

HEARING BEFORE THE CITY COUNCIL, MAY 9, 2011

Hearing opened at 6:25 P.M. with Councillor Chalifoux Zephir, Chair of the Public Service Committee, presiding.

All members were present except Councillors Nickel, Marchand and Rowlands.

The following PETITION was the subject of the hearing:

50-11 National Grid and Verizon New England, Inc: Install 3 jointly owned poles on Scott Drive beginning at a point approximately 300 feet from centerline of Mohawk Drive continuing approximately 600 feet in a NW direction.

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

No Councillor spoke.

HEARING ADJOURNED AT 6:27 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 9, 2011

Hearing opened at 6:30 P.M. with Councillor Rowlands Chair of the Legal Affairs Committee, presiding.

All members were present except Councillors Nickel and Marchand.

This hearing was continued from April 11, 2011.

The following PETITION was the subject of the hearing:

33-11 Paul A. DiGeronimo, Manager of Johnny Appleseed Realty, LLC: Rezone 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor's Map 442, Lot 18 and Map 523, Lot 14.

Councillor Rowlands said the hearing will be continued and that the Planning Board is still conducting their hearing and there is no recommendation at this time. No evidence was taken in.

HEARING ADJOURNED AT 6:33 P.M. AND CONTINUED TO JUNE 13, 2011 AT 7:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011

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

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

The Committee on Records reported that the records through April 11, 2011 were examined and found to be in order. The records were accepted.

A moment of silence was held for Jerry Bieler who was an active member of the Boy Scouts of America Nashua Valley Council and as a member of the Leominster Rotary Club.

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

C-81 Relative to the appropriation of \$20,000.00 to the Municipal Building Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

C-82 Relative to the appropriation of \$6,000.00 to the Recreation Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

C-83 Relative to the appropriation of \$14,475.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

C-84 Relative to the appropriation of \$52,000.00 to the Doyle Field Expense Account; same to be transferred from the Excess and Deficiency Account.

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

62-11 John Dombrowski and Wayne Nickel: Request that Vezina Avenue, also known as Vezina Street, shall from now on be known as Vezina Avenue.

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

63-11 Dawn Calzada: Renew the Second Hand Dealer's License for Best Buy Stores LP, located at 33 Orchard Hill Park Drive.

64-11 Mark Gordon: Renew the Second Hand Dealer's License for Music Mania Inc., located at Twin City Plaza.

65-11 Game Stop Inc: Renew the Second Hand Dealer's License for the premises at 26 Orchard Hill Drive.

66-11 Game Stop Inc: Renew the Second Dealer's License for the premises at 100 Commercial Road.

67-11 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.

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011, continued

68-11 Phillip McBain: Renew the license for two pool tables at Captain's Lounge located at 1536 Main Street.

The following RESOLUTION was received under SUSPENSION OF THE RULES and referred to the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE. Vt. 8 "yeas"

Resolution – Affordable Interior Systems (AIS), LLC – Certified Project Proposal

Councillor Salvatelli, Chair 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)	\$ 1,544,542.12
Stabilization Account	\$11,085,701.82
Emergency Reserved Account.	\$ 1,143.00

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

C-76 Relative to the appropriation of \$120,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas"

C-77 Relative to the appropriation of \$40,000.00 to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Veteran Services Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was AMENDED and given FURTHER TIME. Vt. 7/0, Councillor Cormier abstained due to a possible conflict of interest. Amended to read Scott Drive not Scott Road.

50-11 National Grid and Verizon New England, Inc: Install 3 jointly owned poles on Scott Drive beginning at a point approximately 300 feet from centerline of Mohawk Drive continuing approximately 600 feet in a NW direction

Councillor Chalifoux Zephir read the recommendation from the Department of Public Works which is on file in the City Clerk's office.

Councillor Marchand said on St. Jean Avenue there is a pole that needs to come down immediately. He said it is stripped and it is theirs and needs to come down. He said there is also a problem with intermittent lights and has had no satisfaction to date. He gave the information to the Clerk and asked her to send a letter to National Grid regarding double poles that need to be removed. Councillor Chalifoux Zephir suggested to send a note to Verizon and National Grid and ask them what they know about these particular locations.

Councillor Rowlands said he has several streets that are loaded with dual poles. He said they are either Verizon, the City's Fire Department, the power company or the cable TV company. He said he never is able to get it resolved. He said he has a pole section about a ½ mile from his home that has been cut and hanging. Harvard Street is a very narrow road that has several dual poles and the old ones need to come down.

