

HEARING BEFORE THE CITY COUNCIL, AUGUST 23, 2010

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

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 2, Article X, Section 2-42.1 of the Revised Ordinance entitled "Fee Schedule" to update the current fee schedule for Weights and Measures.

Councillor Rowlands read the letter dated July 28, 2010 from Kopelman & Paige that accompanied the Ordinance which is on file in the City Clerk's office.

Mr. Joseph Quinn, 391 Union Street, said he is the City's Weights and Measures Inspector. He said the proposal before them is an update of the fee schedule as required by Massachusetts General Laws. There is a provision in the Massachusetts General Laws that allows the City Council of a local community to set fees that are charged for inspections. He said the taxpayers fund the program and the fees come back to the City to offset the taxpayer's commitment. He said he is strongly in favor of this and recommends the Council approve this updated fee schedule.

Councillor Lanciani said since Mr. Quinn has taken over the position of the Sealer of Weights and Measures he has done an admirable job. It is as though Mr. Poirier had never stepped away from it. He said he is in support of the updated fee schedule.

No one in the audience spoke in favor or against the Ordinance.

HEARING ADJOURNED AT 7:07 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 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 July 26, 2010 were examined and found to be in order. The records were accepted.

Councillor Freda said the minutes contained about a page and a half on the discussion about sending a letter to our attorney regarding C.D.B.G. funding and there should be some vehicle to get the response into the minutes. (See old business for response.)

A Moment of Silence was held for Commander Bob Yelle of the American Legion, a veteran who passed away. He was a Commander for a number of years who has been at every single veteran's affair that we have had in the City of Leominster.

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

- C-7 Relative to the appropriation of \$62,300.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.
- C-8 Dean J. Mazarella, Mayor and Mark Bodanza, Esquire: Establish a special donation account to receive the ticket proceeds from the Forging Rivals II game scheduled for Saturday, October 16, 2010 and future donations from the public to be used in the creation and support of the Leominster Football Hall of Fame as organized and maintained by the Doyle Field Commission.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Department of Public Works, the Health Director, the Director of Inspections and the Planning Board. A hearing was set for September 27, 2010 at 7:00 P.M. Vt. 9/0

- 10-11 City of Leominster/DPW: Grant a Special Permit to repair the Rockwell Pond Dam located within a flood plain on Pond Street, as shown on Assessor's Map 121 Lot 9.

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

Election Officers – 2010 – 2011 –Diana Giannetti,
Gerald R. LeBlanc and Geraldine Quinn

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) \$100,000.00

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

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

C-6 Relative to the appropriation of \$25,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Emergency Reserve Account.

RE: Bath house renovations (restrooms)

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

C-95 Dean J. Mazzaella, 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.

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C-98 Dean J. Mazzaella, 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.

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C-101 Dean J. Mazzaella, 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. Mazzaella, 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
Hearing continued to September 13, 2010 at 7:00 P.M.

61-10 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 request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME and referred to the City Solicitor. Vt. 9/0

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

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/1, Councillor Rowlands opposed. Councillor Rowlands said he disagrees with the recommendation from the City Solicitor that this is not compensation. He said he never said people could not take vehicles home, they would need approval from the Mayor and the Council. It was strictly a recommendation of oversight on this Council for this asset. I consider it a city asset, it costs the city money and he wanted the opportunity for that to be put on the table. He never talked about abuse.

6-11 David Rowlands: Modify the Leominster Municipal Code to prohibit the use of city vehicles for commuting to and from work unless approved by the Mayor and a majority vote of the City Council effective October 1, 2010.

Councillor Rowlands said he wanted to give a summary so we are all on the same page. The original petition was amended because there is a difference between using a vehicle for commuting purposes and personal use as stated in the original petition. He said personal use would include using it for driving someone around or running errands and are not allowed already by policy so in order to separate and clarify we are strictly talking about the use of commuting back and forth to work. He said the date was added because if this petition were to pass it does have an effect on some of the people who use the vehicles so it

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

would be a time for us to evaluate the individual situations and have to do a proper evaluation and vote on it. He said the point that he wants to make is that in both the original petition and the current petition there has always been a mechanism for vehicles to be taken home.

Councillor Rowlands gave the normal order of procedure for a petition when it is submitted.

