

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 9, 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 October 26, 2009 were examined and found to be in order. The records were accepted.

A recess was called at 7:31 P.M. to continue the informational meeting with The Drinking Water Oversight Committee including representatives from Viola Water, Woodward and Curran and the Leominster Department of Public Works.

Meeting reconvened at 7:46 P.M.

Councillor Freda said she had the privilege Saturday evening, along with the Mayor, to celebrate the 90th birthday Joseph Prizziosi who is a veteran. She said it was a great time and wishes him well.

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

- C-21 Relative to the appropriation of \$4,875.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-22 Relative to the appropriation of \$32,000.00 to the Election and Registration Expense Account; same to be transferred from the Excess and Deficiency Account.

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

- C-23 Dean J. Mazzarella, Mayor: Request that Edward A. Lambert, Jr. be exempt from the provisions in MG.L. Chapter 268A (20B) Conflict of Interest as he is currently employed by the City of Leominster's Police Department as a Police Fleet Maintenance Worker and will be taking on a position for the City Clerk-Elections and Registration Office to set up polling places as well.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for November 23, 2009 at 6:40 P.M. Vt. 9 "yeas"

- 15-10 Massachusetts Electric: Tanzio Road: Install 16 singly owned poles on Tanzio Road beginning at a point approximately 856 feet west of the centerline of the intersection of Lancaster Street and continuing approximately 2,273 feet in a northwesterly direction.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Mayor, the Building Inspector and the City Solicitor.

- 16-10 Gary Cormier, President of the Villa del Rio Board of Trustees: Request permission to allow replacement of the trash receptacle 20-25 feet to the left of its original place and to the right of the storage shed, inches away from the surveyed property line and erect a stockade fence behind the receptacle.

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	\$6,230.00
Stabilization Account	\$5,680,472.16
Interest	\$12,082.95

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 14-10 Sgt. Richard J. Kinney, Leominster Police Department: Request a "No Parking-Tow Zone" sign be placed at the end of Tolman Avenue and "No Parking" signs be placed on the south side of Tolman Avenue between the dead-end of Tolman Avenue and the driveway located 177 feet east of the dead-end.

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

- 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.

Upon request of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9/0

- 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.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 9, 2009, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-20 Dean J. Mazzearella, Mayor: Request that Sandra Leach be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest, as she is currently employed by the City of Leominster and will be taking on a position at the Recreation Department as well.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9
“yeas”

Election Officer for 2009-2010 - Joseph E. Firmani

Under Old Business, Councillor Marchand, Chairman of the President’s Drinking Water Oversight Committee, said they met earlier tonight and he is speechless on this matter tonight. He thinks there was a level of frustration felt with one of the questions that was disclosed.

Councillor Rowlands said he is frustrated because we don’t get the full disclosure he expects. He said tonight the discussion was that our City wide average is 46.3%, which is accurate. That is our TTHM average but what doesn’t get disclosed is Distributing Reservoir is offline and that we are testing someplace with results of zero because they are coming out of well water. So of course we have this great average but they don’t explain to us that 4 out of the 10 sites that were testing are showing little or nothing because of this one time exception of closing the reservoir. He said lack of clarity and lack of information is extremely frustrating. He said he is fed up with the lack of performance, the lack of forthrightness and the lack of clarity on this issue. He said this is almost personal because his children, probably for their entire lives, have been drinking water that has contained an elevated level of a suspected carcinogen. He said he wants someone who will take ownership of this and get it resolved. We see coagulant applied at 20 parts per million, then nothing, then 3 parts. It is so frustrating and the answer we got tonight is that they don’t expect any serious reduction in TTHM’s until the clarifier is completed. So we can add on another two years of sucking down TTHM’s that are too high out of Notown until the clarifier is in. That is the real answer and it took all this time to get it. He said he is looking for more direct answers.

Councillor Rowlands said the Mayor talked about having a meeting regarding the VHB document however Jack McLaughlin, member of the Planning Board, took a lead role in this and is thankful he took charge. He said we no longer need to meet and they are waiting for the document to come back from VHB. There is a hearing scheduled on November 16, 2009. He said the Planning Board will not be at that hearing and will hold their own meeting on November 17, 2009. He said he would like to ask for a date when he can expect that document from VHB. He said he would like to read it before the hearing date.

Councillor Nickel said he spoke to the Planning Director earlier in the week and she thought it might be out as early as this week. He said he will check on it and let him know.

Councillor Dombrowski said getting back to the drinking water, it seems to him the best results they had was the combination of the coagulant and the blending of the water and given the final answer, if we could get a written response what the likelihood is of doing a blend and going forward until this is finally built.

Councillor Rowlands said he disagrees with that and thinks the blending was a red herring and you might want to get clarity on that.

Councillor Marchand said he will work on that.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for November 23, 2009 at 6:35 P.M. Vt. 9 ‘yeas”

1st Reading Ordinance – Relative to amending 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.

Under New Business, Councillor Marchand said at the Board of Directors meeting of the Trustees of the Library on September 14, 2009, it was stated by Ms. Shelton, the Director of the Library, a festival participant located in front of the Library filled a 500 gallon dunk tank from a hose attached to the Library’s faucet without the Library’s permission and the people who had been dunked came into the Library dripping wet to change their clothes. Councillor Marchand said he would like a bill from the Library so he can pay the bill on behalf of the City of Leominster. He would also like the read out for the 500 gallon for the next meeting. He said the Leominster High School Soccer team did not steal water and he will resolve this for them.

Councillor Rowlands said he did the math for the Library water and they owe the Library \$1.73 for the 500 gallons of water.

Councillor Tocci established a City Property Committee meeting on November 19, 2009 at 7:00 P.M.

Councillor Freda said November 30, 2009 at 6:30 P.M. at the Eagles she will be having the Ward Three zoning meeting. She said there is not a lot of impact in Ward Three but it is important for them to know what is going to be happening.

Councillor Marchand said if there is a meeting set up for Ward Five, he would like the Council to request the Planning Board to stop it. He said they are significantly impacted by Health Alliance. He said he would like to deal with this intellectually not the

VHB way.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 9, 2009, continued

Councillor Freda said for clarification this was her Ward meeting not the Planning Board meeting. She said she asked the Planning Board to be there.

Councillor Rowlands said he thought the Planning Board Chairman was going to meet and run the meetings in the Wards. He said he is not in a rush and if it is the Ward Councillors that are having the meeting he will wait until he can present the document to people.

Councillor Salvatelli said he will be holding a Ward Four meeting but not until he can get a handle on it.

Councillor Nickel welcomed the two new Councillors Elect for the City of Leominster, Councillor-At-Large Elect Susan Chalifoux Zephir and Councillor or Ward Three Elect David Cormier.

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows.

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. PETITION GRANTED. VT. 7/2, Councillor Marchand and Rosa opposed.

MEETING ADJOURNED AT 8:40 P.M.

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