

HEARING BEFORE THE CITY COUNCIL, JULY 27, 2009

Hearing opened at 6:53 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

This hearing is continued from July 13, 2009.

The following PETITION was the subject of the hearing:

71-09 Barbara Drury and ten registered voters: Request that the Leominster Zoning Ordinance be changed to add an entry to the Table of Uses under Business Uses that allows a dog kennel with overnight boarding in a Rural Residential zone with a Special Permit from the Planning Board.

Councillor Rowlands read the recommendation from the Planning Board saying they are in favor of this petition and small local businesses should be supported. A letter was read from the Building Inspector saying he recommends that any changes made to the zoning ordinance be delayed and addressed when the new zoning changes are being worked on. He said the use of rural residential zone for such use should be addressed as to the size of the parcel and the proximity to surrounding residents so that the noise and odors do not become a nuisance.

Councillor Rowlands said this petition came out of a discussion and the credit belongs to Councillor Dombrowski for the idea. He said there is no entry in the Table of Uses for dog kennels even though we have dog kennel businesses in the City so it is "no" in all districts. He said the idea of this petition is that it would be allowed by a Special Permit from the Planning Board in a Rural Residential area and become a business use. He said if it is a business use that is defined in the Table of Uses then there is a process by which an individual property can be the subject for a Special Permit to the Planning Board with regard to an alternate use on industrial land.

Barbara Drury said she hopes tonight they grant this petition so they can provide overnight boarding services at Manilow's Canine Playground. She said she continues to get many requests for this service from all over the community and surrounding towns. She said she was recently at a dog event in Lancaster called the "Whisker Walk" and had a table set up to give out information on her business. She said many asked about overnight boarding. She said she is a very lucky person going to a job every day that she loves to be at and owning her own business is a dream come true, she is grateful to provide a service to dog owners. She said she would love to be able to provide the service of overnight boarding to her customers and new customers who are looking for a safe clean environment to leave their dogs overnight. She said there is a need out there in the community for the service and hopes they vote favorably.

David Higgins, from a neighboring town, said he has dogs that go to Manilow's for 5-6 years now and they absolutely love the place. He said he knows overnight boarding is a service for kennels and they would love to be able to offer that service and he hopes the Council will be able to provide that for them.

Robert Saudelli, 871 Pleasant Street, said he supports the petition. He said he was thinking about the proximity of the doggie day care to Target. He said it is a small business, it's clean, it's efficient and thinks people coming to drop off or pick up their dogs are going to visit Target and the mall and provide business there and says it's a win win situation. He said it is very important to support small businesses in these economic times.

Sue George, 101 Helena Street, said her dog has been going to Barbara's for several months and absolutely loves it there. She said she will be traveling overnight and will need to find a place for her dog. She said he is very comfortable with Barbara and there is no question she wholeheartedly supports Barbara in anything she chooses to do.

David Marble, 41 Sanderson Street, said he has relied on her in the past to come to his home and give her the keys to his home. He said over the years they have become very good friends with Barbara and occasionally they have dropped in unexpectedly and always found the place clean. He said she runs a great business and it has been a value to them.

Kathy Girolamo, 18 Sky Lane, said it is so nice to have dogs and be able to give them the life they deserve by being able to drop them off at Barbara's. She said they are so comfortable there and it would be such a nice thing to think that when we do leave for a weekend or vacation that they go someplace familiar.

Jackie Lozier, 63 Merriam Avenue, said Duke loves doggy day care. She said every time they drive into her driveway Barbara can hear him coming. She said it is such a great feeling to know if you have to go away overnight you have someone that is reliable and loving to your pet and you can go away and feel the dog is well cared for and relax and enjoy your time away. She said Barbara is a wonderful caregiver for a dog.

No one in the audience spoke in opposition to the petition.

Councillor Marchand asked if any of the members who authored this legislation were here tonight and if they spoke in the public forum or the hearing? He said there are ten registered voters that are signed on.