Councillor Freda suggested inviting a representative from the telephone company, the cable company and the electric company to attend a committee meeting to discuss the removal of poles that are no longer in use.

Councillor Lanciani agreed with Councillor Freda and requested National Grid and Verizon to come down to the next meeting.

Councillor Rowlands said we need to have everyone down. He asked what the impact would be if we have it further time.

Councillor Chalifoux Zephir said it didn't appear urgent as they didn't come to the meeting.

Councillor Marchand said he would support further time and support requesting National Grid and Verizon New England to submit a comprehensive list of abandoned poles that are still up. We shouldn't have to go out and do a physical inventory.

Councillor Dombrowski asked Councillor Chalifoux Zephir if you recommend further time are you going to schedule a committee meeting in the interim and have people down?

Councillor Chalifoux Zephir said yes.

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 8/0. A continued hearing is set for June 13, 2011 at 7:00 P.M.

33-12 Paul A. DiGeronimo, Manager of Johnny Appleseed Realty, LLC: Rezone 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor's Map 442, Lot 18 and Map 523, Lot 14.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 8/0. Amended from 1,500 feet to 1,250 feet and the words "Furthermore, notification of said violation will be conveyed to the City of Leominster License Commission" be stricken.

44-11 Richard M. Marchand: Amend Section 14-20 of the Revised Ordinances entitled "Sex Offender Residency Restrictions" changing from 1,000 feet to 1,250 feet the area around a school that a Level 2 and Level 3 sex offender is prohibited from residing in and adding to Section 14-20.3H.

Upon request of the LEGAL AFFAIRS AND THE PRESIDENT'S ZONING COMMITTEES, the following COMMUNICATION was TABLED. Vt. 8/0. The continuation of the hearing is set for June 13, 2011 at 6:45 P.M.

C-68 Dean J. Mazarella, Mayor: Adopt the proposed changes to the Leominster Zoning Ordinance.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

51-11 Claire Freda for Kathie Peloquin: Grant permission to erect signs in strategic locations from June 10th through June 25th, 2011 to inform the public of the upcoming "Quilt Show".

Councillor Cormier read the recommendations from the Building Inspector and the Police Department which are on file in the City Clerk's office.

Upon recommendation of the SMALL BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE, the following COMMUNICATIONS were GRANTED. Vt. 8 "yeas".

C-78 Dean J. Mazarella, Mayor: Approve 25 Tucker Drive as an Economic Opportunity Area (EOA) as shown Assessor's Map 319, Lot 23 pursuant to M.G.L. c.23A, Section 3E, and submit said application for approval to the Massachusetts Economic Assistance Coordinating Council (EACC).

C-79 Dean J. Mazarella, Mayor: Approve the proposed application by Affordable Interior Systems, Inc. for acceptance as a certified project pursuant to M.G.L. c 23A, section 3F and authorize the submission of same for approval to the Massachusetts Economic Assistance Coordinating Council (EACC).

C-80 Dean J. Mazarella, Mayor: Approve the 13 year Special Tax Assessment (STA) Plan and Agreement, pursuant to M.G.L. c.23A, Section 3A-3F inclusive, between Affordable Interior Systems, Inc. (AIS), Calare Properties, Inc., and the City of Leominster for property located at 25 Tucker Drive and authorize the submission of same for approval to the Massachusetts

Councillor Freda, Chair of the Small Business and Economic Development Committee, read letters of support from David McKeehan of the North Central Massachusetts Chamber of Commerce, Gordon Edmonds of the Leominster Credit Union, Charles Gelinas, Sr. of Gelinas & Ward, LLP, Edward Manzi, Jr. from Fidelity Bank and Deborah LaPointe of Enterprise Bank.