He said the intent is priority. When we go through the budget we face tough decisions of priority spending. The question his petition addresses is does this City Council have a say in the use of the resources and the spending of the resources for taking a vehicle home. That is the fundamental question this petition asks. Are we part of that process? The reason is simply when we have to make a decision of priority on how we want to spend money the question is does this issue get put on the table. That is the whole purpose of priority of how we spend the City's resources. The secondary discussion is fairness. Some employees who are on call do not get to use a City vehicle yet they are called in. He said the question was raised can we make someone buy a vehicle and the answer is no. There are employees that are required to use their vehicle to come to work and use their vehicle to do their job and they get paid mileage. So the first question is priority and then the question of fairness, so is this compensation by the use of the vehicle fair and evenly done throughout the City. The general information, like we heard in the open forum, is information is good to know and is of interest and has been difficult to gather. He said Councillor Cormier had requested the information and has not received it to date. That is really a secondary question. The first question is do we as a Council have a voice in deciding how the resources are part of the decision and whether the resources in the vehicles being used.

He said the intent was never about addressing abuse. He said he has been on the Council for about six or seven years and had one specific call on abuse. He forwarded that call to the Mayor's office, the Mayor responded to it and returned my email. I felt very comfortable in the way it was handled. He has not raised the question of abuse and it is not the intent to address abuse because he believes it is a very small and minor issue.

The questions this petitions asks is should the Council's oversight be along with the Mayor on the spending of resources for taking home a city vehicle. This petition always had a provision to allow vehicles to be taken home. The only question was whether the Council was involved or not. When we have to choose between cutting teachers and middle school programs raising taxes, are there other things we can put on the table to help in that discussion, and is this one of them.

Councillor Rowlands said they made recommendations to each department head and who had a vehicle to be taken home in their department. Later, a request for information was made to the Mayor which led to a request to Kopelman & Paige.

Councillor Rowlands read the recommendations from the Recreation Director, the Director of Inspections, the Chief of Police, Acting Fire Chief, and the Emergency Management Director which are on file in the City Clerk's office.

Councillor Rowlands read all the emails pertaining to Petition 61-10 which are on file in the City Clerk's office.

A letter from Kopelman and Paige dated August 11, 2010 was read. Attached to the letter was the City of Leominster Policies and Procedures regarding Employee Use of City-Owned Vehicles and Equipment which is on file in the City Clerk's office.

Councillor Rowlands said he had telephone conversations with Attorney John Giorgio regarding the petition and told him his intention is not the everyday running of the City. His intention is that this is compensation just like we have a voice in how we pay compensation to all employees, we determine step increases and other forms of compensation. He said Mr. Giorgio said he didn't think it was compensation and it doesn't show up on the W2. Councillor Rowlands said it does show up on a W2. Mr. Giorgio said he didn't think it was right to modify the job positions with the scale. Councillor Rowlands asked him about the issue of compensation and how this is any different than any other compensation. Mr. Giorgio said he did not view this as compensation even though it was on the W-2's and in his view it was just an IRS legal issue and how they classify it but because the City is actually the winner of this by having the employees who are able to provide additional services so he did not view it as compensation and re-stated his position as he stated before after reviewing the ordinances and the Charter. Councillor Rowlands said Mr. Giorgio also stated that it is a position that is consistent and that he has held in the City in previous years.

Councillor Chalifoux Zephir said she is just stunned in the amount of time that this has taken. The question that the petition originally raised was about was simply a cost question and is a very reasonable question especially in these tough financial and economic times and she fully supported that. She said the process has gotten out of control. She said Mr. Giorgio's letter is very clear it does not come under the purvey of the City Council to determine and weigh in on the Mayor's executive responsibilities and the Mayor's executive job that he does which is designate who takes cars home and who doesn't. We can address that in the next budget round. Councillor Chalifoux Zephir was dismayed that Councillor Rowlands contacted the City Solicitor without consulting with the City Council. The question that was raised in the petition about the cost The Charter is very clear about our access to information. We can request a department head come down and we can ask them any number of questions to get that information.

