

CITY OF LEOMINSTER

CITY COUNCIL

MAY 27, 2008

HEARING BEFORE THE CITY COUNCIL, 6:45 P.M.

(Continued from May 12, 2008)

- 75-08 Robert A. Salvatelli, John Dombrowski, Virginia A. Tocci, David Rowlands, Dennis A. Rosa, Richard M. Marchand, Wayne A. Nickel, James Lanciani, Jr. and Claire Freda: Amend the Leominster Zoning Ordinance Chapter 22, Section 16.10 through 16.10.2 (Generally Permitted Uses in an Industrial or Commercial District) to change the Special Permitting granting authority from the City Council to the Planning Board. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.

(Continued from April 28, 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)

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

- 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. (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-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. (Finance)
- 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. (Finance)
- 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. (Finance)
- 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. (Finance)
- 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. (Finance)
- 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.(Finance)
- 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.(Finance)
- 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.(Finance)
- 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.(Finance)
- C-153 Dean J. Mazarella, 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.(Legal Affairs)

PETITIONS

- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli and Richard M. Marchand: 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.(Legal Affairs)
- 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.(Legal Affairs)
- 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.(Legal Affairs)

MATTERS BEFORE THE CITY COUNCIL

CITY OF LEOMINSTER-FINANCIAL REPORT

FINANCE

- C-136 Relative to the appropriation of \$20,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on May 12, 2008; another vote is required.)
- C-137 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-138 Relative to the appropriation of \$28,000.00 to the Emergency Management Agency Capital Outlay Expenses; same to be transferred from the Excess and Deficiency Account.
- C-139 Relative to the appropriation of \$2,715.00 to the Health Department Salary and Wages Account; same to be transferred from the Emergency Reserve Account.

MATTERS BEFORE THE CITY COUNCIL, continued

FINANCE, continued

- C-140 Relative to the appropriation of \$15,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.
- 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.

PUBLIC SERVICE

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

LEGAL AFFAIRS

- C-142 Dean Mazarella: Request that a School Department E-Rate Donation Account be established as authorized by Massachusetts General Laws, Chapter 44, Section 53A.
- 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.

MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS, continued

- 75-08 Robert A. Salvatelli, John Dombrowski, Virginia A. Tocci, David Rowlands, Dennis A. Rosa, Richard M. Marchand, Wayne A. Nickel, James Lanciani, Jr. and Claire Freda: Amend the Leominster Zoning Ordinance Chapter 22, Section 16.10 through 16.10.2 (Generally Permitted Uses in an Industrial or Commercial District) to change the Special Permitting granting authority from the City Council to 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
- 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. (A hearing is set for June 9, 2008 at 7:15 P.M.)
- 91-08 James Lanciani, Jr.: Place a sign on the corner of Francis Street to read "No Tractor Trailers Allowed Use Tucker Drive".
- 92-08 James Lanciani, Jr.: Move the "No Parking" sign on Castle Street 20 feet from its current location.

PUBLIC SAFETY

- 93-08 Richard Marchand: Install a street light on pole #4 on Hawley Avenue.

WAYS & MEANS

- C-143 Dean J. Mazzarella: Request Karri LeGault be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest as she is currently employed by the City of Leominster as a teacher for the Leominster School Department and will be taking a position as Summer Pool Manager at the Leominster State Pool.
- 94-08 William Plant: Renew the license for eight pool tables at JC Fenwick's, 37 Mechanic Street.

APPOINTMENTS

Fire Department - Permanent Firefighter - Eric M. Falk

License Commission - Henry Lanza – term to expire April 15, 2013

OLD BUSINESS

President's Drinking Water Oversight Committee

NEW BUSINESS

1st 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.

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.

LEGAL AFFAIRS

- 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 7/1/09; 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.

Lynn A. Bouchard
City Clerk
May 22, 2008