

REGULAR MEETING OF THE CITY COUNCIL, APRIL 12, 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 March 22, 2010 were examined and found to be in order. The records were accepted.

A motion was made and seconded to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by roll call. Vt. 9 "yeas". Council President Nickel said the regular meeting would reconvene at the conclusion of the Executive Session.

The meeting reconvened at 8:37 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

C-74 Relative to the appropriation of \$28,755.00 to the Sidewalk and Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Eight Thousand Seven Hundred Fifty Five Dollars (\$28,755.00) be appropriated to the Sidewalk and Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: The funds are requested to pave portions of DeCicco and Kingman Drives.

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

C-75 Relative to the appropriation of \$48,000.00 to the Assessor's Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-76 Relative to the appropriation of \$22,416.00 to the Assessor's Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-77 Relative to the appropriation of \$11,200.00 to the Wire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-78 Relative to the appropriation of \$25,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-79 Relative to the appropriation of \$4,000.00 to the Other Finance Offices and Accounts 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-80 Relative to the appropriation of \$563,533.00 to the following accounts for the Year 36 Community Development Block Grant.

Leominster Board of Health – Code Enforcement	\$78,778.00
Leominster OPD - Economic Development Program	\$72,090.00
Leominster OPD - Housing Rehabilitation Program Includes \$20,000 for Elder Safety Rehab Services	\$223,959.00
Leominster OPD - Planning & Administration	\$112,706.00
Battered Women's Resources – Second Chance Program	\$2,400.00
Beacon of Hope – Respite Services	\$9,300.00
Boys & Girls Club of North Central Massachusetts	\$2,500.00
Leominster Housing Authority – Allencrest Learning Center	\$1,400.00
Leominster Mayor's Office - Energy Assistance Program	\$10,000.00
Leominster Mayor's Office - Summer Youth Program	\$14,500.00
Leominster Mayor's Office – State Pool Fee Assistance	\$1,200.00
Leominster Recreation Dept. – Summer Financial Assistance	\$1,000.00
Montachusett Home Care – Money Management for the Elderly Program	\$5,000.00
Montachusett Interfaith Hospitality Network – Interfaith Network	\$11,000.00

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Montachusett Opportunity Council – Financial Literacy Education & Counseling	\$3,600.00
Spanish American Center - Community Outreach Worker (Information & Referral)	\$3,100.00
Veterans Hospice Homestead – Hero Homestead	\$11,000.00

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was scheduled for April 26, 2010 at 6:25 P.M. Vt. 9 “yeas”

31-10 National Grid: Willard Street: Install 1 singly owned pole on Willard Street beginning at a point approximately 261 feet south of the centerline of the intersection of Central Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Mayor, the Building Inspector and the Planning Board.

32-10 Leominster Historical Commission: Adopt a Demolition Delay Ordinance.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, the Mayor, the Building Inspector and the Planning Board.

33-10 Gennaro Coscia: Enact a City By-law that would prohibit all Level 2 and 3 sex offenders from living within 2,000 feet of a school, playground or anywhere children regularly gather.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the City Solicitor and the Department of Public Works.

34-10 Patrick R. LaPointe: Accept a proposed Stabilization and Slope Easement adjacent to Tanzio Road, in accordance with the plan entitled “Easement Plan of Land in Leominster, MA” prepared for the City of Leominster, dated March 4, 2010 by Whitman & Bingham Associates, LLC.

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

35-10 Joanne Atwood: Renew the Second Hand Dealer’s License for The Repair Place At Sears located at the Mall at Whitney Field.

36-10 Mark Gordon: Renew the Second Hand Dealer’s License for LaSalle Music, Inc. located at Twin City Plaza.

37-10 George S. Frankovich: Renew the Second Hand Dealer’s License for Kay Jewelers #285 located at 100 Commercial Road.

38-10 George S. Frankovich: Renew the Second Hand Dealer’s License for Belden Jewelers #240 located at 100 Commercial Road.

