

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 24, 2011

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present. Councillor Rowlands arrived late.

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

- C-36 Relative to the appropriation of \$150,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-37 Relative to the appropriation of \$1,125.00 to the Recreation Department Expense Account; same to be transferred from the Emergency Reserve Account.
- C-38 Relative to the appropriation of \$110,000.00 to the Police Department Overtime Account; same to be transferred from the Police Salary and Wages Account.
- C-39 Relative to the appropriation of \$289,000.00 to the Police Department Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works. A hearing was scheduled for February 14, 2011 at 7:10 P.M. Vt. 8/0

- 30-11 National Grid and Verizon New England, Inc: Install one jointly owned pole on West Street beginning at a point approximately 75 feet west of the centerline of the intersection of Harwood Terrace.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Assessor.

- 31-11 Thomas Hazzard, Richard Voutour, John M. Roberge, William Charpentier and David G. Nault: Request that the City Council name a parcel of land at the corner of Nashua and Mechanic Streets the "Johnny Ro Veterans Memorial Park" and support the acquisition of a decommissioned tank as a static display at this site.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, and given REGULAR COURSE.

- 32-11 New England Farm Workers' Council: Request permission to use the Leominster City Council Chambers on February 7th, 14th, 28th, March 7th, 14th, 21st, 28th, April 4th, 11th and 25th 2011 to take fuel assistance applications.

The following APPOINTMENTS were received under SUSPENSION OF THE RULES, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE. Vt. 8/0

Planning Board – Thomas Carignan – term to expire April 15, 2012
John B. McLaughlin – term to expire April 15, 2013

A recess was called at 7:42 P.M.

The meeting reconvened at 7:51 P.M.

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)	\$ 3,883,026.00
Stabilization Account	\$11,677,329.34
Interest Earned	\$ 19,822.57
Emergency Reserve Account	\$ 1,443.00

Upon recommendation of FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

- C-34 Dean J. Mazarella, Mayor: Establish a scholarship fund in the name of Alphonsine A. Carluccio.

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

- C-35 Relative to the appropriation of \$30,838.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED – that the sum of Thirty Thousand Eight Hundred Thirty Eight Dollars (\$30, 838.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are for the repair of two machines for loading sand and salt and for plowing municipal and school parking lots.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 24, 2011, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. A hearing is set for February 28, 2011 at 7:00 P.M.

29-11 Alan Benevides, on behalf of the City of Leominster: Grant a Special Permit to conduct water system improvements to the Notown Water Treatment Facility, off Route 2, located within the flood plain as shown on Assessor's Map 429 as lots 3 & 6.

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8 "yeas". A motion for reconsideration of the vote was made and seconded due to the absence of Councillor Rowlands. Vt. 9/0. The vote to CONFIRM was 9 "yeas".

Leominster Fire Department – Jeffrey P. Davis –Deputy Fire Chief

Upon recommendations of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 7 "yeas". A motion for reconsideration of the vote was made and seconded due to the absence of Councillor Rowlands. Vt. 9/0. The vote to CONFIRM was 8 "yeas". Councillor Nickel abstained due to a possible conflict of interest.

Leominster Fire Department – Jeffrey Nickel - Lieutenant

Under Old Business, Councillor Freda, Chair of the Water and Sewer Oversight Committee, said she is planning to put a meeting together soon for updates.

Council President Dombrowski asked if she had any suggested times.

Councillor Freda said February 28, 2011 we have the DPW coming in and thought they could do it the same night.

Councillor Dombrowski said he spoke at the last meeting regarding the appointment of Legal Counsel. He said Councillor Marchand mentioned the Assistant Solicitor as a possible person we could use. He said he did speak to Attorney Gelinas and he is going to speak to the Mayor's office and get back to him as to his parameters of his ability. He said, in the meantime, the two attorneys that they appointed and approved last year Stephen Madaus of Mirick O'Connell and Alan Seewald of Seewald, Jankowski and Spencer are both available and both willing to serve.

Councillor Freda asked if anyone heard the reason why Alan Seewald was let go from the town of Westminster. He was their town counsel for many years and now they have Kopelman & Paige.

