

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 13, 2010

Hearing opened at 6:33 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present. Councillors Marchand, Dombrowski and Freda arrived late.

The following ORDINANCE was the subject of the hearing:

Relative to amending 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 Rowlands said Petition #32-10 was presented quite a while back and was amended to prevent Level 2 and Level 3 sex offenders living within 2,000 feet of a school to 1,000 feet of a school and passed. He said there was some confusion because the ordinance talks about a registered sex offender and does not make reference to a level 2 or level 3 which was in the petition. Councillor Rowlands read a section from the ordinance which states there is an official map that will be maintained by the DPW. The Leominster Police Department shall review both the list and the map no less than annually for changes. The list, the maps and copy of this ordinance will be available to the public at the Leominster Police Department, the Leominster City Clerk's Office, the Leominster Public Library and the City of Leominster's website. Councillor Rowlands said there are currently twelve locations defined. There is the Johnny Appleseed School, Skyview School, Northwest School, Priest Street School, Leominster High School, St. Leo's School, Bennett School, Lincoln School, St. Anna's School, Southwest School, Fallbrook School and Samoset School.

Councillor Rowlands said he will be proposing a minor change. He said instead of having a separate list the sites will be listed as part of the ordinance. He said this is not in the current ordinance form today but wanted to make it clear he will be making a motion to modify the ordinance. He said the reason he is suggesting the change is to add clarity to the ordinance.

Councillor Chalifoux Zephir said the level 2 and level 3 sex offenders are mentioned in the ordinance in Section 14-20.3.

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

HEARING ADJOURNED AT 6:42 P.M.

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

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 13, 2010

Hearing opened at 6:45 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 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.

Councillor Rowlands read a letter dated August 18, 2010 from Brian Riley of Kopelman & Paige which accompanied the ordinance. He also read a recommendation from Patrick LaPointe of the Department of Public Works recommending approval. Both letters are on file in the City Clerk's office.

No one in the audience spoke in favor or in opposition of this ordinance.

No Councillor spoke.

HEARING ADJOURNED AT 6:49 P.M.

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

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 13, 2010

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

All members were present.

This hearing is continued from August 9, 2010

The following ORDINANCE was the subject of the hearing:

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 13, 2010, continued

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.

Councillor Rowlands said this petition was a suggestion of the Building Inspector after the Council had passed a previous petition and ordinance in the Marcello Avenue area. The reason for the additional parcel is for consistency. He said looking at the map that was from the Planning Board there was a question about a sliver of property that is actually right on Marcello Avenue and they wanted to include that piece. He said that property, according to the City Clerk, we could not find a lot, map or reference to it so there is no reference or amendment that we can put on this petition to include that which really is just an extension of the road itself. He said there were no other outstanding questions that needed to be answered.

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

No Councillor spoke.

HEARING ADJOURNED AT 7:04 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 13, 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 August 9, 2010 were examined and found to be in order. The records were accepted.

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

C-9 Relative to the appropriation of \$20,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

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

Emergency Management, EMS Unit – Brittany Respass

The following APPOINTMENT was submitted by the Mayor for consideration under SUSPENSION OF THE RULES. A vote to accept under Suspension of the Rules was defeated. Vt. 0 “yeas” and 9 “nays”. The following APPOINTMENT will be placed on the next agenda.

Board of Health – Dr. Norman Gould – term to expire April 15, 2013

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

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.

ORDERED: - That the sum of Sixty Two Thousand Three Hundred Dollars (\$62,300.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

RE: Various projects throughout the City

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

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.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 13, 2010, continued

Councillor Rowlands, Chair of the Legal Affairs Committee read a letter from the Mayor dated September 9, 2010 amending C-95 through C-102. A vote was taken to adopt the amendments for C-95 through C-102 Vt. 9/0. The letter is on file in the City Clerk's office.

Councillor Dombrowski said the License Commission did a good job and put a lot of hard work into it. He commented on the transfer of licenses. He said he doesn't know what kind of success they will have at the state level and he is opposed to these petitions.

