

HEARING BEFORE THE CITY COUNCIL, JANUARY 28, 2008

Hearing opened at 7:34 P.M. with Councillor Tocci, Clerk of the Legal Affairs Committee presiding.

Councilors Rowlands and Freda arrived late.

The following ORDINANCE was the subject of the hearing:

Relative to Amending Chapter 13, Section 13—29 of the Revised Ordinances entitled “Motor Vehicles and Traffic” by adding Section 13-29 Handicapped Parking Spaces establishing an Ordinance for handicap parking on a public way and creating one reserved space on Lancaster Street in front of St. Anna Rectory at pole #28.

No one in the audience spoke in favor or in opposition.

No Councilors spoke.

HEARING ADJOURNED AT 7:35 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2008

Meeting called to order at 8:00 P.M.

Attendance was taken by a roll call vote; all members present.

The Committee on Records reported that the records through January 14, 2008 were examined and found to be in order. The records were accepted. Councillor Lanciani asked that a note be put into the January 14, 2008 minutes regarding Petition 45-08. It should read “A master plan with parking and loading docks was shown to the Council but this is not the same master plan that will be presented to the Planning Board when the applicant goes before them.”

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

- C-79 Relative to the appropriation of \$2,350.00 to the Economic Development Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-80 Relative to the appropriation of \$64,200.00 to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account.
- C-81 Relative to the appropriation of \$50,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-82 Relative to the appropriation of \$54,000.00 to the Recreation Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-83 Relative to the appropriation of \$7,500.00 to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Water and Sewer Commission and the Economic Development Coordinator.

- 50-08 Peter A. Campobasso for Southgate Business Park, LLC: Accept an Easement Deed for installation of sewer and water services relative to the Massachusetts Opportunity Relocation and Expansion (MORE) Jobs Program Grant recently awarded to the City of Leominster.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Water and Sewer Commission, the Economic Development Coordinator, the Conservation Commission and the City Solicitor.

- 51-08 Peter A. Campobasso for Southgate Business Park, LLC: Acquire land for the layout of Research Drive by accepting Release/Quitclaim Deeds in lieu of taking by eminent domain and acquiring by Easement Deeds any and all utilities necessary in lieu of taking for the purposes of completing the layout of Research Drive as a public way.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2008, continued

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Comptroller and the Mayor.

52-08 Greg Chapdelaine, Purchasing Agent: Allow the City Purchasing Agent to enter into a five year contract for school bus transportation services for the Leominster School System, for the time period July 1, 2008 through June 30, 2013.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

53-08 Lynn Bouchard and Robert Salvatelli: Add to the City Council's Rules and Procedures a rule allowing for the destruction of DVD's, Audio and Video Tapes of the City Council Meeting after two years.

The following APPOINTMENTS were received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Election Officers - Linda Largey and Cecile Chartrand

Councillor Rosa, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account Balances as follows:

December 21, 2007	Excess and Deficiency Account (Free Cash)	\$2,267,202.00
January 14, 2008	Emergency Reserve Account	\$6,450.00
December 30, 2007	Stabilization Account	\$8,536,401.75
FY '08	Interest Earned	\$186,721.24

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-69 Relative to the appropriation of \$325,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Vehicle Rental Lease \$175,000.00; salt/sand \$150,000.00

C-70 Relative to the appropriation of \$3,000.00 to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

C-71 Relative to the appropriation of \$2,000.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-72 Relative to the appropriation of \$5,000.00 to the Election and Registration Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Election and Registration Account; same to be transferred from the Excess and Deficiency Account.

RE: Municipal Election and Presidential Primary

C-73 Relative to the appropriation of \$1,400.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Thousand Four Hundred Dollars (\$1,400.00) be appropriated to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Storage cabinet

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas"; Councillor Tocci abstained due to a possible conflict of interest.

C-74 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2008, continued

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-75 Relative to the appropriation of \$97,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

ORDERED: - that the sum of Ninety Seven Thousand Dollars (\$97,000.00) be appropriated to the Highway Street Expense Account; same to be transferred from the Highway State Aid reserved for Appropriation Account.

C-76 Relative to the appropriation of \$25,000.00 to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-77 Relative to the appropriation of \$50,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas"

C-78 Dean J. Mazzarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in excess of appropriations up to an amount not to exceed \$250,000.00 as authorized by Chapter 44, Section 31D of the Massachusetts General Laws. (Granted with an Emergency Preamble on January 14, 2008; another vote was required.)

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was TABLED FOR STUDY. Vt. 9/0

46-08 Dennis A. Rosa and Richard M. Marchand: Request the City to provide an allowance/reimbursement of \$1,200.00 for water line replacements when deemed necessary by the Department of Public Works.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0; Councillor Dombrowski abstained due to a possible conflict of interest.

