

**CITY OF LEOMINSTER**  
**CITY COUNCIL**  
**FEBRUARY 11, 2013**  
**CITY COUNCIL CHAMBERS**

**HEARING BEFORE THE CITY COUNCIL, 6:40 P.M.**

Relative to amending 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)

**HEARING BEFORE THE CITY COUNCIL, 6:50 P.M.**

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)

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

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)

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

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

**ROLL CALL**

**APPROVAL OF RECORDS**

**COMMUNICATIONS**

- C-70 Relative to the appropriation of \$10,000.00 to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account. (Finance)
- C-71 Relative to the appropriation of \$20,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account. (Finance)
- C-72 Relative to the appropriation of \$10,000.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-73 Relative to the appropriation of \$20,000.00 to the Library Department Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account. (Finance)

## **COMMUNICATIONS, continued**

- C-74 Relative to the appropriation of \$75,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-75 Dean J. Mazzarella, Mayor: Accept a donation from the Leominster Historical Society in the amount of \$28,265.00 for the purchase of Franklin Street, a historical property, as authorized by Chapter 44, section 53A of the Massachusetts General Laws. (Finance)

## **PETITIONS**

- 36-13 James Lanciani, Jr.: Amend Chapter 10 of the Revised Ordinances to regulate persons or organizations engaged in soliciting or peddling in the City through issuance of a license by the Chief of Police. (Legal Affairs)
- 37-13 EMERGENCY PREAMBLE  
Greg Chapdelaine and James Jolicoeur: Allow the Purchasing Agent to enter into a lease for the School Department to lease space at the Doyle Center for the purpose of housing the School Department's "Center for Excellence" program. (Legal Affairs)

## **APPOINTMENTS**

Director of Inspections – Peter Niall - term to expire April 15, 2016

Registrar of Voters – Ann B. Mahan – term to expire April 15, 2016

## **MATTERS BEFORE THE CITY COUNCIL**

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

#### **FINANCE**

- 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.
- 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.
- C-65 Dean J. Mazzarella, Mayor: Request that the Vietnam Veterans of America Scholarship Trust Fund be established.

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

- C-66 Dean J. Mazzarella, 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.
- 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.

**MATTERS BEFORE THE CITY COUNCIL, continued**

**LEGAL AFFAIRS**

- C-68 Dean J. Mazarella, 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.
- 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.
- 33-13 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to enter into a five year contract for busing service.
- 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. (Hearing scheduled for February 25, 2013 at 7:00 P.M.)
- 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. (Hearing scheduled for February 25, 2013 at 6:45 P.M.)

**CITY PROPERTY**

- C-69 Dean J. Mazarella, Mayor: Request that the property located at 269 Crawford Street be declared surplus. (Granted with an Emergency Preamble on January 28, 2013; another vote is required)

**WAYS & MEANS and PRESIDENT'S COMMITTEE  
ON INFORMATION TECHNOLOGY**

- 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**

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

**OLD BUSINESS**

2<sup>nd</sup> Reading Loan Order – ORDERED: that the sum 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)

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### **OLD BUSINESS, continued**

2<sup>nd</sup> Reading Ordinance - Amending 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 Communication-68)

Recind the vote taken on January 28, 2013 on the following ordinance and vote to reapprove the ordinance to delete the phrase “water charges” and replace with the phrase “sewer charges”.

Ordinance - 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)

- Update on the Twelfth Street Field
- Opinion from Mirick O’Connell regarding Leominster’s Home 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.

### **NEW BUSINESS**

1<sup>st</sup> Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by deleting the entire Chapter 22 and inserting in its place a new Chapter 22, such revised Ordinance to take effect and replace the existing Ordinance in accordance with Massachusetts General Laws Chapter 40A, Section 5. (Legal Affairs)

RESOLUTION - Regarding Section 2.4 of the Leominster Home Rule Charter

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED****CITY PROPERTY**

- 14-02 Mark A. Woodward: suspend the City's planned cutting of eighteen marked shade trees along Harvard Street for the purpose of widening the road so a new entrance can be constructed to expand Pioneer Industrial Park, unless and until a truck exclusion is in place for Harvard Street from the driveway of ESP Lock Co. to Prospect Street.
- 41-03 Keith W. Lauer: Request that the City Council take all necessary action to clean up Rockwell Pond.

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

RESOLUTION – In Support of H.R. 1489 “The Return to Prudent Banking Act”.

Lynn A. Bouchard  
February 7, 2013