

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 24, 2009

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

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

The Committee on Records reported that the records through August 10, 2009 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-7 Dean J. Mazarella, Mayor: Request that a Disability Commission Donation Account be established as authorized by Chapter 44, Section 53A of the Massachusetts General Laws.
- C-8 Relative to the appropriation of \$535.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.
- C-9 Relative to the appropriation of \$9,500.00 to the Demolition Expense Account; same to be transferred from the Emergency Reserve Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE. A hearing was scheduled for October 5, 2009 at 7:00 P.M. It was announced that this could possibly be a joint meeting with the Planning Board. Vt. 8/0

- 5-10 John Souza, Chairman, on behalf of the Planning Board: Adopt the following zoning changes proposed by Vanasse, Hangen and Brustlin to include:
- 1) The Leominster Zoning Ordinance Revised Draft, July 2009
  - 2) The Leominster Zoning Ordinance "Table of Uses," July 2009
  - 3) The Leominster Zoning Ordinance "Proposed New Zoning Districts," July 2009
  - 4) the Leominster Zoning Ordinance "New Sections," January 2009
  - 5) Section 22-19 Residence B Districts which is a correction to the "The Leominster Zoning Ordinance Revised Draft," July 2009

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE. Vt. 8/0

- 6-10 Russell Kassatly: Grant a Hawkers and Peddlers License to sell balloons and children's toys at special events.

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

Emergency Management – Rescue Unit, Joseph M. Hattabaugh  
Admin Unit, Jean G. Saintelus

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

Emergency Reserve:	\$ 9,480.00
Stabilization Fund:	\$5,668,189.21

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8"yeas".

- 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.

ORDERED: that the sum of Five Thousand Four Hundred Eighty Five Dollars (\$5,485.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

RE: For two projects on Willard Street to alleviate some of the issues that arise with heavy rainfall.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0. Councillor Rosa disclosed that he is the State Representative for the 4<sup>th</sup> Worcester District and Thomas Hazzard is one of his one of his legislative aides. He said Mr. Hazzard is not a relative and does not have a conflict of interest.

- 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 request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 8/0

- 2-10 Frank H. Preston, Agent for Fernand Arsenault: Rezone 12.8 acres of land located at the western end of Marcello

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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. (A hearing is scheduled on September 14, 2009 at 6:45 P.M.)

- 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. (A hearing is scheduled on September 14, 2009 at 7:00 P.M.)

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

- 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.

Under Old Business, Councillor Marchand, Chair of the President's Drinking Water Oversight Committee, said informational meetings are scheduled on September 28, 2009 and November 23, 2009 with the Department of Public Works Director Mr. LaPointe, the Water Department Director Mr. Brooks and representatives from Woodard & Curran and Viola Water.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. Vt. 8 "yeas"

1<sup>st</sup> Reading Ordinance – Amend Chapter 21 of the City Ordinance entitled "Water and Sewer" to waive the sewer connection fee for those homes that are in an exiting residential neighborhood which is at least five years old, without sewer and have contributed \$30,000.00 or more in the sewer infrastructure in the public way. (Legal Affairs Petition #73-09)

Under New Business, Councillor Rosa said he has been getting complaints that trash, tires and old furniture are being left at the containers that collect books and clothing in the City. He said these people are getting away with illegal dumping. He said he tried to deposit some books and the container was full and when he checked a month later it still wasn't emptied out. They are not picking up the containers in a timely manner. He said we should let the Mayor know.

Councillor Tocci said the next Solar Power Energy Exploratory Committee meeting will be at the Library on September 15, 2009 at 6:30 P.M.

Councillor Rowlands said regarding the zoning he feels it would be best to first have a meeting of the Council as a whole and have the Planning Department, Planning Board and VHB come down and present exactly what their intent is and the highlights. He said we will go into Legal Affairs subcommittee prior to the hearing and we will review and try to take on certain chunks of the zoning and break it down into areas like the "Table of Uses" and the "Definitions". Then there will be a hearing process where the work will continue on. He said that is the goal. He said he didn't know if the Council wanted to set it up as a Special Meeting of the City Council or a Legal Affairs Committee Meeting with the Council as a whole.

Council President Nickel said he would prefer to have it established as a subcommittee meeting with the idea that they can go into Council as a whole. He said the only reason he says that is because sometimes when we try to set a time when we can all be here it is difficult. So, he would rather see it as a Legal Affairs subcommittee meeting at the soonest opportunity.

Council President Nickel suggested putting up a spreadsheet outside the Clerk's office showing the timetable so they can refer to it and if anyone comes in they can get an idea what the legal timetables are.

Councillor Marchand said food for thought, it is quite a document and we will have differences of opinion regarding certain parts of the City, especially if it affects neighborhoods that impact our responsibilities. He said we heard from a citizen tonight on a particular issue. He suggests Legal Affairs come up with a policy on how they are going to present to the whole Council because what is going to happen is when we have our subcommittee meetings and turns into the whole Council, if we have suggestions at that point, at what point do we start lobbying for that suggestion; on the floor of the Council when that whole piece comes to us or a component of it or can we have Legal Affairs hammer it out in the subcommittee so we can add or delete something or revise something without it coming to the floor?

Council President Nickel said once we start the hearing we want to make sure we don't get into too much of a process of discussing it at committee meeting when there is an active hearing going on. He said it probably can be broken down into amendments and then voted on and voted on as a whole document.