45-08 James L. Xarras, Union Square Realty Trust: Grant a Special Permit to use 70% of a vacant Industrial complex at 453-511 Lancaster Street located in an Industrial Zone and shown on Assessor's Map 443A, Lots 1 and 6 for a Mixed Use Project. (A hearing is scheduled on February 11, 2008 at 7:00 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITIONS were given FURTHER TIME. Vt. 9/0

47-08 Robert Walters, Agent for Harvard Realty Trust and Scott Bigelow, 375 Harvard Realty LLC and B& B Realty Trust: Rezone two parcels of land known as 391 Harvard Street and 375 Harvard Street and a parcel of land located at the intersection of Harvard and White Streets from Industrial to Commercial. (A hearing is scheduled on February 11, 2008 at 7:15 p.m.)

48-08 Richard M. Marchand: Request the City Solicitor draft legislation to prohibit BYOB (Bring Your Own Booze) concept to be enforced throughout the City of Leominster and targeted for food establishments authorized by the local Board of Health.

Upon recommendation of the CITY PROPERTY COMMITTEE the following PETITION was GRANTED. Vt. 9/0

49-08 New England Farm Workers' Council: Request permission to use the City Council Chambers on February 1<sup>st</sup>, 4<sup>th</sup>, 11<sup>th</sup>, 25<sup>th</sup>; March 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>; April 7<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup>, 28<sup>th</sup>, 2008 to take fuel assistance applications.

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 "yeas"

Fire Department – Deputy Chief – Daniel P. Kirouac

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 "yeas"

Fire Department Lieutenant – Lee A. Baron

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 "yeas"

Emergency Management – Communications Unit – Angelo A. Baldin  
Admin Unit - Matthew P. Cipriani

Election Officer – Rita E. Souliere

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2008, continued

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was given FURTHER TIME. Vt. 9 "yeas"

Doyle Field Commission – Gilbert C. Donatelly, Sr. Term to expire April 15, 2009  
(To fill the unexpired term of Ellio Torcoletti)

Under Old Business Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee, said there will be a meeting soon.

Councillor Rowlands said he has a copy of the November 2007 and December 2007 summaries of the monthly report submitted to Nora Hanley, Mass. Department of Environmental Protection, submitted by Charles Reed, Primary Treatment Operator, Leominster Water Division.

Councillor Rowlands said he asked the Mayor to have Woodward & Curran review the documents and the Mayor said that he would get them involved but at a later time. He said he has concerns because he has other recommendations from the Leominster Land Trust, The Nashua River Water Management Group, and Dick O'Brien of the Trustees of the Reservations. He said he is not sure why we don't get these people involved at the City level or more involved. They have done additional work which he feels is substantial. He said he would like to know why we don't have a better relationship with these organizations. Councillor Rowlands said he would like to invite the organizations to a meeting so that they may comment.

Councillor Nickel said he agrees with what the Ward One Councillor is saying and it's not a bad idea to get these organizations to come to a meeting maybe at the Doyle Conservation Center. He said at the end of last year they talked about coming up with an interim report and asked the Chairman if it was going to be done.

Councillor Dombrowski said it was a good idea to invite those organizations down and the thought they were always invited down but will make a point to invite them when they have a meeting. He said an interim report will be in the works. He said while we are in the situation of altering and improving Route 2 it is probably a good idea to petition the State for that area near the reservoir to be a "no salt" zone. He said in the past the State has been reluctant to do this because of the accidents scenario with motor vehicles but where they are doing improvements to mitigate accidents it is probably a good time to petition the State to further protect the reservoir.

Councillor Freda asked Councillor Rowlands if the documents were public record. She said she did not have a copy.

Councillor Rowlands said that they are public documents and he is the one that secured them and would be happy to share them.

Councillor Marchand asked Councillor Rowlands if the documents were directed to him or the Council.

Councillor Rowlands said they were directed to the MEPA Organization and said he would have copies made for the whole Council.

Councillor Lanciani recognized Kelley Freda, Chair of the Conservation Commission. He said the letter written by her was an exceptional piece of information. He said the Conservation Commission is doing their job and he thinks that at this time the Conservation Commission has one of its best ever chairperson.

Councillor Nickel said he agrees and he said the thoroughness, the language and the quality of the letter that Ms. Freda wrote gives me a lot of faith in the next generation.

Councillor Tocci commends Kelley and said she was impressed with her letter also. Her knowledge of the environment shows in this letter and is really good in what she does.

Councillor Dombrowski he said he spoke with the Mayor last week in regards to petition #34-08 which was the proposed Appropriation Expenditure Form. He said the Mayor asked if the reporting from the departments could be done on a quarterly basis. Councillor Dombrowski said he spoke with the Chairman of Finance who indicated that it would probably be a good idea and a better way to do it. He said we are going to adhere to the Mayor's request and ask that the department heads report back quarterly and see how it goes from there.

Councillor Freda said regarding C-70, appropriation for the Conservation Commission, she should have declared she does not have a conflict.

Councillor Marchand said it was strictly for equipment and supplies.

Councillor Rowlands said we did allocate money for a full time Environmental Inspector and he thinks the complexity of the issues that we are talking about and the work involved really point to seeing that move along. He said he hopes that this is moving forward and hopes for an update on the status.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

The City of Leominster  
In the year two thousand and eight

An Ordinance amending Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” is hereby amended by inserting the following section:

Sec. 13-29. Handicapped parking spaces.

