

HEARING BEFORE THE CITY COUNCIL, JUNE 9, 2008

Hearing opened at 7:38 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.

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.

Introduced and made part of the record were the following:

- A. Petition 90-08 submitted by Andy Candiello, TRM, Inc., Agent for MetroPCS Massachusetts LLC, 285 Billerica Road 3rd Floor, Chelmsford, MA 01824 with accompanying plan entitled "metroPCS, Unlimit Yourself", WOR0075A, AT&T Leominster, prepared by David A. Chappell, Registered Civil Engineer, Chappell Engineering Associates, LLC., 2352 Main Street Concord, MA dated February 28, 2008 with revisions through April 10, 2008.
- B. Notice of public hearing published in the Sentinel & Enterprise on May 19, 2008 and May 26, 2008.
- C. Positive recommendations were received from the Health Department, the Building Inspector, the Planning Department, Department of Public Works and the Leominster Fire Department.
- D. The Conservation Commission said "This project is within an area that is under the jurisdiction of the Conservation Commission as granted by MGL CH 131 § 40. As such any work on the property will require Conservation Commission approval. The jurisdictional area for the Conservation Commission is anything within the 100' buffer zone of a Bordering Vegetated Wetland."

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

Andy Candiello said MetroPCS is a wireless service provider. He said they recently expanded to the northeast. He said this site has already been approved and they will need to expand the concrete pads to add four equipment cabinets. He said the 100 year flood plain is 290 feet above sea level and the equipment will be at 299 feet above sea level which is above the 100 year flood plain. The concrete pad will go down into the soil approximately 3 inches.

The ice bridge that is currently there will be used and no ground disturbance will take place.

Councillor Rowlands asked how much the pad will be expanded.

Mr. Candiello said the pad is 12 feet 6 inches in length and will be expanded by 4 feet. He said there will be no significant digging or excavating.

HEARING BEFORE THE CITY COUNCIL, JUNE 9, 2008, continued

Councillor Rowlands asked what the time frame was for this project.

Mr. Candiello said as soon as leasing requirements and permitting requirements are met they will build as soon as they can.

Councillor Dombrowski asked if the antennas will increase the fall zone.

Mr. Candiello said they are not increasing the height of the tower. The tower is 248 feet tall and the antennas will be placed at 158 feet below the lowest carrier that currently exists. The fall zone will not be increased.

Councillor Dombrowski asked if MetroPCS was the only one using the tower now.

Mr. Candiello said no, currently AT&T and T-Mobile is using the tower.

Councillor Salvatelli asked who owned the property.

Mr. Candiello said the property is owned by Twin City Baptist Temple in Lunenburg. He said AT&T has a lease with Twin City Baptist and has lease rights to sublease within their lease area.

Councillor Freda asked if they were putting a tower up.

Mr. Candiello said no, we are just locating 6 antennas. He said co-locating is by right in Leominster as long as the structure can support it and it will be checked by the Building Inspector.

Councillor Nickel asked if the 248 ft. fall zone was completely owned by Twin City Baptist or if there were other people's property that would be in that fall zone.

Mr. Candiello said there could potentially be other properties that would be affected by that fall zone.

Councillor Nickel asked what kind of notification was needed for the property owners.

Mr. Candiello said we are not increasing the fall zone and that fall zone had to be approved with the original Special Permit.

Councillor Rowlands said he will ask the Conservation Commission if compensatory storage needs to be provided.

Mr. Candiello said the volume change in the floodway is zero and the concrete pad they are proposing is a foot above the limit of the 100 year flood plain and the concrete pad will go down three inches so they are not causing any destruction below that limit of the 100 foot flood plain.

Councillor Rowlands said your contention is because you are a foot above the 100 foot flood plain and you are not in any way disrupting the flood plain capacity.

Mr. Candiello said exactly.

Councillor Dombrowski said there should be language to include a requirement that they have to comply with the original Special Permit conditions.

No one in the audience spoke in favor or opposition

HEARING ADJOURNED AT 7:59 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JUNE 9, 2008

Hearing opened at 8:02 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

This was a continuation of the public hearing from May 27, 2008.

All members were present.

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.

HEARING BEFORE THE CITY COUNCIL, JUNE 9, 2008, continued

Councillor Rowlands said there was a request made to the Council to amend this petition and it has not been amended. He said tailor and dressmaker have been added to this petition and that beauty parlor and barber shop is already listed. He said also added is "Applicable to existing multi use residential and business buildings". He asked Mr. McCarty to clarify what he is asking for.

