

HEARING BEFORE THE CITY COUNCIL, JULY 26, 2010

Hearing opened at 6:47 P.M. with Councillor Salvatelli, Chair of the Finance Committee, presiding.

All members were present. Councillor Dombrowski arrived late.

Present at the meeting was Project Manager Richard Marks, Architect Michael Pagano, Leominster School Department Business Administrator and High School Building Committee member Erin McNamara, newly appointed Superintendent of Schools for the year Anthony Bent and Assistant Principal Headmaster Blue George Whitemore.

The following LOAN ORDER was the subject of the hearing:

Relative to the sum of \$42,400,000.00 to be expended under the direction of the School Building Committee, to pay cost of remodeling, reconstructing and make extraordinary repairs to Leominster High School located at 122 Granite Street and for the payment of any and all other costs incidental and related thereto. This project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program for which the City may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the MSBA grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser or (1)[72.01] percent ([72.01%]) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Mr. Marks said they have been working for a year to get to this point. He said the process they go through is two-fold. First they do a conceptual design and then the MSBA schematic design for the project. He said they have been working close with the Massachusetts School Building Authority to get them to agree to a grant and have done so through the project funding agreement. He said the City must appropriate the funds in total for the project. The MSBA then reimburses that at a reimbursement rate of 72% which is a very good reimbursement rate these days and is one of the highest grant rates that any City in the Commonwealth is getting at this point.

A slideshow was presented to the Council and public showing the process.

Mr. Marks said they have identified the problem which is to renovate the high school and they have collaborated with the MSBA on the solutions. At the May 28, 2010 board meeting of the MSBA a solution was agreed upon and approved. The first step to implement that solution is to procure the OPM which has already been done. The designer and the schematics, which they just completed recently, is the most cost effective and educationally sound option that they could come up with. He said being cost effective is the key here and that is the direction they got from the Building Committee from day one. Councillor Rowlands and Councillor Freda have been working as members of the School Building Committee and their goal was to identify the needs of the school, not the niceties, not a cosmetic upgrade to the school, but to really get at the heart of the school in terms of its building systems. He said the roof, which they are doing right now, the HVAC systems, the electrical systems, which have reached their useful life and beyond and we will completely redo those systems to give the school another 30-50 years of good useful life as a high school.

Mr. Marks said the MSBA approved the project on May 28, 2010 and we have 120 days from that approval to obtain all local approvals, the main thing being the money. Once you do that you notify the MSBA and transmit the certified copy of votes and then they execute the project funding agreement. He said we are at day 48 of the process. He said the City is responsible for 28% of the cost and there are about \$2M of ineligible cost that we are facing and will be paid for through the School Choice Budget. He said if we reduce the cost the MSBA does reduce the grant commensurate amount. He said the amount budgeted is the cap that the MSBA will pay and will not pay anymore than that and they will very willingly reduce the amount that they pay. He said we are going to work hard to save money on this project.

Mr. Pagano said most of what you will hear from him will be review of the scope of work for the renovation of the school and it is the same that was reported to you when they were here last time. He said there are a few modifications. He said when the Executive Director of the MSBA came to Leominster for a community wide meeting she discussed the building as declared worthy by the MSBA for renovation because of several factors. The building is fundamentally a good plan and is sound structurally and is flexible to future changes. The building has a good floor plan, is structurally sound and MSBA supports the renovation proposal. He said all the existing windows and doors will be removed and upgraded except a few that are recent replacements. There are some superficial problems with masonry that will be addressed. The roof of the CTE building is underway as we speak. The schedule to complete the roof work is early September or possibly the end of August.

