

HEARING BEFORE THE CITY COUNCIL, JANUARY 12, 2009

Hearing opened at 6:32 P.M. with Councillor Dombrowski, Chair of the Public Service Committee presiding.

All members were present except Councillors Salvatelli and Marchand.

The following PETITION was the subject of the hearing:

32-09 National Grid and Verizon New England, Inc.: Merriam Avenue: Relocate 1 jointly owned pole on Merriam Avenue beginning at a point approximately 63 feet southeast of the centerline of the intersection of Foster Court and continuing approximately 5 feet in a southeasterly direction.

David Bredner, Senior Operations Design Technician for National Grid said this request is because of the new building Merriam Avenue. He said the pole is in front of their front door and they would like to move it 5 feet.

No one in the audience spoke in favor of or in opposition of this petition.

No Councillors spoke.

HEARING ADJOURNED AT 6:34 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 12, 2009

Hearing opened at 6:34 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present except Councillors Salvatelli and Marchand.

This hearing is a continuance from December 8, 2008.

The following PETITION was the subject of the hearing:

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

David Duncan, Vice President of Facilities for Health Alliance sent a letter requesting that the hearing be postponed for a period of thirty days. The request was made due to the fact that during the past month Health Alliance has concentrated considerable time and effort on matters relating to the ice storm and additional time is needed to work with the neighbors and finalize options to be presented to the City Council.

Councillor Rowlands asked if the Council want to wait for VHB before changing zoning before scheduling the hearing date.

Councillor Tocci said she does not want to prolong it any longer but would like to hear what the other Councillors have to say.

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

No Councillors spoke.

HEARING ADJOURNED AT 6:42 P.M. AND CONTINUED TO MARCH 2, 2009 at 6:30 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 12, 2009

Hearing opened at 7:22 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present.

HEARING BEFORE THE CITY COUNCIL, JANUARY 12, 2009, continued

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 21, Section 21-22.3 entitled "Sewer User Rate Schedule" by revising the sewer user rate schedule as follows: As of October 1, 2008, the rate for "Residential (includes low strength industrial)" shall increase from \$1.70 to \$2.30 and the rate for "out of City" shall increase from \$4.00 to \$5.40.

No one in the audience spoke in favor or in opposition of this ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:24 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 12, 2009

Hearing opened at 7:25 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, Section 13-34 entitled "No Parking on Certain Streets" by inserting into said section Mohawk Drive (both sides), west of Lock Drive to the end.

No one in the audience spoke in favor or in opposition of this ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:26 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL JANUARY 12, 2009

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

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

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

C-51 Relative to the appropriation of \$12,960.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-52 Relative to the appropriation of \$40,000.00 to the Police and Fire Indemnification Expense Account; same to be transferred from the Excess and Deficiency Account.

C-53 Relative to the appropriation of \$1,000.00 to the Gas Inspector's Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

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

34-09 New England Farm Workers' Council: Request permission to use the City Council Chambers on January 30th, February 2nd, 13th, 20th, 23rd, March 2nd, 13th, 16th, 27th, April 3rd, 10th, 17th, and 27th 2009 to take fuel assistance applications.

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

35-09 Councillor Robert Salvatelli: Amend the City Council Rules and Procedures to change the time of the regular scheduled City Council Meetings from 8:00 P.M. to 7:30 P.M.

REGULAR MEETING OF THE CITY COUNCIL JANUARY 12, 2009, continued

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

Office of Emergency Management – John Fournier –Rescue Unit
Thomas Cleary - Communications Unit, Beverly Tefft –Admin Unit

Councillor Salvatelli, 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)	\$3,347,535.50
Total Spent (including requests at this meeting)	2,117,333.50
Stabilization Account	\$7,738,498.63
Interest earned for FY-09	\$105,028.66
Emergency Reserve Account	\$10,900.00

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 9 “yeas”.

