

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 28, 2011

Hearing opened at 7:18 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

The following Ordinance was the subject of the hearing:

Relative to amending the Revised Ordinance entitled "Junk and Second Hand Dealers" by deleting Chapter 11 in its entirety and replacing it with a revised Chapter 11. (Legal Affairs Petition 28-11)

Councillor Rowlands said they have not heard back from Kopelman & Paige regarding questions raised. He said there were a couple of changes the Legal Affairs Committee wants to make. The changes are in Section 11-9, a third offense would result in a loss of license for one year and in Section 11-3, not only would the City Council be notified in writing but also the Police Department. He said they raised questions and wanted clarification regarding conditions of people who have websites that do online business or mail business.

Councillor Marchand said regarding the loss of license for one year is that revoking the license or suspending it and when does it become effective.

Councillor Rowlands said the license is good for one year so it would be a loss of license for that one year and would have to reapply for a license.

Councillor Marchand said he didn't think the legislation is suggesting a specific date when it is revoked and feels it should be in there.

Councillor Rowlands said the fine they wanted to be increased had to be reduced back down because of the state law which states \$300.00. They felt that a \$300.00 fine was not enough for a third violation so we supported a loss of license. He said Councillor Marchand's point is valid.

Councillor Nickel said if you lose your license, and it is due in April, and you lose your license in March, it doesn't mean anything but if it is a loss of license for a year, does that mean a year from the time it is revoked?

Councillor Rowlands said this is open for discussion because they are still waiting for Kopelman & Paige. He said his feeling is that they would not be able to have a license for a 12 month period starting from the time of their offense.

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 28, 2011, continued

Councillor Lanciani said we should add when a business buys the merchandise that someone comes in to sell they must display that merchandise they purchased in a display where people coming into the business can actually see it on display. It could be someone's personal property.

Councillor Rowlands said what the law states today is that you have to hold the material for 21 days and show to a detective that comes in and asks for it. The Councillor is asking if it can be displayed to the public. He said some people buy and sell out of their homes, home parties and hotel rooms so there are issues around it. How do we ask these people to display it in their basements?

Councillor Freda said she agrees with the Councillor Lanciani.

Councillor Rowlands said if something gets stolen that person should go to the police department.

Councillor Rowlands said there is not a form or a pre-worded petition form and the Legal Affairs Committee plans to work on that.

No one in the audience spoke in favor or in opposition of this Ordinance.

HEARING ADJOURNED AT 7:31 P.M. AND CONTINUED TO MARCH 28, 2011 AT 6:30 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 28, 2011

Hearing opened at 7:36 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:

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.

Introduced and made part of the record were the following:

- A. Petition #29-10 submitted by Alan Benevides on behalf of the City of Leominster with accompanying map "Notown Treatment Plant Maps 429/3 and 429/12 300' Direct Abutters" dated January 1, 2010 and an Abutters list.
- B. Notice of public hearing published in the Sentinel & Enterprise on February 7, 2011 and February 14, 2011.
- C. Positive recommendations were received from the Department of Public Works, the Building Inspector and the Planning Department.
- D. A positive recommendation was received from the Health Director with concerns over the volume of filtration residuals that are proposed to be discharged into the sanitary sewer line at West Street.
- E. The Conservation Commission said they do not believe there will be any loss in flood storage and supports the project. It was stated that an Order of Conditions was approved unanimously on January 25, 2011.
- F. No recommendation was received from the Water and Sewer Commission.

Mr. Benevides, the Design Engineer from Woodard & Curran, said the project involves two components, a water main and residuals main. He said the water main was self explanatory and the residuals main is to take residuals from Notown, once the upgrades occur, where there will be additional solids that will be removed from the treatment process. He said the purpose of the residuals main is to carry those residuals from Notown. Mr. Benevides said the proposed water main will come from the Notown plant but instead of continuing straight as it does now, it will come up the hill to the Notown water tank and go back down the hill and connect to a thirty inch pipe. He said the residuals main will travel in the same trench or next to it and as the water main veers off up the hill, the existing water main that goes straight now will be abandoned from that point and will act as a conduit for the residuals main.

Mr. Benevides said for the current conditions they mapped the resource areas that are regulated by the Wetland's Protection Act. One of those is bordering land subject to flooding so they have designed the project so there would be no impact to regulated areas, just for flood plains. He said once the construction is done the contractor will return the existing grade to what they were before they started. This project will restore the conditions to what was there beforehand, so there will be no change to flood storage capacity.

Mr. Benevides said they have an Order of Conditions from the Conservation Commission with a number of conditions. They have a permit for the work from the Army Corp. of Engineers and a final application for a Sewer Connection Permit from DEP will be submitted.

