

HEARING BEFORE THE CITY COUNCIL, MARCH 8, 2010

Hearing opened at 7:08 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:

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.

Councillor Rowlands read the recommendations from the Health Department, the Building Inspector, the Department of Public Works, the Conservation Commission and the Planning Board.

Frank Preston of Whitman and Bingham LLC and representing Mr. Arsenault said he approached the Council prior to rezone the land to Residential B and there were unfavorable comments from the community. He said now we are trying to rezone to Residential A and extend a cul-de-sac with ½ acre lots. He said they estimate 12 lots. Half the property is wetlands which is approximately 6 acres. He said they would have to go before the Conservation Commission for the wetlands and follow regulations of the Planning Board.

Councillor Rowlands asked how long the cul-de-sac would be.

Mr. Preston said approximately 600 feet into the property and they will need a waiver for the cul-de-sac by the Planning Board since the maximum permitted length is 500 feet.

Councillor Dombrowski asked Mr. Preston to describe residential housing.

Mr. Preston said single family homes and with a Special Permit duplexes.

Councillor Dombrowski asked how many duplexes.

Mr. Preston said 12 is my best guess.

Councillor Dombrowski said 24 units of 12 single family homes.

Mr. Preston said yes.

Councillor Dombrowski asked if there would be a lot of filling in of the land.

Mr. Preston said he couldn't answer that.

Councillor Dombrowski asked what the prior use was.

Mr. Preston said it has never been developed.

Councillor Dombrowski asked if you develop for residential use what would be a good buffer between the existing industrial facility that is at the bottom of the plan?

Mr. Preston said the wetlands which is a natural buffer.

Councillor Marchand said if we were looking at a topo map is this above the existing residence?

Mr. Preston said it is below it. He said the drainage in the neighborhood feeds the wetland.

Councillor Marchand asked Mr. Preston if he has met with the neighbors on this proposal.

Mr. Preston said no.

Councillor Rowlands asked where they would tie into the City for water and sewer.

Mr. Preston said at the end of Marcello Avenue. He said he expects that the sewer will need a pump system because we are below the existing residence.

Councillor Rowlands asked what the width of the road was.

Mr. Preston said he doesn't know, it is narrow.

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

HEARING ADJOURNED AT 7:32 P.M. AND CONTINUED TO APRIL 26, 2010 at 6:30 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MARCH 8, 2010

Meeting was called to order at 7:34 P.M.

Attendance was taken by a roll call vote; all members were present. Councillor Marchand arrived late.

A recess was called at 7:40 P.M. to hold the public forum.

The meeting reconvened at 7:45 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 8 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED AND ORDERED. Vt. 8 "yeas".

C-60 EMERGENCY PREAMBLE

Relative to the appropriation of \$100,000.00 to the Municipal Buildings Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of \$100,000.00 be appropriated to the Municipal Buildings Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are needed to cover the expenses related to the oil containment and cleanup that was recently released at 208 Seventh Street.

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

C-61 Relative to the appropriation of \$40,000.00 to the Snow and Ice Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

C-62 Relative to the appropriation of \$200,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

C-63 Relative to the appropriation of \$40,000.00 to the Fire Department Indemnification Expense Account; same to be transferred from the Excess and Deficiency Account.

C-64 Relative to the appropriation of \$1,000.00 to the Street Signs and Fences Expense Account; same to be transferred from the Excess and Deficiency Account.

C-65 Relative to the appropriation of \$5,000.00 to the Sidewalk and Curbing 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-66 Relative to the appropriation of \$47,864.00 to the Housing Rehabilitation Construction Expense Account; same to be transferred from the following accounts:

Housing Rehabilitation Salary & Wages	\$22,000.00
Housing Rehabilitation Expenses	5,000.00
Economic Development Salary & Wages	7,600.00
Summer Youth Expenses	264.00
Code Enforcement Salary & Wages	5,000.00
Code Enforcement Expenses	8,000.00

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer's Office.

24-10 Leroy J. DiMauro: Renew the Second Hand Dealer's License for the premises located at 609 Main Street.

25-10 Fred R. Tousignant: Renew the Second Hand Dealer's License for the premises located at 92 Pleasant Street.

26-10 George Deglaoni/Hannoush Jewelers: Renew the Second Hand Dealer's License located at 100 Commercial Road.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer's Office and the Police Department.

