

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008

Hearing opened at 7:02 P.M. with Councillor Nickel, Chairman of the Public Service Committee presiding.

All members were present.

Ken Dobie from National Grid was present.

The following PETITION was the subject of the hearing:

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.

Mr. Dobie said this is a request by the City due to a tree removal and they need a support pole to keep the line up in a straight right-of-way.

Councillor Marchand asked if the pole would be on private property or City property.

Mr. Dobie said City property.

Mr. Marchand asked if there would be anchoring to private property and if it was a new pole being installed.

Mr. Dobie said no anchoring will take place on private property and it was a new pole being installed.

No one in the audience spoke in favor or in opposition of this petition.

HEARING ADJOURNED AT 7:04 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008

Hearing opened at 7:05 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

Present at the hearing was Linda Largey and Mike Harris.

The following PETITION was the subject of the hearing:

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.

Introduced and made part of the record were the following:

- A. Petition 66-08 submitted by Ronald C. Largey with accompanying sketches, photos and a photo copied plan.
- B. Notice of public hearing published in the Sentinel & Enterprise on April 7, 2008 and April 21, 2008.
- C. Positive letters of recommendations from the Health Inspector, Planning Board, Director of Inspections and Department of Public Works.
- D. A letter from the Conservation Commission states "The Leominster Conservation Commission does not have a recommendation with regard to zoning matters however, they recommend that all state laws shall be followed, in particular the DEP Laws as applicable to garages be followed especially with regards to hazardous waste storage and floor drain. This project is within an area that is under the jurisdiction of the Conservation Commission approval. As such any work on the property will require Conservation Commission approval. The jurisdictional area for the Conservation Commission is anything within the 100' foot buffer zone of the Bordering Vegetated Wetland."
- E. A letter from the Building Inspector states "I would recommend that the City Council grant the above referenced petition provided that the building is brought into compliance with all plumbing codes pertaining to gas traps and bathrooms."

Councillor Rowlands said a question was raised in subcommittee meeting whether the property was in a flood plain and whether there was an issue of a Special Permit requirement. He said he has received an answer from Mr. Cataldo stating that only 20 feet of this particular site is in the flood plain and there is no loss or need for compensatory storage. He said he raised the question to Mr. Cataldo if cars were stored in that area would it result in a loss of flood plain storage and the answer was not clear.

Councillor Rowland read the recommendations from the Conservation Commission, the Planning Board, the Building Inspector, Department of Public Works and the Health Director into the record.

Ms. Largey said they purchased the property in 1971 as a commercial parcel and it was the home of Largey Motor Sales for many years. Currently there are two commercial businesses on that site. She said they are applying for a Special Permit because there is a change in tenant. She said the tenant will be doing auto repair and used car auto sales up to 20 vehicles. Ms. Largey handed out a

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008, continued

packet with photos and a photocopy of a partial site plan that she said was done last February by Whitman & Bingham. She said she marked that plan to show 18 vehicles on the front of Hamilton Street and on the side next to Red Line and these spaces would be used for the automobiles for sale. She said any vehicles that are on the site for repairs would be kept behind the fence or in the building. She also provided aerial photos and a copy of the zoning map of the quarter mile stretch on Hamilton Street which is zoned Industrial where their property sits. She said out of the 20 businesses on this stretch 19 of them are commercial use and 1 is industrial use (Fort James). She said there are restaurants, used car sales, hairdressers, lock and key businesses, antique dealerships so there is a large variety of commercial businesses.

Councillor Rowlands said he interprets the plan as showing room for 20 vehicles for sale, an additional 8 in the garage plus employees cars and asked if this was accurate.

Mr. Harris said the plot plan shows at least 18 spaces available for used car vehicles and the fenced in area is large and that can hold a substantial amount of cars for repairs that can be pushed into the building. Any vehicle that would be there for repair would be behind the fenced in area or in the building. Employee vehicles are not included.