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 28, 2011, continued

Councillor Rowlands asked Mr. Benevides if he was the Project Manager.

Mr. Benevides said no, Woodard & Curran is the Design Engineer for the upgrade of the Notown Water Treatment Facility and for the design of the residuals and water mains. He said John Hume from Wright Pierce, the engineering company whose contract is with Veolia, is here and his firm is responsible for the wastewater system and has details on the connections.

Councillor Rowlands said there was an Environmental Notification Form at a meeting in December and asked if it was for this particular project.

Mr. Benevides said yes.

Mr. Benevides said they had to go through MEPA which involved submitting an Environmental Notification Form to MEPA. There was a site walk that occurred and MEPA came. He said there was a public hearing for the project as far as MEPA regulatory control. He said the reason they went before MEPA was because it triggered wetlands thresholds and wastewater thresholds. MEPA came to the conclusion that an environmental report or statement was not necessary and they have completed their review. Mr. Benevides said the also went through the Leominster Conservation Commission, through Fitchburg which they submitted a Determination of Applicability and they had a negative determination. A permit from the Army Corp. was also necessary. Another permit was a DOT Access Permit and lastly the Sewer Connection Permit which has not gone in yet.

Councillor Rowlands said to the Council he would feel more comfortable taking the Orders of Conditions from the Conservation Commission and include it in the Special Permit as conditions.

Mr. Benevides said that would be fine.

Councillor Chalifoux Zephir said so this project is addressing two things, providing a new water main and a new residuals line. She said she has heard from the neighbors on Granite Street that have sewer overflow problems and manholes that actually backup into their parking lot with overflow of raw sewage. She said this project is adding capacity to the sewer line but there is no mitigation plan to address the Health Departments' concerns.

Mr. Benevides said there is a plan. He said there aren't any issues working within the flood plain. The issue is when we get to the ends of the system and connecting in, which is outside the flood plain areas.

Mr. Hume said their plan is to figure out what the capacity is of the existing system. Mr. Hume pointed out on a map where the tie-ins would be. He said they are going to install flow meters and measure the current flow that's in that system right now. We will use that for a basis for developing their hydraulic modeling.

Councillor Chalifoux Zephir said to Roger Brooks, we've talked about this, the problem is that this has been an ongoing problem over a number of years so we know there is problems with the sewage flow in that area. She said she has been told that one of the problems to fixing that is money; does the City have money to fix it?

Roger Brooks said on the agenda tonight there is for the first time a request to fund the work that John is talking about and to have the funding available to do the repair work necessary in that area to remediate it. He said there is a manhole in the street that was poorly designed and needs to be redirected, the siphon has to have a minimum of the other parallel pipe connected, and they will determine what it will be after the hydraulic model. He said upstream they will have to see what the problems are in terms of illegal connections like people discharging homeowner or personal water illegally. He said in January we had tremendous capacity. The issue there is extreme wet weather conditions. Those issues will all be addressed.

Councillor Nickel asked what will be discharged from the water treatment plant.

Mr. Little said there is a small lagoon system. The filtered backwash flows into the lagoon and out of that lagoon the solids settle out and might have to be removed periodically. The clear water overflows to the brook. The proposed residuals line will handle all of the discharge flow from the treatment plant which will have additional process and the lagoon will no longer be needed.

Councillor Nickel asked how many gallons will be flushed at a time.

Mr. Little said he doesn't have the total number per flush but it's in the order of 200,000 – 250,000 gallons per day under the proposed scenario.

Councillor Nickel asked what the distance was from beginning to end.

Roger Brooks said a little over a half of a mile, probably closer to three quarters of a mile.

Councillor Dombrowski asked if the existing main had been inspected to make sure there were no defects.

Mr. Benevides said yes, there have been some inspections and part of what the contractor will be doing is going in and inspecting further in some places. He said part of the construction project is to go in and do whatever it takes in order to get that pipe within the existing pipe.

Councillor Rowlands said one of the big problems we have within the City is infiltration of water with illegal connections and it is hard to quantify that. He asked how do you put flow meters in and quantify what your capacity is when you have all this infiltration coming in.

Mr. Hume said all the flow truncates down towards the Granite Street siphon where they would put a flow meter so they would get all of the flow coming down to measure at that point. He said this is the time to measure the flow March, April and May because the groundwater level is at its highest. He said it is not an exact science.

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 28, 2011, continued

Councillor Rowlands asked if he has a sense or a feeling how much is infiltrated?

Mr. Hume said they will have a better idea once the flow meters are in and they will be evaluated for two months.