Mr. Pagano said a significant amount of the project has to do with code upgrades and Architectural Access Board rules and regulations are being addressed. He said there are a couple of minor variances that will be placed before the Architectural Access Board. The building will also have a complete mechanical, electrical, plumbing systems replacements, everything virtually other than underground piping will be new in this building when the work is finished. We will be adding a fire suppression system which is one of the requirements because of the scale of the project. He said there is some site work to be done. There will be repaving, parking lot lighting, accessible sidewalks and the addition of the science lab which is about a 13,000 s.f. building addition approximately where the existing portables are. He said since the building was first presented in the feasibility study MSBA had recommended expanding the scope of work in the science department to include renovation of four of the labs so this has been folded into the project.

Mr. Pagano said one of the major challenges they will be facing with this work is maintaining a meaningful school year for students while \$45M worth of project cost runs around them. He said we have looked very carefully at that with the Project

## HEARING BEFORE THE CITY COUNCIL, JULY 26, 2010, continued

Manager and the Building Committee and have a preliminary workable plan that includes placement of portable classrooms at the site while construction is underway. Certain portions of the building will close down and be given to the contractor for renovation. He said they are heavily dependant on certain scope of work being undertaken during the summer months. He said we simply can't shut down the electricity for a month with school in session so we have looked very carefully at the kind of work that needs to be undertaken during the summer. We need three summers to do this work and project 30 months for overall construction.

Mr. Marks said this is a broad form schedule. He said we will start the next phase of the design process which we call design development and that goes from September to December which is the middle half of the design and then finally what they call construction documents will take place between January and April of next year. The construction documents are the detailed documents that use to be called blueprints that form the basis for what the contractor is going to be doing on site. That document will be between 200 and 300 pages of drawings and over a 1,000 pages of specifications that will go out to bid. He said the Massachusetts bid process is lengthy and will take us to May and June then starting in June, taking advantage of the summer months, they will do construction which will take anywhere from 30 to 36 months. They may need the three full summers. Mr. Marks said they hope they get approval tonight which allows them to do the design next fall and spring and be out to bid in May and then start construction in June which is the ideal time to start construction and renovation projected of this nature.

Mr. Marks said the energy savings will be significant. We are converting the building to gas which is an agreement we have signed, and we will have a much more efficient boiler system as a result. All the single pane windows will be replaced and adding insulation to the CTE roof so there will be considerable energy savings. We will be incorporating green technology where we can. There will be 7 science labs with better ventilation. We do anticipate a significant local jobs program. He said construction costs are down so we should be able to get more bang for our buck.

Councillor Marchand said when talking about the school you mentioned the needs of the school instead of the niceties and he thinks that is important but at the same time, being a teacher and a member of the Finance Committee, we want to stick to the basic plan on what we need. If you are in a situation where you are saving money because construction costs are down and as a Finance Committee member I, as one member, would rather see more work go into the building with some of the things that are essential. He said his vote is for the entire package.

Councillor Freda said they are very strong on local input, local builders and trade people who need as much work as possible. Wherever possible, if they can accommodate these people on smaller or larger jobs we as a committee support that. She said it is important to know that Kathy Craven of the School Building Committee felt we had a good building to begin with because it is structurally sound. This school will last a long time once it is completed and we should be very proud of that.

Councillor Rowlands said Dr. Binkley and Tom Brown whom are not here tonight spent an enormous amount of effort to get us to this point. He said he saw the folders, books and paperwork needed to prepare for the MSBA and the amount of trips to Boston. A tremendous amount of effort went into this and I wanted to recognize that.

Mr. Marks said he had meetings set up on May 12<sup>th</sup> and May 13<sup>th</sup> with the MSBA and he sent a note to them asking if we could combine them because of the hour and a quarter drive to get into Boston and the answer was no. Dr. Binkley and Mr. Brown said don't worry about it, we will be there and sure enough they were. He said as Councillor Rowlands said they are terrific supporters and looks forward to working with Dr. Bent on the next phase.

Councillor Marchand said Dr. Bent is here for the first time and he wanted to mention the tremendous job he did in the town of Shrewsbury building about \$200M of property for the Shrewsbury Public School system. He said we are in pretty good hands.