Councillor Dombrowski said there are three ways we can get information pursuant to the Charter. We can ask the Mayor for it (Section 3.6c), we can require the Mayor to come down with department heads or we can require department heads to come down. We asked the Mayor for information, and I agree, it is very simple. We asked for information, give us the information. We asked very specific questions to the information that we need, can you provide it to us. Instead, we got a wrangle about the Charter. He said he doesn't think the Chairman of the Legal Affairs should be chastised. This is a road that was created by not getting information. He said it is his understanding that the Mayor is down here tonight not pursuant to Section 3.6 of the Charter but pursuant to Section 2.6 of the charter where he has come down on his own volition.

In accordance with Section 2.6 of the City Charter a recess was called at 8:36 P.M. to allow the Mayor to speak.

Meeting reconvened at 9:38 P.M.

Documents received during the recess regarding vehicle use from the Fire Chief, Fire Prevention Deputy, Master Mechanic, City Wire Inspector, Assistant Wire Inspector, Emergency Management, Department of Public Works, the Police Chief, Police Captain, Police K-9 Unit, Police Detectives and Drug Officer are on file in the City Clerk's office.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

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

8-11 Paula Kiefer, Agent for Best Buy Stores LP – Store 1433: Grant a Second Hand Dealers License for the premise at 33 Orchard Hill Park Drive.

Upon recommendation of the CITY PROPERTY COMMITTEE the following PETITION was GRANTED. 9/0.

9-11 Kelly A. Woodland, Mayoral Aide: Accept a donation of ten heavy duty United States Flags from Central Flag & Gift.

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

Planning Board – Fred Fredricks – term to expire April 15, 2013

Under Old Business, Councillor Dombrowski, Chairman of the President’s Drinking Water Oversight Committee said he was not able to get the information that was requested at the last meeting and said he will have it for the next meeting.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for September 13, 2010 at 6:30 P.M. Vt. 9 “yeas”

1st Reading Ordinance – amend Chapter 14 of the Revised Ordinances 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.

Councillor Marchand requested consideration to notify the new Superintendent and the School Committee that the Legal Affairs Committee is working on this Ordinance

Councillor Freda said it was an excellent idea and probably should be sent to the catholic schools.

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

The City of Leominster
In the year two thousand and ten

AN ORDINANCE

Enacting Chapter 2, Article X, Section 2-42.1 of the Revised Ordinances

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

Chapter 2, Article X, Section 2-42.1 entitled, “Fee Schedule” is hereby amended by deleting said section and inserting in its place the following:

Inspector of Weights & Measures Fee Schedule

CATEGORY	DEVICE	LEGAL SEALING
Balances & Scales	Over 10,000 lbs.	\$150.00
	>5,000 to 10,000 lbs.	60.00
	>1,000 to 5,000 lbs.	40.00
	100 to 1,000 lbs.	30.00
	>10 to <100 lbs.	15.00
	10 lbs. or less	15.00
Weights	Avoirdupois (set)	15.00
	Metric (set)	15.00
	Apothecary (set)	15.00
	Troy (set)	15.00
Capacity Measures	Vehicle Tanks	100.00
	Each Indicator	25.00
	Each 100 gal. or %	25.00
	Liquid: 1 gal. or less	10.00
	Liquid: more than 1 gal.	15.00
Liq. Measuring Meters	Oil, Grease	15.00
	Gasoline	15.00
	Vehicle Tank Pump	30.00
	Vehicle Tank Grav.	100.00
	Propane (LPG)	50.00
	Bulk Storage	100.00
	Company Prover	200.00
Pumps	Each Stop on Pump	10.00

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

Other Devices	Retail Scanners	
	(1,2-3, 4-11, 12+)	\$50, 100, 200, 250
	Taxi Meters	30.00
	Odometers	25.00
	Leather Meas. (sem)	10.00
	Carpet/Fabric Measuring	10.00
	Wire-Rope-Cord	10.00
	Timing	
	(0-10, 10-30,30<)	\$10, 15, 20
	Linear Measurers	Yard Sticks
	Tapes	10.00
	End Measures	10.00
Miscellaneous	Milk Jars (per gross)	25.00
	Dry Measures	15.00
	Bottle Return/Rev V	10.00
	Wood, Bark Meas.	25.00
	Sand, Loam Meas.	25.00
	Coin Counters	10.00
	Motor Fuel Blender	10.00
	Adjusting	10.00
	Re-insp/Retest/Reseal	20.00
	Non-Res. Surcharge	25.00
	Special Facilities	20.00/Cost
	Repairs	Cost

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for September 13, 2010 at 6:45 P.M. Vt. 9 “yeas”. Councillor Rowlands read the following letter.

