

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008

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

All members were present except Councillors Freda and Nickel.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to reflect an increase in water rates to \$2.35 per unit in city and \$3.15 per unit out of city effective July 1, 2008; \$2.60 per unit in city and \$3.48 per unit out of city effective July 1, 2009 and \$2.95 per unit in city and \$3.95 per unit out of city effective July 1, 2010. (Legal Affairs Petition 85-08)

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

No Councilors spoke on this petition.

HEARING ADJOURNED AT 7:03 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008

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

All members were present except Councillors Freda and Nickel.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 8, Article III, Section 8-19(a) Fees for Ambulance Service" to reflect a change in the ambulance rates for Basic Life Support (BLS) and Advance Life Support (ALS) from the Medicare allowable amount to the Medicare allowable amount times 40% for BLS and times 45% for ALS.

Councillor Rowlands read a letter from Deputy Chief Ashton of the Fire Department regarding an error existing in the proposed ordinance. Deputy Chief Ashton said the petition should be amended to state "the ambulance rate be the allowed Medicare rate plus 40% for basic life support services and the allowed Medicare rate plus 45% rate for the Advanced Life Support services".

Councillor Rowlands read a letter from Brian Riley of Kopelman & Paige stating that a revision has been prepared to better conform with the language and intent of the petition.

Councillor Rowlands read the revised proposed ordinance.

Deputy Chief William Ashton of the Fire Department supports the change made by Brian Riley of Kopelman & Paige.

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

No Councilors spoke on this petition.

HEARING ADJOURNED AT 7:12 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008

Hearing opened at 7:12 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present except Councillors Freda and Nickel.

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008, continued

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting 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 and 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.

Deputy Chief William Ashton of the Fire Department said this petition did not originate from their office. He said Lieutenant Kirouac and himself went to the site and took measurements which were different than the original petition and his recommendation reflects those changes. He said the reason for their recommendation was to make sure that the Fire Department connection made to the fire sprinkler system in front of the building would not be obstructed by parked cars and to allow ample room for fire apparatus to make the 90 degree dogleg at the end of Summer Street.

Debra Eckstrom, CEO at the Community Health Link which operates the Lipton Center at 45 Summer Street, said they are neither in favor or opposed and they are looking for the opportunity to discuss the petition and understand what the impact will be on their employees and patients.

Councillor Rowlands said he believes that she is interested in meeting with the parties.

Ronald Cormier, 264 West Street said he is a direct abutter and is in favor of this petition. Mr. Cormier spoke on the parking problems on Summer Street. He said the neighbors and himself have complained for years. He said when the Lipton Center bought the building they presented a parking plan for 40 spaces in the rear of the building but they do not use it. He said if there was no parking in front of the building emergency vehicles, the MART busses and other vehicles could pull up to the sidewalk. He said it always has been a mess and it is not our fault or their fault but they made it more horrendous with how they park and where they park. He said he has talked to the other neighbors and they feel that having no parking as stated in this petition is the only way to correct the problem.

No one spoke in opposition.

Councillor Lanciani, the petitioner, said he is willing to have a meeting and will keep an open mind knowing the unique situation that is present on Summer Street which has been there for a number of years. He said he will try to have the meeting on a Wednesday when the subcommittees are meeting so that everyone will be able to participate. He said he will contact Sergeant Kinney and Deputy Chief Ashton to see if they can participate and express their concerns at the subcommittee meeting that will be established for Wednesday, July 23, 2008 at 7:00 P.M.

HEARING ADJOURNED AT 7:28 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008

Hearing opened at 7:29 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present except Councillors Freda and Nickel.

The following PETITION was the subject of the hearing:

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.

Councillor Rowlands said the Legal Affairs Committee put forth an extensive document which consists of not only the details of the petition which requires changing to the zoning ordinance but also the rationale and justification behind the recommended zoning change and as to why it's being done. He said it was a comprehensive look at fixing mixed use zoning or making improvements on mixed use zoning. He said the other Councillor signed on but when they signed on they did not say they approved of this. Their signatures meant it is worthy of debate.