Mr. McCarty said at the Planning Board meeting a discussion took place making sure that this was applicable to only structures in a Residence C zoning district that exists as of today that have mixed use being defined as being Residence C with a business use or Residence C with a commercial use. He said he discussed this with the Building Inspector and now with the clarification the Building Inspector indicated he was in favor of the petition.

Councillor Rowlands read the letter received from the Building Inspector saying he concurs with the new wording on the petition. He also read the letter from Planning Director Kate Griffin-Brooks.

May 22, 2008

Dear Lynn:

"The Planning Board held a Public Hearing on May 20, 2008 to 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. No one spoke against this proposed zone change.

The Planning Board voted 6-0 to approve the zone change with the following language:

The following uses may be allowed in the RC district in existing multi-use residential and business buildings by Special Permit from the Planning Board.

- Beauty parlor and barber shop
- Dressmaker or tailor

I have attached correspondence from the Zoning Consultant Ralph Willmer of VHB regarding this zone change. The Planning Board discussed his memo and decided it would be more appropriate for new definitions to be added as part of the overall zone change process."

Councillor Rowlands said the Planning Board language is different than that of Mr. McCarty's new language.

Mr. McCarty said that is correct but the intent is the same. He said it is a clarification by putting in the commercial because when they went through the uses at the last public hearing they discovered that some of the property in the Residence C district does have business uses and some has commercial uses. He said they wanted it applicable to any multi use structure that is currently a multi use structure whether the multi use has a residential use with a business use or a residential use with a commercial use.

Councillor Rowlands said the beauty parlor, barber shop, dressmaker and tailor shop are business uses not commercial uses. He said if there is a home in Residential C that has a commercial use in it or a business use in it you want this petition to allow these particular uses to go in there. He said they can go in commercial by nature now but they can not go into a Residential C that has a variance from the past from commercial.

Mr. McCarty said that is correct. He said it has to be a structure that is in the area that has another commercial use in it or a structure that has another business use.

Councillor Dombrowski said he liked both amendments. He said he liked the Planning Board's wording better but they are essentially asking for the same thing.

Councillor Nickel said he is in support of the petition as amended.

Councillor Rowlands said he concurs with the heart of the amendment and the discussion that took place in Legal Affairs Committee and the Council which is the necessity to protect the neighborhood but at the same time understand that there is a certain amount of activity that already exists in a Residential C zone. He said it is about being fair and at the same time protecting the neighborhoods.

HEARING ADJOURNED AT 8:13 P.M

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008

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

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008, continued

The Committee on Records reported that the records through May 27, 2008 were examined and found to be in order. The records were accepted.

A recess was called at 8:02 P.M. to continue the 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-157 Relative to the appropriation of \$30,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account.
- C-158 Relative to the appropriation of \$225,000.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-159 Relative to the appropriation of \$2,500.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-160 Relative to the appropriation of \$1,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-161 Relative to the appropriation of \$33,555.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-162 Relative to the appropriation of \$400.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-163 Relative to the appropriation of \$65,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Building Inspector, the Planning Board, the Department of Public Works and the Health Inspector. A hearing was scheduled for July 28, 2008 at 7:00 P.M. Vt. 9/0

- 98-08 Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor's Map 443 as Lot 1.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Mayor and the Department of Public Works.

- 99-08 Richard Marchand: Place a street light on Pole #59 in the vicinity of 600 Merriam Avenue.

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

- 100-08 Claire M. Freda: Request the police determine the safety and traffic volume for the possible closure of the bridge on Old Mill Road.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the License Commission and the Health Inspector.

- 101-08 Patrick and Sandy Bunting: Request permission to place a hot dog trailer on Main Street in front of Banknorth on weekends.

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

Election of Officers – 2008-2009

The following APPOINTMENTS were received under SUSPENSION OF THE RULES, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE. Vt. 9 "yeas"

Leominster Police Department – Carlos Cintron, Christopher Cordio, Thomas Wade

The following communication dated June 9, 2008 was read into the record.

COMMUNICATION FROM MAYOR DEAN J. MAZZARELLA

Dear Mr. President:

I respectfully request that you read the following statement of facts into the record at this evening's council meeting.