Councillor Rowlands asked Mr. Harris to describe the repairs that will be done.

Mr. Harris said general auto repairs like brakes and exhaust.

Councillor Rowlands asked if that included auto body and painting.

Mr. Harris said no.

Councillor Rowlands said there were questions raised about the grease and oil traps and plumbing in terms of bathrooms. He said one of the conditions of a Special Permit is that all the requirements from the Building Inspector and building codes will have to be followed. He asked if there was a grease trap or a some type of ability to handle the grease and oils on the mechanical end of the work.

Ms. Largey said there is a gas trap.

Councillor Dombrowski asked if the prior business was auto repair.

Ms. Largey said yes.

Councillor Dombrowski questioned the layout of the parking spaces and wants to make sure fire trucks will be able to get through.

Ms. Largey said there are two entrances and there is sufficient room for emergency vehicles.

Councillor Dombrowski asked if the gas trap was inspected by the Building Inspector.

Ms. Largey said yes and the Inspector has made a visit to the site within the past three weeks making recommendation to put in an additional bathroom and to do some plumbing updates. She said Largey Motor Sales was there for approximately 30 years from 1971 to 1995 and there were about 15-20 cars on the property.

Councillor Tocci said the last tenant that was not allowed to have used cars out front, is that correct?

Ms. Largey said we did not apply for sales just auto detailing and repairs.

Councillor Tocci said actually the only change would be that you want to allow used cars for sale.

Ms. Largey said correct.

Councillor Marchand said he was confused about the flood plain line and asked where the map came from.

Councillor Rowlands said it was from Mr. Cataldo but he highlighted it. He said he understands that only 20 feet on the embankment is in the flood plain and a condition should be no vehicles should be stored in the flood plain.

Councillor Marchand asked if they should strike the words "cars" and replace it with "motor vehicles."

Mr. Harris said yes.

Councillor Marchand asked if he has been in operation in another area.

Mr. Harris said he currently operates a gas station and used car business in Fitchburg.

Councillor Marchand said he spoke with the tenant across the street, Dixie Cutlery, and they do not have any problems with business practices on that site. Councillor Marchand said he is in favor of this petition.

Councillor Nickel said he is concerned about storage of cars and the way that it looks in the neighborhood and asked if the repair cars will be kept behind the fence.

Mr. Harris said they will be behind the fence and you cannot see beyond the fence.

Councillor Nickel said he is in favor of this petition.

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008, continued

Councillor Lanciani said he concurs with Councillor Nickel and would like to commend Ms. Largey for the way this proposal has been brought in and presented.

Councillor Freda said she supports the petition. She said she knows Linda Largey and knows that she will not let the property look poorly.

No one in the audience spoke in favor or in opposition.

HEARING ADJOURNED AT 7:29 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008

Hearing opened at 7:31 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

Present at the hearing was Patrick and Daniel McCarty.

The following PETITION was the subject of the hearing:

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.

Councillor Rowlands read the recommendations from the Planning Board, the Conservation Commission, Department of Public Works Director and the Building Inspector.

Dan McCarty, owner of 42 Lancaster Street, handed out a reference sheet listing the Residential C zones and their uses. They were explained using the City's zoning map. He said there are three outlying parcels on Willard Street and Central Street that are fully developed condominium projects or fully approved for the construction of condominium project. The Residential C zoning districts were clustered around what was our original industrial buildings at the turn of the century and multi family homes were built for the families of the people who walked to work. He said Cottage Street to Pleasant Street and Adams to Pond to Park to West to School Street are two other areas. In all the Residential C districts there are a few single family homes, multi families homes consisting of 2, 6 and 8 units and larger when you get to Seventh Street. Another area is Pine Street near Dunkin Donuts and goes up and over to the side of the railroad tracks near the Commercial zone where Victory's use to be, then to the corner of Eden Glen along to Central Street. This is a mixture of residential and single family, multi family and commercial, professional, the DPW and automotive. The last area starts at Laurel to Whitney up over Whitney to Seventh Street and back up Mechanic Street. He said this indicates that in Residence C we have historically developed these properties for multiple uses and have lived and worked together and have been compatible. He said a lot of these buildings had the business and the first floor and the owner lived above. He said they are still being used.

