

HEARING BEFORE THE CITY COUNCIL, MAY 27, 2008

Hearing opened at 6:50 P.M. with Councillor Tocci, Clerk of the Legal Affairs Committee presiding.

All members were present except Councillors Freda and Rowlands.

The following PETITION was the subject of the hearing.

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.

Councillor Tocci read the recommendations from the Building Inspector and the Planning Board.

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

No Councillors spoke on this petition.

HEARING ADJOURNED AT 6:54 P.M.

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

Hearing opened at 7:00 P.M. with Councillor Tocci, Clerk of the Legal Affairs Committee presiding.

All members were present except Councillors Freda and Rowlands.

Present at the hearing was 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 Tocci read the recommendations from the Health Director, the Department of Public Works, the Building Inspector, the Planning Board, the Conservation Commission, and a letter from Ralph Wilmur of VHB.

Mr. Dan McCarty said he thinks the Planning Board did a good job and addressed the concern of the Building Inspector and others that this could be construed as all structures within the Residence C zone. He agreed to limit this to only existing multi-use residential and business use buildings. He said the Planning Board considered the recommendation of VHB but as they noted in their letter they didn't want to take all the recommendations because they didn't want to have unintended consequences. The Planning Board decided to only add the tailor and dressmaker functions and saved the other language as part of the overall zoning process. He said he is in favor of their recommendation and would put it in writing and agreed to inserting into his petition the words "existing multi use-residential and business buildings" into the language and also including "tailors or dressmakers by Special Permit from the Planning Board."

Councillor Salvatelli asked Mr. McCarty why he took the general approach to this versus rezoning his own piece of property.

Mr. McCarty said he looked at just his piece of property but when he went to the Building Inspector he received a denial letter and was told he had no place to apply. He said he and the Building Inspector took the letter to the Mayor and requested the Mayor to send it to the City Solicitor for an opinion. He said the opinion came back and it said he has no place to go and cannot do anything. The Special Permit they received in 1987 doesn't apply for this one sub category. He said they went back to the Building Inspector and talked with the Planning Director, the Planning Consultant and John Souza. He said he was told that he could take the property and make it commercial because he abuts commercial property at the rear but that would affect other residential properties which would make them non-conforming structures and would put the hardship onto others. He said he looked into the business section which was by Dunkin Donuts and extending the business section to include his property. He said if he did that there would be four residential structures that would be in Business B and non-conforming. He said the Building Inspector said why don't we set it so it is the obligation of the person who owns the property that is currently in a multiple use function to demonstrate to a Board that normally and routinely reviews site plans for things like parking. He said going the other way would solve his problems but for his neighbors it wasn't the right thing to do.

Councillor Salvatelli asked fellow Councillors if this was the same situation that occurred with the Bigelow's.

HEARING BEFORE THE CITY COUNCIL, MAY 27, 2008, continued

Councillor Dombrowski said he believes that was an industrial to commercial situation and initially they had no avenue to get there until we passed legislation. He said this is to add a use in Residential C District by Special Permit and it is the same concept.

Mr. McCarty said the Residence C district ends at the railroad tracks by Graham Street at the bridge. He said years ago wherever there was factories there were multi-families so Leominster is a pie shape. Mechanic Street was Italian and multi family so you had the cultural businesses that went along with it from markets to dressmakers to barbershops. You will find the same on Mechanic Street and Pleasant Street up to Cottage Street to Pond Street. Wherever there was a water course there was a mill.

Councillor Nickel said he would like to see the amendment in writing for the record. He said this being “not by right” by going before the Planning Board makes me feel more confident and able to support this. He said if there had been a zoning change anyone who had a house would have a pre-existing non-conforming use and any change to have would have to go back to the Board and go through the whole process.

Councillor Lanciani said he wants to be recorded as in favor.

Councillor Marchand asked Mr. McCarty if there were any words being struck from the petition and what was being added.

Mr. McCarty said there was nothing being struck but inserting “existing multi-use-residential and business-buildings.” He said under Table of Uses “Taylor and Dressmaker by Special Permit.”

Councillor Marchand asked Mr. McCarty to address subletting and parking.

Mr. McCarty said the reason he put it in as Special Permit from the Planning Board so it would become the obligation of the owner to make his argument. He said in his case he can demonstrate he has 22 parking spaces where zoning requires 17 parking spaces and that is using it for the most dense use you can have. He said under a Special Permit from the Planning Board you have to answer 12 different questions to prove that the proposed use is in harmony with the neighborhood. He said if you can't prove that they are not going to give you a Special Permit.

Councillor Tocci said years ago you could go to the Board of Appeals and get a use variance and you no longer can do that.

No one in the audience spoke against this petition.

HEARING ADJOURNED AT 7:32 P.M.