Councillor Rowlands said they have worked diligently on this and it is cumbersome, not flexible and doesn't promote an easy or efficient way for development in areas especially in old industrial areas that aren't necessarily conducive to 100% industrial. We are looking to improve that process and at the same time protect industrial zoning and commercial zoning.

Councillor Rowlands said a question was raised by Councillor Salvatelli regarding preliminary approval. He said he was of the belief that City Council should retain special permitting authority for large projects. He said his colleagues from Legal Affairs did not believe that was in the best interest of the City. He said an amendment will be forthcoming to remove the

authority from the City Council to the Planning Board. He said the City Council would ask for an informational meeting be presented to the City Council on large projects.

Councillor Rowlands said Councillor Dombrowski will be making an overview presentation in the future on what the mixed use changes mean.

Councillor Rowlands read the recommendations from the Building Inspector, the Mayor, VHB and the Planning Board.

Councillor Rowlands said the Councillors received a hand delivered letter from Lisciotti Development in opposition to this petition.

No one spoke in favor of the petition.

Attorney Richard Lavers, General Council for Lisciotti Development, 83 Orchard Hill Park Drive said Mr. Lisciotti could not be present due to a prior engagement and sends his apologies. Mr. Lavers requested that the letter dated July 14, 2008 be part of the record.

HAND DELIVERED

Richard Marchand, President
Leominster City Council
25 West Street
Leominster, Massachusetts 01453

RE: Opposition to Petition 95-08 "Industrial Mixed Use Overlay Districts"

Dear President Marchand and Members of the City Council:

I would like to take this opportunity to express my strong opposition to Petition 95-08 currently pending before the City Council.

While I have publicly stated in the past that I recognize there are ways in which the current mixed use provisions of the zoning ordinance could be improved, it is imperative that we look at the zoning ordinance as a whole and develop a comprehensive and coordinated strategy on how best to improve and update the entire ordinance. This is why I feel Petition 95-08 is an example of misguided planning and misguided policy. I suggest that it makes more sense to conduct a coordinated review of the entire zoning ordinance rather than looking at each section of the zoning ordinance in a piecemeal fashion. We should not isolate the individual sections of the zoning ordinance and examine them as if each is to be applied in a vacuum. Rather, each section of the zoning ordinance must complement the other or else the City Council risks creating something worse than that with which it started.

As you are well aware the City is already in the process of conducting a comprehensive review of the entire zoning ordinance and has enlisted the services of Vanasse Hangen Brustlin Inc., ("VHB") to make recommendations as to how best to update and make improvements to better reflect the City's current and future development needs. I believe this is a wise use of taxpayer money. Considering the process with VHB has already been initiated and the City is spending valuable taxpayer resources in order to gain the insight promised by such expert opinion, why is the City Council now telling the expert how the zoning ordinance should be changed? It seems to me that if the City is going to enlist the services of an expert like VHB and spend \$75,000.00 of taxpayer money then the City should allow the expert to do its job and earn its money rather than tainting the process with zoning changes like Petition 95-08 that may or may not complement the recommendations from VHB.

