

REGULAR MEETING OF THE CITY COUNCIL, MARCH 9, 2009

Meeting was called to order at 7:30 P.M.

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

The Committee on Records reported that the records through February 23, 2009 were examined and found to be in order. Councillor Freda asked that the minutes from the February 23, 2009 hearing be amended to reflect that she was not absent but she excused herself due to a possible conflict of interest. The records were accepted.

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

- C-77 Relative to the appropriation of \$3,800.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-78 Relative to the appropriation of \$12,000.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-79 Relative to the appropriation of \$5,000.00 to the Cemetery Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-80 Relative to the appropriation of \$7,150.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-81 Dean J. Mazzarella, Mayor: Allow the Treasurer and Collector to increase the fee for written demands issued by his office as authorized by Mass.General Law Chapter 60, Section 15 effective April 15, 2009.
- C-82 Dean J. Mazzarella, Mayor: Allow the Treasurer and Collector to increase the fees for Certificate of Liens issued by his office accepting the provisions of Mass. General Law Chapter 20, Section 23B effective April 15, 2009.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Department of Public Works, the Planning Board, the Health Director and the Director of Inspections. A hearing was set for April 13, 2009 at 7:00 P.M. Vt. 8/0

- 41-09 Tim Dolan, Sudbury P B & J LLC/Prime Dev. LLC: Grant a Special Permit to construct a three unit apartment dwelling creating five units in total on the properties located at 37 River Street, Lot 3 River Street and 42 Hamilton Street as shown on Assessor's Map 232 as Lots 2, 3B, and 16.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Mayor, the Department of Public Works and the City Solicitor.

- 42-09 Patrick LaPointe, Department of Public Works: Authorize the Mayor to release to Tanzio Realty Corp., for such consideration and on such other terms as the Mayor deems appropriate, the City's right, title and interest in and to the drainage easement on the parcel of land shown as "Drainage Easement #2-8,648 sq. ft. ±" on a plan recorded with the Worcester North District Registry of Deeds in Plan Book 430, Page 19, acquired by the City by Order of Taking recorded with said Deeds in Book 4341, Page 252, and further authorizes the Mayor to acquire and accept on behalf of the City, from Tanzio Realty Corp., by gift, drainage and slope easements on the parcels of land shown as "Proposed Drainage Easement 472.s.f.±," "Proposed Drainage Easement shown as "Proposed Drainage Easement 4,475 s.f. ±", "Drainage Easement #2A," and "Proposed Slope Easement 1,950 s.f. ±" on a plan entitled "Easement Plan of Land in Leominster, MA Prepared for City of Leominster," dated September 24, 2008, prepared by Whitman & Bingham Associates, LLC, and on file with the City Clerk, on such terms and conditions as the Mayor, with the approval of the City Solicitor, deems appropriate; and take all actions necessary or convenient to accomplish the foregoing.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer, the License Commission and the Police.

- 43-09 Phillip McBain: Renew the license for two pool tables at Captain's Lounge at 1536 Main Street.
- 44-09 Aime Lemoine: Renew the license for one pool table at Seven R's d/b/a A & R's Double Inn at 166 Water Street.
- 45-09 Carol and David Shields: Renew the license for three pool tables at South Leominster Lounge d/b/a Forte's Lounge at 1030 Central Street.

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

- 46-09 George Deglaoni, Degan Inc./Hannoush Jewelers: Renew the Second Hand Dealer License at 100 Commercial Road.
- 47-09 Fred R. Tousignant: Renew the Second Hand Dealer License at 92 Pleasant Street.

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- 48-09 George Boularian/Jon Anore Zajon, George's Fine Jewelers: Renew the Second Hand Dealer License at 255 North Street.
- 49-09 Mark Gordon, Gordon LaSalle Music, Inc.: Renew the Second Hand Dealer License at the Twin City Plaza.
- 50-09 Christopher Rivard: Grant a Transient Vendors License to sell plants and flowers in 2009.

