

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 14, 2011

Hearing opened at 7:25 P.M. with Councillor Chalifoux Zephir, Chair of the Public Service Committee, presiding.

All members were present except Councillors Marchand and Salvatelli.

The following PETITION was the subject of the hearing:

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.

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

Patrick LaPointe, Director of the Leominster Department of Public Works, said he is not in favor of the petition. He said this pole was proposed by the City to be installed at that location as a potential point to access three phase power to the Notown Filtration Plant. He said it was going to be done as part of the upgrade of the plant. He said it was not in the scope of the project and they do not have the money to do that. He said he spoke to Ken Dobie and Mike Horton of National Grid and they agreed to give the petition leave to withdraw because we will not be using it.

Councillor Rowlands asked if Notown is where there was a problem.

Mr. LaPointe said they were on a generator for about a month and a half after the ice storm.

Councillor Rowlands asked if this pole and part of this work a reaction to change that situation.

Mr. LaPointe said yes. He said Unutil did a very poor job of maintaining the feed to that plant and after the ice storm they brought in a new line from the other side of the plant. He said they proposed to run underground conduit from the plant to this pole and get the feed off that pole for three phase power and change from Unutil to National Grid as a supplier.

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 14, 2011, continued

Councillor Rowlands asked if the situation is better now and not as vulnerable.

Mr. LaPointe said yes, if you go up there you will see the new line. There are no trees around it with a 20 foot swarth out to Mt. Elam Road with a new service. He said he feels confident that it will be fine. He said he would have preferred to have the underground feed because it's less likely if anything happens to underground conduit three to four feet underground.

Councillor Rowlands asked what the cost was.

Mr. LaPointe said it was going to cost them \$78,000.00 to bring power up to that pole and the pole would cost \$3,000.00 to \$4,000.00 to install. The City's portion was estimated to \$130,000.00 just for the power and not including the conduit work.

Councillor Nickel asked if there is three phase coming in from the Unutil side.

Mr. LaPointe said yes and a back up generator.

An email stating Nation Grid withdrew is on file in the Clerk's office.

HEARING ADJOURNED AT 7:30 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 14, 2011

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

Attendance was taken by a roll call vote; all members were present except Councillors Marchand and Salvatelli.

The Committee on Records reported that the records through January 24, 2011 were examined and found to be in order. The records were accepted.

A recess was called at 7:33 P.M. to hold a public forum.

The meeting reconvened at 7:43 P.M.

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

C-40 Relative to the appropriation of \$150,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

- C-41 Relative to the appropriation of \$2,500.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-42 Relative to the appropriation of \$9,000.00 to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-43 Relative to the appropriation of \$73,500.00 to the Assessor's Property Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-44 Relative to the appropriation of \$600,000.00 to the Rockwell Pond Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.
- C-45 Relative to the appropriation of \$50,000.00 to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-46 Relative to the appropriation of \$200,000.00 to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-47 Relative to the appropriation of \$25,000.00 to the Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-48 Relative to the appropriation of \$494,277.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-49 Relative to the appropriation of \$239,100.00 to the Water Department Capital Outlay-Prior Year Expense Account; same to be transferred from the Water Department Capital Outlay Expenses-Prior Year.
- C-50 Relative to the appropriation of \$34,521.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Water Department Expense Account.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 14, 2011, continued

The following COMMUNICATIONS were received, referred to the SMALL BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE, given REGULAR COURSE and referred to the Assessor, the Treasurer and the Planning Board.

- C-51 Dean J. Mazzarella, Mayor: Approve the Economic Opportunity Area (EOA) application for Dixie Consumer Products, LLC (Georgia Pacific) located at 149 Hamilton Street.
- C-52 Dean J. Mazzarella, Mayor: Approve the Economic Development Incentive Program (EDIP) application and authorize the Tax Increment Finance (TIF) Agreement and Tax Increment Plan (TIF) Plan with the Dixie Consumer Products LLC (Georgia Pacific) located at 149 Hamilton Street.

The following COMMUNICATION was received under SUSPENSION OF THE RULES with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 7 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas".

- C-53 Relative to the appropriation of \$36,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED:- that the sum of Thirty Six Thousand Dollars (\$36,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Replacement motor required for Engine 3.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Director of Inspections and the Assessor. A hearing was set for March 14, 2011 at 7:00 P.M. Vt. 7/0

- 33-11 Paul A. DiGeronimo, Manager of Johnny Appleseed Realty, LLC: Rezone 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor's Map 442, Lot 18 and Map 523, Lot 14.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and the Purchasing Agent.

- 34-11 Gregory C. Chapdelaine and David R. LaPlante: Allow the Purchasing Agent to enter into six year contracts for banking services, lock box services, bill printing and mailing services.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE and given REGULAR COURSE.

