) Filtration of this water?
  - This is raw water that we would receive.
- 9) Is the City of Leominster responsible for maintenance once the construction is complete?
  - Lancaster has the opportunity to maintain at the owner's site. Roger added that there should be no maintenance issues with new pipe.
- 10) Pointed out inconsistencies between the Intermunicipal Agreement and whether the Water/Sewer Commission should oversee this agreement.
  - The Water Department will know what is available for an increase in water.

**11) The 100-year commitment seems long.**

- The agreement allows for three 25-year extensions, with no automatic extension.**

**Legal Affairs Chair, Councillor Dombrowski, asked Councillor David Cormier if he had any questions. Councillor Cormier replied that he was all set.**

**Councillor Feckley asked about water service to Johnny Appleseed Lane and Baldwin.**

**Roger Brooks explained how the water line will be run past Baldwin and to the end of Johnny Appleseed Lane.**

**Councillor Feckley asked if the homes past Baldwin currently have wells. Mr. Brooks answered “yes.”**

**Council President Bodanza asked Mayor Mazzarella or Roger Brooks to comment on the content of Exhibit B.**

**Mayor Dean J. Mazzarella replied that this is the document that discussed what Lancaster can construct and what they cannot construct. He added that this should be considered a water service. It cannot cross the street and it has to be confined to this property. The repurposing of buildings needs an OK from Leominster Water. Exhibit B clarifies what can happen with water lines.**

**Councillor Freda asked about the 25-year extension and why we cannot go beyond 25 years.**

**Mayor Mazzarella answered that this is a concern with leases.**

**Councillor Dombrowski asked three times for anyone to speak for or against this Communication. No one spoke. He then asked the City Council members if they had any questions.**

**Mayor Mazzarella added that the most important part of this agreement is to get fire protection and water lines that this neighborhood never had advantage of. Also, the jobs could help Leominster’s population, while we help a neighboring community.**

**Councillor Dombrowski views this as a ratification. He felt that Councillor Chalifoux Zephir brought up good points, and he is comfortable voting on this tonight.**

**Councillor Chalifoux Zephir asked that, without Exhibit B attached, do we have an idea what is going in there?**

**Mayor Mazzarella replied what is NOT going in...large scale retail and hotels. There are a number of different options, but no signed contracts at this time, as far as he knows.**

**Councillor Chalifoux Zephir asked if housing was excluded in Exhibit B?**

**Mr. Brooks replied that there may be one small subdivision right at the Johnny Appleseed line. This is not condos, it is single family properties.**

**Councillor Chalifoux Zephir stated that she would like clarification after the meeting regarding the development agreement stating the 702 has sole discretion to add whoever they want.**

**Mayor Mazzarella replied that the other properties were currently on site: Dunkin Donuts and a gas station.**

**Councillor Chalifoux Zephir added that the documents are inconsistent.**

**Councillor Dombrowski asked if Councillor Chalifoux Zephir was in favor with clarification afterwards.**

**Councillor Chalifoux Zephir said that she will support it, but she wanted to go on record that she needs clarification.**

**Councillor David Cormier stated that he is in favor of granting the petition.**

**Councillor Dombrowski said that Communication C-59 has a unanimous vote from the Legal Affairs Subcommittee to GRANT this petition. He closed the public hearing. He will send an email to the City Clerk clarifying Councillor Chalifoux Zephir's concerns, along with the aforementioned Exhibit B.**

**The public hearing closed at 6:46PM.**

**CONTINUED PUBLIC HEARING, 6:15 P.M.**

C-56 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX (89), that State Senator John Cronin and State Representative Natalie Higgins file special legislation with the General Court, on behalf of the city, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G.L. c. 31, as follows: AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows: SECTION 1: The positions of police chief and police captain in the City of Leominster shall be exempt from Chapter 31 of the General Laws. SECTION 2: This act shall take effect upon its passage. *(Legal Affairs; Regular Course 02/08/2021; Public Hearing February 22, 2021 at 6:25PM; Continued Public Hearing March 8, 2021 at 6:00 pm; Continued Public Hearing March 15, 2021 at 6:15 pm; Majority Vote)*

RE: Civil service removal of police chief and captain.

**The Public Hearing was opened at 6:47 PM.**

**Councillor Dombrowski read the list of questions and answers.**

**Councillor David Cormier said that he had no questions.**

**Councillor Freda asked if the Chief were to step down, does he retain his civil service ranking?**

**Brian Maser replied that, generally when you come out of civil service you can retain your entitlement with civil service.**

**Councillor Freda mentioned the Waltham Police Chief can go back into his civil service position so he can continue.**

**Brian Maser stated that in both the Chief and Captain positions, the individuals will need to file paperwork each year with civil service to retain their entitlement.**

**Councillor Freda asked if the entire police force was going to be removed from civil service?**

**Brian Maser answered that, right now this Communication covers just the Chief and the Captain positions.**

**Councillor Feckley asked why both positions had to be moved and not just the Chief?**

**Mayor Mazarella stated that these are both high level positions and should have both handled the same, as the appointment process will be the same.**