He said the reason they put the petition in to go to the Planning Board is so that somebody having a facility would have to demonstrate that the proposed use is no more detrimental and has adequate parking along with other criteria of a Special Permit. He said the reason we need this is to have the opportunity to make a case for the Special Permit. He said there was opportunity before then it was taken away.

Councillor Rowlands said in our zoning definitions we have "personal and consumer establishments" consisting of dry cleaning, laundry pick up station, beautician, barber shop, shoemaker, dressmaker shop and tailor shop and each one has an individual entry across the board for the different districts that are all identical. He said you are asking for a beautician and a barber shop and what this is all about is city wide.

Dan McCarty said at the Legal Affairs subcommittee meeting it was mentioned that the consultant for the City has been asked to comment. He said he has received correspondence from Kate Griffin- Brook and said the Council should receive them in a recommendation. He said they are recommending that other uses be looked at as well. He said he has been asked if they would agree to modify the petition and he said yes.

Dan McCarty said he thinks there was a difference in his thought process when he was thinking existing facilities because he is not trying to do every single facility. He said, for example, if the Planning Board or someone said to him if he would be willing to insert "for facilities that are currently being used for residential and other non-residential purposes" that would limit the change. He said he would not be opposed to limit it to those buildings within Residence C at this time being used for that purpose or was used for that purpose and he has no wish to extend it.

He said he will continue to work with Kate Griffin-Brooks and Ralph Wilmer of VHB, the consultant who was hired by the City.

Councillor Tocci asked what the zoning change was in the 1990s that allowed him to go for a Special Permit.

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008, continued

Dan McCarty said the Special Use Permits were allowed in the 1980's when he bought his property. He said the reason he bought it was because office use was an allowed use and residential use was an allowed use but it didn't say specifically that both uses in a single structure were an allowed use.

Patrick McCarty said it was a Use Variance they had for this property and not a Special Permit. He said back then you were able to get denied by the Building Inspector and go to the Zoning Board of Appeals on a case by case basis. He said this is no longer an option in the current zoning ordinance.

Councillor Tocci asked why the change they are proposing does not reflect going back to the Zoning Board of Appeals for this again.

Patrick McCarty said their experience is that the Zoning Board of Appeals typically deals with dimensional requirements, setbacks, frontage and area and the Site Plan reviews the number of parking required, the impact to the neighborhood, those kinds of concerns that need to be looked at. He said in this instance there would be no proposed changes to the existing building on the outside just in inside to accommodate the use.

Councillor Dombrowski said he is looking forward to the Planning Board's comments and said you can see how outdated the zoning is on this. He asked Dan McCarty if it was his opinion that Residence C has more businesses in it than other Residential zoned areas in the City.

Patrick and Dan McCarty said yes.

Councillor Nickel asked if Steeple View Condominium land is owned by him.

Dan McCarty said no, he did not retain any ownership.

Councillor Freda said something was brought up to her by someone who owns commercial property. She said they are not opposed to the zoning but there was a question about us looking at the effects around the City of properties that Dan is mentioning. She said we should also be looking at the effects on commercial properties that people own and their inability to rent them because we are allowing these other uses in non-acceptable zoning. She said the person she spoke with supports the zoning change for this person but not City wide. She said this is something we need to remember.

No one in the audience spoke in favor or against the petition.

HEARING ADJOURNED AT 8:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008

Hearing opened at 8:03 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

The following PETITION was the subject of the hearing:

Relative to Amending Chapter 13 of the Revised Ordinances entitled "No Parking on Certain Streets by deleting "Crestfield Lane (north side) from West Street for three hundred fifteen feet west," and inserting "Crestfield Lane (north side) from a point one hundred and six feet from West Street for one hundred twenty nine feet west.

