

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 25, 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 October 12, 2010 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to interview the new Emergency Management appointees and to hold a public forum.

The meeting reconvened at 7:44 P.M.

A Moment of Silence was taken for Dr. Cataldo who passed away.

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

C-13 Relative to the appropriation of \$5,200.00 to the Sanitation/Drainage Expense Account; same to be transferred from the Emergency Reserve Account.

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

20-11 James Xarras: Request the City of Leominster file a Home Rule Petition providing for "An act authorizing the City of Leominster to grant an additional license for the sale of all alcoholic beverages." Be it enacted by the Senate and House of Representatives in General Court assemble and by the authority of the same as follows: Notwithstanding Section 17 or Chapter 138 of the General Laws or any other general or special law of the contrary. The licensing authority of the City of Leominster may grant an additional license for the sale of all alcoholic beverages under Section 15 of said Chapter 138. The proposed location for this business is 497 Lancaster Street.

The following PETITION was received, referred to the COMMITTEE ON SCHOOLS, given REGULAR COURSE and referred to the Superintendent of Schools, the Middle School Principals, the Mayor/School Committee and the Athletic Director.

21-11 Richard M. Marchand: Endorse a petition requesting the Leominster School Committee to implement a comprehensive Middle School Athletic Program beginning this winter season.

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

Emergency Management Logistics Unit: Luis Ramos, Melissa Alvarado

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was given FURTHER TIME. Vt. 9 "yeas". A hearing is set for November 22, 2010 at 6:45 P.M.

C-11 Relative to determining the factor to be used in setting the Fiscal Year 2011 tax rate.

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

C-12 Relative to the appropriation of \$900.00 to the Cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: - that the sum of \$900.00 be appropriated to the cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

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

15-11 Kelley Freda: Amend Chapter 14-19 of the Leominster City Ordinance regarding the feeding of waterfowl to include gulls and to allow the Mayor to grant permission to the Department of Conservation and Recreation Natural Resources Director to feed gulls for the purpose of catching them for research.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9/0. A letter from Sergeant Kinney of the Police Department was read and is on file in the City Clerk's office.

16-11 Wayne Nickel: Place signs stating "No Parking Between Signs" on Mechanic Street outside the entrance to Ken's Taxi located at 91 Mechanic Street.

## REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 25, 2010 continued

Upon recommendation of the PUBLIC SAFETY COMMITTEE the following PETITION was GRANTED. Vt. 9/0. An email from the Mayor was read and is on file in the City Clerk's office.

17-11 Robert Salvatelli: Place a street light on pole #37-50 located on Exchange Street.

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

18-11 Richard Marchand: Close off West Street from Cottage Street to Main Street, Park Street from Main Street to the West Street intersection between the hours of 6:00 A.M. to 6:00 P.M. to accommodate the annually Johnny Appleseed Arts and Cultural Festival and request the use of the City Hall Parking Lot and the adjacent City parking lot as well as the City owned parking lot between the First Baptist Church and the First Church Unitarian on September 24, 2011.

19-11 New England Farm Workers' Council: Request permission to use the City Council Chambers on September 30<sup>th</sup>, October 4<sup>th</sup>, 14<sup>th</sup>, 25<sup>th</sup>, November 1<sup>st</sup>, 10<sup>th</sup>, 15<sup>th</sup>, December 9<sup>th</sup>, 13<sup>th</sup>, 27<sup>th</sup> 2010, and January 3<sup>rd</sup>, 10<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup> 2011 to take fuel assistance applications.

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

Emergency Management Dive Unit – Sean Hillier, Chris Miskavitch, Stephen Ekstrom, Nilufer Usta,  
Carole Laverdiere, Holly Murray, John Dwinell, George Gilligan

Under Old Business, Councillor Dombrowski, Chair of the President's Drinking Water Oversight Committee, said they received the September 2010 Water Report and the report of reservoir levels from the Department of Public Works. He said there was a request for the accounts receivables from the Water Division. He would like Mr. Brooks to provide that.