27-10 Robert A. Cornetta: Grant a license for two pool tables at Miranda's Pub, located at 488 Lancaster Street.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 8, 2010, continued

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

28-10 Christopher Rivard: Grant a Transient Vendors License to sell plants and flowers in 2010

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

Emergency Management, Admin. Unit – Linda Dolan

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

Emergency Management – Terms to expire April 15, 2011

Assistant Director: James LeBlanc, Richard Gauvin

Deputy Director: Alfred Staal, Thomas Piper, Daniel Thibodeau, Jean Hudson

Auxiliary Police Officers: Nikito Baker, John Caron, Donn A. Deane, Shaun Calcari, Justin P. Nichols, Vincente Figueroa, Thomas Piper, Roland Rivard, Jerry Brewer, Eric Schmidt Sr., Eric Almeida, Reginald Cortana

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

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 (Hearing continued to May 10, 2010 at 6:30 P.M.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 6/3; Councillors Lanciani, Freda and Chalifoux Zephir 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. (Hearing continued to April 26, 2010 at 6:30 P.M.)

Upon request of the WAYS & MEAN COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0.

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.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. 8 “yeas”, Councillor Marchand absent. Upon reconsideration the APPOINTMENTS were CONFIRMED. 9 “yeas”

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

Fire Department – Scott Cordio – Deputy Chief

Under Old Business, Councillor Dombrowski, Chair of the President’s Drinking Water Oversight Committee, said they had a meeting this past week and all Councillors were present. He said representatives from the Water Department were present and answered questions and summarized the work required by the Administrative Consent Order which has been consistently coming in under budget. He said the latest test results for he TTHM’s are at an average of 50 which is a very good thing. He

REGULAR MEETING OF THE CITY COUNCIL, MARCH 8, 2010, continued

said they have gone back to the formula of mixing the water from the different reservoirs and that combined with the cold weather has allotted for the lower TTHM readings. He said we will be receiving stimulus money of \$2.4 million and the balance is a loan at 2%.

Council President Nickel congratulated the Committee and said the meeting went very well and everyone felt comfortable. He said the answers were straight forward.

Councillor Rowlands said he was very happy with the President's Drinking Water Oversight Committee meeting. He said one of the main factors is the amount of time the water is exposed to chlorine which increases the by-product which is TTHM's so by moving the water around in the systems reducing the amount of time in the storage tanks you are reducing the exposure time and reducing the TTHM's.

Councillor Rowlands said the Historical Commission is requesting a meeting with the Legal Affairs Committee to discuss a demolition bylaw. A meeting is scheduled for April 7, 2010 at 6:30 P.M..

Councillor Marchand said he wants to express his appreciation to the Department of Public Works for the job they did this winter. He thanked Mr. LaPointe and staff for putting together a comprehensive detailed list of subcontractors and where they are working. He said it made it easier, not that we had complaints, to know the people who are working in our neighborhood. He said this past storm was truly a test going from a snow to slush and they had the City cleaned up very quickly. He said the potholes are already being worked on. He said on behalf of his neighborhood, thank you.

Council President Nickel said they did an excellent job. He requested the Clerk send letters to the Department of Public Works, Emergency Management and the Fire Department for a job well done.

Councillor Freda gave an update on Devon Henry. She said the Rotary Club will be having a dance at the Knights of Columbus to raise funds for her family on March 12, 2010 at 6:30 P.M. Admission if \$5.00 and a lottery ticket.

Councillor Dombrowski asked if the Council could send a letter to Ann Marie Sargent and Judith Sumner at the Recreation Department. He said it was an outstanding year in basketball. He said they don't turn any child down and every child plays. The coaches and referees were excellent. He said every child plays no matter their ability and they play the same number of minutes. He said they have shifts that are strictly followed and was a wonderful experience for all the children. Councillor Dombrowski said that Ann Marie was at every game and it is a big commitment on her part and should be recognized.

A motion was made and seconded to authorize the Mayor to move forward to purchase the Plastics Museum located at 210 Lancaster Street to be used for the new home of the Leominster Police Department. If the building would be for any other use, the Council would entertain a meeting for discussion.

HEARING ADJOURNED AT 8:25 P.M.

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