Councillor Chalifoux Zephir said she is relieved that this work is proceeding and kudos to the people who put the package together to secure the 72% funding. It will be a relief to her to not worry about the school not being accredited, not worry about having science classes that aren't up to snuff.

Council President Nickel said he wanted to congratulate those who worked on the project. He said there was talk about 50% funding and if someone got 60% they were doing well but we got 72%. Kudos to you all.

Councillor Freda said The Council President brought up a good point. She said she sat on the School Committee on four different projects and doesn't think there was one over 68%. She said she is pleased.

Councillor Lanciani said you are looking to make the school a better school, looking to do the best you can with what you are being presented and most of all you are willing to take and utilize local workmanship. He said he has not had one person come up and complain to him about spending the money to improve the school except yesterday. He said as he was coming out of church and a gentleman approached him saying he thought they should be holding back on the school project. Mr. Lanciani said he didn't think they should and to receive 72% is phenomenal. He said he supports this 100%. He said when the building is complete we will have 50 years more of students going to Leominster High School. He congratulates everyone for a job well done.

Councillor Dombrowski, said it is a wonderful investment for the City and thanked the members of the School Committee and everyone involved including Dr. Binkley.

Donna DiNinno said she along with Susan Koehler, Kristen Howlett and Ron Houle are there representing the School Committee and thanked the Council for their support.

Councillor Salvatelli said he is very impressed with their professionalism and the direct answers to the Council's questions. He said you did a terrific job and appreciates it. He said he looks forward to his grandchildren entering that high school and enjoying the benefits of this vote this evening which will be a unanimous vote from the Finance Committee to adopt the second reading.

HEARING BEFORE THE CITY COUNCIL, JULY 26, 2010, continued

Mr. Marks said they have been in some communities where they don't get this sort of support and the Council should pat themselves on the back too. It has been wonderful to work with you.

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

HEARING ADJOURNED AT 7:17 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 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 June 9, 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-2 Relative to the appropriation of \$45,697.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-3 Relative to the appropriate of \$7,020.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-4 Relative to the appropriation of \$868,583.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

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

- C-5 Dean J. Mazarella, Mayor: Request Lorna Moody be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest, as she is currently employed by the City of Leominster School Department and is taking on a position at the Recreation Department as well.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Superintendent of Schools and the School Committee.

Gregory C. Chapdelaine: Allow the Purchasing Agent to award a contract for a Parent Notification Service for a six year period.

Councillor Freda asked if they could get a report as what it was used for. She said there seemed to be a lot of discussion in the community about some of the notifications that went out. She said there is a thin line between school business and fund raising business and would like to see how it is broken down.

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

David Rowlands: Modify the Leominster Municipal Code to ensure that all water and sewer connections outside the city are under the terms of an inter-municipal agreement.

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

- 5-11 David Rowlands: Modify the Leominster Municipal Code to create a Personnel Board.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Building Department, Emergency Management, the Fire Department, the Police Department and the Recreation Department.

- 6-11 David Rowlands: Modify the Leominster Municipal Code to prohibit the personal use of city vehicles.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

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

7-11 Relative to the appropriation of \$36,262.20 to the C.D.B.G. Housing Rehabilitation Construction Account; same to be transferred from the following C.D.B.G. Program Year 35 accounts:

Housing Rehab Salaries	\$ 8,991.28
Housing Rehab Expenses	\$ 15,000.00
Economic Development Expenses	\$ 7,368.81
Code Enforcement Expenses	\$ 4,316.39
YWCA/Battered Women's Resources	\$ 57.61
Montachusett Addiction Council	\$ 193.01
Multi-Service Center	\$ 335.10

Councillor Freda said this was last year's money.

Councillor Rowlands said he is confused with the state of the changes that are being apply to CDBG and wants to bring down the CDBG Director to explain the changes.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to bring down the CDBG Director. Vt. 7/2, Councillors Lanciani and Chalifoux Zephir opposed.