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

HEARING ADJOURNED AT 8:06 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 28, 2011

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

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

A recess was called at 7:33 P.M. to continue the public hearings and to hold the public forum.

The meeting reconvened at 8:12 P.M.

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

C-54 Relative to the appropriation of \$161,000.00 to the Police Station Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-55 Relative to the appropriation of \$634,586.50 to the Wastewater Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

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

Councillor Marchand requested the petitioner attend the next meeting.

36-11 Brian Belliveau on behalf of Spindle City Precious Metals: Grant a Second Hand Dealer's License for the purchase of precious metals at the Four Points Sheraton, 99 Erdman Way.

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

Emergency Management – Admin. Unit - Gary Renaud

Councillor Robert Salvatelli, Chairman of the Finance Committee, read the financial report for the City onto the record. Account balances are as follows:

Excess and Deficiency Account (Free Cash)	\$ 2,046,404.50
Stabilization Account	\$11,077,329.34
Emergency Reserved Account	\$ 1,443.00
Earned Interest	\$ 19,822.54

A recess was called at 8:54 P.M. to have an informational meeting on C-48, C-49 and C-50 with Greg Chapdelaine.

The meeting reconvened at 9:30 P.M.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 "yeas", Councillors Nickel and Cormier abstained due to a possible conflict of interest.

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.

ORDERED: - that the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 28, 2011, continued

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.

ORDERED: - that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be appropriated to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Vehicle maintenance/repairs

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.

ORDERED: - that the sum of Nine Thousand Dollars (\$9,000.00) be appropriated to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Copy Machine

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.

ORDERED:- that the sum of Seventy Three Thousand Five Hundred Dollars (\$73,500.00) be appropriated 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.

ORDERED: - that the sum of Six Hundred Thousand Dollars (\$600,000.00) be appropriated to the Rockwell Pond Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

RE: Emergency repairs to the Rockwell Pond Dam

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.

ORDERED:- that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Snow and Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

RE: Plowing, snow removal, salting and sanding

- 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.
- ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Plowing, snow removal, salting and sanding

- 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.
- ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Insurance Expense Account; same to be transferred from the Excess & Deficiency Account.
- RE: Property/Liability Insurance with vandalism coverage for 210 Lancaster Street property

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 “yeas”, Councillor Chalifoux Zephir abstained due to a possible conflict of interest.

- 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.
- ORDERED: - that the sum of Four Hundred Ninety Four Thousand Two Hundred Seventy Seven Dollars (\$494,277.00) be appropriated 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.
- ORDERED: - that the sum of Two Hundred Thirty Nine Thousand One Hundred Dollars (\$239,100.00) be appropriated 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 28, 2011, continued

ORDERED: - that the sum of Thirty Four Thousand Five Hundred Twenty One Dollars (\$34,521.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Water Department Expense Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was RATIFIED. Vt. 7 “yeas”, Councillors Salvatelli and Marchand abstained because they did not vote at the February 14, 2011 meeting.

- 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. (Granted with an Emergency Preamble on February 14, 2011; another vote is required.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. The Conservation Commission conditions are to be added as part of the approval. Vt. 9/0. Amended by changing lots 3 and 6, to lots 3 and 12.

- 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 & 12.

Conservation Commission conditions as follows:

1. Boiler Plate of detailed conditions in addition to the following conditions.
2. Pre-Construction Meeting to include Conservation Commission or Agent.
3. Approval of tree removal by Conservation Commission or Agent
4. Prior to start of work the limit of work area will be clearly marked out and reviewed with the construction company.
5. Silt Fence toed in properly and hay bales in proper placement and condition-notify Conservation Commission/Agent for inspection and approval prior to work commencing.
6. Work in brook will take place during low flow and cofferdams will be used in accordance with plans.
7. Equipment - must be inspected and in good working order with no leaks.
8. Fueling - containment measures must be taken to assure spill protection. All refueling on site shall be monitored and tracked by on site project manager.
9. Spill Response Kit shall be located on site in appropriate location.
10. Stockpiling – all stockpiling must be covered to control erosion and runoff.
11. SWPPP – This plan must be presented to the Conservation Commission for approval prior to any work beginning.
12. EPA Construction General Permit must be obtained and submitted to the Commission prior to commencement of work.
13. All storm events and tracking reports shall be submitted to [conservation@leominster-ma.gov](mailto:conservation@leominster-ma.gov)

14. Emergency Contact List – Shall be submitted in writing to Conservation/ Agent prior to the start of work.
15. Erosion Control shall be monitored and corrected as need be throughout the site.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. A hearing is set for March 14, 2011 @ 7:00 P.M. This petition was referred to Kopelman & Paige for an opinion regarding spot zoning. The Legal Affairs Committee requested that abutters are notified of the hearing.

