

CITY OF LEOMINSTER
CITY COUNCIL
JUNE 14, 2010
CITY COUNCIL CHAMBERS

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

- 56-10 Clear Wireless, LLC: Grant a Special Permit to add three antennas with associated ground equipment to the existing tower located at 369 Nashua Street as shown on Assessor's Map 372 as Lot 1 and located within a flood plain. (Legal Affairs)

PUBLIC FORUM, 7:15 P.M.

REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.

ROLL CALL

APPROVAL OF RECORDS

COMMUNICATIONS

- C-108 EMERGENCY PREAMBLE
Relative to the appropriation of \$8,936.50 to the Planning Department Salary & Wages Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-109 Relative to the appropriation of \$97,730,000.00 to the City of Leominster General Fund Fiscal Year 2011 Budget, same to be raised by Fiscal Year 2011 Revenue. (Finance)
- C-110 Relative to the appropriation of \$4,400,000.00 to the Water Department Fiscal Year 2011 Budget; same to be raised by Fiscal Year 2011 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)
- C-111 Relative to the appropriation of \$3,600,000.00 to the Sewer Department Fiscal Year 2011 Budget; same to be raised by Fiscal Year 2011 Sewer Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)

COMMUNICATIONS, continued

- C-112 Relative to the appropriation of \$142.00 to the Emergency Management Salary and Wages Account; same to be transferred from the Emergency Management Expense Account. (Finance)
- C-113 Relative to the appropriation of \$30,000.00 to the Council on Aging Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-114 Relative to the appropriation of \$50,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-115 Relative to the appropriation of \$600.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-116 Relative to the appropriation of \$800.00 to the License Commission Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-117 Relative to the appropriation of \$79,211.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-118 Relative to the appropriation of \$225,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-119 Relative to the appropriation of \$7,500.00 to the Emergency Management Agency Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-120 Relative to the appropriation of \$491,760.00 from the School Choice Tuition Revolving Fund and \$191,240.00 from the Excess and Deficiency Account, to the Leominster High School Capital Outlay Expense Account, for purposes of replacing and repairing portions of the roof at Leominster High School, located at 122 Granite Street; provided that the roof repairs are one part of a larger capital project at the High School which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the City may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA); that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based upon need, as determined by the MSBA and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided

COMMUNICATIONS, continued

further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy-two and one hundredth (72.01%) percent of eligible, approved project costs, as determined by the MSBA, or the total maximum grant amount determined by the MSBA. (Finance)

- C-121 Dean J. Mazzarella, Mayor: Request that the sum of \$42,400,000.00 be expended under the direction of the School Building Committee, to pay cost of remodeling, reconstructing and making extraordinary repairs to Leominster High School located at 122 Granite Street and for the payment of any and all other costs incidental and related thereto. This project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program for which the City may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the MSBA grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1)[72.01] percent ([72.01%]) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. (Finance)

PETITIONS

- 62-10 Edward Cataldo: Amend Section 13-91A(c) of the Leominster City Ordinances entitled "Unregistered Motor Vehicles" to include the Building Inspector of the City of Leominster as an enforcement agent. (Legal Affairs)
- 63-10 Dean J. Mazzarella, Mayor: Update the current fee schedule for Weights and Measures. (Legal Affairs)
- 64-10 Kelly A. Woodland, Mayoral Aide: Accept a gift from Central Flag & Gift of thirteen brackets for flags and one 5' x 8' flag. (City Property)
- 65-10 Wayne A. Nickel: Amend the City Council's Rules and Procedure #10 allowing for reconsideration of a vote at the next meeting. (Ways & Means)

APPOINTMENTS

Office of Emergency Management – Admin Unit -Melissa Bois
Auxillary Police -Matthew Perkins, Pedro Ruiz

Leominster Fire Department, Firefighters – Andrew Ciprotti, Jeremy Murphy,
Jonathan Campagna, James Cameron, Steven Provencher,
Derek Ranno, Paul Apollonio

