

HEARING BEFORE THE CITY COUNCIL, OCTOBER 13, 2009

Hearing opened at 7:05 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

The following PETITION was the subject of the hearing:

8-10 David Rowlands, Wayne A. Nickel, Robert Salvatelli, James Lanciani Jr., Virginia A. Tocci and John Dombrowski: Add the following entry to the Table of Uses: Dog Kennel: RRA, SPPB.

Councillor Rowlands said they are waiting for a recommendation from the Planning Board and their hearing is scheduled for November 5, 2009.

David Marble of 41 Sanderson Street said fair competition is good for the community and he requests that the Council vote on this based on merit.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:07 P.M.

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

HEARING BEFORE THE CITY COUNCIL, OCTOBER 13, 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 21 of the City Ordinance entitled "Water and Sewer" to waive the sewer connection fee for individual domestic units in an existing residential neighborhood which is at least five years old, without sewer service and where the owner of such individual domestic unit shall have invested a minimum of \$5,000.00 for sewer infrastructure in the public way.

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

Councillor Rosa asked if this originally came down with a minimum of \$30,000.00.

Councillor Rowlands said yes. He said the original petition was aimed at a collective overall project at \$30,000.00 and it wasn't for an individual to pay \$30,000.00. He said when the ordinance came back it stated an individual would have to pay \$30,000.00 and that was the wrong interpretation of what the petition was trying to do.

HEARING ADJOURNED AT 7:28 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 13, 2009

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

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

The Committee on Records reported that the records through September 29, 2009 were examined and found to be in order. The records were accepted.

A recess was called at 7:33 P.M. to hold a public forum.

The meeting reconvened at 7:40 P.M.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 13, 2009, continued

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

- C-16 Relative to the appropriation of \$7,142.00 to the C.D.B.G. Housing Rehabilitation Expense Account; same to be transferred from the C.D.B.G. Storefront Improvement Program Expense Account.

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

- C-17 Relative to the appropriation of \$2,836.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

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

- C-18 Dean J. Mazzarella, Mayor: Request the land located on Jungle Road as shown on Assessor's Map 301, Lot 1A (former Transfer Station site) be declared surplus.

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

- C-19 Dean J. Mazzarella, Mayor: Request that Kenneth Tata be exempt from the provisions in the M.G. L. Chapter 268A (20B) Conflict of Interest as he is currently employed by the City of Leominster's Police Department and will be taking on a position with the License Commission as well.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Police Department, the Fire Department, the Department of Public Works and Mass. Highway Department.

- 12-10 David R. Cormier: Place a crosswalk on Central Street (Route 12) from Cornerstones Restaurant to the corner at the entrance to Chapman Place.

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

Emergency Management, EMS Unit – Marilyn Geer Rivera

Councillor Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the Records. Account balances are as follows:

Emergency Reserve Account (Free Cash)	\$6,230.00
Stabilization Account	\$5,677,088.72

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

- C-13 Relative to the appropriation of \$3,250.00 to the Rockwell Pond Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Three Thousand Two Hundred Fifty Dollars (\$3,250.00) be appropriated to the Rockwell Pond Expense Account; same to be transferred from the Emergency Reserve Account.

- C-14 Relative to the appropriation of \$4,000.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Sale of Lots Fund.

ORDERED: - that the sum of Four Thousand Dollars (\$4,000.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Sale of Lots Fund.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0. The hearing is continued on November 16, 2009 @ 6:30 P.M.

- 5-10 John Souza, Chairman, on behalf of the Planning Board: Adopt the following zoning changes proposed by Vanasse, Hangen and Brustlin to include:
- 1) The Leominster Zoning Ordinance Revised Draft, July 2009
 - 2) The Leominster Zoning Ordinance "Table of Uses," July 2009
 - 3) The Leominster Zoning Ordinance "Proposed New Zoning Districts," July 2009
 - 4) The Leominster Zoning Ordinance "New Sections," January 2009
 - 5) Section 22-19 Residence B Districts which is a correction to the "The Leominster Zoning Ordinance Revised Draft," July 2009

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 13, 2009, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/1, Councillor Rosa opposed.

- 7-10 Edward M. Cataldo, Building Inspector: Amend Chapter 4, Section 4-2 of the Revised Ordinances entitled "Building" to include the fees for the replacement of Hot Water Heaters \$20.00 per heater, Replacement of Gas Appliance, Boilers, Furnaces, etc. \$20.00 per appliance as they were omitted from the June 2009 Ordinance revision.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0.

- 8-10 David Rowlands, Wayne A. Nickel, Robert Salvatelli, James Lanciani Jr., Virginia A Tocci and John Dombrowski: Add the following entry to the table of uses: Dog Kennel: RRA, SPPB.

Upon request of the CITY PROPERTY COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. Councillor Tocci abstained due to a possible conflict of interest.