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

No Councillors spoke.

HEARING ADJOURNED AT 8:05 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 28, 2008

Hearing opened at 8:06 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

The following COMMUNICATION was the subject of the hearing:

Relative to Amending Chapter 7 of the Revised Ordinances entitled "Electricity" by adding Section 7-6 "Utility Contact Information on Equipment" requiring all utility companies to place proper identification, complete with all necessary contact information on all their structures or devices.

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

Councillor Nickel said he was in support of this.

HEARING ADJOURNED AT 8:08 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008

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

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

The Committee on Records reported that the records through April 14, 2008 were examined and found to be in order. The records were accepted.

A recess was called 8:03 P.M. to continue the public hearings and hold a public forum.

The meeting reconvened at 8:15 P.M.

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

- C-122 Relative to the appropriation of \$11,000.00 to the Fire Department Expense Account; same to be transferred from the Excess & Deficiency Account.
- C-123 Relative to the appropriation of \$190,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess & Deficiency Account.
- C-124 Relative to the appropriation of \$3,000.00 to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-125 Relative to the appropriation of \$15,000.00 to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-126 Relative to the appropriation of \$10,000.00 to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess & Deficiency Account.
- C-127 Relative to the appropriation of \$45,700.00 to the Library Expense Account; same to be transferred from the Library Salary & Wages Account.
- C-128 Relative to the appropriation of \$50,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-129 Relative to the appropriation of \$50,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-130 Relative to the appropriation of \$10,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-131 Relative to the appropriation of \$5,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008, continued

- C-132 Relative to the appropriation of \$100,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Sale of Real Estate Fund.
- C-133 Relative to the appropriation of \$10,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Water Department Resource Assessment Expense Account.
- C-134 Relative to the appropriation of \$32,000.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

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

- C-135 Mayor Dean Mazzarella: Establish a "Veteran's Monuments Donation Account" as authorized by MGL Chapter 44, Section 53A.

The following PETITION was received, referred to the FINANCE & LEGAL AFFAIRS COMMITTEES, given REGULAR COURSE and referred to the Mayor, the Department of Public Works, the Comptroller and the Water & Sewer Commission.

- 82-08 David Rowlands: Establish a Water Enterprise Account as authorized by MGL Chapter 44 53F1/2.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE. A hearing was set for May 27, 2008 at 7:15 P.M. Vt. 9/0

- 83-08 Kate Griffin-Brooks on behalf of the Leominster Planning Board: Accept the proposed 43D Expedited Permitting Ordinance for adoption into the Leominster Zoning Ordinance as these revisions are required to implement Chapter 43D Expediting Permitting in the City of Leominster.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Mayor, Department of Public Works, the Comptroller and the Water & Sewer Commission.

- 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.
- 85-08 Roger Brooks: Amend Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to increase the in city rate from \$2.15 per unit to \$2.35 per unit and the out of city rate from \$2.88 per unit to \$3.15 per unit effective July 1, 2008.

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

- 86-08 Gary Smith: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.
- 87-08 Allan Bernstein: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.
- 88-08 Kevin Skelly: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.