39-10 George Boulgarian and Jon Zajon: Renew the Second Hand Dealer’s License for George’s Fine Jewelers located at 255 North Street.

40-10 Game Stop Store #3594: Renew the Second Hand Dealer’s License for the premises at 26 Orchard Hill Drive.

41-10 Game Stop Store d/b/a Movie Stop Store #7045: Renew the Second Dealer’s License for the premises at 82 Orchard Hill Drive.

42-10 Game Stop Store #1485: Renew the Second Hand Dealer’s License for the premises at 100 Commercial Road.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and the Police Department.

43-10 Kym LeBlanc: Renew the license for 1 pool table at the Tankard, located at 13 Central Street.

44-10 Aime Lemoine: Renew the license for 1 pool table at Seven R’s d/b/a A & R’s Double Inn, located at 166 Water Street.

45-10 Craig Long: Renew the license for 2 pool tables at Jake’s Pub Inc. d/b/a/ Hot Shotz, located at 1293 Main Street.

46-10 William Plant: Renew the license for 9 pool tables at J.C. Fenwick’s located at 37 Mechanic Street.

47-10 Carol and David Shields: Renew the license for 3 pool tables at South Leominster Lounge d/b/a/ Forte’s Lounge located at 1030 Central Street.

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- 48-10 Mason Recreation Center: Renew the license for 7 pool tables and 24 bowling alleys at Mason's Bowling Center located at 640 R. North Main Street.

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

Emergency Management, Admin Unit – Leo Bois

Registrar of Voters – Ann B. Mahan – Term to expire April 15, 2013

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)	\$ 1,743,599.90
Emergency Reserve Account	\$ 4,372.00
Stabilization Account	\$11,534,656.38
Interest Earned	\$ 19,601.57

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas" and 1 "nay"; Councillor Cormier opposed.

- C-67 Relative to the appropriation of \$650,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Six Hundred Fifty Thousand Dollars (\$650,000.00) be appropriated to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Purchase of 210 Lancaster Street (National Plastics Center & Museum)

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

- C-68 Relative to the appropriation of \$9,200.00 to the Sanitation and Drainage 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 Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are requested to address drainage issues on Elmwood Avenue, Berkshire Drive and Watson Avenue.

- C-69 Relative to the appropriation of \$4,000.00 to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Four Thousand Dollars (\$4,000.00) be appropriated to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

- C-70 Relative to the appropriation of \$2,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Sale of Lots Account.

ORDERED: - that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Sale of Lots Account.

RE: Cemetery Site Development

- C-71 Relative to the appropriation of \$2,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Trust Fund Account.

ORDERED: that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Trust Fund Account.

RE: Grounds maintenance

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas". Councillors Cormier and Nickel abstained due to a possible conflict of interest.

- C-72 Relative to the appropriation of \$125,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

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Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

C-73 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary and Wages Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Police Department Salary and Wages Account.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were 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.)

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 recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

29-10 Lynn A. Bouchard and Stephen P. Richard: Amend Chapter 12, Section 12-2.52 of the Revised Ordinances entitled “Fees-Schedule” to increase the license fees for spayed female and neutered male dogs from \$7.00 to \$10.00 and for unspayed female dogs and male dogs from \$11.00 to \$15.00 effective July 1, 2010.

30-10 Lynn A. Bouchard and Stephen P. Richard: Amend Chapter 6, Section 6-2.4 of the Revised Ordinances entitled “Failure to License Dog” to charge an additional late fee of \$10.00 per year as well as the annual licensing fee for each year the dog was not licensed. Fees will be charged to any dog owner who fails to license their dogs on or before May first of any year and will be effective July 1, 2010.

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

Emergency Management, Rescue Unit – Matthew Perkins

Under Old Business, Councillor Dombrowski, Chair of the President’s Drinking Water Oversight Committee said there was nothing to report. He said he reviewed the information for last month’s testing and it was in order. He said he asked if anyone had problems to give him a list of questions and he didn’t receive any.