Councillor Chalifoux Zephir said they had two lengthy meetings with the License Commission with the majority of the Council both times and answered the questions we had. They went back and laid out a pretty thorough straight forward and clear policy. She spoke on why there were eight licenses. She said she supports the petitions.

Councillor Salvatelli said he is frustrated with all these petitions. He said he does not understand how the Mayor, License Commission or the City Council could not come up with an idea of asking the people who are most responsible for getting this through whether in fact they can get eight licenses through the legislature. He said Representative Rosa and Senator Flanagan were not contacted. These are the people that would shepherd these licenses through. He read an excerpt of an email from the aide of Senator Flanagan's office. "At this time it is difficult for me to foresee that the Committee of Consumer Affairs and Professional Licensures would allow the City to have eight additional licenses without first specifying where the licenses were going to be used. It was the practice of the chairs, this session, to allow licenses to move forward that were specified for a specific restaurant location. I do know there will be one change in the chairmanship in January so it is possible that something could change but there is no indication at this time this would happen."

Councillor Salvatelli said a few days later he received another email from Senator Flanagan's aide. "I did inquire with the Committee of Consumer Affairs again yesterday to confirm that this is a current practice. They said yes, this session they have only allowed bills out that have specified addresses and storefronts specified."

Councillor Salvatelli said he received an email from Senator Flanagan. "I talked with Representative Rosa at length about it. He's been through the process for about a year and a half now and he said he has never seen so many of these petitions come forward. As a matter of fact, the Globe points out that the last session, 10% of all legislation coming out of Boston was these types of requests."

Councillor Salvatelli said Representative Rosa told him that he felt that there would be no chance of this community to get eight licenses.

Councillor Marchand said he is not sure he can support of all eight.

Councillor Nickel recommended further time to set up another Legal Affairs Committee meeting and ask Representative or Senator, or their office, to consider how many licenses would be appropriate.

Councillor Freda said the License Commission feels there is a need for these and doesn't understand what the issue would be on sending them to the Senator and the Representative to shepherd them through the State House for us.

Councillor Cormier said he will vote to deny C-95, C-96 and C-97. He said he would be in favor of two but he would like to see one go toward a general revitalization project in the City and not just both being designated for downtown.

Councillor Chalifoux Zephir said she wants the public to be aware that an application for eight licenses does not mean that all eight are going to flood into the city at once. It is part of a longer strategic plan for revitalization as explained by the License Commission. The licenses would be issued two per year.

Upon recommendation of the Legal Affairs Committee, the following COMMUNICATIONS were AMENDED. Vt. 9/0. Amended by removing "to be issued only in conjunction with a redevelopment project" and to add in its place "for city wide revitalization". Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATIONS were DENIED. Vt. 5/4; Councillors Lanciani, Chalifoux Zephir, Freda and Nickel were opposed.

C-95 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License for city wide revitalization.

C-96 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License for city wide revitalization.

C-97 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License for city wide revitalization.

Upon recommendation of the Legal Affairs Committee the following COMMUNICATION was AMENDED. Vt. 9/0. Amended by removing "to be issued only in conjunction with a redevelopment project" and to add in its place "for city wide revitalization". Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 8/1, Councillor Dombrowski opposed.

C-98 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License for city wide revitalization.

Upon recommendation of the Legal Affairs Committee the following COMMUNICATION was AMENDED. Vt. 9/0. Amended by removing "to be issued only in conjunction with a redevelopment project" and to add in its place "for city wide revitalization". A recommendation of the LEGAL AFFAIRS COMMITTEE to DENY was defeated. Vt. 4/5;

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 13, 2010, continued

Councillors Marchand, Lanciani, Chalifoux Zephir, Freda and Nickel opposed. A motion to GRANT the following COMMUNICATION was passed. Vt. 5/4, Councillors Salvatelli, Rowlands, Dombrowski and Cormier opposed.

C-99 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License for city wide revitalization.

