

HEARING BEFORE THE CITY COUNCIL, JULY 11, 2011

Hearing opened at 7:08 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillors Freda and Marchand.

The following ORDINANCE was the subject of the hearing:

Relative to amending 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.

Councillor Rowlands said they have had several meetings and discussions and at the last meeting the Council President made a recommendation for a confirmation from Kopelman & Paige regarding the legality of this or concerns if it was challenged. He said the letter received from Brian Riley of Kopelman and Paige states the change from 1,000 feet to 1,250 feet, the extra 250 feet, in his opinion, would not be so restrictive that it would cause an issue or concern. He said 12 states have adopted sex offender residency statutes.

Christine Hanlon of 51 Manchester Street spoke in favor of the ordinance. She said the children, whom are the victims, are receiving a harsher sentence than the person committing the crime. She asked the members of the City Council to pass this to protect the most vulnerable, the children from these predators.

No one spoke in opposition.

No Councillors spoke.

HEARING ADJOURNED 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, JULY 11, 2011

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

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

A recess was called at 7:32 P.M. to interview the Human Resource Director.

The meeting reconvened at 8:05 P.M.

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)	\$ 571,292.12
Stabilization Account	\$11,019,636.56
Interest Earned	\$ 33,129.79
Emergency Reserve	\$ 243.00

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

C-108 Relative to the appropriation of \$1,100,419.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

ORDERED: - that the sum of One Million, One Hundred Thousand, Four Hundred Nineteen Dollars (\$1,100,419.00) be appropriated to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 9 "yeas" (Granted with an Emergency Preamble on June 27, 2011; another vote is required.)

C-109 Relative to the appropriation of \$8,800.00 to the Municipal Building Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9/0

43-11 Richard M. Marchand: Endorse a change to the language in the pending zoning legislation to amend "Table of Uses – Generally Permitted Uses" subsection 16.5.1.2 to read "No more than four (4) lodgers or boarders except in Residence B and C. All boarding/lodging houses need a special permit from the Planning Board."

## REGULAR MEETING OF THE CITY COUNCIL, JULY 11, 2011, continued

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0 A hearing is scheduled for August 8, 2011 at 7:00 P.M.

75-11 Chris Caputo: Rezone the land located at 7 Prospect Street from Residence A and Business B to Commercial.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9/0

76-11 Aaron F. Kennedy, Leominster Police Dept.: Place "No Parking Between Signs" in front of 11 Notre Dame Street; 281 feet from Arlington Street, west of the catch basin and 313 feet from Arlington Street in the area of Pole #2.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9 "yeas" Amended to remove "and that the two way stop signs at the intersection of Rustic Drive/Smith Street and Thayer Street/Smith Street be converted to four-way stop signs", and add after Thayer Street "at locations recommended by the Leominster Police Traffic Division." Councillor Rowland asked that a letter be sent to Sergeant Kinney asking the legality of 4 way signs.

77-11 Jordan Grondell: Request "Go Children Slow" signs at the end of Posco Avenue, Rustic Drive and Thayer Street at locations recommended by the Leominster Police Traffic Division.

Upon recommendation of the WAYS & MEANS COMMITTEE the following APPOINTMENTS were CONFIRMED. Vt. 9 "yeas"

Human Resource Director – John W. Harmon – term to expire May 10, 2014

Emergency Management –Rescue Unit – Gerald Phelan, Jr.  
Communications Unit – Timothy Wortley  
EMS Unit – Richard Kinney Jr.

Library Board of Trustees –Mark Bodanza, Susan Chalifoux-Zephir - terms to expire April 15, 2014

Historical Commission/Alternate Member – John Proietti – term to expire April 15, 2014

Upon recommendation of the WAYS & MEANS COMMITTEE the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas" Councillor Cormier abstained due to a possible conflict of interest.

Cable TV Advisory Board – Anthony DiBenedetto – term to expire April 15, 2013

Upon recommendation of the WAYS & MEANS COMMITTEE the following RE-APPOINTMENTS were CONFIRMED. Vt. 9 "yeas".