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

Board of Appeals – term to expire April 15, 2011
Stephen A. DeCarolis, Joseph Tocci, MaryAnn Cormier

Board of Appeals – term to expire April 15, 2010
Lee Baron (to fill the unexpired term of David Bedard)

Board of Appeals – term to expire April 15, 2009
Paul Romano

Board of Assessors – term to expire April 15, 2011
Christopher Paquette

Cable TV Advisory Board Commission – term to expire April 15, 2009
Gregory Hakala, Kevin Fitzgerald, Carl A. Piermarini, Benjamin Levy

Cable TV Advisory Board Commission – term to expire April 15, 2010
William C. Voedish, Jr.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008, continued

Cemetery Commission – term to expire April 15, 2010

Gary Ranno

Conservation Commission – term to expire April 15, 2011

Kelley M. Freda, Gregory Day

Council on Aging – term to expire April 15, 2010

Eleanora Bissonnette

Council on Aging – term to expire April 15, 2011

Robin Upton, Diane Perkins, Rosemary Bracani

Cultural Commission – term to expire April 15, 2011

Rosalyn M. Navaroli, Andrea Seward

Doyle Field Commission – term to expire April 15, 2011

Ernest L. Rooney

Board of Health – term to expire April 15, 2010

Patrick Perla

Historical Commission – term to expire April 15, 2011

Robert A. Saudelli, David Chester, Leon Christoforo, Ann Fratturelli

Recreation Commission – term to expire April 15, 2010

Maureen Donatelli, Jeffrey O'Neill

Recreation Commission – term to expire April 15, 2011

Lionel A. Charpentier, Jodie L. Dube, Patricia Caisse

Recreation Director – term to expire April 15, 2010

Judith Sumner

Treasurer/Collector – term to expire April 15, 2011

David Laplante

Housing Authority – term to expire April 15, 2012

Reverend John E. Doran, Marcel Leger

Housing Authority – term to expire April 15, 2013

Karen L. Buckley

Library Board of Trustees – term to expire April 15, 2010

Gilbert Tremblay, Carol Ann Millette

Library Board of Trustees – term to expire April 15, 2011

Nancy Hicks, Jeanne Zephir

License Commission – term to expire April 15, 2012

James J. Kelly, Jr.

Trustees of Soldiers Memorial – term to expire April 15, 2010

Philip Cote, Kenneth Gurge

Trust Fund Commission – term to expire April 15, 2010

Richard Bergman

Youth Commission – term to expire April 15, 2010

Jean Melanson

Director of Veterans Services – term to expire April 15, 2011

Richard Voutour

Office of Emergency Management - term to expire April 15, 2009

Assistant Director: James LeBlanc

Assistant Director: Richard Gauvin

Deputy Director: Alfred Staal

Deputy Director: Thomas Piper

Deputy Director: Daniel Thibodeau

Auxiliary Police Officers – term to expire April 15, 2009

Ryan N. Caneen, John Caron, Thomas Piper, Nikito Baker, Scott A Boutell,

Reginald A. Cortana, Donn A. Deane, Justin E. Doyle, Michael J. Fazio,

Vincente L. Figueroa, Karen Nesbitt, Justin P. Nichols, Sean Calcari

ONE YEAR APPOINTMENTS – TERM TO EXPIRE APRIL 15, 2009

Keeper of Lockup and Police Chief
Chief Peter Roddy

Forest Warden
Paul Kennedy

Insect and Pest Control
Ralph Persons

Supt. Gypsy & Brown Tail Moths
Ralph Persons

Veterans Burial Agent
Richard Voutour

Weigher of Beef
Michael Ciccolini

Sealer of Weights & Measures
Joseph Quinn

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)	\$970,702.00
Emergency Reserve Account	\$5,950.00
Stabilization Account (As of 3/31/08)	\$8,656,762.60
Interest Earned for FY'08	\$307,082.10

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-116 Relative to the appropriation of \$10,500.00 to the Recreation Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Ten Thousand Five Hundred Dollars (\$10,500.00) be appropriated to the Recreation Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Purchase a new rider mower

C-117 Relative to the appropriation of \$9,000.00 to the Wire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Nine Thousand Dollars (\$9,000.00) be appropriated to the Wire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Replacement of traffic loops-Mechanic & Commercial Streets, Mill and Whitney Streets

C-118 Relative to the appropriation of \$18,000.00 to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eighteen Thousand Dollars (\$18,000.00) be appropriated to the Wire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

RE: Replacement of traffic loops-Mechanic & Commercial Streets, Mill & Whitney Streets

C-119 Relative to the appropriation of \$55,000.00 to the Sewer and Drains Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Five Thousand Dollars (\$55,000.00) be appropriated to the Sewer and Drains Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Drainage problems throughout City.