1st Reading Ordinance – amend Chapter 21 of the Revised Ordinances entitled “Water and Sewers” by adding a section to ensure that all water and sewer connections outside the city are under the terms of an inter-municipal agreement.



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law OFFICE
LEOMINSTER, MA

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August 17, 2010

2010 AUG 18 A 8:49

Brian W. Riley
briley@k-plaw.com

BY FACSIMILE - (978) 534-7546

Ms. Lynn Bouchard
City Clerk
Leominster City Hall
25 West Street
Leominster, MA 01453

Re: Ordinance for Petition 4-11 – Water and Sewer Connections

Dear Ms. Bouchard:

I have prepared an ordinance as proposed in the above-referenced petition and approve this ordinance as to form. I would offer the following comments on this ordinance, however. As amended, these ordinances would prohibit any out-of-city water or sewer connections unless there is an accompanying intermunicipal agreement (“IMA”) between the City and the city or town where the connection is located. The City has entered into such IMAs with Lunenburg and Lancaster in recent years, and these agreements serve an important purpose to memorialize the duties and rights of each municipality to make the arrangement work.

In my opinion, however, there is the potential for an out-of-city connection for which the other municipality has no involvement or interest and would, therefore, likely be unwilling to sign an IMA. For example, a parcel in another municipality may be able to connect from the property directly into Leominster, with no contact with that municipality’s property or public ways and no involvement of that municipality with the billing for services. If these were the proposed circumstances for a connection, the other municipality would likely decline to take on any interest or liability for the arrangement on behalf of the private property owner.

If, however, that is part of the intent of the proposed amendments (i.e., to eliminate future connections in the absence of an IMA), then the enclosed ordinance appears to accomplish that, in my opinion. If you have further questions in this regard, please feel free to contact me.

Very truly yours,

Brian W. Riley

Councillor Lanciani asked if there was a municipal agreement with Lancaster for Roll On America. He said they were ready to sign one but they didn’t. Is that going to come back and bite them because there were no conditions, to his knowledge, put onto that petition 60-10.

Councillor Rowlands said that petition was amended to include the condition that there would be an inter-municipal agreement. He said it is his understanding that they do have an inter-municipal agreement. He said anyone single house outside Leominster will need an inter-municipal agreement. He said it is a mechanism to be able to collect the fees.

Councillor Salvatelli said we should have Mr. LaPointe come down to answer some questions.

The City Clerk was requested to confirm that Roll On America is covered under an inter-municipal agreement and if we have a condition on that petition. That requires an inter-municipal agreement.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

Under New Business, Councillor Rowlands said he had a constituent that did an extensive recommendation for traffic calming on Pierce Street. He said he shared it with the committee as a whole because he thinks there is validity. He said it would be an interesting discussion to have the DPW down and talk about this. Copies will be distributed to the Mayor's office and the DPW to solicit an opinion from them. A copy is on file in the City Clerk's office.

Councillor Nickel asked Councillor Freda what the status was on the request by the Council to send a letter to HUD.

Councillor Freda said she had a conversation with Bob Shamenko from HUD which pretty much answered the questions that the attorney answered. She said they are well aware of the situation, the Mayor's actions, the future CDBG monies, it would not be an entitlement program and administered by the government so it goes by a formula and has nothing to do with that. What happens to the CDBG monies that are not now allocated? She said it is self explanatory it went into the City of Leominster by approval of HUD as all the left over monies at the end of the term that goes into the housing rehab, which they have been doing every year. The red flags are certainly up and they will increase the monitoring of the program. She said they did some monitoring and issued concerns last year concerning the duties of the Economic Development Director. She said Mr. Taylor dealt with it and responded to them on restructuring her work and they seem to be satisfied with that but they were going to be increasing the monitoring of the program because of that. The Mayor does have the right to cut the hours of the employees. She asked Mr. Shamenko if they would like to follow up him would there be any issues? He said no. She told him he may still get a letter.

Councillor Nickel asked if the letter was sent to HUD.

Councillor Freda said no, she never sent the letter but she called.

Councillor Nickel said what you are reading now, I don't remember seeing it.

Councillor Freda said they were her notes of her conversation with HUD and they didn't have an opportunity at the last meeting to bring up under old business.