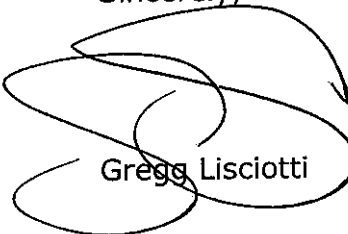
In light of the comprehensive zoning review currently being conducted by VHB, Petition 95-08 should be denied or the sponsors of Petition 95-08 should be given opportunity to voluntarily withdraw their proposal. The longer Petition 95-08 is allowed to remain before the City Council for consideration then the greater the risk of compromising the integrity and independence of the review process being conducted by VHB. The mere existence of Petition 95-08 risks the appearance of the City exerting undue influence over VHB as VHB will undoubtedly feel compelled to adopt that which the City Council attaches its endorsement. This is not good government, not to mention a waste of taxpayer money, as it results in the non-experts telling the experts what to recommend about the future of mixed-use zoning. The City should get its money's worth by allowing VHB to do its job. After VHB makes its recommendation, the City Council, the stakeholders and the members of the community will then have an opportunity to review these recommendations and decide what they support and oppose. I suggest that would be a much more appropriate opportunity to consider mixed-use zoning and decide whether the recommendations relative to mixed-use zoning offered by the zoning expert are right for the future growth needs of the City of Leominster.

A rush to judgment on Petition 95-08 flies in the face and is completely inconsistent with how the City Council has chosen to approach the issue of mixed-use zoning in the past. I remind you that several recent petitions to change the mixed-use ordinance have been tabled by the City Council including my own petition (Petition 44-06). To break from past precedent now and take hasty action on a petition, the sponsors of which are neither experts nor practitioners in the industry, all while VHB is actively conducting a comprehensive zoning review defies common sense and crosses the line into irresponsible government.

The zoning ordinance is by far the most influential document governing the future of the City of Leominster. Not only does the zoning ordinance determine what is allowed to be constructed and where it is allowed but it also has tremendous impact on future tax revenue for the City thereby impacting the City's ability to be able to afford to continue to provide critical services to its citizens. For instance, although Petition 95-08 has gone to great lengths to characterize mixed use development as being problematic for the City, I would point out that Orchard Hill Park which is the biggest mixed use project constructed in Leominster to date and Leominster's second largest taxpayer thus generating tremendous revenue, it has proven to be a remarkable success for the City, as it has not only grown the City's bottom line and expanded the job base but it has accomplished this without stressing the City's schools and other infrastructure like that which would result from other types of development. Considering Orchard Hill Park is the envy of north Worcester County and it is the product of the current mixed-use ordinance then I suggest that the City Council needs to be very careful in how it approaches revisions that will have a long term impact on the future growth of our city.

I encourage you to deny Petition 95-08 or give the sponsors the opportunity to withdraw and send a clear message to the community and VHB that the City Council truly values an independent comprehensive review of the City's zoning ordinance. This is what VHB is being paid to do and they should be allowed to do their job as it is in the best interest of the future of the City of Leominster.

Thank you in advance for your time and attention to this matter.

Sincerely,

Gregg Lisciotti

Mr. Lavers said the letter articulates the reasons for their opposition and they have publicly stated in the past that they recognize the mixed use provisions of the ordinance is not perfect and there are ways the mixed use ordinance can be improved. He said their opposition is that this is not the way to improve the ordinance. He said the current proposal confuses and compounds the mixed use ordinance by adding layers to an already cumbersome approval process. He said their comments were to the original petition and he understands there are additional changes that are being discussed. Mr. Lavers said there is a great deal of editorial comment that was contained in the preamble to the petition which they feel provides a factually incomplete assessment of mixed use zoning in this City.

Mr. Lavers said Orchard Hill Park, which was developed by Gregg Lisciotti under the mixed use ordinance, is the envy of North Central Massachusetts. We have developers and planners who visit Orchard Hill Park to get a sense on how they can bring Orchard Hill Park back to their community. It is still the biggest mixed use project in the City, currently the second biggest taxpayer in the City providing tremendous revenue to help fuel the programs and services that the City provides to the citizens. He said he feels that Orchard Hill Park is attacked in the preamble to the petition, despite it increasing the bottom line with additional tax revenues, despite it expanding the job base with jobs in Orchard Hill Park, despite it providing much desire for retail and restaurant options for the people of Leominster, all without stressing the schools and infrastructure like we would see from a similar size project for some other type of development. He said while we disagree with the content of the petition they are equally upset with the process and the timing. He said first the process; it is their position that the Council should not be taking a piecemeal approach to addressing reforms to the zoning ordinance. The ordinance functions best when it is a cohesive coordinated and comprehensive document. Each section should complement the other or else you end up with something that neither looks or functions like originally envisioned. He said second; in their opinion the timing could not be worse. The City has already retained the services of VHB to make recommendations on how to best update the reform of the City's zoning ordinance. The City is spending \$75,000.00 to do this which they think is a wise use of taxpayer's money. Why are the sponsors of this petition, who they doubt consider themselves zoning experts, telling the experts (VHB) how to revise one of the most complicated provision of the entire zoning ordinance?

