

**CITY OF LEOMINSTER  
CITY COUNCIL  
JANUARY 28, 2013  
CITY COUNCIL CHAMBERS**

**HEARING BEFORE THE CITY COUNCIL, 6:30 P.M.**

(Continued from November 13, 2012)

- 17-13            Kenneth Vachon: Grant a Special Permit to expand the existing 9 hole golf course to 18 holes located at 449 Wachusett Street as shown on Assessor's Map 388, as Lot 1 and located in the Water Supply Protection District. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 6:35 P.M.**

Relative to amending Section 16-30 of the Revised Ordinances entitled "Compensation Grades" by deleting Schedule "W" in its entirety and inserting in its place a new Schedule "W" (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7) by 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/2013, 3% effective 7/1/2013, 3% effective 7/1/2014. (Legal Affairs – Communication C-46)

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

Relative to amending Section 16-30, of the Revised Ordinances entitled "Compensation Grades" by adding Schedule (d) Pay For Dispatchers with effective dates of July 1, 2009, through July 1, 2014. (Legal Affairs – Communication C-47)

**HEARING BEFORE THE CITY COUNCIL, 6:55 P.M.**

Relative to amending Chapter 2 of the Revised Ordinances entitled "Administration" by inserting new language requiring Mayoral re-appointment at the end of a three year term or if the position is considered vacant it must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter. (Legal Affairs Petition 25-13)

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

Relative to amending Chapter 21, Article II, Section 21-13 of the Revised Ordinances entitled “Regulations for Use of Water” by inserting a section relative to abatement of water charges for above ground or in ground swimming pools. (Legal Affairs Petition 29-13)

**PUBLIC FORUM, 7:15 P.M.**

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

**ROLL CALL**

**APPROVAL OF RECORDS**

**COMMUNICATIONS**

- C-63 Relative to the appropriation of \$3,300.00 to the Historical Commission Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-64 Relative to the appropriation of \$3,000.00 to the Cemetery Salary & Wages Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-65 Dean J. Mazzearella, Mayor: Request that the Vietnam Veterans of America Scholarship Trust Fund be established. (Finance)
- C-66 Dean J. Mazzearella, Mayor: Relative to the appropriation of One Million Two Hundred Seventeen Thousand Eight Hundred Thirty Dollars (\$1,217,830.) for the purpose of paying costs of replacing the boiler at Fallbrook Elementary School, 25 Decicco Drive, Leominster, Massachusetts, including the payment of all cost incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, 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)

## COMMUNICATIONS, continued

- C-67 Dean J. Mazzarella, Mayor: Relative to the appropriation of Three Million Six Hundred Ninety Six Thousand Seven Hundred Fifty Seven Dollars (\$3,696,757.) for the purpose of paying costs of replacing the boiler and the roof at the Southeast Elementary School, 95 Viscoloid Avenue, Leominster, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA and if the MSBA's Board of Directors vote to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, 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)
- C-68 Dean J. Mazzarella, Mayor: Amend Section 16-30 of the Revised Ordinances by deleting schedule (a) in its entirety and inserting in its place a new Schedule (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1) by increasing salaries and wages of S-1 thru S-10 salaried positions 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/13, 3% effective 7/1/2013 and 3% effective 7/1/2014. (Legal Affairs)

## PETITIONS

- 33-13 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to enter into a five year contract for busing service. (Legal Affairs)
- 34-13 N.E.W. Plante Development: Grant a Special Permit to construct 46 apartments in an existing building at 140 Adams Street as shown on Assessor's Map 6, as lot 3 and located within the floodplain. (Legal Affairs)
- 35-13 Rockwell Pond, LLC: Grant a Special Permit to construct a driveway to connect the existing building at 83 Cotton Street and 44 Pond Street and repave a portion of the existing parking lot at 83 Cotton Street as shown on Assessor's Map 7 as lot 5 and Map 6 as lot 11 and located within the floodplain. (Legal Affairs)

## APPOINTMENT

Leominster Police Chief – Robert Healey -Effective January 11, 2013

**MATTERS BEFORE THE CITY COUNCIL****CITY OF LEOMINSTER-FINANCIAL REPORT****FINANCE**

- C-48 Relative to the appropriation of \$454,527.00 to the Wastewater Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-49 Relative to the appropriation of \$750,000.00 to the Wastewater Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-50 Relative to the appropriation of \$40,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-51 Relative to the appropriation of \$20,000.00 to the Other Finance Offices and Accounts; same to be transferred from the Excess and Deficiency Account.
- C-52 Relative to the appropriation of \$20,000.00 to the Debt Service Interest Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-53 Relative to the appropriation of \$50,000.00 to the Building Demolition Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-54 Relation to the appropriation of \$8,843.00 to the Sewer Department Salary & Wages Account; same to be transferred from the Sewer Department Support Services Expense Account.
- C-55 Relative to the appropriation of \$11,053.00 to the Water Department Salary & Wages Account; same to be transferred from the Water Department Support Services Expense Account.
- C-56 Relative to the appropriation of \$155,219.00 to the Various General Fund Salary & Wages Accounts as listed; same to be transferred from the Collective Bargaining Expense Account.
- C-57 Relative to the appropriation of \$67,078.00 to the Various General Fund Salary & Wages Accounts as listed; same to be transferred from the Excess and Deficiency Account.
- C-58 Relative to the appropriation of \$60,000.00 to the Collective Bargaining Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-60 Relative to the appropriation of \$2,910.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland Fee's Reserved for Appropriation Account.

