

HEARING BEFORE THE CITY COUNCIL, MARCH 24 2014

Hearing opened at 8:24 P.M. with Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present.

The following PETITION was the subject of the hearing:

48-14 National Grid and Verizon New England: Jungle Road-Install 1 jointly owned Pole beginning at a point approximately 635 feet south of the centerline of the intersection of Old Mill Road.

Councillor Nickel said they received a letter from the petitioner requesting this petition be given leave to withdraw.

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

No Councillors spoke.

HEARING ADJOURNED AT 8:25 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MARCH 24, 2014

Hearing opened at 8:25 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, of the Revised Ordinances entitled "Motor Vehicles and Traffic" by removing no parking in front of St. Anna Rectory on Lancaster Street and replacing it with 30 minute parking.

HEARING BEFORE THE CITY COUNCIL, MARCH 24, 2014, continued

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

No Councillors spoke.

HEARING ADJOURNED AT 8:26 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MARCH 24, 2014

Hearing opened at 8:26 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic" by increasing the fifteen-minute free parking to thirty-minute free parking in the designated parking spaces in front of the United States Post Office on Main Street.

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

No Councillors spoke.

HEARING ADJOURNED AT 8:27 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014

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 7:31 P.M. to continue the public hearings, have interviews and to hold a public forum.

Meeting reconvened at 8:32 P.M.

The following COMMUNICATION was received, referred to the WAYS & MEANS/VETERANS COMMITTEE, given REGULAR COURSE and referred to the Department Public Works, the Comptroller and the Mayor. It was requested that the Human Resource Director, the Comptroller and the Mayor come to the next meeting.

C-49 Dean J. Mazzarella, Mayor: Amend the ordinance to allow the Mayor to hire department heads using a range for determining salary.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE, 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-50 Relative to the appropriation of \$110,000.00 to the Police Department Salary & Wages Account; same to be transferred from the Police Salary & Wages Account.

ORDERED: - that the sum of One Hundred Ten Thousand Dollars (\$110,000.00) be appropriated to the Police Department Salary & Wages Account; same to be transferred from the Police Salary & Wages Account.

RE: Quinn Bill 3rd quarter payment

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were given REGULAR COURSE.

C-51 Relative to the appropriation of \$6,700.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

- C-52 Relative to the appropriation of \$151,025.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-53 Relative to the appropriation of \$5,000.00 to the Municipal Buildings Overtime Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-54 Relative to the appropriation of \$300,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-55 Relative to the appropriation of \$2,000.00 to the Highway Regular Labor Account; same to be transferred from the Highway Salary & Wages Account.
- C-56 Relative to the appropriation of \$100,000.00 to the Water Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-57 Relative to the appropriation of \$100,505.00 to the Water Department Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.
- C-58 Relative to the appropriation of \$560,000.00 to the Sewer Department Capital Outlay Account; same to be transferred from the Excess and Deficiency Account.
- C-59 Relative to the appropriation of \$5,000.00 to the Building Department Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE, referred to the PUBLIC SCHOOLS/ SCHOOL FACILITIES COMMITTEE. Vt. 9 “yeas” Upon recommendation of the PUBLIC SCHOOLS/ SCHOOL FACILITIES COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9 “yeas”

- C-60 Dean J. Mazzarella: Request the City Council vote favorably on the following:

Motion for Application for SOI Early Childhood Center

Motion: Resolved: Having convened in an open meeting on March 24, 2014 the Leominster City Council, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 11, 2014 for the following Early Childhood Center which describes and explains the following deficiencies and the priority category(s) for which Leominster may be invited to apply to the Massachusetts School Building Authority in the future:

Early Childhood Center Location to be determined

And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Leominster to filing an application for funding with the Massachusetts School Building Authority.

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

- 49-14 Christopher Rivard: Grant a Transient Vendors License for the sale of plants and flowers from April 15th through May 30th 2014.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections, the Planning Board and the Zoning Board of Appeals. A hearing was set for April 28, 2014 at 7:00 P.M. Vt. 9/0

- 50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 24-2 entitled Definitions by eliminating the sentence “Facilities that utilize animal testing of products are not included in this definition” from the Life sciences definition.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for April 14, 2014 at 7:10 P.M. Vt. 9/0

- 51-14 National Grid: Chestnut Street – Install 1 jointly owned pole beginning at a point approximately 513 feet northeast of the centerline of the intersection of Andover Street.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for April 14, 2014 at 7:13 P.M. Vt. 9/0

52-14 National Grid: Hilltop Drive – Install 1 singly owned pole beginning at a point approximately 140 feet east of the centerline of the intersection on Mountain View Road.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8/1, Councillor Salvatelli opposed.