Mr. Lavers said the mere existence of this petition and its presence on the agenda taints the review process being conducted by VHB. It creates the appearance of this Council is exerting undo influence over VHB and telling the expert how the zoning ordinance should be reformed. This compromises the integrity, and most importantly, the independence of the process that we

HEARING BEFORE THE CITY COUNCIL, JULY 14, 2008, continued

are engaged in with VHB. Mr. Lavers said he suggests the Council either reject this petition or in the alternative the sponsors of the petition withdraw the petition and wait until VHB completes their review, makes their recommendation to the Council and if the Council is not satisfied with VHB's recommendations regarding the mixed use provisions discuss the ideas contained in petition #95-08 at the end of their process.

Councillor Rowlands said they will debate and discuss the merits of this petition. He said he doesn't feel that anyone was slighted in this document in any way. We didn't talk about specifics of any project within the City. He said they allocated \$75,000.00 over a year and a half ago and he hasn't seen anything yet. He said they have asked for basic information from VHB within that year and a half and have not received anything. He said after seven years of not having a single Mixed Use Development Project in this City we now have several before us because residential market is slow to dead and people are looking to invest in industrial old mixed use places and the timing is right. He said there are loop holes you can drive a train through. He said this study is more comprehensive than what was done in 2003. He said this document has been out for sixty days soliciting for input and given to the Zoning Board, the Planning Board, the City Council, VHB and the Mayor.

Councillor Tocci said they worked hard on this and bringing it up for debate is not a bad idea. She said VHB has had it for over a month and the money was appropriated over a year ago and VHB has had only two meetings. She said she is willing to go forward with this.

Councillor Marchand asked if there were comments from the Zoning Board of Appeals.

Councillor Rowlands said no.

Councillor Marchand asked if there was a possibility that in a subcommittee meeting or if he would like to bring them down for the next meeting we can take a vote later this evening and request that VHB, the Planning Director, the Planning Chairman, the Building Inspector and a representative of the Zoning Board of Appeals be present to iron out some of the concerns that may be raised before we bring it back to the council.

Councillor Rowlands said he received a document from the Planning Board which has specific items they reviewed that they said should be fixed. He said he is going to push for a meeting with them so we can specifically go through the items. He said they will eliminate the preliminary approval by the City Council (our recommendation to change the petition to eliminate the approval) and feels that is a major effort to streamline the process. There will be one body to make the presentation to. The burden will go to the Planning Board. Only the large projects over 20 acres will come to the City Council. He said Mr. Lisciotti and his counsel can come to the subcommittee meeting to express his concerns.

HEARING ADJOURNED AT 8:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 14, 2008

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

Attendance was taken by a roll call vote; all members were present except Councillors Freda and Nickel.

The Committee on Records reported that the records through June 23, 2008 were examined and found to be in order. The records were accepted.

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

- C-1 Relative to the appropriation of \$55,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.
- C-2 Relative to the appropriation of \$3,000.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account.