**Councillor Dombrowski asked for questions or comments for or against C-56 three times. No one in the public spoke.**

**Councillor Angelini commended Councillor Dombrowski for his work with his committee. He added that the questions and answers were very helpful. He is excited for the opportunity for the city and union to start the process, especially with police reform beginning.**

**Councillor Dombrowski took this communication to his subcommittee. He liked what he has heard and he said the union/administrative agreement is promising. He supports this change.**

**Councillor Chalifoux Zephir appreciates all the information and the agreement is a good thing. She mentioned the commission looking into civil service and they will make a recommendation around September of this year. She feels that we may be jumping the gun and she is interested in what the commission comes up with. She will not support this communication at this time.**

**Councillor David Cormier stated that he has no other questions. He added that he is in agreement with Councillor Dombrowski and supports this communication. He stated that his goal is to have a happy workforce and these are two very important positions in the City.**

**Councillor Dombrowski said that the majority recommendation from his Legal Affairs Subcommittee is to approve C-56. The public hearing was closed at 7:36PM**

**Council President Bodanza reconvened the special meeting of the City Council.**

**Councillor Dombrowski read the Communication (C-56). The Legal Affairs Subcommittee, with a vote of 2-1, recommends that the City Council GRANT C-56.**

**Council President Bodanza asked if there was any further discussion.**

**Councillor Freda stated that she has been looking into this. She would also like to see the reform findings in September of this year. She is not ready to support this tonight. She would like to see Further Time.**

**Councillor Dombrowski added that the police reform legislation is going to affect the Police Department whether those two positions come out of civil service or not. He thinks this will make things easier.**

**Councillor Chalifoux Zephir stated that she would like to give this communication Further Time and feels that accepting this communication is premature.**

**Councillor Angelini made a motion to recess at 7:40PM The motion was seconded by Councillor Ardinger. Roll call vote was 9-0.**

**Mayor Mazarella addressed the City Council. He mentioned the many years of attempting civil service reform and nothing happened. He spoke on what a great Police Department we have in Leominster. He added that removing the Chief and Captain is exactly what reform is. Civil service doesn't breed accountability. He suggests not waiting any longer and added that this is a very important vote.**

**Council President Bodanza asked if there were any other comments or questions from the Council?**

**Officer John Fraher spoke on the representation of the Chief and the Captain, along with their right of appeal. He spoke on the civil service reform bill (H2292) which was to reform the exam, but the bill died in 2020.**

**Brian Maser mentioned that the commission that will be looking into civil service reform is not formed yet, so there could be additional delay in the September results.**

**Council President Bodanza asked if anyone else wished to speak. As there was no one, the Council was back in session at 7:46PM.**

**Councillor Freda added that she appreciates the Police Department.**



**Council President Bodanza asked three times for any questions or comments for or against C-56. Hearing none, he closed the debate.**

### **III. LEGAL AFFAIRS**

C-56 Dean J. Mazzarella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX (89), that State Senator John Cronin and State Representative Natalie Higgins file special legislation with the General Court, on behalf of the city, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G.L. c. 31, as follows: AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows: SECTION 1: The positions of police chief and police captain in the City of Leominster shall be exempt from Chapter 31 of the General Laws. SECTION 2: This act shall take effect upon its passage. *(Legal Affairs; Regular Course 02/08/2021; Public Hearing February 22, 2021 at 6:25PM; Continued Public Hearing March 8, 2021 at 6:00 pm; Continued Public Hearing March 15, 2021 at 6:15 pm; Majority Vote)*

RE: Civil service removal of police chief and captain.

**The Legal Affairs committee recommended that the City Council GRANT C-56.**

**A roll call vote was taken, and the Communication C-56 was GRANTED with a vote of 7-2 (YAYS: Councillor Dombrowski; Councillor Feckley; Councillor Angelini; Councillor Pauline Cormier; Councillor David Cormier; Councillor Bodanza; Councillor Ardinger. NAYS: Councillor Chalifoux Zephir and Councillor Freda)**

C-59 Dean J. Mazzarella, Mayor: Request that the City Council review and accept the proposed Intermunicipal Agreement between the City of Leominster and Town of Lancaster for the Provision of Water Service. *(Legal Affairs; Regular Course; 02/22/2021; Public Hearing; March 8, 2021 at 6:30PM; Continued Public Hearing March 15, 2021 at 6:00 PM; Pending Referrals; Mayor, Majority Vote)*

**Councillor Dombrowski thanked Roger Brooks for attending tonight's meeting and answering many concerns.**

**Council President Bodanza closed the debate.**

**The Legal Affairs committee recommended that the City Council GRANT C-59.**

**A roll call vote was taken, and the Communication C-59 was GRANTED with a unanimous vote of 9-0.**

**IV. NEW BUSINESS**

**V. OLD BUSINESS**

**VI. COMMUNITY CALENDAR**

**VII. ADJOURNMENT**

**A motion was made by Councillor David Cormier, seconded by Councillor Ardinger, to adjourn the meeting. A roll call vote was taken and it was voted unanimously 9-0. The meeting was adjourned at 7:51 PM**

Dianne Reardon, Assistant City Clerk