

REGULAR MEETING OF THE CITY COUNCIL, APRIL 27, 2009

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

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

The Committee on Records reported that the records through April 22, 2009 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to hold a public forum.

The meeting reconvened at 7:35 P.M.

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

C-95 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for May 11, 2009 at 6:30 P.M. Vt. 7/0

63-09 Massachusetts Electric: Tanzio Road: Relocate 1 singly owned pole on Tanzio Road beginning at a point approximately 1243 feet southwest of the centerline of the intersection of Lancaster Street and continuing approximately 75 feet in a northeasterly direction.

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

64-09 Kelley Freda: Create a City Ordinance requiring all pet owners and keepers to dispose of their pet's solid waste.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Building Inspector and the Mayor. In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Edward Cataldo, the Director of Inspections, to attend a public information meeting on May 11, 2009 at 6:15 P.M. regarding this petition. Vt. 6/1; Councillor Marchand was opposed.

65-09 Edward Cataldo: Amend Chapter 4, Sections 4-2.1 through 4-2.9 of the Revised Ordinances entitled "Buildings" to change the fees charged by the Building Department.

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)	\$1,347,041.58
Stabilization Account	\$6,656,771.17
Emergency Reserve Account	\$ 3,450.00
Expenses from the Ice Storm	\$2,254,000.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 "yeas"

C-88 Relative to the appropriation of \$11,000.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eleven Thousand Dollars (\$11,000.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Repairs to manholes and catch basins that have collapsed as a result of the long winter and recent rain.

C-89 Relative to the appropriation of \$10,000.00 to the Sidewalk, Curbing and Road Repair Expense 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 Sidewalk, Curbing and Road Repair Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: For the purchase of hot mix asphalt.

C-90 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) to the Cemetery Overtime Account; same to be transferred from the Emergency Reserve Account.

RE: For Saturday burials and any other occasion that requires overtime labor.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 27, 2009, continued

C-91 Relative to the appropriation of \$7,750.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seven Thousand Seven Hundred Fifty Dollars (\$7,750.00) be appropriated to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are requested for 1) a certified factory trained playground installer; 2) 150 yards of playground safety surfacing; and 3) materials to replace the front steps at the Barrett Park office.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 7 “yeas”

C-94 Relative to the appropriation of \$400,000.00 to the Storm Expense Account; same to be transferred from the Stabilization Fund. (Granted with an Emergency Preamble on April 22, 2009; another vote is required.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0
Councillor Marchand said at the public hearing he requested to have a neighborhood meeting. He said the petitioner was asked to contact the Clerk’s Office to set up the meeting and as of this evening no contact has been made to set up the meeting.

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 hearing is continued to May 11, 2009 at 6:45 P.M.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0

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 hearing is continued to May 11, 2009 at 7:00 P.M.

Upon recommendation of the WAYS & MEAN COMMITTEE, the following PETITION was GRANTED. Vt. 7/0

C-92 Dean J. Mazzearella, Mayor: Authorize the Mayor to pursue the United States Department of Justice – Justice Assistance Grant Program (JAG) in the amount of \$102,647.00

Upon request of the WAYS & MEAN COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0

C-93 Dean J. Mazzearella, Mayor: Amend Section 16-31 (d) of the Revised Ordinances entitled Method of Step Advances by requiring approval of the Mayor to advance to the next scheduled step rate for employees in the “S” Classification Plan.

Upon recommendation of the WAYS & MEAN COMMITTEE, the following PETITIONS were GRANTED. Vt. 7/0

59-09 Game Stop Store d/b/a Movie Stop Store #7045: Renew the Second Hand Dealer’s License for the premises at 82 Orchard Hill Drive.

60-09 Game Stop Store #1485: Renew the Second Hand Dealer’s License for the premises at 26 Orchard Hill Drive.

61-09 Game Stop Store #3594: Renew the Second Hand Dealer’s License for the premises at 100 Commercial Road.

62-09 Mark & Robyn Ellis, Ellis Marine Supply Partnership: Renew the Second Hand Dealer’s License to sell used power boats for the premises at 646 Central Street.

Upon recommendation of the WAYS & MEAN COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED.
Vt. 7 “yeas”

Office of Emergency Management – Term to expire April 15, 2010
Assistant Director – James LeBlanc, Richard Gauvin
Deputy Director – Alfred Staal, Thomas Piper, Daniel Thibodeau

Auxiliary Police Officers – Term to expire April 15, 2010
Nikito Baker, Ryan N. Caneen, John Caron, Donn A. Deane, Shaun Calcari, Karen Nesbitt, Justin P. Nichols, Vincente Figueroa, Eric Almeida, Eric Schmidt, Sr., Reginald Cortana, Thomas Piper, Roland Rivard.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. Vt. 6“yeas”; Councillor Nickel abstained from voting due to a possible conflict of interest.