C-43 Dean J. Mazzarella, Mayor: Approve the CDBG Budget/Action Plan for Year 40.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

42-14 Lisa Marrone, Economic Development Coordinator: Adopt an order for the Housing Development Incentive Program (HDIP) per M.G.L. with the Department of Housing and Community Development.

ORDERED: - Approving the Housing Development Incentive Program (HDIP) for Leominster, establishing the Housing Development Zone, submitting the Zone Plan and Map to the MA Department of Housing and Community Development and authorize the Mayor to negotiate tax increment exemptions (TIE) agreement pertaining to HDIP projects.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

43-14 Dennis A. Rosa, State Representative: Request the City of Leominster apply for the Rolling Thunder, Inc. POW/MIA “National Chair of Honor” Program in support of their main mission to bring daily reminders of the POW/MIA issue to cities and towns, big and small, across the nation.

A recess was called at 9:11 P.M. to discuss petition 44-14 with the petitioner.
Meeting reconvened at 9:13 P.M.

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9 “yeas”

44-14 Christopher J. Knuth: Request salary increases for the two Sealer of Weights and Measures positions effective July 1, 2014.

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

40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinances by adding Article XVIII, Section 22-105 entitled “Medical Marijuana Facilities” to allow and regulate medical marijuana facilities in the city. (Hearing continued to May 12, 2014 at 6:45 P.M.)

45-14 Kate Griffin-Brooks for the Leominster Planning Board: Amend the Leominster Zoning Ordinance Section 22-17 Underlying Districts Table of Uses under Business Uses by changing “Motor vehicle gas station minimart and car wash” to two separate lines that would read: 1. Motor vehicle gas station minimart, 2. Motor vehicle gas station minimart and car wash. Both uses would retain the same requirements that currently exist in the ordinance. (Hearing set for April 14, 2014 at 7:00 P.M.)

Upon recommendation of the LEGAL AFFAIRS & PUBLIC SAFETY/TRAFFIC COMMITTEES, the following PETITION was GRANTED. Vt. 9/0

46-14 Aaron Kennedy, Leominster Police Department: Amend Chapter 13 of the Leominster Revised Ordinances by deleting Sections 13-68, 13-71 and 13-72 in their entirety and replacing with new Sections 13-68, 13-71 and 13-72 relative to traffic fines.

Upon recommendation of the PUBLIC SAFETY/TRAFFIC COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

47-14 Aaron Kennedy, Leominster Police Department: Request a stop sign at Wilder Lane against northbound drivers at Wilder Road.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/0, Councillor Cormier abstained due to a possible conflict of interest.

48-14 National Grid and Verizon New England: Jungle Road-Install 1 jointly owned Pole beginning at a point approximately 635 feet south of the centerline of the intersection of Old Mill Road.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

Councillor Robert 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)	\$ 3,072,062.00
Stabilization Account	\$ 12,139,407.93
Emergency Reserve	\$ 0

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

C-44 Relative to the appropriation of \$50,000.00 to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Veteran Services Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Veteran Benefits

C-45 Relative to the appropriation of \$3,000.00 to the Cemetery Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Cemetery 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. 7 “yeas” and 2 “nays”, Councillor Nickel and Cormier opposed.

C-46 Relative to the appropriation of \$14,400.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Fourteen Thousand Four Hundred Dollars (\$14,400.00) be appropriated to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

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

C-47 Relative to the appropriation of \$130,000.00 to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) be appropriated to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

C-48 Relative to the appropriation of \$28,200.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Eight Thousand Two Hundred Dollars (\$28,200.00) be appropriated to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the WAYS & MEANS COMMITTEE/VETERANS AFFAIRS COMMITTEE, the following appointments were CONFIRMED. Vt. 9 “yeas”

Office of Emergency Management – Admin Unit – Robert Guttermuth

Police Department – Kenneth Leone –Permanent Patrolman

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

Office of Emergency Management – Admin Unit –Azura Collier

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was AMENDED and GRANTED AS AMENDED. FT. 9 “yeas” Amended by changing the date of #1 and #10 from 2/24/14 to 3/24/14.

RESOLUTION TO ESTABLISH TRAFFIC FUND

Whereas, the City of Leominster has a great need to increase traffic enforcement throughout the City: and

Whereas, the City of Leominster receives funds from the Commonwealth which represents a share of the fines collected for motor vehicles offenses, which funds are currently received into the General Fund: and

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

Whereas, Massachusetts General Law Chapter 44 Section 53E 1/2, authorizes the establishment of a revolving fund in a specified department for the receipt and expenditure of funds for a specified program, and

