

HEARING BEFORE THE CITY COUNCIL, MAY 24, 2010

Hearing opened at 7:03 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 12, Article I Section 12-2 of the Revised Ordinance entitled "Fee Schedule" by changing the fees for male dogs and unspayed female dogs to \$15.00 and spayed female and neutered males to \$10.00. (Legal Affairs – Petition #29-10)

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

No Councillors spoke on this petition.

HEARING ADJOURNED AT 7:04 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 24, 2010

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

All members were present.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 6 of the Revised Ordinances entitled "Dogs" by deleting such section and inserting in its place "A late fee of ten dollars per dog shall be charged to each dog owner that fails to license his dog or dogs on or before May 1 of any year. An additional late fee of ten dollars per year, in addition to the annual licensing fee per year, shall be charged to each dog owner for each year that his dog was not licensed." (Legal Affairs – Petition #30-10)

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

No Councillors spoke on this petition.

HEARING ADJOURNED AT 7:07 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010

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 April 26, 2010 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-103 Relative to the appropriation of \$100,000.00 to the FY 2011 Worker's Compensation Loss Fund; \$50,000.00 to be transferred from the FY 2008 Worker's Compensation Loss Fund and \$50,000.00 to be transferred from the FY 2009 Worker's Compensation Loss Fund.
- C-104 Relative to the appropriation of \$40,000.00 to the Highway General Expense Account; same to be transferred from the Snow and Ice Expense Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

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

C-105 Dean J. Mazzearella, Mayor: Authorize the City of Leominster to pursue \$31,646.00 through the United States Department of Justice – Justice Assistant Grant Program (JAG).

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

C-106 Dean J. Mazzearella, Mayor: Amend Section 16-31 (d) of the Revised Ordinances entitled “Method of Step Advances” to eliminate advancement to the next scheduled step rate for Fiscal Year 2011 for those employees in the “S” classification plan.

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-107 Relative to the appropriation of \$12,490.00 to the Municipal Buildings Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Twelve Thousand Four Hundred Ninety Dollars be appropriated to the Municipal Buildings Maintenance Expense Account, same to be transferred from the Excess and Deficiency Account.

RE: Phase II Environmental Site Assessment-210 Lancaster Street

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Water & Sewer Commission, the City Solicitor, and the Business Manager at the Water and Sewer Department A hearing was set for July 12, 2010 at 7:00 P.M. Vt. 9/0

60-10 New England Fun Center: Allow Roll On America to connect into the Leominster water system through a Special Act of the Legislature.

Councillor Salvatelli, 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)	\$ 1,487,643.90
Stabilization Account	\$11,541,957.69
Emergency Reserve Account	\$519,017,072.00
Interest Earned	\$26,902.88

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

C-87 Relative to the appropriation of \$10,000.00 to the Wire Department Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED:- that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Wire Department Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Wire Department Overtime.

C-88 Relative to the appropriation of \$2,000.00 to the Cemetery Salary and Wages Account; the same transferred from the Emergency Reserve Account.

ORDERED:- that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Emergency Reserve Account.

RE: Cemetery Overtime.

C-89 Relative to the appropriation of \$12,000.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Twelve Thousand Dollars (\$12,000.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: To pay for summer help through August.

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 “yeas”, Councillors Nickel and Cormier abstained due to a possible conflict of interest.

C-90 Relative to the appropriation of \$50,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account.

C-91 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Fire Department Overtime 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-92 Relative to the appropriation of \$61,500.00 to the Sanitation and Drainage Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Sixty One Thousand Five Hundred Dollars (\$61,500) be appropriated to the Sanitation and Drainage Account; same to be transferred from the Excess and Deficiency Account.

RE: \$32,000.00 (Drainage issues of Hawthorne Rd., Boutelle St., North Main St., Pierce St., Helena St., Adams St., Mitchell St., Exchange St. and Whitney St.)

C-93 Relative to the appropriation of \$15,000.00 to the Street Lighting Expense Account; same to be transferred from the Snow and Ice Expense Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the Street Lighting Expense Account; same to be transferred from the Snow and Ice Expense Account.

C-94 Relative to the appropriation of \$50,000.00 to the Police Department Expense Account; same to be transferred from the Police Department Salary and Wages Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Police Department Expense Account; same to be transferred from the Police Department Salary and Wages Account.