Councillor Rowlands said some of them spoke in the open hearing.

Councillor Marchand asked if they were Leominster residents.

Councillor Rowlands said Merriam Avenue and Sky Lane was mentioned. He said the zoning ordinance requires ten registered voters to sign which they have and some have spoken tonight that are members of Leominster.

HEARING ADJOURNED AT 7:08 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 27, 2009

Hearing opened at 7:08 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 21, Section 21-22.3 entitled "Sewer user rate schedule" to increase the City unit rate from \$2.30 to \$2.60, the Lunenburg Inter-Municipal Agreement unit rate from \$2.90 to \$3.20 and the out of City unit rate from \$5.40 to \$6.00 effective October 1, 2009 and further increase the City unit rate from \$2.60 to \$3.05, the Lunenburg Inter-Municipal Agreement unit rate from \$3.20 to \$3.65 and the out of City unit rate from \$6.00 to \$6.60 effective October 1, 2010.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:09 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 27, 2009

Hearing opened at 7:10 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 21, Section 21-22.3 entitled "Sewer user rate schedule" to change the rates for users who utilize sewer service only based on the Environmental Protection Title V flow guidelines.

No one spoke in favor of this ordinance.

Mary Bodanza, 30 Hudson Street, spoke against the ordinance. She said she has well water that doesn't cost anything to the City. She said they have a large piece of property and they use the well water to water the property and pay the sewage rate \$50.00 per quarter which is \$200.00 per year. She said the reason why she is in opposition is because of the climate of the economy today, the mortgage to the bank and coupled with the real estate taxes and caring for the well. She said she is paying \$200.00 and there are only two people living in her residence. She said there are three bedrooms in her home with one bedroom vacant without a bed in the room. She said to increase the fee for three bedrooms would give them a hardship. She said she is doing the City a service by not using the City water. She is not opposed to a tax in the City of Leominster because the government is one of the best in Worcester County but there should be a little increase not to the extent that she pays \$200.00 for a sewer she hardly uses. She said there is a construction company next door that has four empty lots and the runoff that goes to her place and into the sewer. She said maybe those construction workers that have property with runoff should pay their portion for their use of the sewer. She said she has to call Boucher Construction to come down and clear the mess that comes from the stones, sand and silt that goes into the City sewer. This should be examined more carefully. She said she is in opposition of this high raise.

Councillor Rowlands said there was a petition put forth by the Department of Public Works that asked for a rate increase from \$50.00 to \$75.00 per quarter. At the Legal Affairs committee meeting they questioned what it was based on. In other words, where did the \$50.00 and the \$75.00 come from? He said in the discussion there was no basis for the amounts. Councillor Rowlands said it should be based on some kind of standard and what came up in that discussion was the only standard that they were familiar with is Title V.

Councillor Rowlands said if you have well water, you don't have a water meter and without a water meter there is no way to determine how much sewer usage there is because in the City the water meter not only determines how much water you use but it determines the billing rate for the sewage you use. He said for the 147 people in the City that do not have City water but has City sewer there is no way to measure so there was a standard fee of \$50.00 per quarter. He said they were looking for a standard instead of picking a number out of the sky. Councillor Rowlands said he suggested that a standard to use would be Title V which is 110 gallons per bedroom.

Councillor Salvatelli said he has submitted a sewer rate document that he spent a considerable amount of time on that he will discuss when we get to the ordinance. He said the data will indicate the direction the City Council should go.

Councillor Rowlands said it is an issue of fairness and for some that are large users \$50.00 is a pretty good deal compared to what many in the City pay for and for some don't use a lot \$50.00 or \$75.00 is a lot of money. There is a balance and we are trying to be fair.

HEARING ADJOURNED AT 7:20 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 27, 2009

Meeting was called to order at 7:30 P.M.

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

The Committee on Records reported that the records through July 13, 2009 were examined and found to be in order. The records were accepted.

