

HEARING BEFORE THE CITY COUNCIL, JUNE 13, 2011

Hearing opened at 6:45 P.M. with Councillor Rowlands, Chair of the Legal Affairs and the President's Zoning Committees, presiding.

All members were present.

This hearing is continued from May 9, 2011.

The following PETITION was the subject of the hearing:

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

Councillor Rowlands said the President's Zoning Committee met twice to review the new zoning document. He said at this point they have been going over sources of input they have received from constituents with concerns about landscaping, setbacks, especially with regard to dumpsters. He said the Ward 5 Councillor has put forth a discussion on rooming houses and we have a series of important questions about jurisdiction from the ZBA. He said they have some recommendations and corrections from the Planning Board and had a lengthy discussion with a constituent regarding the current zoning and the water district.

Councillor Rowlands said they are trying to establish how they are going to go through the process. He said they put forth some questions to get clarity from the Planning Director and point contact. He said it was made clear after their first meeting that VHB is completely paid and is no longer involved in the zoning. He said the Committee reviewed some of the changes and felt they warranted further discussion and forwarded the questions to the Planning Director to get answers and to solidify the process on how they are going to move forward. He said they received a ruling from Kopelman and Paige regarding jurisdiction of the ZBA.

HEARING BEFORE THE CITY COUNCIL, JUNE 13, 2011, continued

Councillor Rowlands said after they get through the budget schedule, the Zoning Committee plans to meet on a regular basis, hopefully a weekly basis, and move forward as fast as they can. He said at the next meeting their goal is to review a five page review and summary submitted by a citizen who has been active regarding the zoning.

No one in the audience spoke in favor or in opposition.

No Councillors spoke.

HEARING ADJOURNED AT 6:53 P.M. AND CONTINUED TO AUGUST 22, 2011 AT 7:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JUNE 13, 2011

Hearing opened at 7:00 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

This hearing is continued from May 9, 2011.

All members were present.

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 this hearing will be continued at the request of the applicant due to not receiving a recommendation from the Planning Board as it is still being discussed.

No one in the audience spoke in favor or in opposition.

No Councillors spoke.

HEARING ADJOURNED AT 7:04 P.M. AND CONTINUED TO JULY 25, 2011 AT 7:00 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 13, 2011

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 record through May 23, 2011 were examined and found to be in order. The records were accepted.

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

C-93            EMERGENCY PREAMBLE  
Relative to the appropriation of \$1,550.00 to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Thousand Five Hundred Fifty Dollars (\$1,550.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Emergency Tree Removal

## REGULAR MEETING OF THE CITY COUNCIL, JUNE 13, 2011, continued

C-94            EMERGENCY PREAMBLE  
Relative to the appropriation of \$20,000.00 to the Veterans Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Veterans Department Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-95            Relative to the appropriation of \$45,697.00 to the Cemetery Department Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Trust Fund.

C-96            Relative to the appropriation of \$61,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

C-97            Relative to the appropriation of \$51,226.00 to the Gallagher Building Salary & Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

C-98            Relative to the appropriation of \$200,000.00 to the Fiscal Year 2012 Worker's Compensation Loss Fund; same to be transferred from the various prior year Worker's Compensation Loss Funds as listed:

FY 2009	\$100,000.00
FY 2008	\$ 75,000.00
FY 2007	\$ 25,000.00

C-99            Relative to the appropriation of \$4,100.00 to the I.T.T.F. Expenses; same to be transferred from the Excess and Deficiency Account.

C-100           Relative to the appropriation of \$1,500.00 to the Building Inspector Expense Account; same to be transferred from the Excess and Deficiency Account.

C-101           Relative to the appropriation of \$21,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Snow & Ice Overtime Expense Account.

C-102           Relative to the appropriation of \$30,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Snow & Ice Expense Account.

C-103           Relative to the appropriation of \$192,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-104           Relative to the appropriation of \$600,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-105           Relative to the appropriation of \$58,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-106           Relative to the appropriation of \$12,300.00 to the Recreation Department Capital Outlay 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-107 Dean J. Mazarella, Mayor: Authorize the City of Leominster to pursue \$26,783.00 through the United States Department of Justice – Justice Assistant Grant Program (JAG).

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

73-11 Claire Freda: Adopt Chapter 39, Section 23D in the Acts of 2006 entitled “An Act Further Regulating Meetings of Municipal Boards”.

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

74-11 Xiaojun Liu: Grant a Hawkers and Peddlers License to sell educational books door to door in the City through August 10, 2011.

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

#### 2011-2012 Election Officers

REGULAR MEETING OF THE CITY COUNCIL, JUNE 13, 2011, continued

Councillor Salvatelli, Chairman of the Finance Committee, read the financial report for the City into the record. Account balance for the Excess and Deficiency Account (Free Cash) is \$517,392.00.

Upon request to the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”

C-85 Relative to the appropriation of \$1,200.00 to the Cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

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

C-86 Relative to the appropriation of \$75,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seventy Five Thousand Dollars (\$75,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-87 Relative to the appropriation of \$212,116.00 to the Contributory Retirement Expense Account: same to be transferred from the Other Past Employment Benefit (OP&B) Prior Year Expense Account.

ORDERED: - that the sum of Two Hundred Twelve Thousand One Hundred Sixteen Dollars (\$212,116.00) be appropriated to the Contributory Retirement Expense Account; same to be transferred from the Other Past Employment Benefit (OP&B) Prior Year Expense Account.