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

### **FINANCE**

- C-61 Relative to the appropriation of \$40,000.00 to the Other Finance Offices and Accounts Expense Account; same to be transferred from the Debt Service – Principal Expense Account.
- C-62 Dean J. Mazzarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in Fiscal Year 2013 in excess of the available appropriation in the amount of \$250,000.00 as authorized by Massachusetts General Law, Chapter 44, Section 31D.

### **PUBLIC SAFETY**

- 31-13 Patrick LaPointe and Thomas Bissonnette: Install a stop sign on the curve on Main Street just before Wilder Avenue against east bound traffic on Main Street.

### **WAYS & MEANS**

- C-59 Relative to the appropriation of \$3,599.00 to the CDBG Administration Salary & Wages Account; same to be transferred from the CDBG Administration Salary & Wages Account.
- 27-13 David Rowlands: Request the City Council utilize the powers vested in them per Section 5.1 of the Leominster Home Rule Charter to reorganize the Personnel and Labor Services.
- 32-13 John Dombrowski: Add to the City Council's Rules of Procedure RULE 34-EMAILS – All emails that are sent or received by City Councillors relating to City matters shall be sent through the City Clerk's Office who will then forward them to all Councillors and the appropriate departments.

### **APPOINTMENT**

Cultural Commission – Bruce Lambert – term to expire April 15, 2015

### **OLD BUSINESS**

2<sup>nd</sup> Reading Ordinance – Amending Section 16-30 of the Revised Ordinances entitled “Compensation Grades” ” by deleting Schedule “W” in its entirety and inserting in its place a new Schedule “W” (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7) by 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/2013, 3% effective 7/1/2013, 3% effective 7/1/2014. (Legal Affairs – Communication C-46)

## **OLD BUSINESS, continued**

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- Letter received from the Leominster American Little League regarding moving the scoreboard at the Twelfth Street Field.
- Opinion from Mirick O’Connell regarding Leominster’s Home Rule Charter - Appointments and Holdovers.
- Letter received from Edward Cataldo’s attorney requesting a public hearing
- The Issuance of Special Permit #2 of 2012 to Manoel Loka Leite for the property located at 909 Elm Street (update)

## **NEW BUSINESS**

1<sup>st</sup> Reading Loan Order - Relative to the appropriation of One Million Two Hundred Seventeen Thousand Eight Hundred Thirty Dollars (\$1,217,830.) for the purpose of paying costs of replacing the boiler at Fallbrook Elementary School, 25 Decicco Drive, Leominster, Massachusetts, including the payment of all cost incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if

## **NEW BUSINESS, continued**

invited to collaborate with the MSBA on the proposed repair project, 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)

1<sup>st</sup> Reading Loan Order – Relative to the appropriation of Three Million Six Hundred Ninety Six Thousand Seven Hundred Fifty Seven Dollars (\$3,696,757.) for the purpose of paying costs of replacing the boiler and the roof at the Southeast Elementary School, 95 Viscoloid Avenue, Leominster, Massachusetts, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA and if the MSBA’s Board of Directors vote to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, 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)

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

### **PUBLIC SERVICE**

7-13

Mark F. Albert: Accept Royal Oaks Way as a public way.

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED, continued****LEGAL AFFAIRS**

- 17-13 Kenneth Vachon: Grant a Special Permit to expand the existing 9 hole golf course to 18 holes located at 449 Wachusett Street as shown on Assessor's Map 388, as Lot 1 and located in the Water Supply Protection District.
- 23-12 Joanne Dinardo and Patrick LaPointe: Approve a Stormwater Ordinance, which will provide reasonable guidance for site planning and for the control of pre and post-development stormwater runoff for protecting local water resources from degradation.

**WAYS & MEANS**

- 23-10 Claire Freda: Review Council Procedures, Rules and Responsibilities as they do or do not pertain to representation within and outside City Council Chambers.

**TABLED RESOLUTION UPON WHICH ACTION IS PROPOSED****WAYS & MEANS**

RESOLUTION – Massachusetts Department of Revenue Financial Management Review

Lynn A. Bouchard  
January 24, 2013