Councillor Salvatelli said according to the President’s Drinking Water Oversight Committee there is a retention area at the Distributing Reservoir there is a retention area that is grown in with vegetation and it is not used anymore. He said two citizens came forward and indicated that this is a significant problem. He said there hasn’t been any action. He said he has sent a letter through the Mayor’s office and is requesting the committee get this cleared up before the plant starts running, otherwise it will be ineffective.

Councillor Dombrowski said they will address it at the next meeting.

Councillor Marchand asked if the Council could get an update to make sure there are no beaver issues happening.

Regarding Petition #33-10, Councillor Rowlands said that when the referral is sent to the City Solicitor can we please ask him for his opinion on the legality of this type of ordinance and some guidance on the wording.

Councillor Freda said she has about seven Ordinances from other communities that already passed Ordinances. She said they are similar.

Councillor Rowlands asked her to provide them to the Clerk so that they can have a copy in time for the meeting.

Councillor Rowlands said he has question regarding a statement of billing from Kopelman & Paige dated March 1, 2010. The first one is a change for a street taking and believes it is covered by grants and we should be paying this bill and we are not paying the bill. He said he understands the City does not put up any money for this. He said the other question is for legal issues regarding record status, emails, telephone conversations and would like to know the status of the payment on that bill and if the City has made payment.

Councillor Salvatelli said he will look into it.

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Regarding Petition 34-10, Councillor Dombrowski said that when a referral is sent to the City Solicitor please ask him to check if there is good clear title, if the easement language is efficient and appropriate and to insure that the language will protect the neighborhood.

Under New Business, Councillor Cormier said the Leominster Robotic Team won the Boston Regional at Wentworth Institutes. He said they did this at the high school level and these are fifth and sixth graders. He said they are moving on to the world championship in Dallas. There will be 412 teams from 48 countries and will be competing against high school teams. It will be aired on NASA TV on April 22, 23 and 24<sup>th</sup> and also on the web. He said he congratulates Jonathan Route who will be the Master of Ceremonies and would like to send a letter wishing him luck.

Councillor Marchand said there are 15 small lawn signs white with blue ink and they are for the Rhonda Richard Breast Cancer Walk on May 2, 2010. Ronda Richard lost her battle to Breast Cancer. She was a real patriot to this community helping out with a lot of youth programs. Her personality was remarkable. For information visit rhondaswalk.info.

Councillor Marchand also said Little League has begun and the field is looking good. A lot of people have helped to bring this field to fruition.

Councillor Freda said the school play Bye Bye Birdie was incredible. The kids from all ages and some with special needs and down syndrome participated. It was unbelievable thanks to Bob Landry.

Councillor Salvatelli requested that a letter be sent to the Mayor or the DPW to get a list of streets that will be paved this year. He said he understands that the City is getting \$25,000.00 more from the State which is not a lot of money but the people are clamoring to get their streets fixed. He said a neighbor came up to him and gave him a petition with 75 names on it just for Elm Street alone. He said there is a section that is in very rough shape. He said we should have a say what roads should be done.

Councillor Rowlands said we are losing great opportunity by having so many unapproved roads which you cannot count when requesting Chapter 95 money. He also asked the Council to pay attention to a letter they received from the Leominster Trail Stewards, a new organization formed in the City. He said it is a group that grew out of the trail clearing exercise that came about because of the storms and tremendous damage. He said it is a very active group and they have received grant money today. He said they are trying to set up a relationship like Sholan Farms so they can be the Stewards to educate and promote hiking in Leominster. He said they are offering a trail cleanup, seminar, hike and food on April 24, 2010 at 9:00 A.M. to 2:00 P.M. at Barrett Park.

A Finance Committee meeting was scheduled for April 21, 2010 at 6:30 P.M.

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

RESOLUTION – Supporting the update of the Massachusetts Bottle Bill

MEETING ADJOURNED AT 10:22 P.M.

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