C-120 Relative to the appropriation of \$35,000.00 to the Economic Development 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 Economic Development Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008, continued

RE: Request is for payment in regards to the operation and maintenance of the Johnny Appleseed Visitor Center on Route 2.

C-121 Relative to the appropriation of \$500.00 to the License Commission Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Five Hundred Dollars (\$500.00) be appropriated to the License Commission Expense Account; same to be transferred from the Emergency Reserve Account.

RE: These funds are requested to cover office expenses for the remainder of the fiscal year.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was GRANTED. Vt. 9/0

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.

Upon recommendation of the PUBLIC SERVICE AND LEGAL AFFAIRS COMMITTEES the following COMMUNICATION was GRANTED. Vt. 9/0

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".

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED Vt. 9/0. Amended to remove the word "cars" and replace it with the words "motor vehicles". Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED AS AMENDED with CONDITIONS. Vt. 9 "yeas". The conditions are as follows:

1. Adhere to all federal, state and local regulations, laws and codes
2. No parking or storage of vehicles in the flood plain
3. No storage of "junk" vehicles
4. No outside storage of parts, tools, tires, oils or other waste fluids or supplies
5. Entrance and exits must be accessible by emergency vehicles
6. Gas trap and catch basin be kept in good working order

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

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 9/0

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.

75-08 Robert A. Salvatelli, John Dombrowski, Virginia A. Tocci, David Rowlands, Dennis A. Rosa, Richard M. Marchand, Wayne A. Nickel, James Lanciani, Jr. and Claire Freda: Amend the Leominster Zoning Ordinance 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. (A hearing is set for May 12, 2008 at 7:00 P.M.)

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the follow PETITION was DENIED. Vt. 9/0

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.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

74-08 Kym LeBlanc: Renew the license for one pool table at The Tankard, 13 Central Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

76-08 Leroy J. DiMauro d/b/a Leroy's Attic: Renew the second hand dealer license for the premises located at 609 Main Street.

77-08 Mark & Robyn Ellis: Renew the second hand dealer license for Ellis Marine & Fishing Supply, 646 Central Street.

78-08 Mark Gordon: Renew the second hand dealer's license for the premises located at Twin City Plaza.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008, continued

79-08 Scott Atwood: Renew the second hand dealer license for the premises located at The Repair Place At Sears, The Mall at Whitney Field.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0; Councillor Dombrowski abstained due to a possible conflict of interest.

80-08 Craig Long, Jakes Pub Inc., d/b/a Hot Shotz: Renew the license for two pool tables at 1295 Main Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED CONDITIONALLY Upon a positive recommendation from the Police Department. Vt. 9/0 (Positive recommendation received April 30, 2008)

81-08 Christopher Rivard: Grant a Transient Vendors License to sell flowers during May 2008.

Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee said an informational meeting is scheduled on May 21, 2008 with Woodward and Curran and representatives from the Department of Public Works. He said he put a list of questions together and if anyone has questions they can forward them to him so he can send a final list to the Department of Public Works. He will have a copy of his questions put in everybody's mailboxes.

Councillor Rowlands said there are two petitions before us regarding water and sewer price increases and he would like to have Mr. LaPointe and Mr. Brooks come down to give a justification for the numbers before they vote on the rate increase. A motion was made by Councillor Rowlands and seconded by Councillor Tocci to ask representatives from the Department of Public Work and Water Department come down and brief the Council on the proposed rate increases for water and sewer on May 12, 2008 at 6:30 P.M.