Councillor Marchand said the rules of the hearing are pretty clear to most of us, but if I am not involved in the subcommittee meeting and sitting outside as a citizen, I think we need some clarification from the City Solicitor because I would be more effective sitting in the audience during the Legal Affairs meeting at that point, if it was appropriate.

Councillor Salvatelli said he was on the committee when the last big changes took place and they had tons of neighborhood meetings. He said they had to go from ward to ward and explain to each ward what was going on. He said they had hearings that went on forever and tried to be as thorough as possible and we still missed a few things. Do we have to go to the wards? He said when you have overlay districts within the community you are looking at ward issues. He asked what the projection and timelines were.

Councillor Rowlands said there has been a process that has been in place for a couple of years and that has been regular meetings with members of the committee and other people that weren't elected to that committee that came in and participated. He said there has

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been neighborhood meetings which were driven by the Planning Department and with the participation of Councillor Lanciani and himself, the ZBA and the Planning Board. He said a large part of that has happened already.

Councillor Rowlands said he wants to own the electronic format of the word document that we paid VHB to produce. They took a word document and have been editing the changes. He said he wants to handle it just like we handled the 20 page document regarding Mixed Use Zoning. He said we sit down in subcommittee, work on a section, we make recommendations for changes, we make a revision table of that document and present it to the Council as an amendment. He said in terms of logistics we have to open a hearing in 65 days and once we open the hearing we are no longer going to be talking about this in the realm of a subcommittee meeting. He said between now and that hearing date the Legal Affairs Committee will be meeting and laying out the logistics on how the process will go. Once the public hearing is opened, from then on all the discussion will be held in public hearings which means the public is allowed to speak. He said after that, whether we as a committee or a whole and whether we as a subcommittee feel there is a need to do a road show, we'll do a road show. He said he would like to go through the initial process first where they lay out the rules and the logistic and the time schedule, then open the public hearing and vote on amendments and once we get something that we think that is close to the final form then we will see what the mindset is to go on the road with it or not. He said this is his personal intention at this point.

Councillor Salvatelli asked how long this is going to take.

Councillor Rowlands said we are talking about a minimum of 4 to 6 months. He said he will try to move it as fast as he can.

Councillor Marchand said the overlay maps are going to be the item of question. He said he knows they are a concern in Ward 5 and an example of that is where do we stop the district from encroaching on the Residential B neighborhood coming up Merriam Avenue. Do we draw the line at the former Red Cross building as agreed upon at a public hearing down here with the Planning Director or now do we have a map that goes all the way up to Blossom Street? And at what point is there a lobby, whether from this seat or from the residence, how do we accept that lobby? He said if one person comes down with an isolated issue we are not going to change what cost the City thousands of dollars because it is an isolated issue. He said he doesn't think there will be a tremendous amount of people coming down lobbying for that type of action step. He asked if they make the revisions on the map do they do it in subcommittee or is it hammered out after when it is before the whole Council for action and disposition. He said those are the concerns he has.

Council President Nickel said if need be we will have whatever we need for legal guidance through this as far as Kopelman & Paige.

Councillor Dombrowski asked if they could get a suggested or recommended format or schedule from Kopelman & Paige. He said he is sure that they have dealt with this a lot before and there is a lot of detail. He said this has been handed down to us in five sub-parts and what their suggested format should be for us to follow along with the deadlines are so we know exactly what they are. He asked if they could get blow-ups mounted on foam board, not only the current zoning as it is but the changes so that when we are discussing the proposed ordinance it will be a lot easier to have it displayed. He said he thinks it will be easier to digest.

Councillor Tocci asked if they would be doing a joint meeting with the Planning Board on October 5, 2009 or just the Council.

Council President Nickel said it will be with the Planning Board.

Councillor Rowlands said he thinks the initial hearing is fine to be a joint meeting and then go our own way after that. He said he isn't sure if we can open a joint hearing and go separate ways. We will have to ask Kopelman and Paige.

Councillor Lanciani said input from the vendors and the developers has been done and when the package was put together there has been revisions from different meetings and discussions as to what an overlay would consist of, where it would go to and the boundaries. He said this is the final revision that VHB has made from the questions that were asked by the developers, himself and Councillor Rowlands. He said he believes the Planning Board has the foam boards that Councillor Dombrowski is asking for and are in the hallway upstairs near the Mayor's Office. He said now is the time for us to look at this as a whole because not each and every one of you were able to attend those meetings. He said two of us tried to be at every single meeting. If there are revisions to be made, we can make those revisions and send them back to VHB. He doesn't have the answer if it needs to go back to every ward. He said what Councillor Rowlands does at his meetings will lead us in the right direction.

Councillor Dombrowski he understands and will be looking for the boards. He said in order to make sense to everyone those boards are needed in a visible spot side by side otherwise we are going you get bogged down in the details and get lost. If they have already been done, that's great but if it is only partially done it is not going to work. He said it has to be all properly on display to they can see exactly what is being changed and how it is being changed and what neighborhoods are being affected. It is not just for us but for the public as well.

Committee meetings were established for September 9, 2009 as follows:

Finance - 6:45 P.M.

Legal Affairs - 7:00 P.M. for regular business and VHB, the Planning Board and the Planning Department presenting an executive summary and overview of the zoning recommendations at 7:30 P.M.

Council President said the new date for Dr Binkley to come to the Council to present an update of the LHS Project is October 13, 2009. He said it was thought to be better to postpone it to October when we are closer to the date the School Committee submits their numbers to the State for populations, demographics, etc.

MEETING ADJOURNED AT 8:20 P.M.

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