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

Office of Emergency Management, Admin Unit – Rick LeClair

Board of Health – Jacalyn Lastella – term to expire April 15, 2013  
(to fill the unexpired term of Patrick Perla)

Council on Aging – John Diggins, Joseph Gagne, Robert LaRose –  
terms to expire April 15, 2013

Planning Board – Patrick Perla (to fill the expired term of Mike Cooley)  
Fred Fredricks – terms to expire April 15, 2013

The following RESOLUTION was received under the SUSPENSION OF THE RULES Vt. 8/1, Councillor Freda opposed. A motion to vote on the RESOLUTION this evening, AMEND and ADOPT AS AMENDED was passed. Vt. 8 “yeas” and 1 “nay”; Councillor Freda opposed. Amended by adding “whereas the District Court has a significant economic benefit for the numerous local businesses in the City of Leominster”.

## CITY OF LEOMINSTER

## CITY COUNCIL

WHEREAS, Leominster has had a court housed in the town and then the City of Leominster since the late 1800's and

WHEREAS, in order to keep a local district court, the City partnered with the State and increased its bonded indebtedness to supply a building and

WHEREAS, said building was built to meet the requirements asked for and

WHEREAS, such requirements were met and paid for with additional monies that were to be spend on a police station replacement or upgrade and

WHEREAS, such upgrades to the police station were then made piecemeal and have yet to meet the needs of a modern police facility and

WHEREAS, the District Court has a significant economic benefit for the numerous local businesses in the City of Leominster

THEREFORE, BE IT RESOLVED, that the Leominster City Council ask our State Senator and Representative to do all in their power to keep the district court open and active and ask them to deliver a copy of this Resolution to the Governor and such court officers as in their opinion shall be able to act upon the proposals now suggested and maintain the District Court in Leominster.

/s/ Leominster City Council

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

C-1 Dean J. Mazzarella, Mayor: Authorize the City of Leominster to establish the Artist Gateway Donation Account to enable the City to accept grants and donations related to the Artist Gateway Program.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

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

Councillor Rowlands said the Legal Affairs Committee met with the License Commission on July 14, 2010 and the Licensing Commission is going to put together the conditions that they would like to see put on these licenses. He expects the information soon.

- C-95 Dean J. Mazzearella, 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. Mazzearella, 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. Mazzearella, 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. 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-99 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-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 PETITION was given FURTHER TIME. Vt. 9/0. A continued hearing is set for August 9, 2010 at 6:45 P.M.

David R. Cormier, Robert Salvatelli, David Rowlands, James Lanciani Jr., Richard M. Marchand and Wayne A. Nickel: Move and extend the existing Residence A zoning line to include the following parcels: Map 246 Parcels 7, 4, 3, 2, 1, 8, Map 248 Parcel 15 and Map 244 Parcels 1A, 2A.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended by changing "200" to "100" per request of the Police Department.

- 1-11 Richard J. Kinney, Robert Salvatelli, Joanne M. DiNardo, Steven Smith and Wayne A. Nickel: Install "No Parking Tow Zone" signs along the south end of Pleasant Street at 100 foot intervals on both sides beginning at 1069 Pleasant Street and ending at the Sterling property line.

Upon recommendation of the WAYS & MEANS COMMITTEE the following PETITION was GRANTED. Vt. 9/0.

- 2-11 Joyce LaFleur: Grant a Second Hand Dealer's License for the location at 94 Central Street.

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

Disability Commission – Denise Andrews, term to expire April 15, 2012

Election Officers – 2010-2011

Under Old Business, Councillor Rowlands asked if he could get a report what the current capacities are in the reservoirs.

Councillor Nickel said he thought we received a letter on that from Pat LaPointe.

Councillor Dombrowski said he will follow up on that.

REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

The following LOAN ORDER was read a second time, adopted as presented and PASSED TO BE ORDAINED. Vt. 9 “yeas”

CITY OF LEOMINSTER

LOAN ORDER

1<sup>st</sup> Reading: June 28, 2010

2<sup>nd</sup> Reading: July 26, 2010

BE IT ORDERED: that the sum of \$42,400,000.00 to be expended under the direction of the School Building Committee, to pay cost of remodeling, reconstructing and make extraordinary repairs to Leominster High School located at 122 Granite Street and for the payment of any and all other costs incidental and related thereto. This project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program for which the City may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the MSBA grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser or (1)[72.01] percent ([72.01%]) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

APPROVED:- Mayor

1<sup>st</sup> Reading: /s/ Dean J. Mazzarella Date: June 29, 2010

2<sup>nd</sup> Reading: /s/ Dean J. Mazzarella Date: July 27, 2010

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In accordance with Section 2-7 of the City Charter – Mayor’s Veto – Reconsideration of Vote – Relative to amending Chapter 4 of the Revised Ordinances entitled “Buildings” by inserting a new section 4-2.11 Demolition Delay was OVERRIDDEN. Vt. 9 “yeas”. Council President Nickel read the following letter.

July 14, 2010

Dear Members of the City Council:

Per the city charter I am returning the enclosed “Demolition Delay” ordinance for the following reasons.

1. The current steps to design, permit and approve projects in this State are already a lengthy process.
2. The new ordinance delays someone from moving ahead with a project on private property.
3. The ordinance states that it “promotes continued private ownership and utilization of such resources and encourages owners of such resources to seek out alternative options that will preserve, rehabilitate or restore such resources rather than demolish them. In essence what this means is that the city of Leominster stops someone from tearing down a property and then makes the owner responsible for seeking resources to rehabilitate or restore the building(s).
4. What this is going to encourage is property owners allowing buildings to go into such disrepair that the city now has to force the owner to take the property down. Please take a visit to Mahogany Run off Lawrence Street and you will find one of Leominster’s jewels. No ordinance will stop that from happening. The only thing that this ordinance will do is to stop a responsible person from getting them involved with a property that could take on a life of its own.
5. If the city wishes to delay demolition then it ought to provide the owner with reasonable resources for information.

I consider myself a person who appreciates local history and I have done historic preservation and rehab in my private life and with the city, and I fully understand that those filing the original petition did so with the best interest of the city, however I disagree that this will, in the end, be better for historic preservation.

Sincerely,  
Dean J. Mazzarella  
Mayor

The following ORDINANCE was given FURTHER TIME. Vt. 9 “yeas”

Councillor Chalifoux Zephir said she would like to have a committee meeting to review the responses to the questions sent and the draft ordinance from the City Solicitor.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

Councillor Rowlands said we can pass the first reading and still have a committee meeting.

Councillor Dombrowski said it didn't matter to him if it was before the first reading or the second reading.

Council President Nickel said this has created a certain amount of concern and if you have a committee member who doesn't have a preference and have one that would feel more comfortable with further time he suggested to give that third person further time and make that person comfortable.

Councillor Marchand said take a look at Section H, Paragraph 1- A & B, the penalties refer to the sex offender and that most sex offenders come into the community and disguise themselves and feels that the landlords are the ones that own the property and understand the legislation not the sex offenders, it's them. He said he feels it is insignificant to try to wage a \$150.00 or \$300.00 fine on someone that may be on extended unemployment or other type of federal subsidy program because of unemployment but at the same time the landlord gets off scott free. He thinks there should be a heavy fine levied on those landlords to keep them in check and would like that to be considered when the Legal Affairs Committee goes into session.

1<sup>st</sup> Reading Ordinance – amend Chapter 14 of the Revised Ordinance entitled “Offenses – Miscellaneous” by adding a section that would prohibit all Level 2 and 3 sex offenders from living within 1,000 feet of a school.

