

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 8, 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 January 5, 2010 were examined and found to be in order. The records were accepted.

A motion was made to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by a roll call of 9 "yeas". Council President Nickel said the meeting would reconvene at the conclusion of the Executive Session.

Meeting reconvened at 8:06 P.M.

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

- C-52 Relative to the appropriation of \$5,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-53 Relative to the appropriation of \$358.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.
- C-54 Relative to the appropriation of \$8,000.00 to the Library Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-55 Relative to the appropriation of \$63,800.00 to the Library Expense Account; same to be transferred from the Library State Aid Reserved for Appropriations Account.
- C-56 Relative to the appropriation of \$1,200.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-57 Relative to the appropriation of \$9,200.00 to the Municipal Buildings Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-58 Relative to the appropriation of \$13,000.00 to the Parking Meter Expense Account; same to be transferred from the Excess and Deficiency Account;
- C-59 Relative to the appropriation of \$100,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Building Inspector, the Health Department, the Department of Public Works and the Conservation Commission. A Hearing was set for March 8, 2010 at 6:45 P.M. Vt. 9/0

- 22-10 Frank H. Preston, Agent for Fernand Arsenault: Rezone 12.8 acres of land located at the western end of Marcello Avenue and Kinsman Avenue, north of Marshall Street and south of Mooreland Avenue as shown on Assessor's Map 244 as Parcels 1A and 2A, from Industrial, Residence A and Business B to Residence A.

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

Office of Emergency Management - Auxiliary Police Unit - Jerry Brewer

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)	\$ 3,110,214.90
Emergency Reserve Account	\$ 4,372.00
Stabilization Account	\$11,534,656.38

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

- C-49 Relative to the appropriation of \$70,000.00 to the Veteran's Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of Seventy Thousand Dollars (\$70,000.00) be appropriated to the Veteran's Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds reflect committed Veteran's benefits through June 2010.

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C-50 Relative to the appropriation of \$3,500.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - That the sum of Three Thousand Five Hundred Dollars (\$3,500.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-51 Relative to the appropriation of \$10,000.00 to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - That the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was GRANTED. Vt. 7/1; Councillor Rowlands opposed and Councillor Dombrowski abstained due to a possible conflict of interest.

18-10 Peter A. CampoBasso, Esquire for Southgate Business Park: Layout, as a public way, a portion of the extension of Research Drive by accepting a Quitclaim Deed in lieu of taking by eminent domain and including acquiring by easement any and all utilities necessary for installation and maintenance.

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

17-10 David Rowlands: Amend the Leominster Municipal Code Article XIV "Department of Public Works" and Add Article XXVIII "Department Of Water and Sewer" which eliminates the Water and Service Divisions from the Department of Public Works and creates a separate Water and Sewer Division.

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

21-10 New England Farm Workers' Council: Request permission to use the City Council Chambers on February 1st, 12th, 22nd, March 1st, 12th, 15th, 26th, April 2nd, 16th and 26th, 2010 to take fuel assistance applications.

Under Old Business, Councillor Dombrowski, Chair of the President's Drinking Water Oversight Committee, said a letter from the Mayor was received stating there has been a significant award of stimulus funds to the City of Leominster. He said it is characterized by the Mayor as a grant/loan package. Councillor Dombrowski said there was a column that the Mayor had published in the local newspaper regarding the stimulus funds. He said he would like to set up a committee meeting and ask Roger Brooks to attend so he can explain exactly what we are getting. He said he will check with Mr. Brooks to make sure he has all the information before he sets up the meeting.

Councillor Rowlands said he was made aware of the article the Councillor just mentioned and that article was in the newspaper three days before the Council received the letter explaining this and finds it extremely frustrating. He learned about grant money through a call from a constituent letting him know they read the paper and asking questions about the money and he knew nothing about it. He said much of the tone and content of the editorial seems to be less than forthright when compared to what we had in conversation down here many times in regard to water.

Councillor Marchand said the last committee meeting they had on this he raised questions regarding the testing on the Notown Reservoir and the response was that if it looks good and smells good, we don't test it but it looks okay and smells okay. He asked if we could ask what action steps can be taken as a City to confirm the streams leading into the Notown Reservoir that were compromised before are testing clear today. He said every once in a while we have to be the checks and balances to take a peek to make sure things haven't fallen apart again. He said he would like to ask that question to Mr. Brooks when he comes down here and come up with a financial plan on how we can actually do that if there is more money that is necessary.

