

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 25, 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 28, 2008 were examined and found to be in order. The records were accepted.

A moment of silence was taken for Benigno Tabora, a resident of Leominster.

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

- C-92 Relative to the appropriation of \$90,000.00 to the Rockwell Pond Improvement Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-93 Relative to the appropriation of \$300.00 to the Cemetery Expense Account; same to be transferred from the Barnaby Income Trust Fund Account.
- C-94 Relative to the appropriation of \$750.00 to the Cemetery Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-95 Relative to the appropriation of \$2,500.00 to the Cemetery Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-96 Relative to the appropriation of \$3,000.00 to the Cemetery Expense Account; same to be transferred from the Perpetual Care Income Account.

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

C-97 Relative to the appropriation of \$507,270.00 to the following accounts for the Year 34 Community Development Block Grant.

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|---|-------------|
| 1. Board of Health-Code Enforcement | \$78,778.00 |
| 2. Leominster Office of Planning & Development-Economic Development Program | 72,090.00 |
| 3. Leominster Office of Planning & Development-Housing Rehab Program (Includes \$10,000 for Elder Rehab Services) | 178,878.00 |
| 4. Leominster Office of Planning & Development-Planning & Administration | 101,454.00 |
| 5. Battered Women's Resources-Second Chance Program | 4,600.00 |
| 6. Beacon of Hope-Respite Services | 8,500.00 |
| 7. Leominster Community Coalition-No Place for Hate | 880.00 |
| 8. Leominster Mayor's Office-Energy Assistance Program | 6,000.00 |
| 9. Leominster Mayor's Office-Summer Youth Program | 14,500.00 |
| 10. Leominster Mayor's Office-State Pool Fee Assistance | 1,250.00 |
| 11. Leominster Recreation Department-Summer Financial Assistance | 700.00 |
| 12. Montachusett Addiction Council-MAC Substance Abuse Center | 4,300.00 |
| 13. Montachusett Home Care-Money Management for the Elderly Program | 4,600.00 |
| 14. Montachusett Interfaith Hospitality Network-Interfaith Network | 9,000.0 |
| 15. Montachusett Opportunity Council-Hmong Liaison Program | 2,750.00 |
| 16. Multi-Service Center, Inc.-For Your Health | 5,700.00 |
| 17. Multi-Service Center, Project Youth | 1,100.00 |
| 18. Spanish American Center-Community Outreach Worker (Information & Referral) Total for both SAC programs | 4,930.00 |
| 19. Spanish American Center-Verano Alegre/Summer Fun | See above |
| 20. Veterans Hospice Homestead-Hero Homestead | 7,260.00 |

The following COMMUNICATIONS were received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. Vt. 9 "yeas"

- C-98 Dean J. Mazzearella, Mayor: Approve the acceptance of a cash distribution of \$300.00 in connection with the 2002 settlement of the antitrust case brought by the Massachusetts Attorney General's Office and the Attorney General for the Leominster Public Library.
- C-99 Relative to the appropriation of \$110,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C100 Relative to the appropriation of \$30,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 25, 2008, continued

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

| | |
|---|----------------|
| Excess and Deficiency Account (Free Cash) | \$1,956,202.00 |
| Emergency Reserve Account | \$6,400.00 |
| Stabilization Account (As of 12/31/07) | \$8,571,029.19 |
| Interest Earned for FY'08 | \$221,348.69 |

Councillor Rosa said the total State Aid received for the Library was \$64,169.82.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was TABLED FOR STUDY. Vt. 9/0

C-84 Relative to the appropriation of \$10,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-85 Relative to the appropriation of \$100,000.00 to the Fire 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 Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

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

C-86 Relative to the appropriation of \$70,000.00 to the Police Salary and Wages Account; same to be transferred from the Collective Bargaining Expense Account.

ORDERED: - that the sum of Seventy Thousand Dollars (\$70,000.00) be appropriated to the Police Salary and Wages Account; same to be transferred from Collective Bargaining Expense Account.

C-87 Relative to the appropriation of \$27,000.00 to the Police Salary and Wages Account; same to be transferred from the Collective Bargaining Prior Year Expense Account.

ORDERED: -that the sum of Twenty Seven Thousand Dollars (\$27,000.00) be appropriated to the Police Salary and Wages Account; same to be transferred from the Collective Bargaining Prior Year Expense Account.

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

C-88 Relative to the appropriation of \$7,000.00 to the Forestry Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: -that the sum of Seven Thousand Dollars (\$7,000.00) be appropriated to the Forestry Department Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the FINANCE COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 8 "yeas", 1"nay; Councillor Freda opposed.

54-08 Rollin C. Lane: Grant a 50% tax abatement to taxpayers who are property owners that are 75 years of age or older, and whose property is their primary residence and who have no rental income from said property.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-89 Dean J. Mazarella, Mayor: Adopt an Ordinance requiring all utility companies to place proper identification, complete with all necessary contact information on any and all junction boxes, switching stations or any device which are located in a public way or on private property; such owner shall be responsible for maintaining all of the above structures or devices and keep them free of all stickers, markings or other foreign objects.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8/0; Councillor Tocci abstained due to a possible conflict of interest.

C-90 Dean J. Mazarella, Mayor: Amend Chapter 16, Section 16-30 of the Revised Ordinance entitled "Police Pay Scale" by deleting it in its entirety and inserting in its place a new Police Pay Scale.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 25, 2008, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 6/0; Councillor Dombrowski abstained due to a possible conflict of interest, Councillors Nickel and Salvatelli abstained as they were absent at the hearing.