C-88 Relative to the appropriation of \$526,554.00 to the Contributory Retirement Expense Account; same to be transferred from the Group Insurance Prior Year Expense Account.

ORDERED: - that the sum of Five Hundred Twenty Six Thousand Five Hundred Fifty Four Dollars (\$526,554.00) be appropriated to the Contributory Retirement Expense Account; same to be transferred from the Group Insurance Prior Year Expense Account.

C-89 Relative to the appropriation of \$310,000.00 to the Debt Service-Principle Expense Account; same to be transferred from the Debt Service-Interest Expense Account.

ORDERED: - that the sum of Three Hundred Ten Thousand Dollars (\$310,000.00) be appropriated to the Debt Service-Principle Expense Account; same to be transferred from the Debt Service-Interest Expense Account.

RE: Principle Payment for the High School Renovation Project

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 9 “yeas”. A hearing is set for June 27, 2011 at 6:45 P.M.

C-90 Relative to the appropriation of \$100,077,000.00 to the City of Leominster General Fund Fiscal Year 2012 Budget, same to be raised by Fiscal Year 2012 Revenue.

C-91 Relative to the appropriation of \$4,925,000.00 to the Water Department Fiscal Year 2012 Budget; same to be raised by Fiscal Year 2012 Water Department estimated Receipts as authorized by Chapter 44, Section 53E of the

Massachusetts General Laws.

C-92 Relative to the appropriation of \$3,775,000.00 to the Sewer Department Fiscal Year 2012 Budget; same to be raised by Fiscal Year 2012 Sewer Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

Upon recommendation of the LEGAL AFFAIRS and WAYS & MEAN COMMITTEES, the following PETITION was GRANTED. Vt. 9/0

69-11 Lynn A. Bouchard: Accept the 2011 Re-Precincting Plan for the City of Leominster, including the map, legal description and block listings.

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

70-11 George S. Frankovich: Renew the Second Hand Dealer's License for Kay Jewelers #1285 located at 100 Commercial Road.

71-11 George S. Frankovich: Renew the Second Hand Dealer's License for Belden Jewelers #240 located at 100 Commercial Road.

72-11 Jeffrey Wilson: Renew the Second Hand Dealer's License for MovieStop, LLC, Store #7045 located at 82 Orchard Hill Park Drive.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 13, 2011, continued

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

Leominster Police Department – Brett Thompson – Permanent Police Officer  
(transfer from Lancaster Police Department)

Under Old Business, Councillor Freda, Chair of the Water & Sewer Oversight Committee, said she spoke with DPW and was told Charlie Reed is putting together his quarterly report for the end of June. We should have something for the next meeting.

Councillor Rowlands said he is looking for the status on how we are doing relative to the Consent Order timeline.

Councillor Freda said it is her understanding that it is following according to plan.

Councillor Marchand said he had the opportunity to have a conversation with the owner of the property that had the oil spill on Seventh Street and requested that Woodard & Curran come down to the Council Chambers to let them know where they are with this and to bring down some of the specifications on how compliance was conveyed. He said we are getting close to closure and he wants to make sure they have done their best to protect the integrity of the resident on Seventh Street.

Councillor Nickel said we were told that they would be checking as they went along to see if there were any additional oil drainage or anything that came out and he said he never did hear. He said speaking with the owner, a portion of the sight on Seventh Street still has not been cleaned up.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Woodard & Curran to come down to answer inquiries about the Seventh Street oil spill.

Councillor Rowlands said there will be a public meeting on June 15, 2011 at 6:00 P.M. in the City Hall Auditorium to present the results of the Woodard & Curran Drainage Study for upper West Street and Burrage Avenue. Woodard and Curran will be presenting the findings and will answer any questions during the meeting.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Charlie Coggins, Emergency Management Director, attend a City Council meeting for an update on the Emergency Management roof project.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Edward Cataldo, Director of Inspections, attend a City Council meeting to answer questions regarding signs on City property.

Councillor Lanciani said he would like to ask the Clerk to contact the Police Chief, and ask him to provide the Council with information regarding people who request to stand out on the roadways soliciting. He said he wants to know if they are getting permits, if they are authorized to be out there, and if they are being checked on to make sure that they know what the rules are and what they can do and not do. He would like him to bring this information to the June 27, 2011 informational meeting.

Under New Business, Council President Dombrowski requested that Kopelman & Paige take another look at the Sex Offender Residency Restrictions Ordinance before the second reading since the American Civil Liberties Union is taking a look at this.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for July 11, 2011 at 7:00 P.M. Vt. 9 "yeas"

1<sup>st</sup> Reading Ordinance- Amend Section 14-20 of the Revised Ordinances entitled "Sex Offender Residency Restrictions" by 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.

The following RESOLUTION was received, referred to the LEGAL AFFAIRS COMMITTEE and TABLED FOR STUDY. Vt. 8 “yeas” and 1 “nay”, Councillor Chalifoux Zephir opposed.

**RESOLUTION - Massachusetts Department of Revenue Financial Management Review**

The following committee meetings were established for June 22, 2011:

Finance Committee	6:15 P.M.
The President’s Zoning Committee	7:15 P.M.

The following committee meeting was established for July 13, 2011;

Ways & Means Committee	6:30 P.M.
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MEETING ADJOURNED AT 8:25 P.M.

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