Upon request of the PUBLIC SERVICE COMMITTEE the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended to add to the underline phrase “Grantee covenants and agrees with Grantor to pay, protect, defend, indemnify and save harmless Grantor, its parent corporation, affiliates, officers, agents, employees and their successors and assigns, to the extent permitted by law, from and against any and all liabilities)” and to delete the second sentence of Section 23.B. Vt. 9/0.

50-10 Patrick R. LaPointe: Accept and sign an Assent Agreement with New England Power Company which will allow work to proceed on Tanzio Road where the road crosses under National Grid transmission lines. (Complete agreement on file in the City Clerk’s office.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATIONS were given FUTHER TIME. Vt. 9/0

C-95 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-96 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-97 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-98 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.

C-99 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

- C-100 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.
- C-101 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.
- C-102 Dean J. Mazzearella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.

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

- 32-10 Leominster Historical Commission: Adopt a Demolition Delay Ordinance.
- 33-10 Gennaro Coscia: Enact a City By-law that would prohibit all Level 2 and 3 sex offenders from living within 2,000 feet of a school, playground or anywhere children regularly gather.
- 56-10 Clear Wireless, LLC: Grant a Special Permit to add three antennas with associated ground equipment to the existing tower located at 369 Nashua Street as shown on Assessor's Map 372 as Lot 1 and located within a flood plain. (A hearing is set for June 14, 2010 at 7:00 P.M.)

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITIONS were granted. Vt. 9/0

- 57-10 Kelly A. Woodland, Mayoral Aide: Accept a gift from Central Flag & Gift of 13 brackets for flags.
- 58-10 Kelly A. Woodland, Mayoral Aide: Accept a gift from Central Flag & Gift of one 3'x5' polymax heavy duty flag.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 7/2; Councillors Marchand and Rowlands opposed.

- 59-10 Russell Kassatly: Grant a Hawker's and Peddler's License to sell balloons and children's toys at parades and celebrations throughout the City of Leominster.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8 "yeas" and 1 "nay", Councillor Rowlands opposed.

Board of Appeals – term to expire April 15, 2012 - Scott Simpson

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

Board of Appeals – term to expire April 15, 2013 - Lee Baron

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas"; Councillor Cormier abstained due to a possible conflict of interest.

Cable TV Advisory Board – terms to expire April 15, 2011 - Carl A. Piermarini, Benjamin Levy, Kevin Fitzpatrick, Rosemary Bracani, Gregory Hakala

Cable TV Advisory Board – term to expire April 15, 2012 - William C. Voedisch, Jr.

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

Cemetery Commission – term to expire April 15, 2013 - Gary Ranno

Council on Aging – terms to expire April 15, 2013 - Eleanora Bissonnette, Dennis Bouchard

Cultural Council – terms to expire April 15, 2012 - Joseph Tamaro, Jane Maguire

Cultural Council – terms to expire April 15, 2013 - Nona Ojala, Barbara Mahoney, Lisa DiGeronimo, David Laverdiere

Disability Commission - terms to expire April 15, 2012 - Thomas Yoder, Therese Thelin, Gail Turbide, Marty Turbide Kathryn Neel, James Lanciani, Jr., Victoria Marrama

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

Doyle Field Commission - term to expire April 15, 2012 - Gilbert Donatelli

Historical Commission – terms to expire April 15, 2012 - M. Donald Piermarini, Chester Carter,
Kate Griffin Brooks

Housing Authority – term to expire April 15, 2015 - Mary Yanneth Bermudez Camp, Esq.

Library Board of Trustees – terms to expire April 15, 2013 - Gilbert Tremblay, Carol Ann Millette

Recreation Commission – terms to expire April 15, 2012 - Thomas Bissonnette, John M. Ciccolini

Recreation Commission – terms to expire April 15, 2013 - Maureen Donatelli, Jeffrey O’Neill

Trustees of Soldiers Memorials – terms to expire April 15, 2013 - Philip Cote, Kenneth Gurge

Trust Fund Commission – terms to expire April 15, 2013 - Richard Bergman, Settimo Firmani

Forest Warden – term to expire April 15, 2011 - Paul F. Kennedy

Supt. Gypsy & Brown Tail Moths – term to expire April 15, 2011 - Ralph Person

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was AMENDED and CONFIRMED. Vt. 9 “yeas”. Amended to change the date of expiration from June 30, 2011 to April 15, 2011.