C-45 Relative to the appropriation of \$8,200.00 to the Highway Expense 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. 9 “yeas.

C-46 Relative to the appropriation of \$27,000.00 to the Veterans Services Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Seven Thousand Dollars (\$27,000.00) be appropriated to the Veterans Services Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are to be utilized for the following improvements at the Leominster Veterans Center:

Replace existing carpet	\$5,000.00
Remove wallpaper/re-paint walls	\$2,000.00
Construct new office space	\$5,000.00
Furniture	\$5,000.00
Establish Computer Network	\$5,000.00
Establish Phone System	\$5,000.00 (proposal)

C-47 Relative to the appropriation of \$5,000.00 to the Forestry Department Expense 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 Forestry Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are to be utilized for gas and diesel for the Forestry Department’s vehicles.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 9 “yeas”
Councillor Tocci said she will not be voting on line items for the Department of Public Works and the Police Department due to a possible conflict of interest but will vote on the package as a whole. Councillor Nickel said he will not be voting on the line item for the Fire Department due to a possible conflict of interest but will vote on the package as a whole.

C-50 Relative to the appropriation of \$1,100,000.00 to the FY 2008 Storm Expense Account; same to be transferred from the Stabilization Fund.

Department of Public Works:	\$ 750,000.00
Police Department:	96,250.00
Fire Department:	65,000.00
Office of Emergency:	100,000.00
School Department:	55,400.00
Recreation:	28,000.00
Building:	5,000.00
Library:	350.00
	<u>\$1,100,000.00</u>

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

32-09 National Grid and Verizon New England, Inc.: Merriam Avenue: Relocate 1 jointly owned pole on Merriam Avenue beginning at a point approximately 63 feet southeast of the centerline of the intersection of Foster Court and continuing approximately 5 feet in a southeasterly direction.

REGULAR MEETING OF THE CITY COUNCIL JANUARY 12, 2009, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATIONS were GRANTED. Vt. 9/0

- C-48 Mayor Dean J. Mazzarella: Adopt a Resolution regarding the donation of land for property located at 40 West Street.
- C-49 Mayor Dean J. Mazzarella: Adopt a Resolution regarding the easement rights for property located at 40 West Street.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was TABLED. The hearing will be continued on March 2, 2009 at 6:30 P.M. Vt. 8/0; Councillor Nickel abstained due to a possible conflict of interest.

- 103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was TABLED. Vt. 8/0; Councillor Nickel abstained due to a possible conflict of interest.

- 33-09 Peter Latchis and Abutters: Opposition to the modifications to the Health Care Overlay District as submitted by Health Alliance dated June 19, 2008.

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

Leominster Fire Department – Daniel J. Gallagher – Firefighter

Emergency Management – Rehab Unit -Carolyn Guay, Jay Weiner,
Admin Unit - Randi Brown, Jeffrey Rosenberg, Athena Koutsopodiotis
Communications Unit - Calvin Pryce
EMS Unit - Amy Mason

Leominster Cultural Commission – Joseph Tamaro

Under Old Business, Councillor Marchand, Chair of the President's Drinking Water Oversight Committee, said a question was raised about the past ice storm and the status of the Notown Reservoir due to the power outage. He read a letter from the Mayor stating that the backup power for the reservoir went on December 11, 2008 and was restored January 3, 2009. He said there was 24 hour on-site staffing and a generator was rented as a backup. The water was not compromised and the cost is being collected.

Councillor Rowlands said the next quarterly report regarding TTHM's would be December. He said we asked the Mayor to sign the resolution adopted by the City Council regarding manual applications of the chemicals to control the TTHM's for the short term. The following letter from the Mayor was received and was read by Councillor Dombrowski.

December 11, 2008

Dear Lynn,

In response to your request for my reconsideration in signing the Resolution in relation to manual treatment, this is to inform that I do support such a process as we have already been doing so by adding PACL since Woodward and Curran said they were done with the PAC pilot. I do not feel there is a need to sign such a document at this time.