The following ORDINANCE was read once and ADOPTED as presented. A hearing was set for August 9, 2010 at 7:00 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – amend Section 13-91A(c) of the Leominster City Ordinances entitled “Unregistered Motor Vehicles” to include the Building Inspector of the City of Leominster as an enforcement agent.

The following ORDINANCE was read once and ADOPTED as presented. A hearing was set for August 9, 2010 at 7:05 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” by installing “No Parking Tow Zone” signs along the south end of Pleasant Street at 100 foot intervals on both sides beginning at 1069 Pleasant Street and ending at the Sterling property line.

Under New Business, Councillor Nickels said they have a copy of a draft letter to Attorney Madaus regarding the circumstances dealing with the Community Development Block Grant actions that have been taken. He said the Vice President and himself met Thursday and drafted a series of questions and are now presenting them to the City Council. Draft letter as follows:

Gerald F. Madaus, Jr., Esquire  
255 Park Avenue  
Worcester, MA 01609

Dear Mr. Madaus:

In April, 2010, the City Council approved the communication from the Mayor regarding the allocation of the Community Development and Block Grant budget. The Mayor has, subsequently, unilaterally cut the hours of three staff members. The salaries of each of the three staff members cut by the Mayor were fully paid for by the CDBG grant. These employees went from thirty four (34) hours per week to 19 ½ hours per week, which resulted in a loss of health insurance and all state employee benefits.

Given these circumstances, the Council requests an opinion on the following:

1. Does the Mayor have the unilateral right to essentially make cuts to a CDBG budget approved by the Council?
2. Does this action constitute a reorganization of City Government which requires approval by the Council pursuant to the City Charter?
3. Could the Mayor's actions impact future CDBG monies? If so, how?
4. What happens to the CDBG monies that are not now allocated?
5. Does the City have any obligation to those third-party agencies receiving CDBG monies? We are particularly mindful of those agencies that rely on the ruling of the City Council in passing the budget.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Wayne Nickel, President  
John M. Dombrowski, Vice President

Councillor Chalifoux Zephir said she was the one who made the motion to send the letter and she has a few comments. She said the first paragraph, third sentence reads “the salaries of the each three staff members cut by the Mayor were fully paid for by the

## REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

C.D.B.G. grant. She said she thought Mr. Taylor's salary was not fully funded by the C.D.B.G. grant that he is funded by the City and that needs to be corrected. In terms of the questions being posed, the question that I asked in the motion was really number one

and was straight forward and simple. This is what happened, we voted on this appropriation, we voted on the line item budget and does the Mayor have the right to essentially make cuts to a budget already approved by the Council. That was essentially my motion. She said the second question "Does this action constitute a reorganization of City government can go along with the first question but nothing I specifically asked for in my motion. She said in terms of questions 3, 4 and 5 could the Mayors' actions impact future C.D.B.G. monies? What happens to the C.D.B.G. monies that are not allocated? Does the City have an obligation to third party agencies receiving C.D.B.G. monies? She is not sure these are appropriate questions for Attorney Maddaus and really are HUD questions. She said questions 1 and 2 are fine to send off to the attorney and thinks the other ones that deal with the funding would more appropriately be addressed to the HUD director.

Councillor Rowlands said he doesn't have a problem how they get questions 3, 4 and 5 answered just as long as they get answered. He doesn't have a problem sending them to the attorney and if he says they are out of his jurisdiction and leave it up to local; I don't have a problem with that. However, he thinks those questions are important to get an answer and is wondering if some of these questions really have to be answered in Boston and maybe the appropriate thing to do is to also ask those questions to the representative who handles the C.D.B.G. account.

