

HEARING BEFORE THE COUNCIL, MARCH 24, 2008

Hearing opened at 7:40 P.M. with Councillor Nickel, Chairman of the Public Service Committee presiding.

All members were present except Councillor Lanciani.

The following PETITION was the subject of the hearing:

58-08 National Grid: Kingman Drive: Install five singly owned poles on Kingman Drive beginning at a point approximately 227 feet north of the centerline of the intersection of Exchange Street and continuing approximately 972 feet in a northerly direction.

Iris Price of National Grid spoke in favor of the petition. She said this is a request from the City which will allow them to put in a new sidewalk on Kingman Drive and in order to do that National Grid has to create a pole line on the west side of the street. She said the petition omits pole #4 and that is because it already exists on that side of Kingman Drive.

No one in the audience spoke in opposition of the petition.

Councillor Marchand asked if there was a timeline for this project.

Ms. Price said she was there last week and she noticed the City is already cutting down the trees. She said they wait for the clearing of the land and the City to give them the go ahead.

Councillor Marchand said he is in support of this petition. He said they had a discussion last fall in reference to additional poles that have not been taken down and the owners have put it on us to come up with some type of a perimeter survey in the Wards and asked Ms. Price if that is something National Grid can do.

Ms. Price said normally when they have double poles the town will give them a list of homeowners who complain about the double poles on their street and most of the time it's because National Grid is waiting for Verizon or cable TV to get off of the pole. She said when everyone is off the pole they can remove it.

HEARING ADJOURNED AT 7:44 P.M.

---

Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2008

Meeting called to order at 8:00 P.M.

Attendance was taken by a roll call vote; all members present except Councillor Lanciani.

A motion was made and seconded to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by roll call. Vt. 8 "yeas". Council President Marchand said the regular meeting would reconvene at the conclusion of the Executive Session.

The meeting reconvened at 8:40 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 7 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas"; Councillor Tocci abstained due to possible conflict of interest.

C-108 EMERGENCY PREAMBLE  
Relative to the appropriation of \$100,000.00 to the Police Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Overtime Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-109 Relative to the appropriation of \$25,000.00 to the Unemployment Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2008, continued

- C-110 Relative to the appropriation of \$4,850.00 to the Mayor's Office Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-111 Relative to the appropriation of \$6,500.00 to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-112 Relative to the appropriation of \$4,400.00 to the Doyle Field Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-113 Relative to the appropriation of \$8,000.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Trust Fund Account.
- C-114 Mayor Dean J. Mazzarella: Rescind the authorization of the \$17,200,000.00 bond for the Southeast Middle School Construction.

The following COMMUNICATION was received, referred to the PUBLIC SERVICE COMMITTEE and the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

- C-115 Mayor Dean J. Mazzarella: Authorize the Mayor to accept a deed of the fee from Robert E. Eyles to the City of Leominster for approximately 25,193 square feet of the land known as "Southers Crossing".

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for April 14, 2008 at 7:30 P.M. Vt. 8/0

- 65-08 National Grid: Lindell Avenue: Install one singly owned pole on Lindell Avenue beginning at a point approximately 100 feet east of the centerline of the intersection of West Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Health Department, the Conservation Commission, the Building Inspector, the Department of Public Works and the Planning Board. A Hearing was set for April 28, 2008 at 7:00 P.M. Vt. 8/0

- 66-08 Ronald C. Largey: Grant a Special Permit to use an existing building for auto mechanic work and to sell used cars, maximum of 20 cars, located in an Industrial zone at 146 Hamilton Street and shown on Assessor's Map 238, as Lot 6.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Health Department, the Conservation Commission, the Building Inspector, the Department of Public Works and the Planning Board. A Hearing was set for April 28, 2008 at 7:15 P.M. Vt. 8/0

- 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.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Police Chief and the Fire Department.

- 68-08 Shirley Jeffreys, New Hope Community Church: Request permission to use a portion of Summer Street on May 24, 2008, rain date of May 31, 2008, from 9:30 A.M.-3:00 P.M. for a basketball tournament in conjunction with their MayFest Gospel Celebration at Carter Park.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer.

- 69-08 Gamestop, Inc. d/b/a Gamestop #3594: Grant a second hand dealer license at 26 Orchard Hill Park Drive.
- 70-08 Gamestop, Inc. d/b/a Moviestop #7045: Grant a second hand dealer license at 82 Orchard Hill Park Drive.
- 71-08 Gamestop, Inc. d/b/a Gamestop #1485: Grant a second hand dealer license at 100 Commercial Road.

