

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 22, 2010

Hearing opened at 7:00 P.M. with Councillor Chalifoux Zephir, Clerk of the Legal Affairs Committee, presiding.

All members were present except Councillors Dombrowski and Rowlands.

This is a continuation of the public hearing from December 28, 2009.

The following PETITION was the subject of the hearing:

- 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

Councillor Chalifoux Zephir said there is no opportunity for public comment and the hearing will be continued.

HEARING ADJOURNED AT 7:02 P.M. AND CONTINUED TO MAY 10, 2010 AT 6:30 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2010

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 February 8, 2010 were examined and found to be in order. The records were accepted.

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

- 23-10 Claire Freda: Review Council Procedures, Rules and Responsibilities as they do or do not pertain to representation within and outside City Council Chambers.

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

Fire Department – Shayne Newton, Michael Marino, Mark Burnett - Lieutenants

Fire Department - Scott Cordio – Deputy Chief

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)	\$ 3,031,014.31
Emergency Reserve Account	\$ 4,372.00
Stabilization Account	\$11,534,656.38

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

- C-52 Relative to the appropriation of Five Thousand Dollars (\$5,000.00) to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of \$5,000.00 be appropriated to the Fire Department Expense Account, same to be transferred from the Excess and Deficiency Account.

RE: Assessment Center services for Deputy Chief

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2010, continued

C-53 Relative to the appropriation of \$358.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Three Hundred Fifty Eight Dollars (\$358.00) be appropriated to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

RE: The amount is needed to cover the fee to attend the Massachusetts Registered Sanitarians Exam by Health Department employee Michelle Powell.

C-54 Relative to the appropriation of \$8,000.00 to the Library Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Thousand Dollars (\$8,000.00) be appropriated to the Library Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Part-time personnel

C-55 Relative to the appropriation of \$63,800.00 to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriations Account.

ORDERED: - that the sum of Sixty Three Thousand Eight Hundred Dollars (\$63,800.00) be appropriated to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account.

RE: Material Expenditure requirement for receipt of State Aid
 \$58,200.00 Books
 \$ 5,600.00 Audio Visual

C-56 Relative to the appropriation of \$1,200.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency 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 Excess and Deficiency Account.

RE: Postage and advertising

C-57 Relative to the appropriation of \$9,200.00 to the Municipal Buildings Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Nine Thousand Two Hundred Dollars (\$9,200.00) be appropriated to the Municipal Buildings Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Expenses for the Veteran's Center

C-58 Relative to the appropriation of \$13,000.00 to the Parking Meter Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirteen Thousand Dollars (\$13,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Parking Meter Expenses

C-59 Relative to the appropriation of \$100,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Vehicle Rental/lease, gas, salt and sand

Upon a majority vote of the LEGAL AFFAIR COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 6/3; Councillors Freda, Chalifoux Zephir and Lanciani opposed.

17-10 David Rowlands: Amend the Leominster Municipal Code Article XIV "Department of Public Works" and Add Article XXVIII "Department Of Water and Sewer" which eliminates the Water and Service Divisions from the Department of Public Works and creates a separate Water and Sewer Division.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

22-10 Frank H. Preston, Agent for Fernand Arsenault: Rezone 12.8 acres of land located at the western end of Marcello Avenue and Kinsman Avenue, north of Marshall Street and south of Mooreland Avenue as shown on Assessor's Map 244 as Parcels 1A and 2A, from Industrial, Residence A and Business B to Residence A. (A hearing is set for March 8, 2010 at 6:45 P.M.)

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 22, 2010, continued

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

Office of Emergency Management - Auxiliary Police Unit - Jerry Brewer

Under Old Business, Councillor Dombrowski, Chair of the Presidents Drinking Water Oversight Committee, said there is a meeting scheduled for March 3, 2010 at 6:30 P.M. and Roger Brooks will be attending. He said he previously requested questions be delivered to him by this Wednesday so he can forward them to Mr. Brooks to give him amply opportunity to answer the questions. He said on Friday they received the January 2010 Water Division report. He said if he could have the questions by Thursday it would give everyone an extra day to digest that report and put together their questions. He will get the questions to Mr. Brooks on Thursday.

Under New Business, Councillor Marchand commended the Leominster Recreation Department regarding their Youth Basketball Program. He said overall it was a great success with top quality officials, coaches and volunteers. He said the gentleman who ran the program was top notch.

Councillor Marchand said they anticipate two items coming down to the Council that are associated with Petition 18-10 regarding the Southgate Industrial Park, which was passed at our last meeting. He said one item is Kopelman & Paige's agreement with the proponents of the properties regarding the indemnification liability policy for the City of Leominster for environment issues. He said he has left it up to the two attorneys but he would like to, through the Clerk's office, send an email to ask the status of that particular agreement. He said the second question is when do they anticipate being ready to send down the final document that the Council needs to act on in order to qualify the land for taking. He said at one time we knew the park was contaminated with hazardous waste and we are very pleased that it is not at a level of any concern; however, as legal counsel to the City Council it is incumbent upon his committee to ask the question about the remediation of that particular hazardous waste site. He said they would like to know, at the time it was identified, how was it mitigated, how was it removed or whatever resources were used to deal with it? He said this will bring us closer to closure. He said the question is specifically for DEP at this point and is requesting a letter be sent to DEP asking for formation..

Councillor Rowlands said a comment was made that the site is clean. He said according to the DEP webpage and the documents associated with this case, an agent for the City asked on January 25th if this site was considered safe and the response from the DEP was that you would need to hire an LSP and a consultant to make that determination. He said in terms of safety he doesn't know if we have a document where the DEP is going to make a statement and go out and do that. He takes question as to exactly where that comment of safety comes from. He said there are two reports from engineers hired to do environmental tests on behalf of the developers and he would asked, before we jump to the conclusion of those reports that we read the limitations stated in those documents. He said he doesn't disagree with what the chairman is trying to do he is not sure what the statement said it is clean and who are we referencing with that.

Councillor Marchand said his questions still stand as is. He said his question is specific if it was removal or whatever took place for mitigation.

Councillor Freda asked if we were provided with copies from their LSP?

Councillor Marchand said he believes it is all with the Clerk.

Councillor Dombrowski said he recused himself from the petition but he doesn't feel he has any conflict regarding these environmental issues and will comment on that. He asked the Clerk if we have a copy of the 2001 21E report.

The Clerk said we only have two reports.

Councillor Dombrowski said the qualifying language in the 2001 report is far less than the qualifying language in the other reports. He commends the Ward 5 Councillor and the question that needs to be answered is where did the dirty dirt go? That needs to be answered.

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

- 5-10 John Souza, Chairman, on behalf of the Planning Board: Adopt the following zoning changes proposed by Vanasse, Hangen and Brustlin to include:
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 - 5) Section 22-19 Residence B Districts which is a correction to the “The Leominster Zoning Ordinance Revised Draft,” July 2009 FURTHER TIME Vt. 9/0

MEETING ADJOURNED AT 8:25 P.M.

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