Upon recommendation of the Legal Affairs Committee the following COMMUNICATION was AMENDED. Vt. 9/0. Amended by removing "to be issued only in conjunction with a redevelopment project" and to add in its place "for city wide revitalization". Upon recommendation of the LEGAL AFFAIRS COMMITTEE to GRANT the following COMMUNICATION was DENIED. Vt.3/6, Councillors Salvatelli, Marchand, Rowlands, Dombrowski, Cormier and Nickel opposed.

C-100 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License for city wide revitalization.

Upon recommendation of the Legal Affairs Committee the following COMMUNICATION was AMENDED. Vt. 9/0. Amended by removing "to be issued only to downtown establishments and only in conjunction with a redevelopment project" add in its place "for downtown revitalization". Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 7/2, Councillors Dombrowski and Nickel opposed.

C-101 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License for downtown revitalization.

Upon recommendation of the Legal Affairs Committee the following COMMUNICATION was AMENDED. Vt. 9/0. Amended by removing "to be issued only to downtown establishments and only in conjunction with a redevelopment project" add in its place "for downtown revitalization". A recommendation of the LEGAL AFFAIRS COMMITTEE to GRANT the COMMUNICATION was DENIED. Vt. 4/5, Councillors Salvatelli, Rowlands, Dombrowski, Cormier and Nickel opposed.

C-102 Dean J. Mazarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License for downtown revitalization.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9 "yeas"

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 TABLED FOR STUDY. 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 FURTHER TIME. Vt. 9/0 A hearing is set for September 27, 2010 at 7:00 P.M.

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.

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

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

Under Old Business, Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee said the August 2010 report is in and suggested it be read before the September 27, 2010 meeting.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Patrick LaPointe and Roger Brooks to attend to the next meeting on September 27, 2010 at 6:30 P.M. for an update on the drinking water. Councillor Dombrowski said if anyone has questions to get them to him a week before the informational meeting

Councillor Dombrowski said we are posting the Sex Offender Residency Ordinance on the website for the public's convenience and knowledge but the public should rely on the one in the Clerk's office in case of updates. He said we should ask the Mayor's office to put a disclaimer on the website.

Councillor Rowlands read a letter from Mr. Riley of Kopelman & Paige regarding religious locations. The letter is on file in the City Clerk's office.

A motion to AMEND the following ORDINANCE was GRANTED. Vt. 9 "yeas". Amended to include a list of schools and a map. The following ORDINANCE was read a second time, ADOPTED as AMENED and passed to be ordained. Vt. 9 "yeas"

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

City of Leominster
In the year Two thousand and ten

AN ORDINANCE

Amending Chapter 21 of the Revised Ordinances Entitled "Water and Sewers.

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

Chapter 14 of the Revised Ordinances entitled "Offenses – Miscellaneous" is hereby amended by adding the following section:

Section 14-20. Sex Offender Residency Restrictions

§ 14-20.1. Determinations and intent.

- A. It is the intent of this ordinance to protect the City's compelling interest to promote and protect the public health, safety and welfare of the inhabitants of the City of Leominster by creating areas around locales where children regularly congregate and wherein certain sex offenders are prohibited from establishing temporary or permanent residence.
- B. It is determined that this ordinance is the most narrowly crafted means of restricting to the fullest extent possible the opportunity for registered sex offenders to approach or interact with children where they routinely and naturally congregate and that the protections of the health and safety of our children is a compelling public and governmental interest.
- C. This ordinance is intended to create a civil nonpunitive regulatory scheme in order to protect children to the greatest extent possible under the circumstances of public welfare protections and not as a punitive measure of any kind.
- D. Registered sex offenders pose a clear threat to children as a vulnerable group residing in or visiting the City, because registered sex offenders are more likely than any other type of offender to re-offend for another sexual offense, the City desires to impose safety precautions in furthering the public purpose of protecting children. The purpose of this ordinance is to mitigate the potential risk of harm to children of the Leominster community by deterring the ability for registered sex offenders to be in contact with unsuspecting children in locations that are primarily utilized by such children, that is the grounds of public and private schools for children. The City desires to add location restrictions to such offenders where state law is silent.

§ 14-20.2. Definitions.