- 33-11 Paul 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.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 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.

Upon request of the PUBLIC SAFETY COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/1, Councillor Chalifoux Zephir opposed.

- 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.

Upon recommendation of the SMALL BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE, the following COMMUNICATIONS were GRANTED. Vt. 9 "yeas". Councillor Freda read the recommendation of the Assessor and Treasurer which are on file in the City Clerk's office.

- C-51 Dean J. Mazarella, Mayor: Approve the Economic Opportunity Area (EOA) application for Dixie Consumer Products, LLC (Georgia Pacific) located at 149 Hamilton Street.

- C-52 Dean J. Mazarella, 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.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 28, 2011, continued

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

2<sup>nd</sup> 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. (Legal Affairs Petition 28-11- Hearing continued to March 28, 2011 at 6:30 P.M)

Councillor Rowlands asked Councillor Freda, Chair of the Small Business & Economic Development, for an update of job creation on the three existing TIF's we have outstanding.

Under Old Business, a motion was made to reconsider the vote on the following petition:

Upon recommendation of the CITY PROPERTY COMMITTEE the PETITION was GRANTED. Vt. 9 "yeas". The purpose of the reconsideration of vote was because one Councillor was not present at the last meeting to vote and wanted the opportunity to vote on an important issue.

- 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.

Councillor Freda said she got an email from Travis Spinelli who is working on hid Eagle Scout project. He wanted to know who to contact in regards to working on the memorial park. She suggested he call the Roberge family directly.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 "yeas"

**RESOLUTION  
DESIGNATION OF  
149 HAMILTON STREET DIXIE  
ECONOMIC OPPORTUNITY AREA**

**WHEREAS**, Chapter 23A, Sections 3A through F as amended by Chapter 19 of the Acts of 1993, establishes the Economic Development Incentive Program (EDIP);

**WHEREAS**, the EDIP is designed to promote increased business development and expansion in Economic Target Areas (ETAs) and Economic Opportunity Areas (EOAs) of the Commonwealth of Massachusetts.

**WHEREAS**, the City of Leominster is part of the North Worcester County Economic Target Area (ETA);

**WHEREAS**, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

**NOW, THEREFORE, BE IT RESOLVED** by the City council of the City of Leominster that:

1. The City Council hereby authorizes the submission of the City of Leominster Economic Opportunity Area application to the Massachusetts Economic Assistance Coordinating Council;
2. The City authorizes the designation of the following as an Economic Opportunity Area;  
  
149 Hamilton St Dixie EOA as defined by the City of Leominster's Assessor's Map 229, Lot 1B. The parcel of land located at 149 Hamilton Street, Leominster, Massachusetts, containing approximately 11 acres, that extends from Hamilton Street alongside Lanides Way.
3. The City Council hereby agrees to offer either tax increment financing or special tax assessment to each Certified Project located within the Leominster Business Park Economic Opportunity Area.

ADOPTED BY THE LEOMINSTER CITY COUNCIL  
COMMUNICATION 51  
February 28, 2011

/s/BRENDA L. PARISI,  
ASSISTANT CITY CLERK

APPROVED:  
/s/DEAN J. MAZZARELLA  
MAYOR

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 28, 2011, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 "yeas"

**RESOLUTION  
DESIGNATION OF  
149 HAMILTON STREET DIXIE  
TAX INCENTIVE FINANCING PROGRAM**

**WHEREAS**, the proposed Certified Project is located 149 Hamilton Street, Leominster MA which is within the boundaries of the 149 Hamilton St Dixie Economic Opportunity Area.

**WHEREAS**, the City of Leominster has agreed to offer Dixie Consumer Products LLC and its Affiliates, a Tax Increment Financing Agreement. Said Agreement is hereby approved by the City Council and the Tax Incrementing Financing Plan is incorporated by reference herein;

**WHEREAS**, Dixie Consumer Products LLC and its Affiliates will invest \$18M to \$20M over a twenty-four (24) month period, and create twenty-five (25) permanent full-time jobs potentially for residents of the City and of the North Worcester County Economic Target Area (ETA) over a period of twenty-four (24) months.

**WHEREAS**, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Leominster approves the Certified Project application for Dixie Consumer Products LLC and its affiliates, and forwards said application for certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

**FURTHER**, the City Council of the City of Leominster authorizes the Mayor to enter into a Tax Increment Financing Agreement between the City of Leominster and Dixie Consumer Products LLC and its affiliates. Said agreement will provide for an exemption on property taxes based on the growth portion in assess valuation of the property as follows:

**REAL ESTATE**

The Agreement calls for an exemption from taxation specifically on the increased value of real estate property as a result of the redevelopment as follows in the table shown below. Based upon current year (FY11) tax rate with an estimated additional value of \$200,000, the savings is \$3,082 per year given the varying tax rate each year for a ten year (10) duration.

