

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 27, 2010

Hearing opened at 7:34 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

The following PETITION was the subject of the hearing:

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.

Introduced and made part of the record were the following:

- A. Petition 10-11 submitted by City of Leominster/DPW with accompanying plan entitled "Rockwell Pond Dam Rehabilitation Project" prepared by GZA GeoEnvironmental, Inc. Engineers and Scientist, One Edgewater Drive, Norwood, MA, dated May 20, 2010, a plan entitled "Limited Existing Conditions Plan" prepared by Hancock Associates, 315 Elm Street, Marlborough, MA, dated July 23, 2008 with revisions on May 4, 2009 and a map entitled "A Rockwell Pond Dam 300 Foot Abutters Map" prepared by Woodard & Curran dated January 1, 2007.
- B. Notice of public hearing published in the Sentinel & Enterprise on September 7, 2010 and September 13, 2010.
- C. Positive recommendations were received from the Department of Public Works, the Planning Board, the Health Department, the Building Inspector and the Planning Department.
- D. The Conservation Commission does not have a recommendation, however, they recommend that if approved all applicable federal, state, and local laws regarding the repair of the Dam. There is no filling of any flood plain and no compensatory flood storage is needed. This project is within an area that is under the jurisdiction of the Conservation Commission. On September 14, 2010 the Leominster Conservation Commission issued an Order of Conditions under DEP 199-926, which contained the following stipulations.
 1. Any stockpiles must be covered
 2. Secondary containment required around equipment to prevent spills
 3. Added boiler plate conditions
 4. Prior to construction start a precipitation action plan must be submitted to the commission.

Councillor Freda said the repair is long time coming and it is listed as a serious situation. She said she is glad to see it in front of the Council and hopes it can get done as soon as possible.

HEARING ADJOURNED AT 7:38 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL SEPTEMBER 27, 2010

Meeting was called to order at 7:33 P.M.

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

The Committee on Records reported that the records through August 23, 2010 were examined and found to be in order. The records were accepted.

A recess was called at 7:34 P.M. to hold the public hearing.

The meeting reconvened at 7:42 P.M.

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

C-10 Relative to the appropriation of \$832.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

REGULAR MEETING OF THE CITY COUNCIL SEPTEMBER 27, 2010, continued

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A Hearing was set for October 12, 2010 at 7:00 P.M. Vt. 9/0

11-11 National Grid: Install one singly owned rectifier pole on Power Street beginning at a point approximately 65 feet from the centerline of the intersection of Whitney Street in a south westerly direction.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A Hearing was set for October 12, 2010 at 7:05 P.M. Vt. 9/0

12-11 National Grid: Install one singly owned rectifier pole on Mascoma Street beginning at a point approximately 165 feet at the centerline of the intersection of Watson Avenue in a northeasterly direction. (Public Service)

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A Hearing was set for October 12, 2010 at 7:10 P.M. Vt. 9/0

13-11 National Grid: Install one singly owned rectifier pole on Litchfield Street beginning at a point approximately 65 feet from the centerline of the intersection at Elm Hill Avenue in a northerly direction.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Conservation Commission, the Director of Inspections, the Board of Health and the Department of Public Works. A hearing was set for October 12, 2010 at 6:50 P.M. Vt. 9/0

14-11 Walton Whitney Investors V LLC: Grant a Special Permit to make emergency repairs to an eroded section of the Nashua River dike along Commercial Road as shown on Assessor's Map 567, Lots 2C, 5, 12, 13, 19 and located within a flood plain.

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

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

Election Officers 2010- 2011 - R. Jeannette Chambers, Linda C. Kinsey,
Karen J. McNall, Kathleen Lamb and Arthur Tunnessen

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

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.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

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

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 APPOINTMENT was CONFIRMED. Vt. 9 "yeas"

Emergency Management, EMS Unit – Brittany Respass

Under Old Business, Councillor Dombrowski, President of the President's Drinking Water Oversight Committee, said the City is on schedule with the consent order. He said it is still early to tell whether or not the initial estimate of \$19,000,000.00 is going to be sufficient to complete the outstanding items. He said Mr. Brooks indicated he would have a better idea by the end of the year. He said all the treatment operators are certified per DEP. He said one item that was of concern was once the Consent Order is complete the department was confident that we will be able to meet the TTHM standards which will take effect in 2013. He said they will no longer be averaging the different water supplies in 2013 so each water supply will have to comply. He said DEP will be requiring more test sites and they are on track getting them approved by DEP.