The following words, terms, and phrases when utilized in this chapter shall have the meanings ascribed to them in this section, except where the context clearly described a different meaning:

1. "Registered Sex Offender" for the purposes of this chapter shall mean: (a) any person who is a sexually violent predator as defined by Chapter 6, § 178C, of the Massachusetts General Laws and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; (b) any person who is required to register as a sex offender pursuant to Chapter 6, § 178C, of the Massachusetts General Laws and who is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry; and (c) any person who is required to register as a sex offender pursuant to Chapter 6, § 178C, of the Massachusetts General Laws, who is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry.
2. "Sex Offender" and "Sex offense" shall have the same meaning as provided for in M.G.L. Chapter 6, § 178C.
3. "Child" or "Children" shall mean persons under 18 years of age.
4. "School" -- Any public or private educational facility that provides services to children in grades Kindergarten through 12.
5. "Permanent Residence" -- A place where a person lives, abides, lodges, or resides for 14 or more consecutive days.
6. "Temporary Residence" -- A place where a person lives, abides, lodges, or resides for a period of less than 14 consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence; but "temporary residence" shall not include residence at a hospital or other healthcare or medical facility for less than 14 consecutive days or 14 days in the aggregate during any calendar year.
7. "Establishing a Residence" -- To set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

§ 14-20.3. Sexual offender residence prohibition, restrictions, penalties.

- A. Prohibition. A registered sex offender is prohibited from establishing a permanent residence or temporary residence within 1,000 feet of any school.
- B. It shall be unlawful for any sex offender who is finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board to establish a permanent residence within 1,000 feet of any school.
- C. It shall be unlawful for a property owner to let, lease, or rent any place, building, structure, or part thereof, as a temporary or permanent residence to any person who is prohibited from establishing such residence pursuant to this Ordinance, if such place, building, structure, or part thereof is located within the City of Leominster and within 1,000 feet of the property on which any school is located.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 13, 2010, continued

D. Evidentiary matters measurements. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school.

E. Exceptions. A registered sex offender residing within 1,000 feet of any school does not commit a violation of this section if any of the following apply:

(1) The registered sex offender established the permanent residence prior to the effective date of this ordinance, and:

(a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in, and does not move to another restricted location in Leominster different from, the permanent residence established prior to the effective date of this ordinance; or

(b) Permanent residence was established through a valid arm's length, fixed-term, written lease or rental agreement, executed prior to the effective date of this ordinance, as long as the registered sex offender continues to reside within, and does not move to another restricted location in Leominster different from, the permanent residence established prior to the effective date of this ordinance; or

(c) Permanent residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within, and does not move to another restricted location in Leominster different from, the permanent residence established prior to the effective date of this bylaw.

(2) The registered sex offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established a permanent residence pursuant to this section.

(3) The school within 1,000 feet of the registered sex offender's permanent residence was designated or opened after the registered sex offender established the permanent residence.

F. Forfeiture of exception. If, either after the effective date of this ordinance or after a new school opens, a complaint or an indictment is issued by a court against a registered sex offender otherwise enjoying an exception under Subsection E and judgment enters that such sex offender has committed another sex offense, he/she will immediately forfeit that exception and be required to comply with this section.

G. Notice to move. A registered sex offender who resides on a permanent or temporary basis within 1,000 feet of any school, and who is not subject to any of the above exceptions, shall be in violation of this section and shall, within 30 days of receipt of written notice from the Leominster Police Department of the registered sex offender's noncompliance with the chapter, move from said location to a new location, but said location may not be within 1,000 feet of any school. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 1,000 feet of any school. Furthermore, it shall be a violation each day that a registered sex offender shall move from one location in the City to another that is within 1,000 feet of any school.

H. Penalties.

(1) Any violation of this section shall be enforced by noncriminal disposition pursuant to M.G.L. c. 40, § 21D, as follows:

(a) First offense subject to this ordinance: noncriminal fine of \$150, and notification to sex offender that he/she has 30 days to move.

(b) Subsequent offense subject to this ordinance: noncriminal fine of \$300, and notification to sex offender's parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the sex offender has violated the City's ordinance.