- 35-11 Dawn Shea: Require that property owners remove snow and ice from the sidewalks in front of their homes within 12 hours of snowfall ending and impose a \$25.00 fine if it is not removed.

Councillor Nickel Clerk 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)	\$ 2,878,729.00
Stabilization Account	\$11,077,329.34
Emergency Reserve Account.	\$ 1,143.00

A recess was called at 8:06 P.M.

The meeting reconvened at 8:24 P.M.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 "yeas"

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.

ORDERED: - that the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) be appropriated 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.

ORDERED: - that the sum of One Thousand One Hundred Twenty Five (\$1,125.00) be appropriated 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.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 14, 2011, continued

ORDERED: - that the sum of One Hundred Ten Thousand Dollars (\$110,000) be appropriated 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

ORDERED: - that the sum of Two Hundred Eighty Nine Thousand Dollars (\$289,000.00) be appropriated to the Police Department Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 7/0

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.

Councillor Chalifoux Zephir read a letter from Patrick LaPointe dated February 9, 2011.

Dear Lynn,

The Leominster Department of Public Works has reviewed Petition 30-11 to install a jointly owned pole at the end of West Street.

We believe that this pole was going to be installed as part of our project for improvements to the Notown Plant. We have opened the project bids and do not have extra funding to pay for a new electrical service to the plant as planned. We have tried to contact National Grid regarding this issue and have not received a reply. If this was the intended use of the pole, we would recommend denial of this Petition. If the pole is for other reasons, we would reconsider and would probably recommend approval.

Please let us know if you have any questions or need additional information and we will be glad to comply.

Sincerely,
Patrick LaPointe
Director

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITIONS were GRANTED. Vt. 7/0

Councillor Cormier read a letter from the Assessor recommending approval of the following petition which is on file in the City Clerk's office.

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.

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0. A hearing is scheduled 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 recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 7 "yeas"

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

Councillor Rowlands asked what the evaluation process was on the appointments. He said the Planning Board is the appointing body for the Planning Department and in talking with some of the Planning Board members about the three year contract that was extended to the Director's position, he got back inconsistent answers to what the evaluation process. Councillor Rowlands requested the Clerk to send a letter to ask what is the process that is done when you make a three year commitment to extend a contract to the city and how did you evaluate that. He said he doesn't have a concern with the individual appointments but with the evaluation. He said he would like to see that question answered of the entire Planning Board by every appointment that comes down.

Under Old Business, Councillor Freda, Chair of the Water & Sewer Oversight Committee, said in the Sentinel and Enterprise on January 26, 2011 an article referred to an issue of elevated levels of pollutants. She said she is not quite sure where the information came from but it was incorrect. It was elevated levels of conductivity which is different. She said there are no standards to measure the conductivity and it is not a health hazard. She said she spoke with Alan Benevides and someone from Fitchburg regarding Shea Brook. She was told the conductivity levels were up and down and according to the conductivity
REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 14, 2011, continued

definitions they are clearly an indicator of an issue which doesn't necessarily mean a health issue it just means it could be hydrological, make-up of the earth that surrounds the brook. There was activity and she spoke with Fitchburg and they are going to look at the numbers and the time frame and get back to her. According to the Conservation Commission there was some work done on the brook because of blockage but the Conservation Commission had no authority because it was in Fitchburg. The Leominster Conservation Commission was allowed to give them some guidelines and asked them to do turbidity testing above and below the work area. She said the DPW in Fitchburg did above and beyond what they needed to do because we had no authority there. She said as far as the cleanup, they are trying to address some of the dumping which is old for the most part. Some of the areas have been blocked off to prevent further illegal dumping. She said Charlie Reed has picked up a ton of illegal dumping on our watershed areas. The dumping is an ongoing issue in every community.

Councillor Rowlands said the October 25, 2010 letter from Woodard and Curran states a third round of dry weather sampling on July 13, 2010 and the first round of sampling on July 14, 2010. It says similar to the second round of sampling the specific conductivity of sample SB located at Shea Brook was significantly higher than that of the remaining samples. Woodard and Curran visually inspected the area near the sampling location. Site conditions have not changed from the previous sampling round and approaching the brook there is evidence of past illegal dumping on the side of the path.

Councillor Rowlands said he understands that Jungle Road and illegal dumping is a statewide problem but the notice that there was illegal dumping that had the potential for what they call significantly higher conductivity results. He asked if the dumping at Shea Brook, as they defined in July, has been cleaned up.

