

HEARING BEFORE THE CITY COUNCIL, AUGUST 10, 2009

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

All members were present except Councillor Dombrowski.

The following ORDINANCE was the subject of the hearing:

Relative to amending 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.

Councillor Rowlands read the following letter from the City Solicitor dated July 10, 2009.

Dear Ms. Bouchard:

I have prepared an ordinance pursuant to the above referenced petition, which I have approved as to form. As you recall, The City Council did not provide me with a specific form of ordinance. The form I enclosed would add a new section to Chapter 6 of the Revised Ordinances, and it would be enforceable with the penalty schedule found in Sec. 6-5 and by the enforcing officers listed in Sec. 6-6. Violations may also be enforced by noncriminal disposition pursuant to Sec. 6-7.

Councillor Rowlands read the proposed Ordinance. (See page ____)

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

No Councillors spoke.

HEARING ADJOURNED AT 7:06 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 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 27, 2009 were examined and found to be in order. The records were accepted.

A moment of silence was held for Arthur DiGeronimo and Louis Amedio.

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

C-6 Relative to the appropriation of \$5,485.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

The following PETITION was received, referred to LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE, referred to the Department of Public Works, the Planning Board, the Building Inspector and the Conservation Commission. A hearing was set for September 14, 2009 at 6:45 P.M. Vt. 9/0.

2-10 Frank H. Preston, Agent for Fernand Arsenault: Rezone 12.8 acres of land located at the western end of Marcello Avenue and Kinsman Avenue, north of Marshall Street and south of Mooreland Avenue as shown on Assessor's Map 244 as Parcels 1A and 2A, from Industrial, Residence A and Residence B to Residence B.

The following PETITION was received, referred to LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE, referred to the Department of Public Works, the Planning Board, The Board of Health, the Building Inspector and the Conservation Commission. A hearing was set for September 14, 2009 at 7:00 P.M. Vt. 9/0.

3-10 Roger Brooks: Grant a Special Permit to construct a tertiary treatment facility at the Wastewater Treatment Plant, at 230 Commercial Road, shown on Assessor's Map 572 as Lot 1 located within a flood plain.

The following PETITION was received, referred to LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE, referred to the Building Inspector, the Mayor and the City Council President.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 2009, continued

- 4-10 Carl Piermarini, LATV: Grant permission to Leominster Access Television to construct a temporary glass TV control booth in the northwest corner of the Council Chambers to facilitate the improvement of live cable television broadcasts of the Leominster City Council.

Councillor Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Fund:	\$5,662,111.48
Interest Earned:	\$ 182,641.51
Emergency Reserve:	\$ 19,515.00

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to invite Superintendent Binkley and the Project Manager for the LHS Building Repair Project to attend an informational meeting on August 24, 2009 at 6:30 P.M. regarding the high school repair project Vt. 9/0

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”.

- 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.

ORDERED: - that the sum of Seventy Five Thousand Dollars (\$75,000.00) be appropriated to the Leominster High School, 122 Granit Street, Leominster, MA Repair Project Expense Account; same to be transferred from the Emergency Reserve Account.

RE: Design work

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

- 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.”

Under Old Business, Councillor Marchand said he would like to establish a meeting with Viola Water, Mr. LaPointe, Mr. Brooks and Woodard & Curran. He said he would like to have the meeting November 23, 2009 because there would be at least one new Councillor on board at that time. He said he wants an update on how the TTHM counts are.

Councillor Dombrowski said he would like to get an update on how the physical implementation of the coagulant is going and ask Viola Water if the spikes that were on the recent graphs have subsided, and if they successfully implemented the coagulant.

Councillor Marchand said it would be a good gesture for the incoming new members of the new Council to attend to catch up with what is happening.

Councillor Nickel agreed. He said when he first got on the Council he remembers there were meetings that he wasn't able to take part in the discussion but it was nice to sit in the audience and get the information and when the time came he was ready to go with what he heard.

Councillor Rowlands said he would like ask a question or have a meeting earlier. He said November sounds fine with him but would like to see something earlier. He said he would like to ask if there have been any violations with water testing since the last meeting including fecal, chloroform or TTHM's. He said he hears things that may or may not be accurate. He also asked that a meeting at the end of September be considered and leave the November meeting open.