(2) For purposes of this section, notice shall be deemed to be sufficient and proper if the person service by registered mail, return receipt requested, or receives in hand service or service by a Constable, Sheriff or other person authorized to serve civil process within the Commonwealth of Massachusetts or other service as a court of competent jurisdiction may allow.

§ 14-20.4. Additional exceptions.

A person residing within 1,000 feet of any school does not commit a violation of this section if any of the following apply:

A. The person was a minor when he/she committed the offense and was not convicted as an adult.

B. The school within 1,000 feet of the permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.

C. The person is incarcerated in any facility owned, maintained and/or operated by the City of Leominster.

§ 14-20.5. Safety Zones

A. Prohibitions.

(1) A registered sex offender is prohibited from entering upon the premises of a school unless previously authorized specifically in writing by the school administration.

(2) The prohibitions defined shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.

B. Penalties. Any violation of this section may be enforced by noncriminal disposition pursuant to M.G.L. c. 40, § 21D, resulting in: (1) a noncriminal fine of \$150 for a first violation; and (2) a noncriminal fine of \$300 for each additional violation of this section. A registered sex offender commits a separate offense for each and every violation of this section.

§ 14-20.6. Enforcement.

A. The Leominster Police Department shall be charged and empowered with the enforcement of this chapter.

B. A map depicting the residency restriction areas shall be created by the City and maintained by the Leominster Department of Public Works. The Leominster Police Department shall review both the list set forth below and the maps no less than annually for changes. The maps and a copy of this ordinance will be available to the public at the Leominster Police Department, the Leominster City Clerk's Office, the Leominster Public Library and on the City of Leominster website. The following is a list of schools, as defined in § 14-20.2 of this ordinance, in the City that are subject to this ordinance.

1. Johnny Appleseed School – 845 Main Street
2. Sky View School – 500 Kennedy Way
3. Northwest School – 45 Stearns Avenue
4. Priest Street School – 115 Priest Street
5. Leominster High School – 122 Granite Street
6. St. Leo's School – 120 Main Street
7. Bennett School – 145 Pleasant Street
8. Lincoln School – 16 Cross Street
9. St. Anna's School – 213 Lancaster Street
10. Southeast School – 95 Viscoloid Avenue
11. Fall Brook School – 25 DeCicco Drive
12. Samoset School – 100 DeCicco Drive

§ 14-20.7. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this ordinance shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this ordinance, and it shall be construed to have been the legislative intent to enact this ordinance without such unconstitutional or invalid parts therein.

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

City of Leominster
In the year Two thousand and ten

AN ORDINANCE

Amending Chapter 21 of the Revised Ordinances entitled "Water and Sewers."

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

Chapter 21 of the Revised Ordinances entitled "Water and Sewers" is hereby amended at Section 21-11.3(a) by inserting the following provision to said section:

All connections outside the city must be made under the terms of an intermunicipal agreement, approved by the Mayor and a majority of the City Council, between Leominster and the city or town where said connection is located.

And Chapter 21 is further amended by deleting Section 21-14(d) in its entirety and inserting in its place the following:

- (d) This article shall apply to persons within the city who are, by contract or agreement, users of the city POTW.
- (e) This article shall apply to persons outside the city who are users of the city POTW, under the terms of an intermunicipal agreement, approved by the Mayor and a majority of the City Council, between Leominster and the city or town where said connection is located.
- (f) In general, the director of public works shall administer the provisions of this article with the exception that the director, board of health, shall administer those provisions pertaining to the pretreatment of industrial wastes, specifically sections 32-39 through 21-52, inclusive.

Councillor Nickel said at the last Legal Affairs meeting Councillor Rowlands requested they hold a discussion regarding Petitions 60-10 and 79-07 –Roll on America's request to tie into the City's Water System.

Councillor Rowlands said he would like to delay the request and established a Legal Affairs Committee meeting on September 22, 2010 at 7:00 P.M.

MEETING ADJOURNED AT 9:20 P.M.

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