Councillor Nickel asked if she discussed it with her committee.

Councillor Freda said no, we didn't have a meeting. She said she is relaying the information he gave her.

Councillor Nickel said the Council had a discussion and voted on sending a copy of that letter so where do we stand on that.

Councillor Freda asked if he wanted her to read the response from Mirick O'Connell.

Councillor Nickel said he wants an answer to the question he asked. Where does it stand as far as the committee? Is it the committee's wish to still send the letter after the Council's vote. It is hard to say your happy with the information if no one has seen it at this point. This is the first time we have heard it.

Councillor Freda said this was to be a report and we didn't have it at the last meeting. You also didn't read the answer to the letter that went to the attorney that was asked to be sent to the attorney. Councillor Freda read the attorney's letter.

August 2, 2010

Wayne Nickel, President
Leominster City Council
City of Leominster
c/o Office of the City Clerk
Room Five, City Hall
25 West Street
Leominster, MA 01453

Re: Reductions in Community Development Block Grant Budget

Dear Mr. Nickel:

I am writing in response to the request of the Leominster City Council for a review of two issues concerning the budget for the City of Leominster (the "City"). In your letter to me dated July 27, you reported that in April of this year the City Council approved a communication received from the Mayor regarding the allocation of the Community Development Block Grant Budget (the "CDBG Budget"). The Mayor then, "unilaterally cut the hours of three staff members." You reported that approximately 70% of the salaries (for these three staff members) are paid for by the CDBG Budget and the remainder is paid for by the City.

The City Council presented two questions: (1) Does the Mayor have the unilateral right to essentially make cuts to a CDBG Budget approved by the City Council?; and (2) Does this action constitute a reorganization of city government which requires approval by the City Council pursuant to the City charter?

My responses to the questions are as follows:

1. Article VI of the revised charter of the City of Leominster (the "Charter") governs financial procedures for the City. Section 6.2 concerns the action required of the City Council relative to the City's budget and subparagraph (b) states in relevant part: "The City Council shall adopt a budget, with or without amendment, within 45 days following the day the budget is received by it, or such other period as may be provided by general law. In amending the budget the City Council may delete or decrease any programs or amounts, except any expenditures required by law, or for debt service." Accordingly, the City Council is authorized to decrease and/or amend the budget, once approved. However, in Article II of the Charter, entitled "Executive Branch", §2.2 states: "The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law." Therefore, the City's executive branch retains authority to determine expenditures within an appropriation.

In my opinion the Mayor may, under such executive powers, reduce hours for the three employees of the City without having actually reduced or amended the budget. The appropriation for the CDBG Budget still exists, but the Mayor has reduced the encumbrances on that appropriation. The Mayor may not use or apply the appropriations to some other purpose, however, without an approval of a transfer of such appropriations by the City Council (in accordance with MGL Chapter 44, Section 33B). Also, any proposed, alternate use for such funds would still be subject to the CDBG program requirements and restrictions (Note that I did not receive for review the specific grant applications that funded the three positions, nor have I reviewed the state and federal regulations relative to the CDBG program for purposes of this letter, but will if requested).

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

2. Article V of the Charter is entitled "Administrative Organization" and §5.2 concerns the "reorganization plans by administrative code." Subparagraph (a) in §5.2 provides in relevant part: "The mayor may from time to time prepare and submit to the city council proposed reorganization plans which may, unless prohibited by general law or by the charter, reorganize, consolidate, or abolish in whole or in part, any existing city agency, establish new agencies, and prescribe functions of any city agency. Each such reorganization plan shall be accompanied by an explanatory message when submitted to the city council." I believe the reduction in hours of three staff members in various departments does not qualify or rise to the level of a reorganization plan. The offices which the three persons staff are still in existence, unaltered. Therefore, I believe the action by the Mayor does not constitute a reorganization of city government, which would require approval by the City Council pursuant to the Charter.

Please call me if you have any questions concerning this letter or if you wish to discuss these matters.

Very truly yours,



Stephen F. Madaus

Councillor Nickel said essentially the Council voted to send a letter to the attorney which was done. The Council also voted to send a letter to HUD which was never done.

Councillor Freda said no, I called them and spoke with them. She said she told them that if her information to the Council wasn't enough that she would be glad to put these very same questions that she asked him in writing. She said she thought it will look foolish but will do it.