- 1.) The City Council of the City of Leominster, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53E 1/2 as amended, having received the prior recommendation of the Mayor, hereby authorizes, effective 3/24/14 the establishment and use of a revolving fund in the Police Department of the City of Leominster for the purposes of a program devoted to increased traffic enforcement regarding motor vehicle violations in the City of Leominster: and
- 2.) That said revolving fund be limited to the receipt of twenty-five percent (25%) of the funds received from the Commonwealth of Massachusetts relating to fines for motor vehicle offenses involving violations of various statutes, ordinances, regulations and commonly called "Chapter 90 Fines"; and
- 3.) That said revolving fund be expended, without further appropriation, subject to the provisions of M.G.L. Chapter 44 Section 53E 1/2 ,for the purpose set forth in this vote; and
- 4.) That expenditure shall not be made or liabilities incurred from such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with Massachusetts General Laws Chapter 41, Sections 41, 42, 52, and 56; and
- 5.) That said revolving fund shall be set up in the City Comptroller's office and administered under the direction and control of the Chief of Police, who shall be the person authorized to approve, in writing, expenditures from this fund: and
- 6.) That said fund shall be subject to an annual vote of the City Council prior to the commencement of each fiscal year; and
- 7.) That said fund shall, for fiscal year 2014, and any expenditures there from, be limited to not more than fifty percent (50%) of the "Chapter 90 Fines" received by the City for the fiscal year 2014; and
- 8.) That said fund, and any expenditures therefrom, shall be subject to the limitations and the provisions of Massachusetts General Law Chapter 44 Section 53E 1/2, and to any regulations and guidelines issued by the Director of Accounts of the Department of Revenue pertaining to revolving funds; and
- 9.) That said revolving fund:
 - a.) Shall not be used for the payment of wages or salary of any full time employee of the City of Leominster, except sworn full time police officers; and
 - b.) Shall be subject to the annual reporting requirements set forth in Chapter 44, Section 53E 1/2; and
- 10.) That said revolving fund shall be created as of 3/24/14 and shall terminate as of 6/30/14, unless re-authorized for each for each additional fiscal year, prior to the commencement thereof, by a vote of the City Council; and
- 11.) That the expenditures from said revolving fund shall be used for:
 - a.) Costs and wages related exclusively traffic department; and or
 - b.) Purchase and maintenance of equipment, including vehicles, relating to traffic enforcement; and
- 12.) That the Chief of Police or his designee shall provide a written report twice yearly to the City Council detailing the expenses of the fund.

The following ORDINANCES were read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

THE CITY OF LEOMINSTER

In the year two thousand and fourteen

AN ORDINANCE

Amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic."

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

Chapter 13, Section 13-52 of the Revised Ordinances entitled "Fifteen-Minute Parking" is hereby amended by deleting the following phrase:

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2014, continued

No person shall park a vehicle for longer than fifteen minutes at any time between 8:00 A.M. and 8:00 P.M. on the west side of Main Street between the intersection of Merriam Avenue and Main Street and the driveway of the post office on the west side of Main Street.

And further by amending Chapter 13, Section 13-51, entitled "One-Half Hour Parking – Between 8:00 A.M. and 8:00 P.M." by adding the following phrase:

No person shall park a vehicle for longer than thirty minutes at any time between 8:00 A.M. and 8:00 P.M. on the west side of Main Street between the intersection of Merriam Avenue and Main Street and the driveway of the post office on the west side of Main Street.

THE CITY OF LEOMINSTER

In the year two thousand and fourteen

AN ORDINANCE

Amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic."

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

Chapter 13, Section 13-34 of the Revised Ordinances entitled "No Parking on Certain Streets" is hereby amended by deleting the following phrase:

Lancaster Street (west side), in front of 199 Lancaster Street, a distance of one hundred seventy-five feet south.

And further by amending Chapter 13, Section 13-51.3 entitled "One-Half Hour Parking-At all Times" by adding the following phrase:

Lancaster Street (west side), in front of 199 Lancaster Street, a distance of one hundred seventy-five feet south.

Councillor Freda reminded the Council of the Rotary Dinner On March 26, 2014 at the Double Tree by Hilton Leominster. Tickets are \$30.00 per person with dinner at 7:00 P.M. The following will be recognizing the Employees of the year.

Marcel Cormier	Firefighter of the Year
David LeBlanc	DPW Employee of the Year
David Rydzefski	Police Officer of the Year
Ann Finch	Library Employee of the Year
Wendy Wiiks	City Hall Employee of the Year
Gayle Goss	Grade PK-5 Employee of the Year
Bernadette Marso	Grade 6-8 Employee of the Year
Thomas Noveillo	High School Employee of the Year
Paul McDermott	St. Anna School Employee of the Year
Nancy Pierce	St. Leo School Employee of the Year

Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows: LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

39-14 Cheryl Kuzmitch: Accept F & L Road as a public way.

MEETING ADJOURNED AT 9:54 P.M.

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