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

C-5 Relative to the appropriation of \$75,000.00 to the Leominster High School, 122 Granite Street, Leominster, MA Repair Project Expense Account; same to be transferred from the Emergency Reserve Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the License Commission.

1-10 Thomas Hazzard, T&S Package Store: Request a Home Rule Petition be filed providing for "An act authorizing the City of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises."

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

C-1 Relative to the appropriation of \$100,000.00 to the Storm Expense Account; same to be transferred from the Stabilization Fund. (Granted with an Emergency Preamble on July 13, 2009; another vote is required.)

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

C-2 Relative to the appropriation of \$8,000.00 to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: that the sum of Eight Thousand Dollars (\$8,000.00) be appropriated to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

C-3 Relative to the appropriation of \$7,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: that the sum of Seven Thousand Dollars (\$7,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

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

71-09 Barbara Drury and ten registered voters: Request that the Leominster Zoning Ordinance be changed to add an entry to the Table of Uses under Business Uses that allows a dog kennel with overnight boarding in a Rural Residential zone with a Special Permit from the Planning Board.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 8 "yeas" and 1 "nay, Councillor Freda opposed. Amended to change "two" to "five".

73-09 David E. Rowlands: Waive the sewer connection fee for those homes that are in an exiting residential neighborhood which is at least ~~two~~ five years old, without sewer and have contributed \$30,000.00 or more in the sewer infrastructure in the public way.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

C-4 Relative to the appropriation of an additional \$440.00 to the Year 35 Community Development Block Grant Housing Rehabilitation Construction Expense Account.

ORDERED: that the sum of \$440.00 be appropriated to the Year 35 Community Development Block Grant Housing Rehabilitation Construction Expense Account.

A recommendation from the Majority of the LEGAL AFFAIRS COMMITTEE to DENY the following ORDINANCE was defeated. Vt. 3 “yeas” and 6 “nays”; Councillors Salvatelli, Tocci, Lanciani, Freda, Rosa and Nickel opposed. Upon a Minority recommendation from the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 6 “yeas” and 3 “nays”; Councillors Rowlands, Dombrowski and Marchand opposed.

CITY OF LEOMINSTER
In the year two thousand and nine

AN ORDINANCE

Amending Chapter 21 of the Revised Ordinances entitled “Water and Sewer.” Be it ordained by the City Council of the City of Leominster as follows:

Chapter 21 of the Revised Ordinances entitled “Water and Sewer” is hereby amended by deleting the Sewer User Rate Schedule in Section 21-11.3 in its entirety and inserting in its place the following:

	FACTOR	UNIT	RATE
Residential (includes low strength industrial) (As of October 1, 2008)	metered water	100 cu. Ft.	\$2.30
(As of October 1, 2009)			\$2.60
(As of October 1, 2010)			\$3.05
Minimum sewer charge per quarter			\$14.00
Lunenburg (As of July 1, 2006) Per Intermunicipal Agreement Dated June 24, 1999	metered water	100 cu. Ft.	\$2.90
(As of October 1, 2009)			\$3.20
(As of October 1, 2010)			\$3.65
Out of City (As of October 1, 2008)	metered water	100 cu. Ft.	\$5.40
(As of October 1, 2009)			\$6.00
(As of October 1, 2010)			\$6.60
Minimum sewer charge per quarter			\$40.00
High strength Industrial	metered wastewater	100 cu. Ft.	\$0.40
	BOD	1 lb.	\$0.15
	TSS	1 lb.	\$0.15
	N	1 lb.	\$0.77
	P	1 lb.	\$2.72
		up to 1,000	
Septage-within city	volume (min.)	gal.	\$40.00
	Volume (addit.)	over 1,000 gal. (per 100 gal.)	\$4.00
		up to 1,000	
Septage-out of city	volume (min.)	gal.	\$100.00
	Volume (addit.)	over 1,000 gal. (per 100 gal.)	\$10.00

At the recommendation of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9 “yeas”

2nd Reading Ordinance - Amend Chapter 21, Section 21-22.3 entitled “Sewer user rate schedule” to change the rates for users who utilize sewer service only based on the Environmental Protection Title V flow guidelines.

