

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 22, 2008

The hearing opened at 7:16 P.M with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillor Rosa.

This hearing is a continuance from August 25, 2008.

The following PETITION was the subject of the hearing:

5-09            Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14.

Councillor Rowlands read the recommendations from the Fire Department and the Planning Board and said the Fire Department will ask for a full engineering study for the fire alarm system. He said parking, traffic and fire issues were raised and will be better addressed under Site Plan.

Mr. Bolio said they have been working with the Fire Department and said they will do everything needed for the Fire Department to get the space ready for a tenant. He said six inch pipes, sprinkler heads and the gong have been replaced. He said the gong was not sufficient to Deputy Chief Ashton so other services were tied in. He said so far they have lost sixty days and have 13,000 square feet empty and can't rent it until the site gets approved. He said a lot of money has been spent on engineers.

Councillor Nickel asked Mr. Bolio how many permits have been signed off on this property.

Mr. Bolio said they are still doing work. He said the contractors pull the permits and he just sees the receipt.

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 22, 2008, continued

Councillor Rowlands asked Mr. Bolio what he meant by “lost 60 days.”

Mr. Bolio said they waited a while after purchasing the property to get it ready for rent and to a point it is ready. He said once he finds a tenant they can make the property to their specs and then go through the Fire Department to get it done. He said by the time we’re done we will be lucky to have tenants by January.

Councillor Rowlands asked Mr. Bolio if he would have a problem as a condition to meet the recommendations of the Fire Department, specifically, the Leominster Fire Department remains firm on its position that a full engineering study on the sprinkler system and the fire alarm system be reviewed by a registered engineer and be commissioned by repairs and upgrades recommended.

Mr. Bolio said he has no problem with that as long as he has a tenant available to rent it to. He said he doesn’t mind spending the extra money. Mr. Bolio said he will have to go to the Planning Board for a Site Plan.

Councillor Rowlands asked Mr. Bolio how long he has owned the property.

Mr. Bolio said he bought it last year and started the work in April.

Councillor Nickel asked Mr. Bolio what month he bought the building.

Mr. Bolio said he purchased in December and closed on it in January of 2008.

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

HEARING ADJOURNED AT 7:34 P.M.

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

HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.

The hearing opened at 7:34 P.M with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillor Rosa.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 13, Article II, Section 13-34 entitled “No Parking on Certain Streets” prohibiting parking on Industrial Road (east side), from the intersection with Eastern Avenue northerly to the intersection with Jordan Way. (Legal Affairs – Petition 1-09)

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, SEPTEMBER 22, 2008

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

Attendance was taken by a roll call vote; all members were present except Councillor Rosa.

The Committee on Records reported that the records through September 8, 2008 were examined and found to be in order. The records were accepted.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 22, 2008, continued

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

- C-15 Relative to the appropriation of \$2,600.00 to the Purchasing Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-16 Relative to the appropriation of \$7,000.00 to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.
- C-17 Relative to the appropriation of \$11,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account. Mr. Brooks and Mr. LaPointe are requested to attend the subcommittee meeting.
- C-18 Relative to the reduction of the FY 2009 Sewer Department Budget by \$59,000.00; Sewer Expenses Account reduced by \$48,500.00 and Sewer Capital Outlay Expense Account reduced by \$10,500.00.
- C-19 Dean J. Mazarella, Mayor: Request that an Energy Assistance Donation Account be established as authorized by Massachusetts General Laws Chapter 44, Section 53A.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for November 24, 2008 at 7:15 P.M. Vt. 8 "yeas"

- C-20 Mayor Dean Mazarella: Request the City Council set a hearing for the Classification of the tax rate on November 24, 2008 for the purpose of setting the Fiscal Year 2009 tax rate.

The following PETITION was received, referred to the PUBLIC SAFETY and CITY PROPERTY COMMITTEES, given REGULAR COURSE and referred to the Police Department, the Fire Department, the Department of Public Works and the Building Inspector.