Veterans Care of Graves – term to expire April 15, 2011 - Claude Poirier

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

Weigher of Beef – term to expire April 15, 2011 - Michael Ciccolini

Sealer of Weights & Measures – term to expire April 15, 2011 - Joseph Quinn

Weigher of Chemicals – term to expire April 15, 2011 - Delta Bulk Packaging

Weigher of Hay – term to expire April 15, 2011 - Henry LaRose

Upon request of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were given FURTHER TIME. Vt. 9 “yeas”

Board of Appeals Alternate Members – terms to expire April 15, 2011 - Paul Romano, Michael Ciccolini

Board of Health – term to expire April 15, 2012 - Dr. Peter L. Lanza

Board of Health – term to expire April 15, 2013 - Patrick Perla

Conservation Commission – term to expire April 15, 2012 - Scott Pearson – (to fill the term
previously held by Edward Cuddahy)

Conservation Commission – terms to expire April 15, 2013 - Julia McKinney (to fill the term
previously held by Mary Charpentier) Scott Buchanan

Cultural Council – terms to expire April 15, 2013 - Laura Proietti (to fill the term previously held by
Shawn P. Bernard)

Library Board of Trustees – term to expire April 15, 2012 - Kathleen Reynolds Daignault

Water/Sewer Commission – terms to expire April 15, 2011 - Joseph Saucier, Michael Mimnaugh

Water/Sewer Commission – terms to expire April 15, 2012 - Michael Croteau, Tim Stanton

Water/Sewer Commission – terms to expire April 15, 2013 - Thomas Hazzard, Michael A. Mahan

Upon recommendation of the WAYS & MEANS COMMITTEE the following appointment was AMENDED and given FURTHER TIME. Amended to replace Tim Stanton with Kevin Boivon Vt. 9 “yeas”

Water/Sewer Commission - term to expire April 15, 2012-Kevin Boivon. Vt. 9 “yeas”

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

The following ORDINANCES were read a second time, ADOPTED as presented and passed to be ordained.

The City of Leominster
In the year two thousand and ten

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled "Zoning" by amending the Zoning Map.

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

Chapter 22 of the Revised Ordinances entitled "Zoning" is hereby amended by changing the Leominster Zoning Map, so that land identified as Assessors' Map 244, Parcels 1A and 2A, consisting of approximately 12.8 acres, is designated as zoning district Residence A. The subject parcels are further identified on a plan entitled "Plan to Accompany Petition for Zoning Change-Leominster, Mass.- Prepared for Fernand Arsenault, " by Whitman & Bingham Associates, dated January 11, 2010, as on file with the City Clerk.

The City of Leominster
In the year two thousand and ten

AN ORDINANCE

Amending Chapter 12, Article I, Section 12-2 of the Revised Ordinances entitled "Fees-Schedule."

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

Chapter 12, Article I, Section 12-2 of the Revised Ordinances entitled "Fees-Schedule," is hereby amended as follows:

By deleting the fees in subsection 52, "Dog Licenses," and inserting in their place the following, such amendments to take effect July 1, 2010:

Male dogs	15.00
Spayed females/neutered males	10.00
Unspayed females	15.00

The City of Leominster
In the year two thousand and ten

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 in Section 6-2.4 by deleting such section and inserting in its place the following, such amendment to take effect July 1, 2010;

A late fee of ten dollars per dog shall be changed to each dog owner that fails to license his dog or dogs on or before May 1 any year. An additional late fee of ten dollars per year, in addition to the annual licensing fee per year, shall be charged to each dog owner for each year that his dog was not licensed. Fees will be charged to any dog owner that fails to license his dog or dogs on or before May 1 of any year. The fees so collect6ed shall be deposited in the city treasury to become part of the city's general fund.

Under Old Business, Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee said the test results for April 2010 were in and told the Councillors if anyone had any questions or issues to let him know. The open house for the new water plant is May 25, 2010 from 4-7 P.M.