1. Pursuant to the Consent Order, dated July 18, 2006, issued by the Department of Environmental protection they mandated that upgrades to our water system be resolved by November 2011.
2. As a result, if we do not follow the Consent Order, we will be fined \$21,730.00 and face stipulated penalties.
3. City consultants, along with Veolia Water, have worked diligently to minimize the costs associated with the upgrade of the Notown filtration facility.
4. The Distributing Reservoir was estimated to cost 15 million for the construction of the filtration facility alone. We are now at a cost of approximately 10.6 million, far less from what was anticipated.
5. With the construction of the filtration facility and the additional upgrades required, the following improvements will be made:
 - a. Filtered water – all of our surface water supplies will be filtered
 - b. Installation of pipes to the Monoosnoc Hill tank to improve water quality
 - c. THM levels at Notown will be resolved
 - d. Southeast well field will be upgraded
 - Rebuild pump station
6. The discussion on petition #85-08, has brought debate on the formality of the notice that we intend on issuing to residents included in their water bills to notify them of the rate schedule increase. With respect, this function of the water department to notify the residents is not within the jurisdiction of the city council. However, we acknowledge the benefit of communication and will assist in any way we can to help residents understand the process. We are further prepared to educate through newsletters and other forms of communication such as Constant Contact, a monthly electronic newsletter that is prepared by my office. I have enclosed the most recent newsletter and if anyone is interested in receiving this newsletter, please contact Kelly in my office with your email address.
7. This rate increase is strictly to cover the debt service only for expenses related to the water filtration facility at the distributing reservoir and other system upgrades at the Notown Treatment facility and Southeast well field.

Thank you, Mr. President, for accepting this communication and entering the same into the record. If you have any questions, please contact me.

Sincerely,
Dean J. Mazzarella
Mayor

Upon request of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was given FURTHER TIME. Vt. 9/0

C-153 Dean J. Mazzarella, 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.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED. Vt.9/0. Amended to add "in existing multi-use residential and business buildings" and to add "dressmaker or tailor." Upon recommendations of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED AS AMENDED. Vt. 8/1; Councillor Freda opposed.

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 the following in the residential C Zone by Special Permit from the Planning Board. The following uses may be allowed in the RC district in existing multi-use residential and business buildings by Special Permit from the Planning Board.
– Beauty parlor and barber shop
– Dressmaker or tailor.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW. Vt. 9/0

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008, continued

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.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED. Vt. 9/0. Amended by changing the out of city rates from \$3.15 per unit to \$3.48 per unit effective July 1, 2009 and change the out of city rates from \$3.48 per unit to \$3.95 per unit effective July 1, 2010. Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED CONDITIONALLY AS AMENDED. Vt. 9 "yeas". Condition being that the following "Important Notice to Leominster Water Customers" be enclosed in the water bills.

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 \$3.48 per unit effective July 1, 2009; change the in city rate from \$2.60 per unit to \$2.95 per unit and the out of city rate from \$3.48 per unit to \$3.95 per unit effective July 1, 2010.

LEOMINSTER WATER CUSTOMERS
IMPORTANT NOTICE

Rate increases: The following reflects the new water rates that were proposed by the Leominster Water Department and adopted July 1, 2008.

Leominster Accounts

From: \$2.15 per unit to \$2.35 – July 1, 2008
From: \$2.35 per unit to \$2.60 – July 1, 2009
From: \$2.60 per unit to \$2.95 – July 1, 2010

Out of City Accounts

From: \$2.88 per unit to \$3.15 – July 1, 2008
From: \$3.15 per unit to \$3.48 – July 1, 2009
From: \$3.48 per unit to \$3.95 – July 1, 2010

QUESTIONS AND ANSWERS

WHY ARE THESE INCREASES NECESSARY?

The Department of Environmental Protection has ordered us to build a new water filtration plant and other system improvements starting immediately and to be completed by November 2011.

HOW MUCH IS NEEDED TO REPAIR THE SYSTEM?

We are looking at approximately \$19.26 million dollars to construct a Distributing Reservoir Filtration System and upgrade the existing NoTown Treatment Facility, the Southeast Corner Wellfield, engineering and other costs associated with these projects.

HOW DO WE PAY FOR THE IMPROVEMENTS

The City is eligible for a low interest loan and thus we will be borrowing the money at a rate of 2 percent For 20 years and these increases in your water rates will cover the cost of the debt service on this loan. In order to qualify for the low interest loan, we must show that our income stream will cover the loan Order thus the increases.

LEOMINSTER WATER DEPARTMENT 978-534-7590 EXT 508, 507 OR 501

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED WITH CONDITIONS. Vt. 8/1; Councillor Freda opposed. The petition was granted conditionally upon verification from the Conservation Commission that there is no need to add compensatory flood plain storage and that any conditions placed on the existing Special Permit at that location remain in effect.

90-08 Andy Candiello, Agent for Metro PCS 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.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008, continued

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0

- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: 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. (A hearing is scheduled for July 14, 2008 at 7:15 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9/0

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended petition as follows:

- 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 approximately one hundred and eighty seven feet heading towards Water Street. Prohibit parking from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of approximately forty-five 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)	\$822,702.00
Emergency Reserve Account	\$235.00
Stabilization Account	\$8,690,441.47
Interest Earned FY '08	\$340,760.97

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9 "yeas"

- 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 FINANCE COMMITTEE the following COMMUNICATIONS were given FURTHER TIME. Vt. 9/0 (Hearings are scheduled for June 23, 2008 at 7:15 P.M.)