The following PETITIONS were received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and License Commission.

- 72-08 Michael Sardellis: Renew the license for two pool tables at Chris' Twins Café, 488 Lancaster Street.
- 73-08 Carol and David Shields: Renew the license for three pool tables at South Leominster Lounge d/b/a Fortes Lounge, 1030 Central Street.
- 74-08 Kym LeBlanc: Renew the license for one pool table at The Tankard, 13 Central Street.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2008, continued

Councillor Rosa, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Excess and Deficiency Account (Free Cash)	\$1,474,202.00
Emergency Reserve Account	\$6,450.00
Stabilization Account	\$8,571,029.19
Interest Earned for FY'08 (As of 12/31/07)	\$221,348.69

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 years"; Councillor Nickel abstained due to a possible conflict of interest.

C-101 Relative to the appropriation of \$35,000.00 to the Police and Fire Indemnification Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirty Five Thousand Dollars (\$35,000.00) be appropriated to the Police and Fire Indemnification Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To be utilized for both current obligations and projected expenses for both retired and active Fire Department members.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 years"

C-102 Relative to the appropriation of \$10,000.00 to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

RE: Parking meter payroll

C-103 Relative to the appropriation of \$8,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Eight Thousand Dollars (\$8,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

RE: To be utilized for parking garage/meter expenses for the remainder of the fiscal year.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas" and 1 "nay", Councillor Rowlands opposed.

C-104 Relative to the appropriation of \$20,000.00 to the Personnel Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000) be appropriated to the Personnel Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To hire a management consultant firm to conduct a reclassification study and compensation review for all non-union positions.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 years"

C-105 Relative to the appropriation of \$13,000.00 to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirteen Thousand Dollars (\$13,000.00) be appropriated to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess & Deficiency Account.

RE: To be utilized to purchase hot mix asphalt and cold patch for potholes.

C-106 Relative to the appropriation of \$40,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Snow and Ice Overtime Account; same to be transferred from the Excess & Deficiency Account.

RE: To be utilized for overtime costs for the remainder of the season.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2008, continued

C-107 Relative to the appropriation of \$140,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Forty Thousand Dollars (\$140,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To be utilized for gas, diesel, vehicle leasing and salt/sand for the remainder of the season.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

58-08 National Grid: Kingman Drive: Install five singly owned poles on Kingman Drive beginning at a point approximately 227 feet north of the centerline of the intersection of Exchange Street and continuing approximately 972 feet in a northerly direction.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 4 “yeas” and 1 “nay”, Councillor Freda opposed. Councillors Nickel and Salvatelli were not eligible to vote because they were not present at all of the hearings and Councillor Dombrowski abstained due to a conflict of interest.

45-08 James L. Xarras, Union Square Realty Trust: Grant a Special Permit for an Industrial complex at 453-511 Lancaster Street located in an Industrial Zone and shown on Assessor’s Map 443A, Lots 1 and 6 for a Mixed Use Project.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED Vt. 8 “yeas”

59-08 Robert Salvatelli: Remove the current “No Parking” signs on Crestfield Lane (north side) from West Street for three hundred fifteen feet west and replace with a new “No Parking Between Signs” on Crestfield Lane (north side) beginning 106 feet from West Street to 160 feet into Crestfield Lane.

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

60-08 Roger LaPointe, Leominster Fire Department: Close off and secure West Street from Main to School Street and Park Street, from 7:00 A.M. to 11:00 A.M. and Church Street from 7:00 A.M. until 1:00 P.M. on Sunday June 8, 2008 for the Leominster Firefighters Relief Association to conduct a memorial service and dedication.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

61-08 Roger LaPointe, Leominster Fire Department: Allow the use of the John Tata Auditorium on Sunday, June 8, 2008 from 7:30 A.M. to 9 A.M. to hold a memorial mass in memory of departed members of the Leominster Fire Department.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0

62-08 Fred R. Tousignant: Renew the Second Hand Dealers License for premises located at 92 Pleasant Street.

63-08 Phillip McBain: Renew the license for two pool tables at Captains Lounge, 1536 Main Street.

64-08 Aime Lemoine: Renew the license for one pool table at 7R’s Inc., d/b/a A&R’s Double Inn, 166 Water Street.