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

Hearing opened at 7:33 P.M. with Councillor Tocci, Clerk of the Legal Affairs Committee presiding.

All members were present except Councillors Freda and Rowlands.

Present at the hearing was Kate Griffin-Brooks, Director of Planning & Development, Economic Development Coordinator Lisa Vallee and Christine Wilson of Beals & Thomas, Inc.

The following PETITION was the subject of the hearing.

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.

Kate Griffin-Brooks said she has spoken at length with Attorney Judith Cutler of Kopelman & Paige and Ms. Cutler has determined that the best process for implementing expediting permitting is not through an ordinance but through a policy. Ms. Griffin-Brooks said it does not change the presentation to update the Council on the guide book. The policy means that each department, board, commission or the Council other than the Building Department and Conservation would adopt a policy of change their existing policies that says for priority development sites that come before them, they agree to make their decision within 90 days. She said in terms of the Planning Board she would ask them to add to their policy the piece regarding the best practice manual so that there would be four best practices required in the Site Plan. The departments that would be asked to adopt a new policy or adjust their policies would be the City Council, the Planning Board, The Department of Public Works, the Fire Department, the Board of Health and the Zoning Board of Appeals.

Ms. Griffin-Brooks said using the guide books as a polity instead of an ordinance doesn't change the relevance of the guide book. She said Christen Wilson from the consulting firm of Beals & Thomas, Inc. prepared the guide books and has brought them up to speed on 43D.

HEARING BEFORE THE CITY COUNCIL, MAY 27, 2008, continued

Ms. Wilson, Senior Planner at Beals & Thomas, said they were hired by the City of Leominster to guide Leominster and the priority development site to initiate the process. She said the Southgate property has already been designated. She said the Council should have received the Developers Handbook, The Ancillary Handbook, and The Best Practices for Small City Development. She said any applicant will be required to go to a Technical Review Board meeting before they initiate the permitting process and before they submit their application. She said they will go before the Planning Board for either Site Plan approval or Special Permit for techniques shown in the Best Practices Guide which could be a Smart Growth technique or Low Impact Development technique or others that are mentioned in the guide. She said the City Council or the Planning Board, after they have determined that the application is complete by the petitioner, would hold their hearings and give their decision within 90 days. She said this doesn't mean the permit is approved, it could be denied. She described the contents of the handbooks.

Lisa Vallee, Economic Development Coordinator for the City of Leominster, said she feels that Chapter 43D will make a dramatic change in the marketing and positioning of the available commercial and industrial sites as well as the raw land. She said she will be the single contact for developers and business owners working as a funnel to minimize the frustration and red tape, and the time and effort a lot of business owners and developers don't have. She said she will be the interacting liaison between departments. She said the handbooks are very well put together and very clear and understanding for developers and will be available on-line.

Councillor Marchand said The Planning Board only meets once a month during the summer months and asked Ms. Griffin-Brooks if this will cause a glitch in the 90 day window.

Ms. Griffin-Brooks said one meeting a month in July and August is discretionary, so the Board will meet more if necessary.

Councillor Marchand said once the 43D concept is identified the application is complete and submitted does this become a priority project and what happens if there is a strong impact project taken place at the same time? Will that take the back seat until this goes through?

Ms. Griffin-Brooks said we are lucky to have an Economic Development Coordinator to shepherd the project. She said before the application is complete the applicant has to attend a Technical Review Board meeting where everything is worked out before the application is completed making the rest of the process go smooth. She said the clock doesn't start ticking until the application is complete.

Councillor Marchand asked Ms. Vallee if she felt confident this is a "can do" situation to have the job done in 90 days.

Ms. Vallee said yes because the departments know what the expectations are and all departments will be working simultaneously.

Councillor Lanciani commended Ms. Vallee, Ms. Griffin-Brooks and Ms. Wilson. He said this is long overdue and this will demonstrate that Leominster is a user friendly community.

Councillor Nickel asked Ms. Vallee and Ms. Griffin-Brooks if they saw any changes in the way the Council handles things now that would be affected by this process or anything that we need to be aware of as Councillors?

Ms. Griffin-Brooks said she can't think of any changes at the moment. The only change right now is the Council asking the Planning Board to take back the Special Permit which will probably make it less stressful for the Council.

Councillor Nickel said it would be important that they get notes from the Technical Review meetings.

Councillor Dombrowski confirmed that it was a 90 day process. He asked if the notice provision to abutters was 14 days.

Ms. Griffin-Brooks said because they are commercial and industrial properties they will need Site Plan approval and they will be public information meetings, which are open to the public, and not public hearings. A Special Permit will have an abutters list and must be advertised and is 14 days notice. The 90 days starts when the application is deemed complete.

Councillor Dombrowski asked if other sites have applied or have contacted you.