Board of Appeals – Alternates – Paul Romano, Michael Ciccolini - terms to expire April 15, 2012

Board of Appeals – Joseph Tocci, Stephen A. DeCarolis - terms to expire April 15, 2014

Conservation Commission – Kelley M. Freda, Gregory Day - terms to expire April 15, 2014

Cultural Council – Rosalyn M. Navaroli - term to expire April 15, 2014

Historical Commission – David Chester, Leon Christoforo, Rocco Palmieri - terms to expire April 15, 2014

Doyle Field Commission – Patrick LaPointe, Ernest L. Rooney - terms to expire April 15, 2014

Library Board of Trustees – Nancy Hicks -term to expire April 15, 2014

Recreation Commission – Lionel A. Charpentier, Douglas Cormier, Patricia Caisse - terms to expire April 15, 2014

Forest Warden – Paul Kennedy - term to expire April 15, 2012

Insect & Pest Control – Ralph Persons - term to expire April 15, 2012

Supt. Gypsy & Brown Tail Moths - Ralph Persons - term to expire April 15, 2012

Sealer of Weights & Measurers – Joseph Quinn - term to expire April 15, 2012

Weigher of Beef – Michael Ciccolini - term to expire April 15, 2012

Veterans Burial Agent - Richard Voutour - term to expire April 15, 2012

Veterans Care of Graves - Claude Poirier - term to expire April 15, 2012

REGULAR MEETING OF THE CITY COUNCIL, JULY 11, 2011, continued

Upon recommendation of the WAYS & MEANS COMMITTEE the following RE-APPOINTMENTS were CONFIRMED. Vt. 8 "yeas". Councillor Cormier abstained due to a possible conflict of interest.

Cable TV Advisory Board – Carl A. Piermarini, Benjamin Levy, Kevin Fitzpatrick, Eugene Capoccia, terms to expire April 15, 2013

Upon recommendation of the WAYS & MEANS COMMITTEE the following RE-APPOINTMENTS were CONFIRMED. Vt. 8 "yeas" and 1 "nay", Councillor Rowlands opposed.

Planning Board – Carol Vittorioso, David DiGiovanni - terms to expire April 15, 2014

The following ORDINANCE was read a second time and ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

City of Leominster  
In the year two thousand and eleven

AN ORDINANCE

amending Chapter 14 of the Revised Ordinances entitled "Offenses - Miscellaneous."

Be it ordained by the City Council of the City of Leominster as follows:

Chapter 14, Section 14-20 of the Revised Ordinances entitled "Sex Offender Residency Restrictions" is hereby amended by adopting the following amendments:

In Section 14-20.3(A), by deleting the term "1,000 feet" and inserting in its place the term "1,250 feet."

In Section 14-20.3(B) by removing the subsection in its entirety and inserting in its place the following:

B. It shall be unlawful for any sex offender who is finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board to establish a temporary or a permanent residence within 1,250 feet of any school.

In Section 14-20.3(C), by inserting the words "or a property manager or representative agent" immediately following the words "property owner"; and further by deleting the term "1,000 feet" and inserting in its place the term "1,250 feet."

In Section 14-20.3(E), by deleting in two places the term "1,000 feet" and inserting in their place the term "1,250 feet".

In Section 14-20.4(G), by deleting in four spaces the term "1,000 feet" and inserting in their place the term "1,250 feet".

In Section 14-20.4, by deleting in two places the term "1,000 feet" and inserting in their place the term "1,250 feet".

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Councillor Marchand said we have heard many times the City is run by those who show up. He said this evening there were more than 40 residents in Ward 5 that showed up. Unfortunately they could not attend the public forum on the matter of the Sex Offender Ordinance because they were dealing with a similar matter at the License Commission meeting. He said they would have been down here this evening.

Under Old Business, Councillor Freda said she put in a request to have Roger Brooks, Pat LaPointe and possibly Charlie Reed come to the July 25, 2011 meeting to give an update on the drinking water. She said she was told there was room on the agenda and believes it will happen.

Councillor Freda said there was an incident last week and through the regular DPW inspection there was an algae bloom that was found in Haynes Reservoir. The DEP was notified. The DPW, along with DEP, is applying copper sulfate. She said Lycott Environmental is working on the issue. It was found through the regular process of testing. They say it happens throughout the State periodically. It is isolated and there was no tipping over into the Distributing Reservoir.

She said it flows from Haynes to the Distributing Reservoir by stream and they feel they have it under control. DPW will be meeting with DEP again. Councillor Freda said they did one treatment of Friday but it is too early to give an assessment but by July 25<sup>th</sup> meeting we should know how well it has been cleared up.

Councillor Rowlands said he assumes they are talking about pre-treatment and not post-treatment. In other words, there is a bloom in the reservoir prior to getting to any sort of treatment to go into the Distribution system for drinking.

Councillor Freda said she wasn't sure what he meant by pre-treatment and post-treatment.

Councillor Rowlands said there was an algae bloom in the reservoir and the reservoir gets pumped out and goes through treatment and goes to the Distributing Reservoir for drinking so none of that algae bloom issue would affect the drinking water if it was prior to the treatment. He said he would like confirmation on that.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 11, 2011, continued

Councillor Freda said it is above stream and is not through the pipes. She is not going to say for sure it didn't get into the Distributing Reservoir. She said there is a possibility and she doesn't know. This is a question for July 25, 2011. She said if anyone else has questions for Roger, Pat or Charlie get them to her through the City Clerk.