REGULAR MEETING OF THE CITY COUNCIL SEPTEMBER 27, 2010, continued

Under Old Business, a discussion on Petitions 60-10 and 79-07 as follows: Councillor Rowlands said Petition 60-10 was the original request from Roll On America to the Council to connect to the Leominster Water system through a special act of the legislature and it was granted with a condition that it would be under an intermunicipal agreement. He said Petition 4-11 was a separate petition that talked about connections in the sewer and water and needing an intermunicipal agreement. During the discussion of that petition, which has passed, Councillor Lanciani asked if Roll on America was under an intermunicipal agreement. He said according to Mr. Riley of Kopelman & Paige, we do not have an agreement with Lancaster for water but we do have one for sewer. According to Mr. Riley, if Roll on America gets a special act through the legislature, that would trump the need for an intermunicipal agreement even though the 60-10 petition has that special condition. He thinks that would not hold up or be required if there was a special act. If they don't get a special act and just come to the City of Leominster for a tie in they would need an intermunicipal agreement.

Councillor Rowlands said he believes the water and sewer department should produce a template for intermunicipal agreements so that we are prepared if we need one for Lancaster. He said we have one for sewer and maybe they could use the Lancaster one and put it into a generic format and also prepare one for water connections.

Under New Business, Councillor Cormier said they received a report from the Comptroller regarding the Year End Report for Fiscal Year 2010. Councillor Cormier raised a question about the money came back to us from the Police Salaries and Fire Salaries and why it is that low.

Councillor Salvatelli said the only explanation he has for that is that the money was transferred into the Salary Overtime Account.

Councillor Cormier also questioned the refuse amount of money left in the disposal expenses.

Councillor Salvatelli said it was because of recycling.

Councillor Cormier questioned the balances in school salaries and wages.

Councillor Salvatelli said the school system is allowed to keep 5% of their total budget in left over money by law. It looks like they are carrying over \$649,000.00 for next year.

Councillor Cormier asked if we have any idea, when you factor in all the costs to operate, what the operating expenses were for the ambulance.

Councillor Salvatelli said there are two views. He said there are eight individuals who are responsible for the ambulance in the City. The Comptroller's comments were annual expenses with overtime, sick leave, injured on duty leave, expenses, stipends, capital expenditures, pensions, group insurance, OPE, OPEB insurance, other insurances, collections expenses and other costs collectively exceed this amount. Even with the recent price increase, the federal government has reduced their reimbursement rate, however the revenue does not cover costs. Councillor Salvatelli said the Fire Chief indicates there is significant money coming in and is at least breaking even or making \$100,000.00. Councillor Salvatelli said if you want to quantify the value of having your own ambulance service you can't do it because it is so valuable. He said by having your own ambulance service you can call the shots except if it was private. He said former Fire Chief Pierce came down and asked us to add another ambulance. He said they fronted him \$28,000.00 worth of overtime pay to see if we could make money on it. Councillor Salvatelli didn't think we gave him enough time and the experiment failed.

Councillor Chalifoux Zephir said some people didn't think the trial period was long enough to fully represent what the costs and benefits would be.

Councillor Nickel spoke on the advantages of having an ambulance service as compared to the private service in Fitchburg.

Councillor Rowlands spoke about basic life support and advance lift support and a second ambulance.

Councillor Freda said there was an issue in Ward 3. She said people were seeing helicopters hovering over head for 4 hours, police dogs and streets closed. It was a major issue with what was going on. She said we really need a way to communicate with constituency whether it is a reverse 911 or texting. She said she is looking into some of those issues and would like to come up with a way to communicate.

Councillor Salvatelli requested an update on the National Plastics Museum on Lancaster Street that the City just purchased.

MEETING ADJOURNED AT 8:10 P.M.

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