Councillor Freda said some of it has been but not all of it. What they are not sure of is the distance. Some of it is in the wetlands and whether the distance is contributing to that or not. Fitchburg will find that out. The conductivity being significantly higher is not a health base standard it is only an indicator that levels are up. She said if you did a conductivity test right now and that person walks across the stream and takes another test your levels are going to be off. It is like a snapshot, you are getting what it is right now.

Councillor Rowlands asked if Woodard & Curran followed up with any additional testing to determine whether these indicator results from this has any negative effect or any indications that are bad. What were the numbers for the additional testing.

Councillor Freda said she read the letter and didn't think it said the illegal dumping was directly related. Woodard & Curran said the fact that the specific conductance levels are higher in the Shea Brook sample than all other sampling locations within the watershed is not an immediate cause for concern. The higher levels are not necessarily an indication of contamination in the watershed or the brook. The purpose of indicator parameters are to serve as an early indication for potential existing water quality issues or to identify trends. She said it is a slow moving brook and conductivity will be up. She said Charlie Reed did a test in December for fecal coliform and showed that elevated conductivity did not show it was because of septic, sewer leak or wildlife. She said the key right now is to work with Fitchburg.

Councillor Rowlands said he is looking for the results on the further investigation that was mentioned in July.

Councillor Freda said the further investigation is what she just said. It's to determine what was being done around the brook and all those time frames. She said from talking with Mr. Benevides it did not appear to her that he was concerned that there was a direct correlation with the illegal dumping that is there and the conductivity. It's an indicator that something is happening but not determined yet.

Councillor Rowlands said so we don't know yet but we are working on it.

Councillor Freda said it is not a very clear cut yes or no or do a test or not do a test. I explained, you could do a test right now

and do a test in five minutes and it's going to be different. It's a conductivity test that indicates an issue is there. It could be geological, type of rock, sand in the stream, because they dredged it or illegal dumping. She said they are pursuing all these areas and working with Fitchburg on getting some answers. Councillor Freda said she has been the chair of this committee for one month and has been trying dealing with questions through snow storms and trying to get these people and suggested that when they come down here, we get some of these questions answered. She said she doesn't have all the answers, she is not a chemist, biologist and does not have a degree. She relies on people who do. She said we don't really need a big meeting or a show, as you put it. She said if she is going to chair this committee she will want to know what all these people have to say as to why these levels are up and the samples are being done and how they are doing it. The only way we are going to get this information is to talk to the people that do the work.

Councillor Dombrowski said the finality might best be served on February 28, 2011 when they are here. You can ask those questions and get it from the horses mouth.

Councillor Freda said she just wants to reiterate that the elevated levels are not pollutants and that is an important piece. She said she was not quite sure how it got into the news article but it is important it is not the issue.

Councillor Rowlands said in the article it was listed that matters of geese or duck is not related to the conductivity test as well. The bacteria related to waste from wildlife is not issues that result in conductivity and it is not a health risk. It is an indicator test that there may be concerns that need to address that were raised on July 13th and all he looks for and continues to look for is the answers to the follow-ups that were done once this simple test showed there may be issues that they have to address.

Councillor Freda said she would like to have Alan Benevides and Patrick LaPointe come early on February 28, 2011 and if there are any questions please submit them by February 25th.

Councillor Nickel said they received an email from the Clerk regarding the cancelling of the School Committee meeting that was scheduled. He said he spoke with Dr. Bent and they are going through the process of looking at a new Superintendent. He offered him a chance to come down on Valentine's Day to speak with the Council if he wanted to but he decided and will wait until another night. Another date will be established.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 14, 2011, continued

Councillor Chalifoux Zephir requested Free Cash Summaries for every meeting and everyone on the Council receive one.

Councillor Rowlands requested that they be time stamped in the City Clerk's Office.

Council Freda said there were three candidates for Superintendent and one withdrew.

Councillor Dombrowski said he would like the Clerk to send a letter to the Mayor regarding the courthouse lease which is up in June of this year. He would like to know the status of those negotiations. He also would like to get the status of the Committee that was going to be formed for the search on the Human Resource position. He asked also a letter be sent to the Mayor and the Planning Board Director in regard to the status of the zoning bylaw.

The following Committee meetings were established.

Finance February 23, 2011 at 6:45 P.M.
 Legal Affairs February 18, 2011 at 6:30 P.M.
 Water and Sewer Oversight Committee February 28, 2011 at 6:15 P.M.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for February 28, 2011 at 6:45 P.M.

1st Reading Ordinance - Amend the Revised Ordinance entitled "Junk and Second Hand Dealers" by deleting Chapter 11 in its entirety and replacing it with a revised Chapter 11.

Councillor Rowlands read a letter from Kopelman & Paige which is on file in the City Clerk's office.

MEETING ADJOURNED AT 9:30 P.M.

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