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)	\$1,634,951.58
Stabilization Account	7,005,109.17
Emergency Reserve Account	7,450.00

Upon recommendations of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8/0

- C-61 Relative to the appropriation of \$85,000.00 to the Library Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eighty Five Thousand Dollars (\$85,000.00) be appropriated to the Library Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-65 Relative to the appropriation of \$950.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Nine Hundred Fifty Dollars (\$950.00) be appropriated to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

RE: These funds are to be utilized for relocation assistance for the occupants of a condemned home.

- C-66 Relative to the appropriation of \$1,200.00 to the License Commission Expense Account; same to be transferred from the License Commission Salary and Wages Account.

ORDERED: - that the sum of One Thousand Two Hundred Dollars (\$1,200.00) be appropriated to the License Commission Expense Account; same to be transferred from the License Commission Salary and Wages Account.

RE: These funds are to be utilized for postage and advertising of public hearings.

- C-67 Relative to the appropriation of \$40,000.00 to the Veterans Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Veterans Department Expense account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are to be utilized for mandated Chapter 115 Program financial assistance for qualified Veterans.

- C-68 Relative to the appropriation of \$225,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-69 Relative to the appropriation of \$25,000.00 to the Snow and Ice 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 Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

- C-70 Relative to the appropriation of \$22,044.00 to the Council on Aging Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Two Thousand Forty Four Dollars (\$22,044.00) be appropriated to the Council on Aging Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Sick Leave and Vacation Leave Buyback

- C-71 Relative to the appropriation of \$10,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

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C-72 Relative to the appropriation of \$4,200.00 to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Four Thousand Two Hundred Dollars (\$4,200.00) be appropriated to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

C-73 Relative to the appropriation of \$37,000.00 to the Police & Fire Indemnification Expense Retiree's Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirty Seven Thousand Dollars (\$37,000.00) be appropriated to the Police & Fire Indemnification Expense Retiree's Account; same to be transferred from the Excess and Deficiency Account.

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

C-75 Relative to the appropriation of \$150,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Fifty Thousand Dollars (150,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-76 Relative to the appropriation of \$10,000.00 to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITIONS were TABLED FOR STUDY. Vt. 8/0

36-09 David Rowlands: Accept Wildflower Road as a public way.

37-09 David Rowlands: Accept Farm Hill Road as a public way.

Under Old Business, Councillor Marchand, Chair of the President's Drinking Water Oversight Committee, said a meeting is scheduled for March 16, 2009 at 7:00 P.M. with invited guests from Viola Water, Woodward & Curran, the Department of Public Works Director and the Business Manger for the Water Department. He said there are four central questions that will be conveyed to the Clerk regarding water quality update, water testing sites throughout the City and the schedule with results of the most recent, TTHM values explained in and out of compliance and the most recent findings. He also added the most recent damages that occurred and resolved from the December 11, 2009 storm and the winter. He said the deadline for questions will be Thursday, March 12, 2009 at noon.

Councillor Freda said the selection of the Owner's Project Manager for the additions on the high school has been made. She said the process is moving and hopefully be on their way to the SBA soon to get the issues resolved with the high school.

Councillor Rowlands said the Chief of Police was going to give a report regarding the number of citations issued due to speeding in neighborhoods. He said he still gets numerous complaints on certain streets in Ward One regarding speeding. He said he would like to follow up on this to get the report.

Councillor Rowlands said we are six months into the new rubbish contract and he would like to suggest setting a date and bring down Mr. Knuth, the Health Director, to discuss where we are with weekly recycling, the recycling bins, tonnage and ask him to provide data with history regarding tonnage. He said we pay by the tonnage for trash.

Councillor Nickel suggested the Public Service Committee set up a meeting with Patrick LaPointe of the Department of Public Works and Chris Knuth of the Health Department. In accordance with Section 3.6 of the Leominster City Charter a vote was taken and unanimously passed to request Patrick LaPointe and Chris Knuth attend a meeting on April 8, 2009 at 7:30 P.M.

Councillor Salvatelli said a Finance Committee Meeting is scheduled for March 23, 2009 at 6:30 P.M. and he will be requesting the Treasurer David LaPlante to attend to speak on Petitions C-81 and C-82.

MEETING ADJOURNED AT 8:54 P.M.

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