Councillor Rowlands said the Public Service Committee had a meeting and had a discussion about the acceptance of roads and what a major issue it is in the City. He said there are two elements to that discussion the first being the old roads accepted and the second is to change the zoning laws to close the loopholes that allow the City to accumulate unaccepted roads. He said the Planning Director was going to make suggestions to the Planning Board about changes in zoning that would close the loophole for future problems and he thinks this is a very important issue. He said it looks like it didn’t happen. Councillor Rowlands asked that a letter or a follow-up email be sent to the Planning Director to ask the status of that process she is working on. He said the Planning Board was not meeting this month and said what a better time to solidify those changes and to have a meeting when no one is in the audience. He said they could dedicate an hour that night and get it done.

Councillor Nickel said he was at a meeting when the Planning Director did bring it before the Chairman and the Board and it got no where. He recommended the letter be sent to the Chairman of the Planning Board and not the Director.

Councillor Rowlands was in agreement with that.

Councillor Dombrowski wanted to clarify that it is not the zoning regulations but the Planning Board Subdivision Regulations.

REGULAR MEETING OF THE CITY COUNCIL, JULY 27, 2009, continued

Councillor Marchand said Health Alliance Hospital has completed a portion of the buffer zone work off of Memorial to the satisfaction of the neighbors. He said they did an excellent job and went beyond the scope with planting that will eventually ensure privacy for the residence on DiMassa Drive, in particular at the intersection in back of the first house on DiMassa Drive on the left where the area was quite open.

Councillor Marchand said he had a complaint in the area of North Main Street. He said he had the chance to walk in the vicinity of Surfside Pool and just in that area from Surfside Pool to the intersection where the lights are going into the State Street complex the sidewalk was in bad shape. He said there were cracks, poles placed in them, the curbing inside was falling away from the concrete with a gap as much as four inches between the sidewalk and the curbing and the handicap accessibility is going right to a utility pole. He said there were some issues with Verizon not moving the poles quickly enough and that they have been dragging their feet and has set the project back quite a bit from the present timeline. He said there is one particular asphalt job that was done in the parking lot of Surfside Pool which is now a collection area for water which has been mitigated, but it raises a flag on the engineering plan especially the shoddy work of the sidewalk. He would like a letter be sent to the Mayor to get on board with Mass DPW and give us an update as to the resolution to some of the things that have happened over this period of time.

The following ORDINANCE was read once, ADOPTED as presented. Vt. 9 "yeas". A hearing was set for August 10, 2009 at 7:00 P.M.

1st Reading Ordinance – Amend Chapter 6 of the City Ordinance entitled "Dogs" by inserting Section 6-8 requiring all pet owners and keepers to dispose of their pet's solid waste.

Under New Business, Councillor Salvatelli asked the Clerk to contact the Comptroller, Mr. Richard, asking him to send a final 2009 budget update. He said he wants to see how much money was spent in each department and how much money came back. He would like to have it sent and put in everyone's mailbox.

Councillor Rowlands asked if he was asking for the actual numbers for Fiscal Year 2009.

Councillor Salvatelli said he would like to know what every department head had in the beginning and what they spent at the end and what is left over. He said that will give us a fairly accurate picture of how things are going in that budget.

Councillor Marchand asked if they could get a handle on police and fire overtime. He said nothing was funded in this year's budget and here we are going into the second month of the new year and wondering how they are going to handle that.

Councillor Salvatelli said he thinks they do have some funds but very little. He said he will look into that.

Councillor Dombrowski asked if they could include what they spent it on.

Councillor Rowlands said he believes the budget that they approved was based on some concessions that had to be made and was curious what the status of those concessions are.

MEETING ADJOURNED AT 9:04 P.M.

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