

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 27, 2008

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

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

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-32 Relative to the appropriation of \$1,500.00 to the Cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

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

C-33 Dean J. Mazzarella, Mayor: Request that Sandra Leach be exempt from Chapter 268A (20B) Conflict of Interest as she is currently employed by the City of Leominster and will be taking on a position at the Recreation Board.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas".

C-34 Relative to the appropriation of \$40,000.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

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

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

16-09 David Rowlands: Accept Forsythia Road and Wisteria Drive as public ways.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Building Inspector, the Conservation Commission, the Department of Public Works, the Health Department and Planning Board. A hearing was set for November 17, 2008 at 7:30 P.M. Vt. 9/0

17-09 Elizabeth Kelley, agent for Walton Whitney Investors V, LLC: Grant a Special Permit for emergency repairs to an eroded section of the Nashua River dike as shown on Assessor's Map 567 as lots 12, 2C, 5, 13, and 19, located within the flood plain

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

18-09 Claire Freda: Amend the Special Permit section of the Leominster Zoning Ordinance by adding that an acknowledgement be recorded at the Registry of Deeds putting potential buyers and future owners of proposed residential uses that are in or abut commercial or heavy industrial districts or any potential adverse pre-existing use in the immediate area that pre-dates the residential uses. Proof of recording shall be provided prior to the issuance of a building permit.

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

19-09 George Deglaoui for Deghan Inc: Grant a second hand license to buy and sell scrap gold under the name of George Deglaoui d/b/a Deghan Inc. Hannoush Jewelers at 100 Commercial Road.

The following APPOINTMENT was received under SUSPENSION OF THE RULES, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE. Vt. 9/0

Emergency Management – Admin Unit, Timothy O'Dell

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)	\$3,529,609.50
Emergency Reserve Account	\$10,900.00
Stabilization Account	\$8,794,011.55
Interest earned for FY-09	\$60,541.58

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

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

C-21 Relative to the appropriation of \$2,400.00 to the Highway Overtime Account; same to be transferred from the Emergency Reserve Account.

ORDERED: that the sum of Two Thousand Four Hundred Dollars (\$2,400.00) be appropriated to the Highway Overtime Account; same to be transferred from the Emergency Reserve Account.

C-22 Relative to the appropriation of \$10,000.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 "yeas"

C-23 Relative to the appropriation of \$780,293.19 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-24 Relative to the appropriation of \$658,866.31 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Six Hundred Fifty Eight Thousand Eight Hundred Sixty Six Dollars and Thirty One Cents (\$658,866.31) be appropriated to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-25 Relative to the appropriation of \$1,200.00 to the Parking Meter Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: that the sum of One Thousand Two Hundred Dollars (\$1,200.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Emergency Reserve Account.

Re: Six parking meter heads

C-26 Relative to the appropriation of \$20,000.00 to the Highway General Overtime 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 Highway General Overtime Account; same to be transferred from the Excess and Deficiency Account.

RE: Line and crosswalk painting, street cleaning and roadside brush cutting

C-27 Relative to the appropriation of \$210,000.00 to the Debt Service-Interest on Loans Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Two Hundred Ten Thousand Dollars (\$210,000.00) be appropriated to the Debt Service-Interest on Loans Expense Account; same to be transferred from the Excess and Deficiency Account.

C-28 Relative to the appropriation of \$175,000.00 to the Debt Service-Principal Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of One Hundred Seventy Five Thousand Dollars (\$175,000.00) be appropriated to the Debt Service-Principal Expense Account; same to be transferred from the Excess and Deficiency Account.

C-29 Relative to the appropriation of \$10,000.00 to the City Solicitor Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the City Solicitor Expense Account; same to be transferred from the Emergency Reserve Account.