Councillor Freda said Councillor Chalifoux Zephir has a point and these questions should be answered by someone from HUD. She said that the Council President and her spoke about the possibility of having a meeting and we were waiting for all the chips to fall. She said she doesn't have a problem under Ways & Means because it is her committee pursuing this which she has already started to do but thinks asking to have these people to come down on what's on the agenda, She read the last line of the letter that was with the petition "to remain consistent with past city practices regarding transfer of funds into Housing Rehab Construction Account and for the approval of the United States of Housing and Urban Development. This money can be transferred into the Housing Rehabilitation Construction Account for use on addition housing unit projects." She said it is something that is done every year. She says she was asked to have someone address this and she doesn't want it to get mixed up. I want to have someone come down to address the questions we have, not this. She said the only thing the attorney is going to do with these questions is contact HUD and we can get those ourselves.

Councillor Nickel said "did I forget to ask you to do it?"

Councillor Freda said she understood that a vote was taken to have someone come down to discuss this letter and I was trying to make the point that this letter is for last year's money.

Councillor Salvatelli said you are looking at the last paragraph, look at the middle of the second paragraph stating "other underutilized funds are due in part because the housing rehabilitation clerical position originally proposed for full time and is now currently a part time position that impacted the budget." He said "the code enforcement position has changed its healthcare benefits because he is cut to 19 hours therefore his healthcare benefits were cut. So there is a significant change in the budget. He said because of changes in that area the money is going back into that other area. He said he feels it should be looked at very carefully.

Councillor Freda said she is looking at this and the numbers don't add up because they are last years not this years.

Councillor Salvatelli said he sees this as directly impacting the two people that were put down to 19 hours. If you get an answer I will certainly listen. I see it as a direct impact.

Councillor Nickels said lets deal with the motion on the three questions.

Councillor Rowlands said they are valid questions. He said if the three questions are taken off the letter who is going to answer them. He said he heard they were going to be asked to the Planning Director or HUD so he is a little confused whether we are asking our local official. He said he would support removing them if they can tell him who will be answering them.

Councillor Dombrowski said why don't we send the same letter to the attorney and to HUD.

Councillor Chalifoux Zephir said we should ask the HUD contact that deals with Planning these three questions. She would be a proponent that these questions went to the HUD contact. She said we have very limited funds of \$2,500.00 and let's be judicious on how we use that persons time. Let's just ask very direct and simple questions can he do it, can he make the changes and is it a re-organization and then direct the financial questions back to the funding agency. It's to save money.

Councillor Dombrowski said these questions all flow out of the same topic. It's not like we are asking the attorney to opine on 4 or 5 subject matters. He doesn't see how it's a real big deal to look at all of them.

Councillor Freda said she sees question 1 and 2 as municipal government questions which she thinks the objective is to write to the attorney. The others, she would make the suggestion that it go into the committee that oversees the C.D.B.G. funding and let the Ways & Means Committee handle it.

Councillor Marchand said it is his opinion is that we are trying to identify how this plays out. To him it is simple. He agrees that they have limited funds. HUD is going to be able to answer the entire letter. He said he doesn't think HUD is really happy as to what took place and he trusts what HUD is going to do is to report back to the Council President with a solid letter that we will not have to challenge it; it's the federal guidelines for C.D.B.G.

Councillor Rowlands said he has great reservation and a question to HUD regarding the 100% of the salary being paid of the Economic Development Coordinator in the City and question that being raised as well. He said questions sent to HUD he would like confirmation that they are fully aware of the roles and responsibilities of the Economic Development Coordinator and funded 100% is in compliance with HUD.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 26, 2010 continued

Councillor Dombrowski said he agrees with Councillor Marchand sending the whole letter to HUD and we can always send it to the lawyer if questions come up from HUD's response.

Councillor Chalifoux Zephir said they are two very different kinds of questions. She said the first ones are about municipal government and the second ones are about grant funding. She said she doesn't know if HUD would know anything about a Mayor's right to make those kinds of changes based on our charter and whether or not it constitutes a reorganization. She said she doesn't know if HUD has any expertise in municipal government; they certainly are federal grant makers. She said the two sets of questions are very different and proposes to send questions 1 and 2 to a lawyer and the other 3 along with Councillor Rowlands question to HUD.