A letter from Frank Montolio in opposition was read. All letters are on file in the City Clerk's office.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0

- 46-11 Kevin Cafer: Grant a Second Hand Dealer's License for the purchase of precious metals by appointments only.
- 52-11 Fred R. Tousignant: Renew the Second Hand Dealer's License for Fred's Auction located at 92 Pleasant Street.
- 53-11 Leroy J. DiMauro: Renew the Second Hand Dealer's License for Leroy's Attic located at 609 Main Street.
- 54-11 George Boulgarian: Renew the Second Hand Dealer's License for George's Fine Jewelers located at 255 North Street.
- 55-11 Matthew K. Zvacek: Renew the Second Hand Dealer's License for GBA Whitney Field, LLC located at 100 Commercial Road, Unit 15.
- 56-11 Nir Shaveet: Grant a Second Hand Dealer's License for Sabra Jewelry located at 100 Commercial Road.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0

- 57-11 Lisa A. Rosenthal: Grant a Second Hand Dealer's License for Party of Gold for the purchase of precious metals by appointment only.

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were DENIED. Vt. 8/0

- 58-11 Dwayne Davis for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.
- 59-11 Agnes Martin for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.
- 60-11 Susana Arruda-Fidalgo for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0

- 61-11 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Police Chief attend the next meeting to discuss traffic issues.

Under Old Business, Councillor Cormier gave a report on the outstanding items. He said regarding the new police station the area where the Detective Bureau will be moving in has been painted and the carpet is on the way. Items that have to go out to bid are still with the Purchasing Department. Information Technology is beginning work and a tentative date for them to move into the Detective Bureau as of right now is July 1, 2011. Councillor Cormier we were withholding the \$10,000.00 when we purchased that property and he has been told that the Chief, the Mayor, Kopelman & Paige and representatives from the National Plastics Museum are still discussing the issue so the Mayor's office had nothing further to report on that.

Councillor Cormier said the Emergency Management roof will be out to bid very shortly. He said Charlie Coggins has informed him they are still hoping that they can have the entire roof done by the end of June.

Regarding the District Court lease, Councillor Cormier said the Mayor and the Finance team entered into talks with the Court to discuss the continuation of the lease and the Mayor has not heard anything back and does not expect to hear anything back until the State's budget is complete and they know exactly what the court system is going to have in their budget. He said there was a proposal put on the table and once they know what is in the budget they will know what direction they will be going in.

Upon recommendation of the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE, the following RESOLUTIONS were ADOPTED. Vt. 8 "yeas".

**RESOLUTION
DESIGNATION OF
25 TUCKER DRIVE
ECONOMIC OPPORTUNITY AREA**

WHEREAS, Chapter 23A, Sections 3A through F as amended by Chapter 19 of the Acts of 1993, establishes the Economic Development Incentive Program (EDIP);

WHEREAS, the EDIP is designed to promote increased business development and expansion in Economic Target Areas (ETAs) and Economic Opportunity Areas (EOAs) of the Commonwealth of Massachusetts.

WHEREAS, the City of Leominster is part of the North Worcester County Economic Target Area (ETA);

WHEREAS, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leominster that:

1. The City Council hereby authorizes the submission of the City of Leominster Economic Opportunity Area application to the Massachusetts Economic Assistance Coordinating Council;
2. The City authorizes the designation of the following as an Economic Opportunity Area:

25 Tucker Drive EOA as defined by the City of Leominster's Assessor's Map 319, Lot 23. The parcel of land located at 25 Tucker Drive, Leominster, Massachusetts, containing approximately 22.24 acres.
3. The City Council hereby agrees to offer either tax increment financing or special tax assessment to a Certified Project located within the Economic Opportunity Area of 25 Tucker Drive.

ADOPTED BY THE LEOMINSTER CITY COUNCIL
COMMUNICATION 78
/s/LYNN BOUCHARD, CITY CLERK
May 9, 2011
REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011, continued

APPROVED:
/s/DEAN J. MAZZARELLA, MAYOR
CITY OF LEOMINSTER
May 10, 2011

**RESOLUTION
AFFORDABLE INTERIOR SYSTEMS (AIS), LLC
CERTIFIED PROJECT PROPOSAL**

WHEREAS, the City of Leominster has received a project proposal from Affordable Interior Systems, LLC for designation as a Certified Project pursuant to MGL Chapter 23A, Section 3F, which proposal requires the creation of a new Economic Opportunity Area ("EOA") pursuant to M.G.L. Chapter 23A, Section 3E, at 25 Tucker Drive and approval of a Special Tax Assessment;

WHEREAS, the City of Leominster is supportive of the project proposal from Affordable Interior Systems, LLC;

WHEREAS, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Leominster approves the proposal by Affordable Interior Systems, LLC, for acceptance as a Certified Project, confirms that the Certified Project proposal meets the requirements of Massachusetts General Laws Chapter 23A Section 3F and the applicable regulations at 402 C.M.R. 2.00, and authorizes submission of same to the Massachusetts Economic Assistance Coordinating Council for its approval.