- 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.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas". Councillor Freda disclosed that in regards to C-149 she is related to a member of the Conservation Commission and will vote because it does not involve any of the members of the Conservation Commission.

- 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.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008, continued

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Mayor's Office Expense Account; same to be transferred from the Emergency Reserve Account.

RE: These funds are to be used for general expenses for the Leominster Disability Commission, including but not limited to, advertising, office supplies and postage.

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.

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: These funds will be used for training, printing and supplies.

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. Councillor Freda disclosed that she is related to a member of the Conservation Commission and will be voting as this appropriation has no affect on Conservation members.

ORDERED: - that the sum of Six Thousand Dollars (\$6,000.00) be appropriated to the Conservation Commission Salary and Wages Overtime Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.

RE: These funds will be used for overtime of DPW employees. Site work includes Hill Street, Barrett Park and Rockwell Pond.

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.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Veteran's Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds will be used for the mandated Chapter 115 Program which ensures support services and emergency financial assistant to eligible Veterans.

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.

ORDERED: - that the sum of Ten Thousand Four Hundred Dollars (\$10,400.00) be appropriated to the Cemetery and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: These funds will pay for a clerk for the Cemetery Department

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.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED. Vt. 8 "yeas"; Councillor Freda was not present.

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.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Police Capital Outlay Expense Account; same to be transferred from the excess and Deficiency Account.

RE: These funds are requested for an ejector pump replacement for the Police facility.

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

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.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Highway Expense Account; same to be transferred from the Highway 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.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was GRANTED WITH CONDITIONS. Subject to the conditions outlined in the Memorandum of Understanding between Attorney James Moriarty III and Patrick LaPointe, Director of the City of Leominster DPW. Vt. 8/0; 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.

MEMORANDUM OF UNDERSTANDING

To: Patrick LaPointe, Director of City of Leominster DPW
John Roseberry, P.L.S., E.I.T, City of Leominster DPW

From: Attorney James Moriarty III

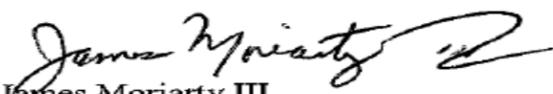
Re: Petition for Acceptance of Gamache Lane as a Public Way

Gentlemen,

We acknowledge the position of the City of Leominster DPW with regard to the pending Petition before the Leominster City Council for the Acceptance of Gamache Lane as a Public Way. Specifically, the DPW has concerns with the City's acceptance of Gamache Lane as a public way prior to the time of the anticipated construction of a multi-family development on the 9.20± acre tract located at the end of the proposed way. The size and trip frequency of large construction vehicles, along with other construction activities, during the anticipated multi-family development may conceivably result in damage to Gamache Lane that would then need to be repaired at the expense to the City of Leominster. As a result, the DPW has maintained the position that, prior to the City Council's Acceptance of Gamache Lane, Secured Financial Limited Partnership I/Bovenzi, Inc. should be required to post a bond to safeguard against the possibility of road damage as discussed above.

After discussion, and in an effort to properly address the concerns of the DPW without the posting of a bond by SFLP I/Bovenzi, Inc. prior to the Acceptance of Gamache Lane as a public way by the City Council, SFLP I/Bovenzi, Inc. agrees that in connection with the Site Plan Approval process for any multi-family development that shall occur at any lot abutting Gamache Lane, there shall be a requirement of a bond posting or the provision of other appropriate surety/conditions of approval in order to ensure that any road damage to Gamache Lane occurring during such development will be repaired to the satisfaction of the DPW at the expense of SFLP I/Bovenzi, Inc.

Dated: June 2, 2008



James Moriarty III
Attorney for Secured Financial Limited Partnership I and Bovenzi, Inc.

The following LOAN ORDER was read once, adopted as presented and ordered published. A hearing was set for June 23, 2008 at 7:00 P.M. Vt. 9 "yeas"

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 9, 2008, continued

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 Old Business, Councillor Rowlands said there is a Zoning Working Group meeting at the Library on June 10, 2008 at 6:30 P.M. No subcommittee meeting will be scheduled due to the Finance Committee Budget Hearings.

Wayne Nickel, Chairman of the PUBLIC SERVICE COMMITTEE moved that the PETITION be removed from the table and placed on the calendar for action. It was so voted. 9/0

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. GRANTED. Vt. 9/2; Councillors Freda and Dombrowski opposed.

MEETING ADJOURNED AT 10:40 P.M.

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