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. (Hearing continued to March 10, 2008 at 7 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0.

48-08 Richard M. Marchand: Request the City Solicitor draft legislation to prohibit BYOB (Bring Your Own Bottle or Bring Your Own Booze) or any similar concept wherein guests, customers, visitors or invitees of a public food serving establishment bring their own alcoholic beverages to the premises for consumption thereon is not allowed in the City of Leominster unless approved by the License Commission for the City of Leominster after notice and a public hearing similar to the issuance of a liquor license in the City of Leominster with any said approval being made a condition or conditions of the establishment's common victual license and further provided that any violation of this ordinance or of any condition of the License Commission could result in the revocation or nonrenewal of the establishment's common victual's license.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0.

55-08 Elizabeth Kelley, agent for Walton Whitney Investors V, LLC: Grant a Special Permit for emergency repairs of a damaged corrugated metal pipe and repair the surrounding river dike that has eroded at 100 Commercial Road and shown on Assessor's Map 567, as Lot 12 located within a Flood Plain. (Hearing set for March 10, 2008 at 7:15 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was DENIED. Vt. 9/0

56-08 John W. Smith: Amend the licensing fees to include outdoor cats and increase the fees to \$50.00 per animal and \$20.00 for each additional animal and fine those who do not license their animals \$200.00 for the first offense, \$500.00 for the second offense and loss of animals on the third; also create violations for excessive barking, improper disposal of pet defecation, and forbid the ownership of exotic animals.

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

57-08 David Rowlands: Add a street light to pole #24 on Airport Road.

Upon recommendation of the SMALL BUSINESS & ECONOMIC DEVELOPMENT, the following COMMUNICATION was GRANTED. Vt. 9 "yeas"

C-91 Dean J. Mazarella, Mayor: Approve the Certified Project Application and authorize a Tax Increment Financing Agreement with the Paper Store, Inc., TPS LLC and the Paper Store Business Trust for the redevelopment of 46 Industrial Road.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

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.

Under Old Business Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee, said they are trying to confirm a meeting for April 2, 2008. No time has been set yet.

Councillor Rowlands said he would like to see the issue of water quantity for the Wekepeke Reservoir on that agenda.

Councillor Rowlands said he was still waiting for the asbestos study for the police station.

Councillor Marchand said he would check on that.

The following ORDINANCE was read once and adopted as presented and ordered published. A hearing was set for March 10, 2008 at 7:30 P.M. Vt. 8 "yeas"; Councillor Tocci abstained due to possible conflict of interest.

1st Reading Ordinance-Amend Section 16-30 of the Revised Ordinances entitled "Compensation Grades" creating a new Schedule P (1) thru P (5) Police Pay Scale to reflect the increase in wages 3% P-1 thru P-5 effective 7-1-2006, 4% P-1 and P-5 effective 7-1-2007, 5% P-2 thru P-4 effective 7-1-2007, 4% P-1 thru P-5 effective 7-1-2008 and effective 7-1-2007 an addition 1% of Base for Global Positioning System (GPS) Implementation for P-1 and P-5 only.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 25, 2008, continued

Councillor Lanciani said he would like to have a letter sent to Police Chief Roddy to come to an informational meeting on April 14, 2008 at 6:30 P.M. to discuss anything he would like to see happen and answer any questions the Council has for him.

Councillor Freda she will try to set up a meeting with the School Department to get an update on the policy and procedure that take place when something happens at the high school. She said she would also like someone from the Police Department to be here to go over the process, reporting and how it is handled when there is a Police incident.

Councillor Marchand said potentially there might be able to be a joint meeting between the School Department and the Police Department if the Chief decides that it is an item he would like to address.

Councillor Rowlands said there is a full time resource officer at the school. He said he could come down or he could come down accompanied by the Police Chief.

Under New Business Councillor Marchand said the following meetings are scheduled:

Tri City Council Meeting will be on March 26, 2008

Informational Meeting with Sholan Farms on March 24, 2008 at 6:30 P.M.

Invitation to the Councillors: Babe Ruth Opening Day on April 12, 2008 at 9:30 A.M.

Benefit for Eric Gerhard at the Knights of Columbus on March 22, 2008 at 7 P.M.

Subcommittee meetings were established for March 5, 2008:

Finance Committee 6:30 P.M.

Ways & Means Committee 6:45 P.M.

Legal Affairs Committee 7:00 P.M.

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:

50-08 Peter A. Campobasso for Southgate Business Park, LLC: The Mayor is hereby authorized to accept on behalf of the City the fee to or an easement in the way known as "Research Drive" by an appropriate 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, such acceptance being contingent upon all title and related legal issues relative to such easement and/or deed being resolved and in proper form to the satisfaction of the Mayor and the City Solicitor. A motion to AMEND was GRANTED. Vt. 9 "yeas". GRANTED AS AMENDED. Vt.7 "yeas" and 2 "nays"; Councillors Dombrowski and Rowlands opposed.

51-08 Peter A. Campobasso for Southgate Business Park, LLC: The Mayor is hereby authorized to acquire the fee or an easement, on behalf of the City, in 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, such acceptance being contingent upon all title and related legal issues relative to such easements and/or deeds being resolved and in proper form to the satisfaction of the Mayor and the City Solicitor. A motion to AMEND was GRANTED. Vt. 8 "yeas and 1 "nay", Councillor Dombrowski opposed. GRANTED AS AMENDED. Vt.7 "yeas" and 2 "nays"; Councillors Dombrowski and Rowlands opposed.

MEETING ADJOURNED AT 10:18 P.M.

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