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

- C-3 Mayor Dean J. Mazarella: Consider taking, by Eminent Domain, rights associated with properties located at 705 Mechanic Street and 720 Mechanic Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

REGULAR MEETING OF THE CITY COUNCIL, JULY 14, 2008, continued

C-4 Mayor Dean J. Mazarella: Consider entering into an agreement to obtain rights associated with properties located at 473 Florence Street and 475 Florence Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

The following COMMUNICATION was received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. Vt. 7 "yeas"

C-5 Relative to the appropriation of \$846,089.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

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

1-09 David Rowlands: Designate Industrial Road no parking on the east side of Eastern Avenue to Jordan Way.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Board of Health, the Department of Public Works, the Director of Inspections and the Planning Board. A hearing was set for August 11, 2008 at 7:00 P.M. Vt. 7/0

2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5.

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

3-09 John M. Dombrowski: Amend Chapter 21 of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) and 21-13 (h) relative to water service and the responsibility of the installation, maintenance, repair, renovation or replacement of the service pipe, stopcock, valve and other fixtures.

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

4-09 Dick O'Brien, Regional Director for the Trustees of Reservations: Establish two pedestrian crosswalks on Abbott Avenue.

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

Emergency Management Auxiliary Police Unit
Eric P. Almeida, Eric M. Schmidt Sr., Roland R. Rivard

Leominster Planning Board – John B. McLaughlin - term to expire April 15, 2010

The following RE-APPOINTMENT was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Trust Fund Commission - John Howard - term to expire April 15, 2011

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)	\$0.00
Stabilization Account	\$8,712,152.38
Interest Earned for FY '08	\$340,706.97
Emergency Reserve Account	\$100,000.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were RATIFIED. Vt. 7 "yeas"

C-164 Relative to the appropriation of \$26,500.00 to the Contributory Retirement Expense Account; \$22,000.00 to be transferred from the Police Salary and Wages Account and \$4,500.00 to be transferred from the Fire Department Salary and Wages Account.

C-166 Relative to the appropriation of \$10,000.00 to the Council on Aging Salary and Wages Account; same to be transferred from the Collective Bargaining Expense Account.

REGULAR MEETING OF THE CITY COUNCIL, JULY 14, 2008, continued

- C-167 Relative to the appropriation of \$3,324.00 to the Municipal Buildings Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-168 Relative to the appropriation of \$7,000.00 to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was TABLED. Vt. 7/0

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 7/0. Relative to Petition 103-08, Councillor Rosa disclosed that he is a Trustee of 85 Highland Avenue Trust which is an abutter to the property and he will debate and vote.

- 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.
- 102-08 David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463 – 477 Lancaster Street located in an Industrial zone and shown on Assessor's Map 443, as Lots 2,3 and 4. (A hearing is scheduled on July 28, 2008 at 7:15 P.M.)
- 103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII" (A hearing is scheduled on August 11, 2008 at 7:15 P.M.)

Upon request of the PUBLIC SAFETY COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 7/0.

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

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was GRANTED. Vt. 7/0

- 104-08 George Rodriguez, Spanish American Center, Summer Youth Program: Requests the partial closing of First Street from the corner of First Street and Spruce Street to the main entrance of the Land Mark Storage Building on Saturday, September 6, 2008 from 9:00 A.M. to 4:30 P.M. for a block party.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was DENIED. Vt. 7/0

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

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was AMENDED and GRANTED. Vt. 7/0 Amended to add "Request the Mayor" and "the City Council President to create a special committee".

- 105-08 Dennis Rosa: Request the Mayor to create a Solar Power Commission or the City Council President to create a special committee to study the feasibility of creating a 500 Kilowatt Solar Power Park at the old landfill on Mechanic Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 7 "yeas"

Emergency Management Department - Admin. Unit - Jean B. Hudson

Council on Aging – Dennis Bouchard – Term to expire April 15, 2010

The following ORDER OF LAYOUT was given FURTHER TIME. Vt. 7 "yeas"

Order of Layout - Accept and approve the Layout of Southers Crossing

The following ORDINANCE was read once, ADOPTED as presented. Vt. 7 “yeas”

1st Reading Ordinance – amend Chapter 22 of the Revised Ordinances entitled “Zoning” Article II, Section 22 to amend the Table of Uses – Business Uses and creating a new Section 22-20.3 to allow Beauticians and Barber Shops in existing building in the Residence C District by Special Permit of the Planning Board.