- C-15 Dean J. Mazzarella, Mayor: Request the confirmation of the 75 year time period for an easement between the City of Leominster and the Richmond Company, Inc. for access and parking on property located on Adams Street.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 11-10 Richard M. Marchand: Change the approval of street closures and use of City parking lots for the 17th Annual Johnny Appleseed Arts and Cultural Festival from September 11, 2010 to September 25, 2010 and to also include the parking lot adjacent to the City Hall parking lot located off West Street.

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

Recreation Commission – Douglas Cormier – Term to expire
April 15, 2011 (to fill the unexpired term of Jodie Dube)

Election Officers for 2009-2010 – Jeremy Sanborn, Nancy Koski,
Rosalie O'Donnell, Constance Dufour and Janet Brown

Under Old Business, Councillor Marchand, Chair of the President's Drinking Water Oversight Committee, said they received a copy of the September Report of Leominster Water Division. He said they have not had a chance to look through it. He said he will speak with Mr. Reed of the Water Division and report back to the Council at the next meeting. He said a Committee meeting is scheduled for November 9, 2009 at 6:30 P.M.

Councillor Rowlands said he is still unhappy with the TTHM resolution to date. He said we paid a company to come up with a formula to apply a coagulant and if doesn't work I want my money back and for it to be this long and this late and looking at TTHM's in North Leominster of 89, 91, 101, 99 and 106 this long and this late is unacceptable.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Mr. Reed from the Water Division to be present at the November 9, 2009 meeting. Vt. 9/0

Councillor Marchand said any questions for that meeting can be submitted to the Clerk by October 26, 2009.

Councillor Salvatelli asked what do we hope to accomplish with them coming down so often. And if in fact you are not getting answers or actions that you want, what do you intend to do about it.

Councillor Marchand said the information that has been shared has been related to water quality and now we are hearing about the wastewater treatment plant and that is as important. He said the meetings we had have been very productive in not only sharing pertinent information with the Council but to the general public as well. You don't get that from a Sentinel article or Telegram article. He said the public gets to meet the group who are working behind the scene trying to resolve the water and sewer issues in the City of Leominster. He said we have a format and we accept the information and we believe in it but what happens is there a glitch and the glitch happens to be contaminated water and unacceptable to the EPA and DEP. So, the question raised is, what happened when there were allocations made, petitions passed and agreements stated on the floor of the Council in a subcommittee meeting with these gentlemen that everything is working well and then all of a sudden the September findings come in and there is a problem. He said we are not here as a court or a jury, we're here to stay on top of it. He said we are at a tipping edge right now and it is either going to work or it's not going to work. And if they say it's going to work and it's not working we have a problem and the problem is as a City how do we make sure this doesn't happen again. He said he thinks it's critical that we stay on top of it and the only way we can is to bring them down here. He said he can't call Viola Water, can't call Woodard & Curran and can't speak to a department head because he has to go through the Mayor's office for permission so the best way to do it is to lay it out on the carpet here. Let them have their say and educate us and also listen to some of the concerns we are hearing about the continuation of contaminated drinking water. We are talking about what is current.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 13, 2009, continued

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

CITY OF LEOMINSTER

In the year two thousand and nine

AN ORDINANCE

Amending Chapter 21 or the Revised Ordinances entitled “Water and Sewer.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 21 of the Revised Ordinances entitled “Water and Sewer” is hereby amended by inserting as the last sentence in Section 21-22.4(a) the following:

The sewer connection charge shall be waived for individual domestic units in an existing residential neighborhood that is at least five years old, without sewer service, and where the owner of such individual domestic unit shall have invested a minimum of \$5,000.00 for sewer infrastructure in a public way.

Upon the recommendation of the WAYS & MEANS COMMITTEE, the ELECTION ORDER was passed. Vt. 9 “yeas”

CITY OF LEOMINSTER

MUNICIPAL ELECTION ORDER

NOVEMBER 3, 2009

ORDERED:-that the City Clerk be and she hereby is authorized and directed to notify and warn the voters of the City of Leominster to assemble in their respective polling places in the several wards and precincts of the City, designated by the City Council as follows:

WARD 1A	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1B	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1C	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 2A	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2B	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2C	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 3A	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3B	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3C	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 4A	SENIOR CITIZEN DROP-IN CENTER 5 POND STREET
WARD 4B	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 4C	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 5A	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5B	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5C	FIRST BAPTIST CHURCH OF LEOMINSTER 23 WEST STREET

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 13, 2009, continued

On Tuesday, November 3, 2009 then and there for the purpose of giving in their votes for the election of candidates for the following offices.

Mayor; four Councillors-at-Large; one Councillor for each Ward; three School Committee Members-at-Large; one School Committee Member for each Ward; all for terms of two years, beginning on the first Monday in January, 2010

And it is further ORDERED:- that the polls shall be opened at 7:00 A.M. and closed at 8:00 P.M. and that notice shall be given by publication of this order in a conspicuous place in the office of the City Clerk.

Per Order Leominster City Council
True Copy Attest:
Lynn A. Bouchard
City Clerk

MEETING ADJOURNED AT 8:38 P.M.

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