Thank you.

Sincerely,
Dean J. Mazzarella
Mayor

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following RESOLUTIONS were ADOPTED. Vt. 9 "yeas"

RESOLUTION TO ACCEPT DONATION OF LAND

Resolution #C-48

BE IT RESOLVED: that the City Council of the City of Leominster hereby authorizes the Mayor to acquire, on behalf of the City and by gift, a certain parcel of land located off of West Street from JDF Realty LLC, which parcel is shown as "Parcel A Area = 69 SF" on a plan entitled "Plan of Land in Leominster, Massachusetts," dated May 5, 2008, prepared by Hannigan Engineering, Inc., and on file with the City Clerk.

Approved:
/s/ Mayor Dean J. Mazzarella
January 13, 2009

Adopted by the Leominster City Council on
January 12, 2009 by a unanimous vote.
/s/ Lynn A. Bouchard, City Clerk and Clerk of
The City Council.

RESOLUTION CONFIRMING GRANT OF EASEMENT

Resolution #C-49

BE IT RESOLVED: that the City Council of the City of Leominster hereby authorizes the Mayor to convey to JDF Realty LLC a permanent and non-exclusive utility and telecommunications easement in the portion of the City's property shown as "Proposed Utility Easement Area = 1,441 SF" on a plan entitled "Plan of Land in Leominster, Massachusetts," dated May 5, 2008, prepared by Hannigan Engineering, Inc., and on file with the City Clerk, hereby confirming the easements to be conveyed by the City in consideration for the property conveyed to the City by Joseph N. Fraticelli, Sr., Trustee of JF Realty Trust by deed recorded with the Worcester North District Registry of Deeds in Book 4089, Page 249.

Approved:
/s/ Mayor Dean J. Mazzearella
January 13, 2009

Adopted by the Leominster City Council on
January 12, 2009 by a unanimous vote.
/s/ Lynn A. Bouchard, City Clerk and Clerk of
The City Council.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 6 "yeas" and 3 "nays" Councillors Rosa, Marchand and Rowlands opposed.

The City of Leominster
In the year two thousand and eight

Amend Chapter 21, Section 21-22.3 entitled "Sewer User Rate Schedule" by revising the sewer user rate schedule as follows: As of October 1, 2008, the rate for "Residential (includes low strength industrial)" shall increase from \$1.70 to \$2.30 and the rate for "out of city" shall increase from \$4.00 to \$5.40

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

Amend Chapter 13, Section 13-34 entitled "No Parking on Certain Streets" by inserting into said section Mohawk Drive (both sides), west of Lock Drive to the end.

Councillor Tocci said there will be a Small Business meeting with the Mayor and Sandra Chacon to be announced and all businesses are welcome to attend.

Councillor Freda said she submitted a request to the Planning Board regarding the Hess gas station. She said one of the conditions of the approval was the ability to look at the traffic one year from opening. The Planning Board feels it needs to be looked at. Hess representatives were requested to have representation at the January 20, 2009 meeting for an informational meeting.

Councillor Rowlands said he would like to get an updated list of unaccepted streets. He said he thinks there is a flaw in the process that we have so many streets that are unaccepted and asks that the Planning Department/Planning Board come up with some sort of suggestion for a petition or ordinance that would help resolve this issue.

Councillor Rowlands said there was a list of projects totaling \$40M to \$50M prepared by the Mayor. This was sent to the State in response to the economic stimulus package that has been proposed. Some of the large projects include the high school, the police station and water system upgrade to the Notown Reservoir.

Upon recommendation of the WAYS & MEANS COMMITTEE the following election calendar was ADOPTED. Vt. 9 "yeas"

Preliminary Election –September 22, 2009

Municipal Election – November 3, 2009

A Finance sub-committee meeting was scheduled for January 21, 2009 at 6:30 P.M.

MEETING ADJOURNED AT 8:55 P.M.

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