Upon recommendation of the WAYS AND MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Leominster Police Department - Permanent Promotion  
Scott Bernier, Lieutenant

Leominster Police Department - Permanent Promotion  
Matthew C. Swaine, Sergeant

Upon recommendation of the WAYS AND MEANS COMMITTEE, the following RE-APPOINTMENT was CONFIRMED. Vt. 8 “yeas”

Registrar of Voters – term to expire April 15, 2011  
Nancy Piermarini

Councillor Dombrowski, Chairman of the President’s Drinking Water Oversight Committee, said testing was done on March 11, 2008 for TTHM levels and we will be getting a full report soon and once we get the report we can analyze it. He said if it is necessary we can ask Pat LaPointe, Roger Brooks and Woodward and Curran to come down.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 24, 2008, continued

Councillor Marchand asked if Councillor Dombrowski can get the status of the levels in our reservoirs. He said going into the spring it would be nice to have a volume check.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following Ordinance was AMENDED. Vt. 7 “yeas” and 1 “nay”, Councillor Freda opposed. The following ORDINANCE was ADOPTED AS AMENDED and ordered published. A hearing was set for April 14, 2008 at 7:35 P.M. Vt. 8 “yeas”

1<sup>st</sup> Reading Ordinance-Amend Chapter 12, Article II of the Revised Ordinances entitled “Licensing Board” is hereby amended by inserting the following section after Section 12-7:

Section 12-8 Restrictions on Alcoholic Beverages in Food Service Establishments.

No Person or entity licensed to sell food products shall allow the consumption of alcoholic beverages on the licensed premises, unless (A) they also hold a license to sell alcoholic beverages issued by the License Commission pursuant to G.L. c.138, or (B) they are expressly permitted to allow patrons to bring and consume their own alcoholic beverages into the licensed premises (“BYOB”). Such permission may only be granted by the License Commission as an express condition on the common victualler license or other license to sell food products. The License Commission may consider factors including, but not limited to, the public need or convenience, traffic, noise, size, type of business and the reputation of the applicant. Upon receipt of a request from a licensee to allow patrons to bring and consume alcohol on the licensed premises, the License Commission shall conduct a public hearing on said request, with notice of said hearing to be published in the manner set forth at G.L. c. 138, §15A at the licensee’s expense. Any violation of the provisions of this ordinance shall constitute grounds for suspension or revocation of the common victualler license or other license to sell food products.

Councillor Salvatelli requested the re-appointments for the City Clerk and the Assistant City Clerk be on the next agenda.

Councillor Dombrowski said he had questions for the School Department and asked if he should submit them through the President of the Council or the Chairperson of Schools.

Councillor Marchand said he could submit his questions through the Clerk.

Councillor Freda said a couple of weeks ago she mentioned about having a meeting with the School Department because there are some questions people in the community have regarding how things are decided upon in the schools. She said her plan is to have them back down to address those questions and if Councillor Dombrowski wants to forward his questions they can work on it as a committee.

Councillor Freda said the Annual Rotary Club Dinner honoring the Leominster City Employees of The Year will be Thursday, April 10, 2008 at the Four Points Sheraton. A social will be held at 6:00 P.M. followed by dinner at 6:30 P.M. Tickets are \$29.00. This list is as follows:

Lance Mason – Fireman of the Year  
Ralph Person – DPW Employee of the Year  
Joseph Siciliano – Police Officer of the Year  
Sandie Chacon – City Hall Employee of the Year  
Anthony Gasbarro – Grades PK-5 Employee of the Year  
Rick Niles – Grades 6-8 Employee of the Year  
William McDermott - High School Employee of the Year

Councillor Marchand said Councillor Freda will present citations to the Leominster Cheerleaders who won the State championship.

Councillor Marchand reminded the Councillors that the Tri City Council Dinner will be on March 26, 2008 at 6:00 P.M. He also congratulated the Thayer Symphony Orchestra who will be celebrated their 25<sup>th</sup> anniversary.

Councillor Freda said the Massachusetts Municipal Association will be holding a Legislative Breakfast at the Library on April 11, 2008.

Councillor Rosa, Chair of the FINANCE COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows:

54-08 Rollin C. Lane: Grant a 50% tax abatement to taxpayers who are property owners that are 75 years of age or older, and whose property is their primary residence and who have no rental income from said property.  
LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0

MEETING ADJOURNED AT 10:05 P.M.

---

Lynn A. Bouchard, City Clerk and  
Clerk of the City Council