Ms. Vallee said no other sites have applied. She said there are eligible sites but no formal applications have come in. She said besides raw land any industrial or commercial space that can expand up to 50,000 square feet would qualify. She said there are 66 listings for commercial and industrial and a good number of them qualify for 43D.

HEARING ADJOURNED AT 8:02 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 27, 2008

Meeting called to order at 8:03 P.M.

Attendance was taken by a roll call vote; all members were present except Councillor Rowlands. Councillor Freda arrived late.

The Committee on Records reported that the records through May 12, 2008 were examined and found to be in order. The records were accepted.

A recess was called at 8:04 P.M. to hold a public forum.

The meeting reconvened at 8:14 P.M.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for June 23, 2008 at 7:15 P.M. Vt. 8/0

- C-144 Relative to the appropriation of \$99,200,000.00 to the General Fund Fiscal Year 2009 Budget; same to be raised by Fiscal Year 2009 Revenue.
- C-145 Relative to the appropriation of \$3,095,000.00 to the Sewer Department Fiscal Year 2009 Budget; same to be raised by Sewer Department Fiscal Year 2009 Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-146 Relative to the appropriation of \$4,000,000.00 to the Water Department Fiscal Year 2009 Budget; same to be raised by Fiscal Year 2009 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

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

- C-147 Relative to the appropriation of \$3,000.00 to the Mayor's Office Expense Account; same to be transferred from the Emergency Reserve Account.
- C-148 Relative to the appropriation of \$2,000.00 to the Conservation Commission Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.
- C-149 Relative to the appropriation of \$6,000.00 to the Conservation Commission Salary and Wages Overtime Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.
- C-150 Relative to the appropriation of \$10,000.00 to the Veterans Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-151 Relative to the appropriation of \$10,400.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-152 Relative to the appropriation of \$25,000.00 to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Water Department, the Water and Sewer Commission and the City Solicitor.

- C-153 Dean J. Mazarella, Mayor: Amend Chapter 21, Article II of the Revised Ordinances entitled "Water Department" by adding Section 21-13.2 "Water Line and Sewer Main Line Protection Plans" which establishes standards and minimum requirements for persons or businesses that seek to offer water line and/or sewer main line protection plans to homeowners.

The following COMMUNICATIONS were received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. Vt. 8/0

- C-154 Relative to the appropriation of \$20,000.00 to the Police Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-155 Relative to the appropriation of \$25,000.00 to the Highway Expense Account; same to be transferred from the Highway Regular Labor Account.
- C-156 Relative to the appropriation of \$50,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 27, 2008, continued

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Building Department, the Zoning Board of Appeals, the Mayor and VHB. A hearing was set for July 14, 2008 at 7:15 P.M. Vt. 8/0

- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli and Richard M. Marchand: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and Leominster Firefighters Local 1841.

- 96-08 Ronald M. Pierce, Fire Chief: Request that the ambulance rates for Basic Life Support (BLS) and Advance Life Support (ALS) be changed from the Medicare allowable amount to the Medicare allowable amount times 40% for BLS and times 45% for ALS services, which is more in line with industry standards.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Fire Department and Police Department/Traffic.

- 97-08 James Lanciani Jr.: Prohibit parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of eighty-eight feet heading south towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of twenty-seven feet heading west towards Main Street.

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)	\$892,702.00
Emergency Reserve Account	\$235,000.00
Stabilization Account	\$8,656,762.60

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 8 "yeas"

- C-136 Relative to the appropriation of \$20,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on May 12, 2008; another vote is required.)

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED. Vt. 8 "yeas"

- C-137 Relative to the appropriation of \$2,000.00 to the Conservation Commission Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.

RE: Funds will be used for various damaged and new informational signs and educational flyers.

- C-138 Relative to the appropriation of \$28,000.00 to the Emergency Management Agency Capital Outlay Expenses; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Eight Thousand Dollars (\$28,000.00) be appropriated to the Emergency Management Agency Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Emergency Management building renovation project, for the addition of a kitchen facility including plumbing, wall covering, fire suppression system, exhaust duct work and electrical.

- C-139 Relative to the appropriation of \$2,715.00 to the Health Department Salary and Wages Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Two Thousand Seven Hundred Fifteen Dollars (\$2,715.00) be appropriated to the Health Department Salary and Wages Account; same to be transferred from the Emergency Reserve Account.

RE: Vacation salary for public health nurse, Christine DeLisle.

- C-140 Relative to the appropriation of \$15,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 27, 2008, continued

Upon request of the FINANCE COMMITTEE the following COMMUNICATIONS was given FURTHER TIME. Vt. 7 “yeas” and 1 “nay”, Councillor Freda opposed.

- C-141 Relative to the appropriation of \$19,260,000.00 for the purpose of financing the construction of the new water treatment plant at the Distributing Reservoir and system upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$19,260,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

Upon request of the PUBLIC SERVICE COMMITTEE the following PETITION was given FURTHER TIME. Vt. 7/0; Councillor Marchand abstained due to a possible conflict of interest.

