

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**JULY 14, 2008**

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

Relative to amending Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to reflect an increase in water rates to \$2.35 per unit in city and \$3.15 per unit out of city effective July 1, 2008; \$2.60 per unit in city and \$3.48 per unit out of city effective July 1, 2009 and \$2.95 per unit in city and \$3.95 per unit out of city effective July 1, 2010. (Legal Affairs Petition 85-08)

**HEARING BEFORE THE CITY COUNCIL, 7:05 P.M.**

Relative to amending Chapter 8, Article III, Section 8-19(a) Fees for Ambulance Service" to reflect a change in the ambulance rates for Basic Life Support (BLS) and Advance Life Support (ALS) from the Medicare allowable amount to the Medicare allowable amount times 40% for BLS and times 45% for ALS. (Legal Affairs Petition #96-08)

**HEARING BEFORE THE CITY COUNCIL, 7:10 P.M.**

Relative to amending Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of approximately one hundred and eighty seven feet heading towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of approximately forty-five feet heading west towards Main Street. (Legal Affairs Petition #97-08)

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

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. (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-1 Relative to the appropriation of \$55,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account. (Finance)
- C-2 Relative to the appropriation of \$3,000.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account. (Finance)
- C-3 Mayor Dean J. Mazzarella: Consider taking, by Eminent Domain, rights associated with properties located at 705 Mechanic Street and 720 Mechanic Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River (Legal Affairs)
- C-4 Mayor Dean J. Mazzarella: Consider entering into an agreement to obtain rights associated with properties located at 473 Florence Street and 475 Florence Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River. (Legal Affairs)

**PETITIONS**

- 1-09 David Rowlands: Designate Industrial Road no parking on the east side of Eastern Avenue to Jordan Way. (Legal Affairs)
- 2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5. (Legal Affairs)
- 3-09 John M. Dombrowski: Amend Chapter 21 of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) and 21-13 (h) relative to water service and the responsibility of the installation, maintenance, repair, renovation or replacement of the service pipe, stopcock, valve and other fixtures. (Legal Affairs)

**PETITIONS, continued**

- 4-09 Dick O'Brien, Regional Director for the Trustees of Reservations:  
Establish two pedestrian crosswalks on Abbott Avenue. (Public Safety)

**APPOINTMENTS**

Emergency Management Auxiliary Police Unit  
Eric P. Almeida, Eric M. Schmidt Sr., Roland R. Rivard

Leominster Planning Board – John B. McLaughlin  
term to expire April 15, 2010

**RE-APPOINTMENT**

Trust Fund Commission - John Howard  
term to expire April 15, 2011

**MATTERS BEFORE THE CITY COUNCIL**

**CITY OF LEOMINSTER-FINANCIAL REPORT**

**FINANCE**

- C-164 Relative to the appropriation of \$26,500.00 to the Contributory Retirement Expense Account; \$22,000.00 to be transferred from the Police Salary and Wages Account and \$4,500.00 to be transferred from the Fire Department Salary and Wages Account. (Granted with an Emergency Preamble on June 23, 2008; another vote is required.)
- C-166 Relative to the appropriation of \$10,000.00 to the Council on Aging Salary and Wages Account; same to be transferred from the Collective Bargaining Expense Account. (Granted with an Emergency Preamble on June 23, 2008; another vote is required.)
- C-167 Relative to the appropriation of \$3,324.00 to the Municipal Buildings Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on June 23, 2008; another vote is required.)

**MATTERS BEFORE THE CITY COUNCIL, continued**

**FINANCE, continued**

- C-168 Relative to the appropriation of \$7,000.00 to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on June 23, 2008; another vote is required.)

**LEGAL AFFAIRS**

- C-153 Dean J. Mazzarella, 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.
- 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.
- 102-08 David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463 – 477 Lancaster Street located in an Industrial zone and shown on Assessor's Map 443, as Lots 2,3 and 4. (A hearing is scheduled on July 28, 2008 at 7:15 P.M.)
- 103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII" (A hearing is scheduled on August 11, 2008 at 7:15 P.M.)

**PUBLIC SAFETY**

- 99-08 Richard Marchand: Place a street light on Pole #59 in the vicinity of 600 Merriam Avenue.
- 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.

**MATTERS BEFORE THE CITY COUNCIL, continued**

**PUBLIC SAFETY, continued**

- 104-08 George Rodriquez, Spanish American Center, Summer Youth Program: Requests the partial closing of First Street from the corner of First Street and Spruce Street to the main entrance of the Land Mark Storage Building on Saturday, September 6, 2008 from 9:00 A.M. to 4:30 P.M. for a block party.

**CITY PROPERTY**

- 101-08 Patrick and Sandy Bunting: Request permission to place a hot dog trailer on Main Street in front of Banknorth on weekends.
- 105-08 Dennis Rosa: Create a Solar Power Commission or Committee to study the feasibility of creating a 500 Kilowatt Solar Power Park at the old landfill on Mechanic Street.

**APPOINTMENTS**

Emergency Management Department - Admin. Unit - Jean B. Hudson

Council on Aging – Dennis Bouchard – Term to expire April 15, 2010

**NEW BUSINESS**

Order of Layout - Accept and approve the Layout of Southers Crossing

1<sup>st</sup> Reading Ordinance – amend Chapter 22 of the Revised Ordinances entitled “Zoning” Article II, Section 22 to amend the Table of Uses – Business Uses and creating a new Section 22-20.3 to allow Beauticians and Barber Shops in existing building in the Residence C District by Special Permit of the Planning Board. (Legal Affairs Petition 67-08)

1<sup>st</sup> Reading Ordinance - amend 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 Petition 75-08)

## **OLD BUSINESS**

### President's Drinking Water Oversight Committee

2<sup>nd</sup> Reading Ordinance - amend Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to reflect an increase in water rates to \$2.35 per unit in city and \$3.15 per unit out of city effective July 1, 2008; \$2.60 per unit in city and \$3.48 per unit out of city effective July 1, 2009 and \$2.95 per unit in city and \$3.95 per unit out of city effective July 1, 2010. (Legal Affairs Petition 85-08)

2<sup>nd</sup> Reading Ordinance - amend Chapter 8, Article III, Section 8-19(a) Fees for Ambulance Service" to reflect a change in the ambulance rates for Basic Life Support (BLS) and Advance Life Support (ALS) from the Medicare allowable amount to the Medicare allowable amount times 40% for BLS and times 45% for ALS. (Legal Affairs Petition #96-08)

2<sup>nd</sup> Reading Ordinance - amend Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of approximately one hundred and eighty seven feet heading towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of approximately forty-five feet heading west towards Main Street. (Legal Affairs Petition #97-08)

## **TABLED PETITION UPON WHICH ACTION IS PROPOSED**

### **LEGAL AFFAIRS**

84-08            Roger Brooks: Amend Chapter 21, Section 21-22.3 entitled "Sewer User Rate Schedule" to increase the in city rate from \$1.70 per unit to \$1.95 per unit and the out of city rate from \$4.00 per unit to \$4.25 per unit effective July 1, 2008.

Lynn A. Bouchard  
City Clerk  
June 10, 2008