C-30 Relative to the appropriation of \$100,000.00 to the Fiscal Year 2009 Revenue; same to be transferred from previous years Worker's Compensation Loss Funds as listed:

FY 2001	\$314.12
FY 2002	\$214.27
FY 2003	\$1,199.59
FY 2004	\$40,602.12
FY 2007	\$18,000.00
FY 2008	\$39,669.90

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

ORDERED: that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Fiscal Year 2009 Revenue; same to be transferred from the previous years Worker's Compensation Loss Funds as listed

FY 2001	\$314.12
FY 2002	\$214.27
FY 2003	\$1,199.59
FY 2004	\$40,602.12
FY 2007	\$18,000.00
FY 2008	\$39,669.90

C-31 Relative to the appropriation of \$48,500.00 to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Forty Eight Thousand Five Hundred Dollars (\$48,500.00) be appropriated to the Municipal Buildings Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Change orders for the cupola work at Kendall Hall: \$42,000.00 and backup heating pump for the boiler at City Hall: \$6,500.00.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9 "yeas"

84-08 Roger Brooks: Amend Chapter 21, Section 21-22.3 entitled "Sewer User Rate Schedule" to increase the in city rate from \$1.70 per unit to \$1.95 per unit and the out of city rate from \$4.00 per unit to \$4.25 per unit effective July 1, 2008.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9 "yeas"

14-09 John M. Dombrowski, David E. Rowlands and Wayne A Nickel, Drinking Water Oversight Committee: Request that the Leominster City Council adopt a Resolution relative to the manual application of the identified coagulant and pH water treatments at the Notown Reservoir.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9 "yeas". A hearing is scheduled for November 10, 2008 at 7:15 P.M.

15-09 Christine Lane for CWL Holdings LLC: Grant a Special Permit to construct a two-family dwelling at 43 Cotton Street located in a flood plain and shown on Assessor's Map 5 as Lot 13.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 "yeas"

Leominster License Commission - Melissa A. Maguire
term to expire April 15, 2014

Leominster Fire Department-Permanent Promotions
Alfred F. Kirouac-Deputy Chief
Jason J. LeBlanc- Lieutenant

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 "yeas"
(Returned unsigned by Mayor Mazzarella)



City of Leominster
City Council

RESOLUTION REGARDING NOTOWN RESERVOIR

WHEREAS, the Drinking Water Oversight Committee held an informational meeting on September 25, 2008;

WHEREAS, a representative from Woodard and Curran, the Department of Public Works Director and members of his staff attended the meeting;

WHEREAS, it was learned that recent testing of the Notown Reservoir indicated that continued high levels of TTHM are present;

WHEREAS, the Department of Public Works is in the process of implementing an automated process that should effectively reduce the TTHM levels;

WHEREAS, the automated process will not be completed for approximately ten months;
and

WHEREAS, the TTHM levels at Notown could be substantially reduced by a manual application of the identified coagulant and pH water treatments until such time as the automated process is complete. This would enable a more thorough analysis of the effectiveness of the specified TTHM treatments prior to the investment, design and construction of the automated system.

BE IT RESOLVED, that the Leominster City Council accordingly requests the Administration implement the referenced manual application to Notown Reservoir until such time as the automated process is complete.

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

Under Old Business, Councillor Tocci said the Halloween Parade was a success.

Councillor Lanciani requested a letter be sent to the Mayor regarding the Southgate project to determine if the legal fees have been paid, how much has been paid, and when. Vt. 9/0

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. 8/1; Councillor Salvatelli opposed.

1st Reading Ordinance – Relative to amending 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. (Legal Affairs Petition 95-08)

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for November 10, 2008 at 7:30 P.M. Vt. 8/0; Councillor Tocci abstained due to a possible conflict of interest.

1st Reading Ordinance - Relative to amending Chapter 21 of the Revised Ordinance entitled “Water and Sewers” by amending Section 21-13 (b) relative to water service and the responsibility for the installation of the service pipe, stopcock valve and other fixtures. (Legal Affairs Petition 3-09)

MEETING ADJOURNED AT 9:42 P.M.

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