Councillor Freda said she has been researching communities on their process of notification to get information out to the people of their city or town. She said there is a code that can be used which is a matter of training. She said we really need a vehicle to contact people to get information out whether it be the Mayor, the Police Department or the City Councillor of that ward. She said she would like to have Mr. Coggins come in and explain his communication system in the near future.

Councillor Cormier said as Chairman of the Committee on Schools, he spoke to the Superintendent and told him earlier this summer there was an appetite for some of the Councillors to have a joint meeting with the School Committee. Councillor Cormier said the Superintendent was open to the meeting and will discuss it with the School Committee and will set a time soon.

Councillor Rowlands said we passed a Resolution requiring an Intermunicipal Agreement for water and sewer connections. He asked the Chair of the President's Drinking Water Oversight Committee to ask the Water and Sewer Commission, as well as the Water Department, to come up with a template for an Intermunicipal Agreement for a water connection.

Councillor Dombrowski said he can make that request.

Councillor Rowlands said he is disappointed in the delay of the 7<sup>th</sup> Street cleanup because we are now looking at a target date of February and that means we are going to go through winter and he thinks it's common sense it will make the work harder if we have a bad winter. He said if we have to move money around to get this cleaned up he would be in support of that.

Councillor Rowlands said at the last meeting we had a Resolution regarding the Council and the appointment of a position to a permanent position. We passed a Resolution and we received a letter from the Mayor asking for information regarding that. He read the letter dated July 23, 2010 that was received from the Mayor which states that Sandra Leach was hired to perform the duties of the Assistant Planning Director on a temporary basis for 60 days and he certifies that the person is qualified to perform the duties. Councillor Rowlands said in Section 2.5 it clearly states that the Mayor may designate the head of another city agency or city officer or city employee or some other person to perform the duties of the city office on a temporary basis until such time as a position can be filled as otherwise provided by law, by the Charter or by the Ordinance. Councillor Rowlands said the temporary appointment falls under that.

Councillor Rowlands said what is important is under Article 16 of the City Ordinances, Section 2.65 deals with the Planning Board but under Section 2.68 Employment of Planning Director and Assistant Planning Director, which clearly is the position that the Mayor sent down for a temporary position. It states the Planning Board, subject to appropriation, may employ a Planning Director and an Assistant Planning Director. Section 2.69 states in selecting and appointing a Planning Director and an Assistant Planning Director the Board shall take into consideration the education, training and experience of the applicants to perform the duties of the position. He said it clearly states that the Assistant Planning Director is a position that is appointed by the Planning Board and that position is based on education, training and experience of the applicant. He said he doesn't believe that has happened, which was the reason for the Resolution. He said he would like to see the evaluation that was done of the applicant based on what the ordinance says.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 25, 2010 continued

The following ORDINANCE was read a second time, 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 22 of the Revised Ordinances entitled “Zoning” by amending the Zoning Map.

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

Chapter 22 of the Revised Ordinances entitled “Zoning” is hereby amended by changing the Leominster Zoning Map, so that the land identified as follows is designated as Residence A: Assessors’ Map 244, Parcels 1A and 2A; Assessors’ Map 248, Parcel 15. The subject parcels are further identified on a plan entitled “Plan to Accompany Petition for Zoning Change-Leominster, Mass.-Prepared for Fernand Arsenault,” by Whitman & Bingham Associates, LLC, dated July 6, 2009, as on file with the City Clerk.

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Under New Business, Councillor Salvatelli said most of us work out of town or out of state and the visit to the Plastic Museum is taking place during the day when we cannot attend. He said he feels bad that he cannot attend. He would like another date that he can walk through.

Councillor Chalifoux Zephir said she feels the same and it is not practical for any of us to make it midweek in the afternoon. She said the previous walk through was on a weekend and we were all there and worked out very well.

Councillor Salvatelli said he heard rumors that a lot of items were removed and it looks different so he would like to get there to see it.

Councillor Rowlands said he is available in the mornings for early mornings around 8:00 A.M. He said the concern out there is “Don’t make it another Carter.”

Councillor Marchand made a motion regarding the oil spill on Mechanic Street but subsequently withdrew the motion.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Mr. John Giorgio of Kopelman & Paige to attend the next meeting for a status report on any litigation.

MEETING ADJOURNED AT 8:33 P.M.

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