

6:30 P.M. Informational Meeting with Lisa Vallee  
RE: Southgate Business Park  
7:00 P.M. Informational Meeting with Chief Pierce  
RE: Petition 96-08 Ambulance Rates

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**JUNE 9, 2008**

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**

90-08 Andy Candiello, Agent for MetroPCS Massachusetts LLC: Grant a Special Permit to install six antennas with related wires and ground equipment on the existing tower at 369 Nashua Street located in a Flood Plain and shown on Assessor's Map 372 as Lot 1. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:30 P.M.**

(Continued from May 27, 2008)

67-08 Daniel J. McCarty, an individual owning land being affected by change: Amend the Leominster Zoning Ordinance Article II Use Regulations, Section 22-26 Table of Uses-Business Uses to allow Beautician and Barber Shops in the Residential C zone by Special Permit from the Planning Board. (Legal Affairs)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**APPROVAL OF RECORDS**

**COMMUNICATIONS**

C-157 Relative to the appropriation of \$30,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account. (Finance)

### **COMMUNICATIONS, continued**

- C-158 Relative to the appropriation of \$225,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-159 Relative to the appropriation of \$2,500.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-160 Relative to the appropriation of \$1,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-161 Relative to the appropriation of \$33,555.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account. (Finance)
- C-162 Relative to the appropriation of \$400.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-163 Relative to the appropriation of \$65,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

### **PETITIONS**

- 98-08 Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor's Map 443 as Lot 1. (Legal Affairs)
- 99-08 Richard Marchand: Place a street light on Pole #59 in the vicinity of 600 Merriam Avenue. (Public Safety)
- 100-08 Claire M. Freda: Request the police determine the safety and traffic volume for the possible closure of the bridge on Old Mill Road. (Public Safety)
- 101-08 Patrick and Sandy Bunting: Request permission to place a hot dog trailer on Main Street in front of Banknorth on weekends. (City Property)

## APPOINTMENTS

Election of Officers - 2008-2009

### MATTERS BEFORE THE CITY COUNCIL

#### LEGAL AFFAIRS

- C-153 Dean J. Mazzearella, Mayor: Amend Chapter 21, Article II of the Revised Ordinances entitled "Water Department" by adding Section 21-13.2 "Water Line and Sewer Main Line Protection Plans" which establishes standards and minimum requirements for persons or businesses that seek to offer water line and/or sewer main line protection plans to homeowners.
- 67-08 Daniel J. McCarty, an individual owning land being affected by change: Amend the Leominster Zoning Ordinance Article II Use Regulations, Section 22-26 Table of Uses-Business Uses to allow Beautician and Barber Shops in the Residential C zone by Special Permit from the Planning Board.
- 83-08 Kate Griffin-Brooks on behalf of the Leominster Planning Board: Accept the proposed 43D Expedited Permitting Ordinance for adoption into the Leominster Zoning Ordinance as these revisions are required to implement Chapter 43D Expediting Permitting in the City of Leominster.
- 85-08 Roger Brooks: Amend Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to increase the in city rate from \$2.15 per unit to \$2.35 per unit and the out of city rate from \$2.88 per unit to \$3.15 per unit effective July 1, 2008; change the in city rate from \$2.35 per unit to \$2.60 per unit and the out of city rate from \$3.15 per unit to \$3.40 per unit effective July 1, 2009; change the in city rate from \$2.60 per unit to \$2.95 per unit and the out of city rate from \$3.40 per unit to \$3.75 per unit effective July 1, 2010.
- 90-08 Andy Candiello, Agent for Metro PCS Massachusetts LLC: Grant a Special Permit to install six antennas with related wires and ground equipment on the existing tower at 369 Nashua Street located in a Flood Plain and shown on Assessor's Map 372 as Lot 1.
- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes. (A hearing is scheduled for July 14, 2008 at 7:15 P.M.)

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **LEGAL AFFAIRS continued**

- 96-08 Ronald M. Pierce, Fire Chief: Request that the ambulance rates for Basic Life Support (BLS) and Advance Life Support (ALS) be changed from the Medicare allowable amount to the Medicare allowable amount times 40% for BLS and times 45% for ALS services, which is more in line with industry standards.
- 97-08 James Lanciani Jr.: Prohibit parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of eighty-eight feet heading south towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of twenty-seven feet heading west towards Main Street.

## **CITY OF LEOMINSTER-FINANCIAL REPORT**

### **FINANCE**

- C-141 Relative to the appropriation of \$19,260,000.00 for the purpose of financing the construction of the new water treatment plant at the Distributing Reservoir and system upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$19,260,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **FINANCE, continued**

- C-144 Relative to the appropriation of \$99,200,000.00 to the General Fund Fiscal Year 2009 Budget; same to be raised by Fiscal Year 2009 Revenue. (A hearing is scheduled for June 23, 2008 at 7:15 P.M.)
- C-145 Relative to the appropriation of \$3,095,000.00 to the Sewer Department Fiscal Year 2009 Budget; same to be raised by Sewer Department Fiscal Year 2009 Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (A hearing is scheduled for June 23, 2008 at 7:15 P.M.)
- C-146 Relative to the appropriation of \$4,000,000.00 to the Water Department Fiscal Year 2009 Budget; same to be raised by Fiscal Year 2009 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (A hearing is scheduled for June 23, 2008 at 7:15 P.M.)
- C-147 Relative to the appropriation of \$3,000.00 to the Mayor's Office Expense Account; same to be transferred from the Emergency Reserve Account.
- C-148 Relative to the appropriation of \$2,000.00 to the Conservation Commission Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.
- C-149 Relative to the appropriation of \$6,000.00 to the Conservation Commission Salary and Wages Overtime Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.
- C-150 Relative to the appropriation of \$10,000.00 to the Veterans Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-151 Relative to the appropriation of \$10,400.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-152 Relative to the appropriation of \$25,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-154 Relative to the appropriation of \$20,000.00 to the Police Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **FINANCE, continued**

- C-155 Relative to the appropriation of \$25,000.00 to the Highway Expense Account; same to be transferred from the Highway Regular Labor Account.
- C-156 Relative to the appropriation of \$50,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.

### **PUBLIC SERVICE**

- 89-08 Eric Sullender, Secured Financial Limited Partnership I: Accept the layout of "Gamache Lane" as a public way.

### **OLD BUSINESS**

1<sup>st</sup> Reading Loan Order-that the sum of \$19,260,000.00 be appropriated for the purpose of financing the construction of the new water treatment plant at the Distributing Reservoir and system upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$19,260,000.00 and issue bonds or notes therefore under Chapter 44of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

President's Drinking Water Oversight Committee

**NEW BUSINESS**

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**

**PUBLIC SERVICE**

46-08            Dennis A. Rosa and Richard M. Marchand: Request the City to provide an allowance/reimbursement of \$1,200.00 for water line replacements when deemed necessary by the Department of Public Works.

Lynn A. Bouchard  
City Clerk  
June 5, 2008