The city council shall determine the location of parking spaces on public ways reserved for vehicles owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section 2 of chapter 90 of the General Laws of Massachusetts. Any vehicle parked in such spaces in violation of this ordinance shall be subject to fines as set forth in section 13-33 of the Revised Ordinances and removal in accordance with Massachusetts General Laws Chapter 40, Section 22D.

Reserved parking spaces pursuant to this section are established at the following locations:

One reserved space on Lancaster Street in front of St. Anna Rectory at pole #28.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

The City of Leominster  
In the year two thousand and eight

An Ordinance amending Chapter 22 of the Revised Ordinances, entitled “Zoning.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances, Article I, General Regulations, Section 22-4, Definitions, is hereby amended by adding the following:

Athletic Training Facility. An indoor and/or outdoor facility for training, practicing, competition and games by individuals and/or teams involved in athletics;

And further to amend Article II, Use Regulations, Section 22-26, Table of Uses, by inserting the following section:

BUSINESS USES

Uses	RRA	RAA	RB	RC	BA	BB	C	I
Athletic Training Facility	N	N	N	N	SPPB	SPPB	SPPB	SPPB

Under New Business the Finance Subcommittee meeting was scheduled for February 6, 2008 at 6:30 P.M. The Legal Affairs Subcommittee meeting was scheduled for February 6, 2008 at 7 P.M.

Councillor Tocci said she wanted to remind the Council that the Economic Development Coordinator Lisa Vallee is having a business tour at Fosta-Tek Optics, 320 Hamilton Street at 9 A.M. tomorrow if anyone would like to attend.

Councillor Freda said they announced this week that the Leominster Rotary Club is doing another heating program. She said the calendar sales were overwhelming this year which allows them to do the program again. She said they also had two anonymous donations of \$500.00 each. They are hoping to help fourteen families. She said people in need can contact the Mayor’s office or the Rotary Club members

Councillor Rowlands said the Library’s meeting minutes dated December 10, 2007 states that “Mrs. Shelton informed the Board that she is trying to get the security deposit back from Mr. Peter Zichelle for Crossroads. Several attempts have been made but to no avail. She will send another letter requesting the deposit by certified mail.” Councillor Rowlands said he is curious if this is still an issue and if we can get an update and the amount?

Councillor Marchand said he will contact the Mayor on this issue in the morning.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2008, continued

Councillor Freda said she is not positive but looking at the last Kopelman & Paige last invoice there might have been a reference to that.

Councillor Salvatelli said he doesn't want to close on a negative tone but according to the Boston Globe the community we live in and our neighbors were not put in a very good light in terms of the economic impact these foreclosures are having. Leominster ranked considerably higher in that area. We are up to fifty foreclosures which does not hold well in terms of our elderly. He said at some point in this fiscal year things have got to be looked at in terms of tax rate and water rates and other things coming up as well as the free cash we will have next year which will be impacted by this economy. He said it wasn't a very flattering commentary on what is going on in this area.

Councillor Marchand said it is a national problem but locally we have been hit. He said he would like to ask for informal participation, and led by Councillor Lanciani, with Councillor Freda's and Councillor Salvatelli's involvement to check with the Veteran's agent to make sure we are doing everything we possibly can for the Veterans. He said if there is any law that the City has not adopted to bring it to the front for support.

Councillor Lanciani said Leominster is one of the outstanding cities that does for their Veterans. He said he checks in with the Veteran's office a few times a week and there has been nothing that has been outstanding. He said he has had many Veterans come up to him and compliment the community and the present Veteran's agent in the way and the manner in which he takes care of Veterans.

Councillor Freda said she wanted to add to the comments of the Ward 4 Councillor that most communities are worried because the holding companies on these foreclosures are not paying the municipal taxes and hopefully our Stabilization Account won't have to kick in but that is what it is there for. She said it is going to be an issue.

Councillor Lanciani said that Kopelman and Paige is looking into the Library issue.

Councillor Marchand said we are going to curtail any discussion since this is a potential legal matter with the City. He thanked Councillor Rowlands for bringing it to their attention.

Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE moved that the following PETITIONS be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows:

- 96-06            Bovenzi and Donovan on behalf of Sky Meadow Realty Trust: Accept the deed to Sky Lane and make Sky Lane a public way. LEAVE TO WITHDRAW. Vt. 9/0
- 25-07            Roger Lucier: Accept and approve the layout of "Harbor Light Road" as a public way. LEAVE TO WITHDRAW. Vt. 9/0
- 109-07           Peter A. CampoBasso on behalf of Robert Eyles: Authorize the Conservation Commission accept a conservation easement on three lots of land on Southers Crossing in the location shown on the definitive subdivision plan entitled "Fall Brook Meadows- Definitive Plan of Land in Leominster, MA" recorded in Plan Book 417, Plan 2. GRANTED. Vt. 9/0

MEETING ADJOURNED AT 9:17 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council