REGULAR MEETING OF THE CITY COUNCIL, MAY 24, 2010, continued

Councillor Rowlands wanted to ask for some form of communication regarding the Planning Board appointments. He said this is one board that is very active and does cost constituents a substantial amount of money with continued hearings, some of which the attendance hasn't been as good as we'd like. He said he was hoping that they would get a written response as to when those appointments will be made. He said 5 out of 7 have expired and there are some big cases where people are spending a ton of money and time. He said he is asking the Chairman of the Ways & Means Committee for a written response.

Councillor Freda said you have requested it before, we have requested it down here, the Clerk has written letters and doesn't have a problem writing another letter but we can't force the Mayor to send the appointments down.

Councillor Nickel said lets communicate with the Mayor and tell him this continues to be an issue.

Councillor Rowlands said he was reading through the Library information in the Budget in terms of their status report and he noticed that department heads had to have their budgets in by April 1, 2010. He said we are going in under the normal cycle where we are going to have the budget on the agenda for the first meeting in June and go regular course and vote on it at the very last meeting that we can possibly vote on it before the new fiscal year. We are on the same schedule that we have always been and wonders why the gap from April 1st, and no communication he has received to go to the very last minute to discuss a budget. According to the papers, the budget has a \$4.3 million shortage in regards to the funding of schools. It is a pretty substantial issue here when you have employees at City Hall down here openly speaking at the microphone about concerns. Councillor Rowlands said he is voicing his continued frustration at the process of budgeting that leaves it to the last minute even though departments are required to put their budget forward on April 1st.

Under New Business, Councillor Marchand said he and several of his colleagues had the opportunity to witness a great ceremony at Leominster Credit Union to cut the ribbon and open the doors. He said Leominster Credit Union has meant so much to this community. In his almost 30 years of fundraising in this community Leominster Credit Union's attitude has never been what can your activity event do for us. It has always been giving back to the community. He applauds them.

Councillor Chalifoux-Zephir said she was not able to make it but Leominster Credit Union but they were a very important and early business partner when they were raising private money for the Library. She said they stepped up very early and made a very generous contribution and the children's activity room is named in honor of Leominster Credit Union.

Councillor Chalifoux-Zephir said recently the library has received word that it is one of fifty libraries in the United States and the second from New England to receive a National Endowment for the Humanities grant in the amount of \$2,500.00 for traveling exhibit on Lincoln, the Constitution and the Civil War. She said the National Endowment for the Humanities grants are very hard to get and is a very prestigious thing and just wanted to note for the record that they are bringing this kind of wonderful exhibition and culture to the city. She applauds them.

Councillor Freda said they had a meeting regarding the addition to the high school and she and Councillor Rowlands are on that committee. She said it is unofficial until they vote on the May 26, 2010 but it looks like the reimbursement rate will be 72% and a possibility of more as they are looking at the greenness of the building and the plan and could go up to 75%. She said they are looking at \$45 million and approximately \$3 million of that is not reimbursable while \$2 million of the asbestos is not reimbursable. She said the reimbursement rate was very favorable. There is a tentative open house for June 16, 2010 for people to go and look at the plan.

Councillor Salvatelli said he is setting up meetings on June 7, 8, and 9th for the budgets. He said they should have the budget in their hands by next week. The Mayor told him it is held up because of the School Department's budget isn't set. We can vote on it on June 28th.

Councillor Marchand said he would like to have a breakdown from the Planning Department on all funds allocated for staffing, even if it is part time. He wants to know the position and how much they made this year and if they are receiving any stipends from other departments.

Councillor Salvatelli said he would like the Clerk to contact Mr. Chapdelaine and ask him for a list of every single contract the City of Leominster gives out and would like the dollar amount. He said he would like to know every contract, whether bid or no bid, and what the amount is for and service provided excluding people that plow and snow removal. He said he would like it by budget time.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request that the Planning Department give a breakdown on all funds allocated for staffing including part time. Also to include the positions and how much each position made this year including any stipends from other departments, gas allowances and vehicles.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Mr. Chapdelaine to submit a list of all major contracts with vendors from July 1, 2009.

Councillor Chalifoux-Zephir said she would like to see a summary of all the union contracts that factor into the City budget for this upcoming fiscal year and what the percentage raises are for each of those contracts.

MEETING ADJOURNED AT 9:12 P.M.

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