The following ORDINANCE was read once, ADOPTED as presented. Vt. 7 “yeas”

1st Reading Ordinance - amend 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.

Under New Business, Councillor Dombrowski said he wanted to congratulate the Leominster American League 12 year old All Star Team. They won the first round of the playoffs and are going to the district finals.

Councillor Lanciani said the Chairman of the Legal Affairs only read a part of the letter that came down from the Mayor. He said the first paragraph of this letter thanked the City Council for their work with the Doyle Field tennis courts. He said if you haven’t seen them you have to see them, they are awesome.

Councillor Salvatelli commended the Emergency Management team who are policing the tennis courts so the material can cure without any damage to it. They are policing 24 hours a day with no charge to the City.

Councillor Lanciani said he heard that they would not be able to utilize the courts because once they are finished they could not be used for three days. He said someone already called and complained and wondered why we spent so much money and won’t let them use the courts.

Councillor John Dombrowski, Chairman of the President’s Drinking Water Oversight Committee, said the residents of the City just got their quarterly notice. He said the Committee has questions which will be put in writing and sent to the Department of Public Works for further clarification.

Councillor Rowlands said he thought he had a grasp and understanding of some of the issues facing the water and said the report doesn’t clarify it for him.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 7 “yeas”

The City of Leominster
In the year two thousand and eight

An Ordinance amending Chapter 21 of the Revised Ordinances entitled, Section 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule.”

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

Section 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” is hereby amended by deleting the current per unit charge provision and inserting in its place the following:

The Water user rate schedule for residential and industrial use shall be as follows:

Effective July 1, 2008

\$2.35 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons
Rates outside the city:	
\$3.15 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons

Effective July 1, 2009

\$2.60 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons
Rates outside the city:	
\$3.48 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons

Effective July 1, 2010

\$2.95 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons
Rates outside the city:	
\$3.95 per unit	100 cu Ft. = 1 unit
	1 unit = 750 gallons

REGULAR MEETING OF THE CITY COUNCIL, JULY 14, 2008, continued

The following ORDINANCE was read a second time, ADOPTED as AMENDED and passed to be ordained. Vt. 7 "yeas"

The City of Leominster
In the year two thousand and eight

An Ordinance amending Chapter 8 of the Revised Ordinances entitled "Fees for Ambulance Service."

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

Section 8-19(a) of the Revised Ordinances entitled "Fees for Ambulance Service." Is hereby amended by deleting said section in its entirety and inserting in its place the following:

(a) The chief of the fire department shall establish the rates to be charged as fees for the city fire department ambulance service within the commonwealth. The rates to be so established shall be the local or city limit charge or other city and town charges for ambulance service set at current recommended allowances as set forth by the Medicare program, plus an additional forty percent (40%) of such charges for Basic Life Support (BLS) service and an additional forty-five percent (45%) of such charges for Advance Life Support (ALS) service. The chief of the fire department shall furnish the city treasurer with a list of the persons transported monthly and the fee to be charged, and the city collector shall bill and collect the same.

The following ORDINANCE was given FURTHER TIME. Vt. 7 "yeas"

2nd Reading Ordinance - amend Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting 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 and 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. (Legal Affairs Petition #97-08)

Subcommittee meetings were scheduled for July 23, 2008:

Finance Committee at 6:30 P.M.
Legal Affairs at 7:00 P.M.

A motion was made and seconded to have the Planning Board and the Planning Director attend the Legal Affairs Committee meeting that is scheduled for July 23, 2008 at 7:00 P.M. Vt. 7/0

MEETING ADJOURNED AT 9:15 P.M.

Lynn A. Bouchard
City Clerk and
Clerk to the City Council