- 89-08 Eric Sullender, Secured Financial Limited Partnership I: Accept the layout of “Gamache Lane” as a public way.

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

- C-142 Dean Mazzarella: Request that a School Department E-Rate Donation Account be established as authorized by Massachusetts General Laws, Chapter 44, Section 53A.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. 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.

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

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITIONS were given FURTHER TIME. Vt. 8/0

- 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 Expedited Permitting in the City of Leominster.

- 90-08 Andy Candiello, Agent for MetroPCS Massachusetts LLC: Grant a Special Permit to install six antennas with related wires and ground equipment on the existing tower at 369 Nashua Street located in a Flood Plain and shown on Assessor’s Map 372 as Lot 1. (A hearing is set for June 9, 2008 at 7:15 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 7/1; Councillor Freda opposed.

- 91-08 James Lanciani, Jr.: Place a sign on the corner of Francis Street to read “No Tractor Trailers Allowed Use Tucker Drive”.

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

- 92-08 James Lanciani, Jr.: Move the “No Parking” sign on Castle Street 20 feet from its current location.

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

- 93-08 Richard Marchand: Install a street light on pole #4 on Hawley Avenue.

REGULAR MEETING OF THE CITY COUNCIL, MAY 27, 2008, continued

Upon recommendation of the WAYS & MEANS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 8/0

C-143 Dean J. Mazarella: Request Karri LeGault be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest as she is currently employed by the City of Leominster as a teacher for the Leominster School Department and will be taking a position as Summer Pool Manager at the Leominster State Pool.

Upon recommendation of the WAYS & MEANS COMMITTEE the following PETITION was GRANTED. Vt. 8/0

94-08 William Plant: Renew the license for eight pool tables at JC Fenwick's, 37 Mechanic Street.

Upon recommendation of the WAYS & MEANS COMMITTEE the following APPOINTMENT was CONFIRMED. 8/0

Fire Department - Permanent Firefighter - Eric M. Falk

Upon request of the WAYS & MEANS COMMITTEE the following APPOINTMENT was given LEAVE TO WITHDRAW. Vt. 8/0

License Commission - Henry Lanza – term to expire April 15, 2013

Under Old Business, Councillor Dombrowski, Chairman of the Presidents Drinking Water Oversight Committee, said the meeting last week was a very informative meeting. He said the \$19,260,000.00 represents the best estimate from the engineers of what the cost will be based on their experience. He said they have broken down those costs in general terms but when they start the design process we should have a more specific breakdown and hopefully that figure will be lower. He said one good thing that came out at the meeting was that once this is built we will be in compliance with DEP and their new regulations. He said one of the bad things that came out was once it is built the maintenance and the chemicals needed for the improvements will be more costly. He said the City continues to be in full compliance with the consent order. He said the coagulant is working but not perfectly and they are tinkering with that to get it to work perfectly well.

Councillor Rosa disclosed that he is the Treasurer of the American Auto Body & Repair Inc. and his company has serviced the MedStar vehicles. He said Petition #96-08 is asking for an increase and American Auto Body & Repair Inc. will not have any financial interest. He said he will be participating in the discussion and the vote. A letter was handed to the City Clerk as required by the State Ethic Committee.

Upon recommendation of the FINANCE COMMITTEE, the following ORDINANCE was given FURTHER TIME. Vt. 7/1; Councillor Freda opposed.

1st Reading Loan Order- that the sum of \$19,260,000.00 be appropriated for the purpose of financing the construction of the new water treatment plant at the Distributing Reservoir and system upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$19,260,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

Under New Business, subcommittee meetings were established on June 4, 2008

Public Service 6:15 P.M.
Finance 6:30 P.M.
Legal Affairs 7:00 P.M.

REGULAR MEETING OF THE CITY COUNCIL, MAY 27, 2008, continued

Councillor Nickel, Chairman of the PUBLIC SERVICE COMMITTEE, moved that the petition NOT REMOVED FROM THE TABLE.

46-08 Dennis A. Rosa and Richard M. Marchand: Request the City to provide an allowance/reimbursement of \$1,200.00 for water line replacements when deemed necessary by the Department of Public Works.

Councillor Tocci, Clerk of the LEGAL AFFAIRS COMMITTEE moved that the PETITION be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows: Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 6/2; Councillors Freda and Lanciani opposed.

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; change the in city rate from \$2.35 per unit to \$2.60 per unit and the out of city rate from \$3.15 per unit to \$3.40 per unit effective 7/1/09; change the in city rate from \$2.60 per unit to \$2.95 per unit and the out of city rate from \$3.40 per unit to \$3.75 per unit effective July 1, 2010.

MEETING ADJOURNED AT 10:58 P.M.

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