Councillor Rowlands said the other question he has for them is the timeline for the Consent Order.

Councillor Marchand said the group has been coming down over the years and the testing has become very narrow focused and he would like to see them volunteer to do aggressive testing before they come down to let them know not just a few points that they check but all areas that were of concern.

Councillor Freda said she did ask about Shay Brook and was told the reservoir near Shay Brook was spotless.

Councillor Marchand said that's awesome and would like to see tests.

Councillor Rowlands, Chair of the President's Zoning Committee, said they had a meeting two weeks ago and met with Mr. Lisciotti who was a strong participant in the President's Zoning Committee especially in the area of Mixed Use 2. He said they have a meeting at 7:00 P.M. July 13, 2011. Stacia Venturi from the Building Department will be in attendance. She has a five page review of the zoning that she has comments on. Ms. Venturi has been a strong participant in the process also. Another meeting was established on July 20, 2011 at 7:00 P.M.

Councillor Marchand suggested inviting the Planning Board to the meeting.

Councillor Rowlands said it is a good suggestion. He said the Chairman of the Planning Board has come down and sat in the audience and is aware of the meetings. He said one of the things that happened with the zoning committee was that many of us attended, it was very big and wieldy and hard to focus and get one area done. He said their first goal is to meet with several different members of the community who have gone through and done work. He said some of the questions raised come from the ZBA and some from the Planning Department and wonders how this document got here without their input long before that. He said there is no sense in reviewing the document then bringing everyone down and they start making changes, it doesn't make sense. Councillor Rowlands told the Mayor that there are members in this community that would save us a lot of money if they were hired to review this document as residents of Leominster with expertise in zoning. He said just the mixed use document put forth by Mr. Lisciotti was 20 pages and he thinks that there will be approximately 50 pages of changes and he doesn't know what to do because VHB is gone. He said these are open meetings and they are trying to meet on a weekly basis taking in input. He said there is a lot of work and a lot of issues with this document.

Under New Business, Councillor Salvatelli said several months ago he asked why we are we doing all this work on the zoning document. We sent it back because we said we shouldn't be doing this work. Here we are again the City Council is doing all the work instead of responding to it. He said he doesn't understand it and will continue to question why it's being proposed that the President's Committee on Zoning that works part time, that has absolutely no expertise, is doing this work. Here we are placing it on the President's Zoning Committee spending hours and hours on something that we should not be doing. We should be responding to what is presented by experts. Yet we are relying on that expert, the Chair of the President's Zoning Committee. He is taking consultants in who make their living on zoning. It's inconsistent.

Councillor Rowlands said he would be more than happy to vote on it right now. He said the people that are working on it now, and the one that came down and spent two hours of a detailed review is as A-political and is more interested in doing the right thing for the City than anybody he has ever seen. He suggested to the Mayor, that he hires him and save us all a whole lot of money, hire an expert, that is a true expert, who knows his City that wants to do the right thing and I would fully support it. I'll vote on the document at the next meeting if you tell me as a Committee. Save me a meeting every Wednesday for several hours to go through a document that was delivered unacceptable. He said if it passed, he feels it is not in the best interest of the City and he doesn't know what to do other than to try to attempt to bring people that are knowledgeable to work on a weekly basis to make this document better than it was. He said the experts that were hired at \$75,000.00 were terrible and he is not willing to spend another \$75,000.00 because someone has a title. He said you tell me what you want to do; you want to vote on it? I will ask the committee to make a recommendation at the next meeting and I will be willing to vote on it but I will be prepared to come down here to point out pages and pages of flaws. He said he agrees with the assessment that has been done by the Building Department, the assessment that has been done by knowledgeable people. That document provides no better zoning than what we currently have.

Councillor Salvatelli said you are not getting the point. The point is why you are doing it? You should not be doing it. We have a Planning Director with a P.H.D. and we are doing the work. That is basically what I am saying.

Under New Business, Councillor Chalifoux Zephir said there was a notice in the Sentinel that the Mayor is looking for people who are interested in serving on the Conservation Commission. Please contact the Mayor's office.

Councillor Nickel said Rosie Bracani passed away recently. She did a lot for the community and so many things she attended. He said he is going to miss not seeing her. She was a wonderful lady.

Councillor Rowlands requested a letter be sent to the Planning Department regarding the status of accepted streets. He wants to know if there has been any progress on improving the acceptance street issue in the City.

MEETING ADJOURNED AT 9:10 P.M.

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