Councillor Tocci said she has a question that Councillor Dombrowski can include with his list of questions. She said most of the calls that she receives asks if they are located in the high TTHM's area. Is it possible to give us Ward sections that are affected by it or a map?

Councillor Marchand asked Councillor Dombrowski to add to the list pharmaceutical products, in particular prescriptions, ending up in drinking water throughout the Commonwealth.

Councillor Nickel said there was a map for the water system.

Councillor Tocci said she believed there was one but would like it to be on television so the public can see.

Councillor Rosa said he will remind the Mayor to send the Quarterly Spending Reports.

Councillor Marchand said there was some question raised earlier regarding the minutes. He asked the City Clerk to read the following email from Attorney John Gorgio of Kopelman & Paige into the record.

Friday, April 25, 2008 2:37 PM

Dear Lynn;

This is in response to the request from Chairman Marchand that I clarify in writing the advice I gave in our telephone conference this week.

As I understand, the City Council issued Special Permits for both 375 Harvard Street and 195 Hamilton Street. The Special Permits did not contain any specific conditions. At the last Legal Affairs Subcommittee, there were two items on the agenda involving a review of Special Permit issues surrounding these two properties. I further understand that the Inspections Department had been asked to determine whether any violations of the Special Permits were occurring. At the meeting, these items were given further time because a response had not yet been received from the Building Department. Thereafter, the Building Inspector reported that he found no violations of the Special Permits issued for these properties.

I also understand that the legal Affairs Committee would simply like to remove these agenda items from the next Council meeting since the only reason further time was granted was to wait for the Building Inspector's report. Since that report has found no violations, there is no longer a need for the Council to take up this matter.

As I told you in our telephone conference, as long as the Chairman of the Legal Affairs Committee requests that these agenda items be removed from the Council agenda for the next meeting, in my opinion, the Chairman of the Council has the authority as an administrative matter to remove the items from the agenda.

John W. Gorgio, Esq.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 28, 2008, continued

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

The City of Leominster
In the year two thousand and eight

An Ordinance amending Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets by deleting “Crestfield Lane (north side) from West Street for three hundred fifteen feet west,” and inserting “Crestfield Lane (north side) from a point one hundred and six feet from West Street for one hundred twenty nine feet west.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

The City of Leominster
In the year two thousand and eight

An Ordinance amending Chapter 7 of the Revised Ordinances entitled “Electricity.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 7 of the Revised Ordinances entitled “Electricity” is hereby amended by inserting the following section.

Section 7-6 Utility Contract Information on Equipment

All public or private utility companies shall be required to affix or otherwise post information identifying the utility, including local contact information, on any equipment located in a public way or on private property, including but not limited to junction boxes, switching stations or any related devices. The utility shall be responsible for maintaining such identification in good and legible condition, and shall keep all such equipment and devices free of all other stickers, markings or other objects.

Councillor Marchand asked the community to get involved in the Memorial Day activities.

May 21, 2008 Memorial Brick Dedication at Carter Park at 4:00 P.M.
May 23, 2008 Twilight Services at the Veteran’s Center at 6:00 P.M.
May 26, 2008 Cemetery/Monument Tributes beginning at 7:15 A.M.
Parade at 11:00 A.M.
Memorial Day Honors at 11:30 A.M.

Councillor Freda said the broadcast call from the school would be a good idea to communicate with the individual Wards or the City to get important information to them. She would like to get a cost for the use of the service.

Councillor Marchand said we can start off with the Comptroller and see who the responsible party is.

Councillor Rowlands said it gets used quite often and it is a good idea.

Councillor Rowlands said he will not be able to attend the Veteran’s services this year due to travel. He said this is one of the best ceremonies the City puts on and looks forward to attending every year.

Councillor Freda said there was an incredible program with the Blue Star Mothers put on by the Montachusett Chorale. She said it was well attended and they outdid themselves. Councillor Freda thanked them for all they do for the organizations.

Meeting Adjourned at 9:20 P.M.

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