ADOPTED BY THE LEOMINSTER CITY COUNCIL
COMMUNICATION 79
/s/LYNN BOUCHARD, CITY CLERK
May 9, 2011

APPROVED:
/s/DEAN J. MAZZARELLA, MAYOR
CITY OF LEOMINSTER
May 10, 2011

**RESOLUTION
AFFORDABLE INTERIOR SYSTEMS (AIS), LLC
and
Calare Properties, Inc.
PROJECT PROPOSAL AND SPECIAL TAX ASSESSMENT**

WHEREAS, the proposed Certified Project is located at 25 Tucker Drive, Leominster MA which is within the boundaries of the 25 Tucker Drive Economic Opportunity Area.

WHEREAS, the City of Leominster has agreed to offer Affordable Interior Systems, LLC and Calare Properties, Inc., a Special Tax Assessment. Said Agreement is hereby approved by the City Council and the Special Tax Assessment Plan is incorporated by reference herein;

WHEREAS, AIS, LLC. Plans to invest thirteen million dollars (\$13M) over an estimated thirty (30) month period, retain for transfer to the City of Leominster two hundred thirty-five (235) permanent full-time jobs, create an additional one hundred (100) new permanent full-time jobs within the initial twenty-four (24) months (also known as by completion of year 2), with an additional twenty-six (26) new permanent full-time jobs created by thirty-six (36) months (also known as by completion of year 3) for qualified residents of the City of Leominster first and of the Northern Worcester County Economic Target Area (ETA).

WHEREAS, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Leominster approves the proposal by Affordable Interior Systems, LLC, for acceptance as a Certified Project confirms that the Certified Project proposal meets the requirements of Massachusetts General Laws Chapter 23A Section 3F and the applicable regulations at 402 C.M.R. 2.00, and authorizes submission of same to the Massachusetts Economic Assistance Coordinating Council for its approval.

FURTHER, the City Council of the City of Leominster authorizes the Mayor to adopt a Special Tax Assessment Plan and Agreement between the City of Leominster and Affordable Interior Systems, LLC and Calare Properties, Inc. Said Agreement calls for an exemption from taxation specifically on the full assessed value of the property and improvements thereon as follows in the table shown below. Based upon current year (FY11) tax rate with an estimated project investment of \$13,000,000 the estimated special tax assessment savings to Affordable Interior Systems, LLC in grand total over thirteen (13) years is an estimated \$929,419 excluding the varying tax rate and valuation of future years.

STA Year	Fiscal Year Duration	Tax Exemption
Year 1:	July 1, 2011-June 30, 2012	100%
Year 2:	July 1, 2012-June 30, 2013	75%
Year 3:	July 1, 2013-June 30, 2014	50%
Year 4:	July 1, 2014-June 30, 2015	50%
Year 5:	July 1, 2015-June 30, 2016	25%
Year 6:	July 1, 2016-June 30, 2017	25%

REGULAR MEETING OF THE CITY COUNCIL, MAY 9, 2011, continued

Year 7:	July 1, 2017-June 30, 2018	15%
Year 8:	July 1, 2018-June 30, 2019	15%
Year 9:	July 1, 2019-June 30, 2020	5%
Year 10:	July 1, 2020-June 30, 2021	5%
Year 11:	July 1, 2021-June 30, 2022	5%
Year 12:	July 1, 2022-June 30, 2023	5%
Year 13:	July 1, 2023-June 30, 2024	5%

In accordance with the requirements and regulations established which govern the implementation of such Special Tax Assessment, the agreement will be in effect as of Fiscal Year 2012 (July 1, 2011) and will extend through Fiscal Year 2024 (June 30, 2024).

ADOPTED BY THE LEOMINSTER CITY COUNCIL
COMMUNICATION 80
/s/LYNN BOUCHARD, CITY CLERK
May 9, 2011

APPROVED:
/s/DEAN J. MAZZARELLA, MAYOR
CITY OF LEOMINSTER
May 10, 2011

The following committee meetings were established:

Finance Committee	May 18, 2011 at 6:30 P.M.
President's Zoning Committee	May 18, 2011 at 7:00 P.M.

MEETING ADJOURNED AT 9:25 P.M.

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