Councillor Dombrowski said he will make sure Mr. Brooks is aware of the agenda and would like to say reading the article in the paper it is a bit misleading.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to ask Roger Brooks to attend the meeting of the President's Drinking Water of March 3, 2010 at 6:30 P.M. Vt. 9/0.

Councillor Rowlands asked how this money affects the rate increase that was put in.

Councillor Dombrowski said have your questions to him by February 24, 2010 so that Mr. Brooks would have some time to put together his answers.

Councillor Dombrowski said he reviewed Kopelman & Paige's bills and had questions on the January 26, 2010 bill. He said there seems to be some work done by the City Solicitor regarding preparation of an opinion letter regarding the zoning ordinance. He said he can't image what that would be for and asked for clarification. He said also on the January 26, 2010 invoice there is a preparation of a service agreement and amendments to a service agreement with Viola Water and would like clarification on that.

Councillor Cormier asked if they received a follow-up on the \$75,000 paid to VHB and wanted to know if it was paid.

Councillor Salvatelli said \$73,000 plus has been paid with about \$1,500.00 left.

Councillor Rowlands said \$75,500.00 was the final contract amount.

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Councillor Salvatelli said it was \$76,000.00. He said Councillor Chalifoux Zephir asked me the question and I gave her the answer but will send it.

Councillor Rowlands said he called the City Clerk's office and she said the President was going to take ownership of that. He said he has an outstanding request for an answer somewhere in the chain.

Councillor Salvatelli said he has that answer and will send it.

Councillor Freda asked in the future when some of these questions go back and forth can we make sure that all the Councillors get the answers to the questions so when we have a discussion we will be all on the same page?

Councillor Nickel said yes.

Under New Business, Councillor Dombrowski, Chair of the City Property Committee, said we received a copy of a letter from Attorney Richard Cella to the Mayor dated February 4, 2010 saying an offer to purchase has been made for the National Plastics Center and Museum. He said the City has a first right of refusal on that property and we have 45 days to respond. He said if this is something the City is serious about, he would rather have a meeting on it sooner than later. He said if it is going to affect the high school project they are going to have to come down here with a lot of bells and whistles.

The City Clerk said today the Mayor's office asked when the Council could go with him to visit the plastics museum. She said when picking a date just make sure we have time to post it.

Councillor Nickel said lets try for Saturday morning and see if that can work.

Councillor Dombrowski said we will have to do it as a meeting if we are all going at the same time. He said we should have a meeting with the Mayor before the tour or after to find out where the administration stands on this. He said he assumes if we are going on a tour that there is some interest on behalf of the administration. Councillor Dombrowski said we should not only schedule a visit we should set up a meeting after the visit.

Councillor Nickel asked if February 20, 2009 would be alright with everybody for the site visit.

Councillor Freda said there is an interest in that building for the police station. The Police Site Committee had looked at that building in the past when there was a discussion about the possibility of it coming up with the first right of refusal. She said unless things have changed there is an interest.

Councillor Salvatelli said we have 45 days. There hasn't been a history of getting to us in plenty of time to make a decision that everything is in order. He said if the Mayor wants some kind of opinion from the City Council in terms of purchasing this he would hope it would come very quickly and in a timely manner even if we have to have a special meeting. He said it is his understanding through a meeting with him and the Finance Committee meeting he does has interest in it. He said he would like to get this done as quickly as possible if we are going to do it.

Councillor Rowlands suggested coordinating a meeting before that time amongst the Councillors.

Councillor Nickel said he has a meeting tomorrow with the Mayor.

Under New Business committee meetings were established on February 17, 2010 and are as follows:

Finance 6:30 P.M.
Legal Affairs 7:00 P.M.

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITIONS be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows:

- 44-06 Gregg P. Lisciotti, Lisciotti Development Corp.: Rezone two parcels of land located on Orchard Hill Park Drive from Industrial to Commercial. LEAVE TO WITHDRAW.
- 18-09 Claire Freda: Amend the Special Permit section of the Leominster Zoning Ordinance by adding that an acknowledgement be recorded at the Registry of Deeds putting potential buyers and future owners of proposed residential uses that are in or abut commercial or heavy industrial districts or any potential adverse pre-existing use in the immediate area that pre-dates the residential uses. Proof of recording shall be provided prior to the issuance of a building permit. LEAVE TO WITHDRAW.

MEETING ADJOURNED AT 9:10 P.M.

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