1st Reading Ordinance – Relative to amending Chapter 22 of the Revised Ordinances entitled “Zoning,” Article XIII Health Care Overlay District as shown on a plan entitled “Modification to the Health Care Overlay District, Article XIII” dated June 19, 2008 and revised on March 30, 2009.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 7/0

**RESOLUTION
DESIGNATION OF THE
LEOMINSTER BUSINESS PARK
ECONOMIC OPPORTUNITY AREA**

WHEREAS, Chapter 23A, Sections 3 A through F as amended by Chapter 19 of the Acts of 1993, establishes the Economic Development Incentive Program (EDIP);

Whereas, The EDIP is designed to promote increased business development and expansion in Economic Target Areas (ETAs) and Economic Opportunity Areas (EOAs) of the Commonwealth of Massachusetts.

WHEREAS, the City of Leominster is part of the North Worcester County Economic Target Area (ETA);

WHEREAS, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

NOW, THEREFORE, BE IT RESOLVED by the City council of the City of Leominster that;

1. The City Council hereby authorizes the submission of the City of Leominster Economic Opportunity Area application to the Massachusetts Economic Assistance Coordinating Council;
2. The City authorizes the designation of the following as an Economic Opportunity Area;
 - a. Leominster Business Park EOA as defined by the City of Leominster’s Assessor’s Map 320, parcel 1D/ 1E/ 1F. The parcel of land located on the westerly side of Malburn Street, Leominster, Massachusetts, containing approximately 24.84 acres, shown as the “Proposed Economic Opportunity Area” on the unrecorded plan titled: “Plan of land in Leominster, Mass., Prepared for Carter Hill Holding Corporation”, dated July 31, 2008.
3. The City Council hereby agrees to offer either tax increment financing or special tax assessment to each Certified Project located within the Leominster Business Park Economic Opportunity Area.

Adopted by the Leominster City Council
Communication 86
April 14, 2009

Approved:
/s/ Mayor Dean J. Mazzarella
April 28, 2009

Adopted by the Leominster City Council on
April 27, 2009 by a unanimous vote.
/s/ Lynn A. Bouchard, City Clerk and Clerk
Of the City Council

Under Old Business, Councillor Marchand said he wanted to congratulate his granddaughter in the Leominster Lassie League and a grandson in the National Little League. He said it was a wonderful experience to have gone through this past weekend leading up to the opening day ceremonies and the tributes paid to a fallen soldier, Mrs. Celli and the many volunteers that are involved in these leagues. He said they have the biggest enrollment this year in the history of the league.

Councillor Nickel said several of the Councillors spanned out across the City on Saturday for the American Little League opening and the National Little League opening.

Councillor Freda congratulated the Flamingo Robotics Team. She said she would like to have the Flamingo Team come down when Nadine Binkley comes in.

Councillor Salvatelli said he was in Atlanta and Leominster had the most people there cheering their squad on and it was very nice.

Councillor Freda said Leominster took second place for the Secretary’s Environmental Award for the Center of Technical Education as well. She said she wasn’t sure what department it was but they did receive an energy award at the State House.

Councillor Freda said Father Gothing, who is with the Spanish Church on Lincoln Terrace, is retiring and there was a special Mass for him on Sunday. She wants to acknowledge his fifteen years of work and congratulate him on his retirement.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 27, 2009, continued

The following ORDINANCE was read once, ADOPTED as presented and ordered published. Vt.6 “yeas” and 1 “nay”; Councillor Freda opposed. A hearing was set for May 11, 2009 at 6:35 P.M.

1st Reading Ordinance – To amend Chapter 14 of the Revised Ordinances entitled “Offenses-Miscellaneous” by creating a new Section 14-19 prohibiting the feeding or baiting of waterfowl.

Councillor Freda said in Councillor Rosa’s request for money on the State level there was mention of looking for money for solar power and it stated the Committee has identified three or four possible sites. She said she is on the Committee and is not aware of any sites and asked to be filled in with the information.

Councillor Tocci said she is going to set up a meeting with Joanne DiNardo and the City Council to give an update on all of the grants they have gone after and the sites that the City is looking at. She said there was a lot of legwork that needed to be done and it is finally coming together. She said Wendy Wiiks has applied for some grants and the paperwork is all done. She said a date of May 26, 2009 would be good.

Councillor Freda said she would like to know where the sites are.

Councillor Tocci said she doesn’t have that information yet.

Councillor Freda said the information that was given to the State said it was from the Solar Power Energy Exploratory Committee with identified sites. She said there are three of us on that committee and she is not aware of any.

Councillor Tocci said she is sure it came from Mrs. DiNardo and the information will be coming soon.

MEETING ADJOURNED AT 8:28 P.M.

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