- 12-09 Richard M. Marchand, Executive Director-Leominster Downtown Corporation: Close off West Street from School Street to Main Street and Park Street from Main Street to the West Street Intersection between the hours of 6:00 A.M. to 6:00 P.M. to accommodate the annual Johnny Appleseed Arts and Cultural Festival and request the use of the City Hall parking lot as well as the City owned parking lot between the First Baptist Church and the First Church Unitarian on September 12, 2009 (rain date September 26, 2009); September 11, 2010 (rain date September 25, 2010); September 10, 2011 (rain date of September 17, 2011); September 15, 2012 (rain date September 22, 2012) and September 14, 2013 (rain date September 21, 2013).

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE and given REGULAR COURSE.

- 13-09 New England Farm Workers' Council: Request permission to use the City Council Chambers on October 8<sup>th</sup>, November 3<sup>rd</sup>, 13<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, December 1<sup>st</sup>, 11<sup>th</sup>, 15<sup>th</sup>, 29<sup>th</sup> 2008, and January 5<sup>th</sup>, 12<sup>th</sup>, 16<sup>th</sup>, 26<sup>th</sup> 2009 to take fuel assistance applications.

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

Leominster License Commission - Melissa A. Maguire  
term to expire April 15, 2014

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas"

- C-14 Relative to the appropriation of \$3,000.00 to the Cemetery Overtime Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Cemetery Overtime Account; same to be transferred from the Emergency Reserve Account.

RE: Overtime Labor

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 7/1; Councillor Freda opposed.

- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 22, 2008, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED. Vt. 5/2; Councillors Freda and Lanciani opposed, Councillor Tocci abstained due to a possible conflict of interest. Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED AS AMENDED. Vt. 5/2; Councillors Freda and Lanciani opposed, and Councillor Tocci abstained due to a possible conflict of interest. Amended as follows and effective July 1, 2009:

- 3-09 John M. Dombrowski: Amend Chapter 21, of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) as follows: (b) This sub-section shall apply to any new installation of service pipes. Service pipes shall be of such sizes and materials as the director shall reasonably determine in accordance with industry standards. All work shall be done by an insured and cash security or bonded contractor approved by the department. All expense of laying such pipe from the main line to and through the cellar wall or to other places desired, together with the cost of the same and of the stopcock and valve shall be paid by the property owner and inspected and approved by the department in accordance with industry standards. The entire cost of any service of a seasonal or temporary nature such as a construction trailer shall be paid by the property owner. The service pipe, valve and any fixtures involved in the installation of service pipes shall be installed by the property owner at his or her expense.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt.8/0

- 5-09 Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14.

A request of the LEGAL AFFAIRS COMMITTEE to TABLE the following PETITIONS was DENIED. Vt. 2 "yeas" and 6 "nays", Councillors Salvatelli, Tocci, Nickel, Freda, Lanciani and Marchand opposed. A motion to GRANT was made by Councillor Nickel and seconded by Councillor Tocci was GRANTED. Vt. 6 "yeas" and 2 "nays", Councilors Rowlands and Dombrowski opposed.

- 9-09 Gregory C. Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for Payroll Services for a six-year period.
- 10-09 Gregory C. Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for Ambulance Billing Services for a six-year period.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt.8/0

- 11-09 Ronald and Lisa Vallee: Grant a Special Permit for work in the flood plain to allow a single family home at 56 Juniper Road, shown on Assessors Map 473 as lot 420/7 to connect to the city sewer system due to a failed septic system. (A hearing is scheduled for October 14, 2008 at 7:15 P.M.)

Upon recommendation of the LEGAL AFFAIRS and WAYS & MEANS COMMITTEES, the following PETITION was GRANTED. Vt.7/1; Councillor Rowlands opposed.