Councillor Marchand said that was fine.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request a representative from Viola Water, Patrick LaPointe, Roger Brooks and a representative from Woodard and Curran to attend the informational meetings on September 28, 2009, and November 23, 2009. Vt. 9/0

Councillor Salvatelli said at a prior meeting Councillor Marchand asked about overtime for Police and Fire. The Police have \$237,120.00 in the account this year and the Fire Department has \$432,800.00 in their budget this year. He said the Fire Department is using the money and there are two full time people out plus vacation times. The Fire Chief told him it is pretty significant although he is trying to keep it under control. He said they have been consistent all year long.

Councillor Salvatelli said the Mayor is currently negotiating with City unions and it will be a long process. He said it will be a while before there are any concessions and once they do the Mayor will give us the information.

Councillor Salvatelli said the Annual Report from the Comptroller is being worked on and expects it any day. It is the final closing of the books and we will find out what was spent and returned back to the City.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 2009, continued

Councillor Freda said she is happy to say the signalization at the intersection of Central Street and Willard Street is going to begin. She said the very first meeting when they talked about this was 1996. She said the signs are up for roadwork and surveying and the project is expected to be done by Spring 2010. She said it is a project to enhance safety and improve efficiency by installing the new traffic light at the intersection of Route 12 and Willard Street and it will be significant geometric improvements in order to provide wider lanes and to address the extremely poor sight distance on Willard Street west bound. Work will also include the installation of new signs and pavement markings and is almost a million dollar project with the majority of it paid with TIFF, federal and state funding.

Councillor Nickel asked Councillor Freda if she has seen any completed designs.

Councillor Freda said they had 25%, 50% and 75% completed designs.

Councillor Nickel said the only reason he asked is because Mass Highway is great for designing intersections that has two lanes come in and then you drive 80 feet across the intersection and it quickly turns into one. He said an example is 190 when you come down to Mechanic Street it's two lanes then you go 50 feet through the lights and then into one lane and the other classic example is Erdman Way.

Councillor Freda said now they are spending money to correct that.

Councillor Nickel acknowledged that Councillor Tocci had a meeting of the Solar Power Energy Exploratory Committee at the Library and it was attended by our State Representative and our Councillor-at-Large. He said he attended and there was not a huge crowd but a good meeting. He said he appreciates her efforts.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas".

City of Leominster
In the year two thousand and nine

AN ORDINANCE

Amending Chapter 6 of the Revised Ordinances entitled "Dogs."

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

Chapter 6 of the Revised Ordinances entitled "Dogs" is hereby amended by inserting the following section:

Sec. 6-8 Pet Waste Disposal

It shall be the duty of each person who owns, possesses or controls a dog or other pet to immediately and properly remove and dispose of any pet feces deposited on any sidewalk or other public property or on any private property not owned or possessed by such person. Proper disposal shall consist of a bag or other container that is deposited in a trash receptacle that is collected by a licensed waste hauler or is otherwise disposed of at the City transfer station. Each person who owns, possesses or controls a pet shall properly dispose of pet feces deposited on property owned or possessed by such person on at least a weekly basis, or more frequently if determined necessary by the Leominster Health Department to prevent a public health and environmental nuisance. No pet waste shall be deposited in any private or public drainage system, wetland, waterway or body of water.

Violations of this section shall be subject to a fine in accordance with Section 6-5 of this chapter.

A unanimous recommendation of the Legal Affairs Committee to ADOPT the following ORDINANCE was DEFEATED. Vt. 5 "yeas" and 4 "nays, Councillors Salvatelli, Lanciani, Marchand and Rosa opposed.

1st Reading Ordinance – Amend Chapter 22 of the zoning ordinance by adding 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 Marchand said it has been a very difficult summer in fund raising for the Johnny Appleseed Festival. He said they have a lot of folks trying to do the best they can and right now the festival is being compromised whether it is going to take place or not on September 12, 2009. He said this is not funded through the City but by volunteers of about 8 or 9 people in the City. There will be a meeting at the Leominster Library Thursday, August 13, 2009 at 7:00 P.M. if anyone would like to attend.

MEETING ADJOURNED AT 8:18 P.M.

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