MATTERS BEFORE THE CITY COUNCIL

CITY OF LEOMINSTER-FINANCIAL REPORT

FINANCE

- C-103 Relative to the appropriation of \$100,000.00 to the FY 2011 Worker’s Compensation Loss Fund; \$50,000.00 to be transferred from the FY 2008 Worker’s Compensation Loss Fund and \$50,000.00 to be transferred from the FY 2009 Worker’s Compensation Loss Fund.
- C-104 Relative to the appropriation of \$40,000.00 to the Highway General Expense Account; same to be transferred from the Snow and Ice Expense Account.
- C-107 Relative to the appropriation of \$12,490.00 to the Municipal Buildings Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on May 24, 2010; another vote is required.)

PUBLIC SERVICE

- 60-10 New England Fun Center: Allow Roll On America to connect into the Leominster water system through a Special Act of the Legislature.

LEGAL AFFAIRS

- C-95 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.
- C-96 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

MATTERS BEFORE THE CITY COUNCIL**LEGAL AFFAIRS, continued**

- C-97 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.
- C-98 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.
- C-99 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.
- C-100 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.
- C-101 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.
- C-102 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.
- 32-10 Leominster Historical Commission: Adopt a Demolition Delay Ordinance.
- 33-10 Gennaro Coscia: Enact a City By-law that would prohibit all Level 2 and 3 sex offenders from living within 2,000 feet of a school, playground or anywhere children regularly gather.
- 56-10 Clear Wireless, LLC: Grant a Special Permit to add three antennas with associated ground equipment to the existing tower located at 369 Nashua Street as shown on Assessor's Map 372 as Lot 1 and located within a flood plain.

MATTERS BEFORE THE CITY COUNCIL

LEGAL AFFAIRS, continued

- 61-10 David R. Cormier, Robert Salvatelli, David Rowlands, James Lanciani Jr., Richard M. Marchand and Wayne A. Nickel: Move and extend the existing Residence A zoning line to include the following parcels: Map 246, Parcels 7, 4, 3, 2, 1, 8, 15 and Map 244 Parcels 1A, 2A.
(A hearing is set for July 12, 2010 at 7:00 P.M.)

WAYS & MEANS

- C-105 Dean J. Mazzearella, Mayor: Authorize the City of Leominster to pursue \$31,646.00 through the United States Department of Justice – Justice Assistant Grant Program (JAG).
- C-106 Dean J. Mazzearella, Mayor: Amend Section 16-31 (d) of the Revised Ordinances entitled “Method of Step Advances” to eliminate advancement to the next scheduled step rate for Fiscal Year 2011 for those employees in the “S” classification plan.

APPOINTMENTS

Board of Appeals Alternate Members – terms to expire April 15, 2011
Paul Romano, Michael Ciccolini

Board of Health – term to expire April 15, 2012
Dr. Peter L. Lanza

Board of Health – term to expire April 15, 2013
Patrick Perla

Conservation Commission – term to expire April 15, 2012
Scott Pearson - (to fill the term previously held by Edward Cuddahy)

Conservation Commission – terms to expire April 15, 2013
Julia McKinney (to fill the term previously held by Mary Charpentier)
Scott Buchanan

Cultural Council – terms to expire April 15, 2013
Laura Proietti (to fill the term previously held by Shawn P. Bernard)

Library Board of Trustees – term to expire April 15, 2012
Kathleen Reynolds Daignault

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

Water/Sewer Commission – terms to expire April 15, 2011
Joseph Saucier, Michael Mimnaugh

Water/Sewer Commission – terms to expire April 15, 2012
Michael Croteau, Kevin Boivon

Water/Sewer Commission – terms to expire April 15, 2013
Thomas Hazzard, Michael A. Mahan

OLD BUSINESS

President's Drinking Water Oversight Committee

NEW BUSINESS

Lynn A. Bouchard
City Clerk
June 10, 2010