- 6-09 Kate Griffin Brooks: Requests that the City Council consider the adoption of the 43D Policy to formalize the agreement the City has with the State regarding the Expedited Permitting provisions of M.G.L. c. 43D.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8/0

Election Officers 2008 – 2009 – Michael P. Mimnaugh, Joseph P. McPhee,  
Betsey S. McPhee, Irene Harvey, Paula Harvey

Leominster Police Department – Emanuel Tocci – Sergeant  
Michael Ciccolini – Lieutenant

Under Old Business, Councillor Rowlands said he has requested a copy of the trash contract and has not been able to get a copy. He said the City Clerk's office has sent a letter to John Giorgio, the City Solicitor and a reply was received and read into the record.

September 15, 2008

Dear Lynn;

I have spoken with the Purchasing Agent and he informs me that the City issued a Letter of Intent to Award the curbside collection contract to the vendor on August 25, 2008, and that City has in its possession a certificate of insurance dated August 25, 2008, which names the City as an additionally insured party. The vendor commenced the curbside collection service on September 2, 2008.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 22, 2008, continued

The Purchasing Agent has also informed me that the City and the vendor are working out the final details of the contract and he expects that the standard contract form will be signed shortly.

I have advised the Purchasing Agent that once the contract is signed, an original of the contract should be filed with the City Clerk and the Comptroller as required by Section 2-8 of the City Ordinances. This is, of course, the usual practice of the Purchasing Department.

John W. Giorgio, Esq.  
Kopelman and Paige, P.C.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 "yeas"

The City of Leominster  
In the year two thousand and eight

Ordinance-Amend Chapter 13, Article III, Section 13-34 of the Revised Ordinances entitled "No Parking on Certain Streets" is hereby amended by inserting into said section the following: Industrial Road (east side), from the intersection with Eastern Avenue northerly to the intersection with Jordan Way .

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Under New Business, Councillor Rowlands said that he has received a copy of a report by Viola Water and said he does not need the level of information that is in the report.

Councillor Tocci, the Solar Power Energy Exploratory Committee Chair, said on October 1, 2008 from 5:30 to 8:00 P.M. the Commissioner of the Massachusetts Department of Energy Resources, Philip Judas will be speaking at the Doyle Conservation Center between 6:30 P.M. and 8:00 P.M. followed by questions and discussion. From 5:30 P.M. to 6:00 P.M. there will be a tour of the Doyle Conservation Center and from 6:00 P.M. to 6:30 P.M. there will be networking and complimentary hors d'oeuvres will be served. Reservations are required.

Councillor Marchand said they received an invitation from the Leominster Firefighters regarding their 59<sup>th</sup> Annual Ball which will take place on November 14, 2008 at the Sheraton Four Points. He said cocktails are at 6:00 P.M. and dinner at 7:00 P.M. with dancing to follow. Tickets are \$60.00 per couple

Councillor Marchand said on behalf of the Leominster Downtown Association he wants to thank all the sponsors including the City departments and non-profit organizations and a special thank you to Barry Hudson and the Leominster High School students along with the Leominster High School Band Boosters for the outstanding support in tribute to the 15<sup>th</sup> Annual Johnny Appleseed Arts and Cultural Festival.

Sub-Committee meetings were established FOR October 8, 2008.

A vote was taken to request Mr. Brooks and Mr. LaPointe to attend the Finance and Legal Affairs Subcommittee meetings. Vt. 8/0

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following COMMUNICATIONS be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows:

C-153 Dean J. Mazarella, Mayor: Amend Chapter 21, Article II of the Revised Ordinances entitled "Water Department" by adding Section 21-13.2 "Water Line and Sewer Main Line Protection Plans" which establishes standards and minimum requirements for persons or businesses that seek to offer water line and/or sewer main line protection plans to homeowners. FURTHER TIME. Vt. 6/1; Councillor Freda opposed.

C-14 (2007) Mayor Dean J. Mazarella: Request the City Council take by Eminent Domain, properties as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River and shown on a plan entitled "Mechanic Street Right of Way Plans Easement Plan". LEAVE TO WITHDRAW. Vt. 8/0.

MEETING ADJOURNED AT 9:15 P.M.

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