Councillor Salvatelli said the problem is you mentioned red flags three times. What do red flags mean?

Councillor Freda said red flags mean that they are going to increase the monitoring of the program.

Councillor Salvatelli asked for what reason.

Councillor Freda said because of the Economic Development issue that was brought up in their original audit and that audit was answered by Andy Taylor.

Councillor Salvatelli said the real issue is the Economic Development person.

Councillor Freda said that was corrected by Andy Taylor, according to them. HUD is still going to continue to monitor it.

Councillor Salvatelli said 70% of the money from the three people is just sitting there waiting for some action to take place. He suspects they will wait until the end of the year and try to put it back into the housing redevelopment if HUD lets them do it. The other issue is about re-organizing which we got those answers but the red flags are very interesting and we should have some kind of written report ready to look at.

Councillor Freda read a letter from HUD.



U.S. Department of Housing and Urban Development

MASSACHUSETTS STATE OFFICE, NEW ENGLAND AREA
Office of Community Planning and Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street - Fifth Floor
Boston, Massachusetts 02222-1092

Fax (617) 565-5442

CPD website: <http://www.hud.gov/offices/cpd/communitydevelopment/index.cfm>

Mr. Andrew Taylor
Assistant Planning Director
City of Leominster
25 West Street
Leominster, MA 01453

Dear Mr. Taylor:

SUBJECT: HUD Monitoring – Community Development Block Grant (CDBG)
Economic Development Coordinator

The Department of Housing and Urban Development is required to undertake program reviews, as necessary, to determine: (1) whether grantees have carried out their activities in accordance with the statutes, regulations and are in compliance with certifications, and (2) whether they demonstrate a continuing capacity to carry out the programs in a timely manner

On July 20, 2009, CPD Representatives Samantha Graves and Lois Gaetz conducted a monitoring review of the subject CDBG-funded project. The monitoring review was based on the regulations at 24 CFR Part 570: review of national objective for low and moderate-income job creation/retention, and review of individual economic development activities. The monitoring resulted in two findings, which are detailed in the attached report.

We appreciate the response we received from your staff to our request. If you have any questions, feel free to call Samantha Graves, CPD Representative, at (617) 994-8353. We look forward to working with you in the future.

Sincerely,

Robert L. Paquin
Director

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 23, 2010, continued

Councillor Rowlands asked if the councilors received.

Councillor Freda said no.

Councillor Rowlands said you have to be kidding me. We voted as a City Council to send the letter. It wasn't sent. A phone call was made and the information wasn't shared with us until New Business at 10:30 P.M. and only when the President asked what's the status. When were we going to get updated on this private conversation, with one person. On top of it we voted as a Council of the Whole to send the letter and it wasn't sent.

Councillor Nickel said there was a letter from the Mayor dated August 6, 2010 that he neglected to read at the last meeting and read it into the record.

August 6, 2010

City Council
25 West Street
Leominster, MA 01453

Re: COMMUNICATION FROM THE MAYOR TO THE CITY COUNCIL
Enforcement of Charter Provisions

CITY CLERK'S OFFICE
LEOMINSTER, MA
1 200 AUG - 6 A 10:11

Dear Members of the City Council:

An issue, which is in my opinion straight forward, continues to generate questions. This issue would be focused on how the city council obtains the information that it needs to perform its' work.

Under the City Charter, Section 9-12 Enforcement of Charter Provisions, it is the duty of the mayor to see that the provisions of the charter are faithfully followed. It is the city charter that details the methods in which city government operates so I am asking what provisions of the charter the city council follows when it requires information.

While I understand and have heard the various opinions about what city councilors think about the subject, I have yet to be provided with the back up information as to what sections of the charter you are using.

The only section that I can find in the Charter is Article 3, Section 3-6 Council Access to Information. Again, I realize and have heard and read everyone's opinion on this matter but I have yet to be directed to the sections of the charter that the council uses to obtain its' information.

If you could please direct me to those areas, as I think it would help in providing a better understanding.

Sincerely,


Dean J. Mazzerella
Mayor

DJM/eai

Councillor Nickel said we had that discussion on this earlier and hopefully we will get this straightened out by the City Solicitor as to whether a committee can ask for information or if every time they want information are we going to have a vote of the full Council.

MEETING ADJOURNED AT 10:27 P.M.

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