Council President Dombrowski said he doesn't know the circumstances. He said he thinks it is probably like any other Board of Selectman they change and different people get awarded. He is not aware of the reason.

Councillor Freda said it was quite abrupt.

Councillor Marchand said as Chair of Ways & Means he will look into it.

Councillor Lanciani said he questions the need to have another firm or utilize someone from the outside. He said we have only had one incident that we had some question. He said if the majority of the Committee feels that we should have them, I will support it.

Councillor Nickel said he is ready to support both. He said we heard a comment on Mr. Seewald but we don't really know the reasons behind it. He said we should go with both names tonight and if the Chairman finds out there is any reason why we shouldn't use the services of Mr. Seewald then we won't do it. He said he would like to have two.

Councillor Marchand said there was a comfort level he felt having a person on line if we needed them. He said he is very excited to see that we potentially can tap into the Assistant City Solicitor which would be the wise way to go. He said he supports both of the attorneys and investigate the possibility of using Attorney Gelinas.

Council Chalifoux Zephir said she will be supporting both but would like to know the answer to Councillor Freda's question.

Councillor Salvatelli said he will be supporting both.

Councillor Cormier said he will be supporting both and would like to know the circumstances. He said when they took a vote to use legal counsel last time they also voted which attorney they wanted to use so that option will come up again if need be. He said if there are any issues with Mr. Seewald then we will make our decision at that time.

Councillor Lanciani said back when Kathy Daigneault was the Assistant City Solicitor there were questions at that time why we didn't have a City Solicitor or someone here at the meetings for legal representation. He said he went to the Mayor and he did give us the opportunity to have Ms. Daigneault at the meetings. After a half a dozen meetings the question started coming up why is the City Solicitor sitting there and you really don't need her at that particular time. He said to the Council, keep that in mind and thinks it would be a great idea to utilize Attorney Gelinas.

Upon recommendation of the Ways & Means Committee, the appointment of Stephen Madaus of Mirick O'Connell Attorneys at Law of Worcester as legal counsel for the City Council was CONFIRMED. Vt. 9 "yeas"

Upon recommendation of the Ways & Means Committee, the appointment of Alan Seewald of Seewald, Jankowski & Spencer PC of Amherst as legal for the City Council was CONFIRMED. Vt. 8 "yeas" and 1 "nay", Councillor Freda opposed.

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Councillor Nickel said he met with Dr. Bent and they looked at dates for the meeting. The two dates that came up was February 2nd and February 16th.

Councillor Freda said she was at a meeting today regarding the Superintendent search and February 2nd was put aside in case they need to go into that date for interviews.

Councillor Nickel said it would be wise to suggest February 16th as a date for the City Council to meet with the School Committee.

Councillor Marchand said he would like to get an update on the Superintendent search. He is extremely concerned about the bullying policy implementation and action steps. He said he brought up comprehensive health education and has put that off to the side right now. He would like to get some preliminary numbers on what the budget forecast is looking like as they get into the Spring.

Councillor Freda said at the MMA meeting this week the Governor gave his preliminary numbers and said that Chapter 70 would be increased and local aid would be cut. She said on Saturday morning, with no cameras, newspapers or reporters, Charlie Murphy said disregard everything the Governor said yesterday. He said once the proposal gets to the House and the Senate you will not recognize his original proposal.

Councillor Marchand said he raised a question at the last meeting regarding a disparity in the reporting on the Notown Reservoir from Shady Brook. He said apparently one of the reports was clear and the other one showed there was a bit of a problem again. He said he would like to get the answer as soon as he can.

Councillor Freda will look into that.

Under New Business, Council President Dombrowski said the Mayor has requested to come down with the Doyle Field Commission representatives at our next meeting.

Councillor Marchand said on the cold days he was thinking about the efforts being made to help out with fuel assistance. He said if everybody could send \$5.00 to the Mayor's office for the Fuel Assistance Program it would help a lot of people. He said there has to be people struggling; I'm working and struggling to pay those bills. He would like the viewers to send in money, it's pretty serious. He said it is a solid program.

MEETING ADJOURNED AT 8:25 P.M.

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