Councillor Marchand said this is Year 35. The guidelines on how the grant plays out and who oversees the whole program is clearly defined and once that is identified, which is the Mayor, the question is does he have the right to do this. If he does have the right it becomes a charter question and we can look at it at that point. He would like to see HUD respond first.

Councillor Chalifoux Zephir said she will withdraw her objection if they are going to send the letter in its entirety to HUD. We can always go to a lawyer later on.

Councillor Freda said she still thinks it should go back into the Ways & Means Committee to get it to the proper people to get an answer. If anyone has dealt with HUD this letter can go anywhere and get lost.

A motion was made to send the first two questions to Attorney Maddaus and then ask the Ways & Means Committee to send the remainder of the questions including Councillor Rowland's question to HUD.

Councillor Dombrowski said in regard to the first point, line #3 if we replace "salaries" with "hours" does that correct the issue?

Councillor Rowlands said no.

Councillor Lanciani asked for clarification on what questions were being sent. He said we are sending questions 1 and 2 to the attorney and 1, 2, 3, 4, 5 to HUD. Why should we spend monies to send two questions to an attorney when we are going to send 5 questions to HUD? He said the word he hears around is that yes the Mayor can do exactly what he did. Let's not play games he is smart enough to cover whatever he does, he is not playing games. We don't like some of the things he does but he is not playing games.

Councillor Nickel said question 2 deals with the reorganization of government and doesn't deal with HUD.

Councillor Rowlands said he thinks he is playing games and frankly we voted on a budget and after the budget was approved both the C.D.B.G. budget and the City budget things were changed. The timing is extremely suspect and in his view one and two should go to the lawyer, no question, and 1, 3, 4 and 5 goes to HUD. They are not going to know what the City charter is. He said he would like to the letter sent to HUD have a question that HUD is fully aware of the responsibilities and the work being done by our Economic Development Coordinator and that HUD fully supports 100% of that salary being paid by money geared towards moderate and low income, specifically C.D.B.G. money.

A vote was taken to send questions 1 and 2 to the City Council's attorney, Stephen F. Madaus. Vt. 9/0

A vote was taken to send questions 1, 3, 4 and 5 and an additional question that HUD asking if they are fully aware of the responsibilities and the work being done by our Economic Development Coordinator and that HUD fully supports 100% of that salary being paid by money geared towards moderate and low income, specifically C.D.B.G. money. Vt. 8/1, Councillor Freda opposed.

Councillor Freda said she knows what they are doing and that we are all concerned about these but we have to be really careful that we don't jeopardize \$500,000.00 to the City. She said there is a lot of impact to a lot of agencies here and a lot of people that need this money and we need to be careful how we word things send them to HUD and have an intelligent discussion with somebody on how we word the letter that is going to HUD. It is important that we don't jeopardize anything.

Councillor Nickel said this Council is not jeopardizing anywhere near as much as the administration is at this point.

Councillor Salvatelli asked Councillor Freda to find out about changes in health benefit options to Code Enforcement position what does that mean in Petition 7-11?

Councillor Freda said I think it ended up for the Council President and the Clerk to write the letters and I don't think it's Ways & Means.

Councillor Nickel said to Councillor Freda you specifically said you wanted it to go through Ways & Means which I said yes. The questions that we are directing the Ways & Means Committee to ask are these questions. If you have other question you can bring them before the Council and go through a discussion again. These are the questions that were in this letter with the additional question Councillor Rowlands had that this Council is directing you to get a response to.

Also under Old Business, Councillor Dombrowski asked for an update on the museum property on Lancaster Street.

Councillor Nickel said he was at a meeting for the Green Committee and stated that Wendy Wiiks said the City had bought the property and it belonged to the City. He said he will ask if there is any other news.

A committee meeting was established for Legal Affairs on August 4, 2010 at 7:00 P.M.

MEETING ADJOURNED AT 9:02 P.M.

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