

REGULAR MEETING OF THE CITY COUNCIL, MARCH 23, 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 Lanciani.

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

- C-83 Relative to the appropriation of \$150,000.00 to the School Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-84 Relative to the appropriation of \$6,000.00 to the Mayor's Salary & Wages Account; \$5,000.00 to be transferred from the Mayor's Salary and Wages Account and \$1,000.00 from the Emergency Reserve Account.
- C-85 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.

The following COMMUNICATION was received, referred to the SMALL BUSINESS & ECONOMIC COMMITTEE and given REGULAR COURSE.

- C-86 Dean J. Mazzarella, Mayor and Lisa Vallee, Economic Development Coordinator: Approve the Leominster Business Park EOA (Tanzio Road Extension Project) as an Economic Opportunity Area under the Economic Development Incentive Program.

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

- C-87 Relative to the appropriation of \$507,270.00 to the following accounts for the Year 35 Community Development Block Grant.

Leominster Board of Health – Code Enforcement	\$78,778.00
Leominster OPD - Economic Development Program	\$72,090.00
Leominster OPD - Housing Rehabilitation Program. (Includes \$10,000 for Elder Safety Rehab Services)	\$178,878.00
Leominster OPD - Planning & Administration	\$101,454.00
Battered Women's Resources – Second Chance Program	\$2,500.00
Beacon of Hope – Respite Services	\$7,800.00
Boys and Girls Club (North Central Mass)	\$4,600.00
Leominster Housing Authority – Allencrest Learning Center	\$1,570.00
Leominster Mayor's Office – Energy Assistance	\$10,000.00
Leominster Mayor's Office – Summer Youth Program	\$14,500.00
Leominster Mayor's Office – State Pool Fee Assistance	\$1,200.00
Leominster Recreation Department – Summer Financial Assistance	\$800.00
Montachusett Addiction Council – MAC Substance Abuse Center	\$2,700.00
Montachusett Interfaith Hospitality Network - Interfaith Network	\$10,000.00
Montachusett Home Care Corporation – Money Management for Elder Program	\$3,100.00
Multi-Service Center, Inc. - For Your Health	\$5,000.00
Spanish American Center – Community Outreach Worker (Information and Referral)	\$4,300.00
Veterans Hospice Homestead – Hero Homestead	\$8,000.00

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

51-09 Richard M. Marchand: Request the City of Leominster establish a Johnny Appleseed Arts & Cultural Festival Donation Account as authorized by Chapter 44 Section 53A of the Massachusetts General Law.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for April 13, 2009 at 6:30 P.M. Vt. 8/0

52-09 Massachusetts Electric: Cottage Street: Install 1 singly owned pole on Cottage Street beginning at a point approximately 150 feet southeast of the centerline of the intersection of Cotton Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Building Inspector and the Health Director. A hearing was set for April 13, 2009 at 6:35 P.M. Vt. 8/0

53-09 Barbara Drury and ten registered voters: Request that the Leominster Zoning Ordinance be changed to allow dog kennels in an industrial zone with a Special Permit from the Planning Board.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Police Department and the Health Director.

54-09 Brian Gingras et al: Create an ordinance prohibiting the feeding of ducks, geese and other waterfowl within the City.

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

55-09 Ann Fish et al: Request the City close off the unpaved portion of Fourth Avenue where it meets Florence Street.

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

56-09 Kym Leblanc: Renew the license for one pool table at the Tankard, 13 Central Street.

57-09 William Plant: Renew the license for nine pool tables at J.C. Fenwick's, 37 Mechanic Street.

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

58-09 Leroy J. DiMauro: Renew the Second Hand Dealer's License for the premises located at 609 Main Street.

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)	\$1,476,151.58
Stabilization Account	7,035,651.75
Interest Earned	156,181.78
Emergency Reserve Account	6,450.00

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

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.

ORDERED: - that the sum of Three Thousand Eight Hundred Dollars (\$3,800.00) be appropriated 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.

ORDERED: - that the sum of Twelve Thousand Dollars (\$12,000.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: These funds are to be utilized for summer help.

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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.

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

RE: These funds are to be utilized for anticipated utility expenses, office supplies and building and equipment maintenance/cleaning supplies.

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.

ORDERED: - that the sum of Seven Thousand One Hundred Fifty Dollars (\$7,150.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: These funds are to be utilized to purchase a ride-on lawnmower.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 7 “yeas” and 1 “nay”; Councillor Marchand opposed.

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.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED AS AMENDED. Vt. 7/1; Councillor Marchand opposed. Amended to change “Chapter 20” to “Chapter 60”.

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 60, Section 23B effective April 15, 2009.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. 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. A hearing is scheduled for April 13, 2009 at 7:00 P.M.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

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.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 8/0

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.

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

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.

48-09 George Boularian/Jon Anore Zajon, George’s Fine Jewelers: Renew the Second Hand Dealer License at 255 North Street.

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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.

Under Old Business, Councillor Marchand, Chair of the President's Drinking Water Oversight Committee, said they are having a difficult time scheduling the meeting. He said he has heard back from the Department of Public Works Director, Patrick LaPointe and he suggested taking a couple of nights to address the many issues. Councillor Marchand said they are going to schedule the first meeting for April 7, 2009 at 7:30 P.M.

Councillor Freda said she was looking for a night to have the School Committee meeting and maybe we could piggyback on the same night.

Councillor Salvatelli said he wants to be at the meeting but wouldn't get there until later due to a school a function.

Councillor Nickel asked Councillor Freda to look at another night and get back to the Council.

Councillor Salvatelli said he is following up with the Fire Department regarding the trial period for the second ambulance.

Councillor Rowlands said there is a lack of communication with the Police Department. He said he has not received the report from them regarding the number of citations for speeding and we have been waiting a long time for it. He said speeding and traffic continues to be a big issue and spring brings out more. He said there has been another accident at the same pole where the fatal accident took place and is probably speed related.

Councillor Nickel said we do have the opportunity to have directed patrols which is for a limited amount of time. Sometimes people mark down the times when it is happening and it turns out to be a local person who is getting out of work and just riding rough.

Councillor Dombrowski said to get an accurate accounting on the ambulance trial we will need the information on both ambulances.

Councillor Tocci asked the Council to change the name given to the Solar Power Energy Exploratory Committee to the Energy Efficiency Committee.

Councillor Nickel suggested that it be put in petition form to be voted on.

Councillor Freda said they received the names for the Rotary Club Employees of The Year. The award ceremony will be April 28, 2009 at the Sheraton with a social at 6:00 P.M. and dinner at 6:30 P.M. The winners For Employee Of The Year are:

Fire Dept.	Jeffrey Davis
DPW	Steven Ricker
Police Dept.	George Rannila
City Hall	Kerry Boudreau
Grades Pre-K to 5	Kristen Marchand
Grades 6 to 8	Colleen LeClair
High School	Robert Bayley

Under New Business, committee meetings were established:

April 7, 2009 Ways & Means Committee - 7:00 P.M.
President's Drinking Water Oversight Committee - 7:30 P.M.
April 8, 2009 Finance Committee - 7:00 P.M.
Public Service Committee - 7:30 P.M.

Councillor Marchand said that the Sampson Ave. issue which is on tomorrow night's Conservation Agenda will be postponed.

Councillor Nickel announced that on March 30, 2009 at 6:30 P.M. there will be a continuation of the public hearing on the Health Care Overlay District with a Special Meeting immediately following.

MEETING ADJOURNED AT 8:30 P.M.

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