		<u>Tax Exemption Formula</u>
Year 1:	July 1, 2011-June 30, 2012	100% of the increment
Year 2:	July 1, 2012-June 30, 2013	100% of the increment
Year 3:	July 1, 2013-June 30, 2014	100% of the increment
Year 4:	July 1, 2014-June 30, 2015	100% of the increment
Year 5:	July 1, 2015-June 30, 2016	100% of the increment
Year 6:	July 1, 2016-June 30, 2017	100% of the increment
Year 7:	July 1, 2017-June 30, 2018	100% of the increment
Year 8:	July 1, 2018-June 30, 2019	100% of the increment
Year 9:	July 1, 2019-June 30, 2020	100% of the increment
Year 10:	July 1, 2020-June 30, 2021	100% of the increment

### **PERSONAL PROPERTY**

The Agreement calls for an exemption from taxation specifically on personal property as follows in the table below.

Based upon the current fiscal year (FY11) valuation of personal property totaling \$12,702,800 multiplied by the current rates, the savings are:

Years 1 thru 5 on average of \$185,962  
 Years 6 thru 10 on average tax savings is \$146,812.

		<u>Tax Exemption Formula of Total Personal Property Value</u>
Year 1:	July 1, 2011-June 30, 2012	95% as of January 1, 2011
Year 2:	July 1, 2012-June 30, 2013	95% as of January 1, 2012
Year 3:	July 1, 2013-June 30, 2014	95% as of January 1, 2013
Year 4:	July 1, 2014-June 30, 2015	95% as of January 1, 2014
Year 5:	July 1, 2015-June 30, 2016	95% as of January 1, 2015
Year 6:	July 1, 2016-June 30, 2017	75% as of January 1, 2016
Year 7:	July 1, 2017-June 30, 2018	75% as of January 1, 2017
Year 8:	July 1, 2018-June 30, 2019	75% as of January 1, 2018
Year 9:	July 1, 2019-June 30, 2020	75% as of January 1, 2019
Year 10:	July 1, 2020-June 30, 2021	75% as of January 1, 2020

### REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 28, 2011, continued

In accordance with the requirements and regulations established which govern the implementation of such Tax Increment Financing Agreements. The agreement will be in effect as of Fiscal Year 2012 (July 1, 2011) and will extend through Fiscal Year 2021 (June 30, 2021).

ADOPTED BY THE LEOMINSTER CITY COUNCIL  
 COMMUNICATION 52  
 February 28, 2011

/s/BRENDA L. PARISI,  
 ASSISTANT CITY CLERK

APPROVED:  
 /s/DEAN J. MAZZARELLA  
 MAYOR

Councillor Freda said Cindy Basque, whose father turned 90 years, was looking for a citation for her Father. Councillor Freda said they had a celebration Saturday. He was a former City Councillor and Council President in 1975. She said she knew Councillor Salvatelli was writing a letter. She said she took a picture that was on the wall in the Council Chambers and emailed it to the daughter.

Councillor Freda said she was very pleased with the new Superintendent of Schools. She said she was on the search committee and totally supported the School Committee's decision on James Jolicoeur from Marlboro and she feels he will be a great fit with his business background to the vocational element we have.

Councillor Marchand requested the traffic bureau come down to the Council to get an update on traffic in the City of Leominster. He said he is concerned about downtown Leominster coming into Monument Square as far back as Manning Avenue. He said if there is a stack lane that is stopped people are passing over the double line to get over to Park Street and creating a problem. He said people are running red lights everywhere and speeding is a problem.

Councillor Chalifoux Zephir said she has had a lot of complaints in Ward 5 about the traffic as far as people flying down Abbott Avenue and turning onto Nichols Street to cut to Route 12. She said this is an ongoing problem and would like to get it resolved. She would like to request a communication to the Mayor to address these traffic concerns and if he has a plan. She would like to see the traffic bureau come down.

Councillor Salvatelli said he doesn't think the sensor is working on the corner of Willard and Central Streets and the Pleasant Street light timing is off and people are jumping those lights. He said Joe Poirier should come down too.

Councillor Cormier said he has been in touch with Dennis Rosa's office regarding the light at Central and Willard. He said he has received complaints from people coming down Willard Street toward Route 12 from Jamestown Road. People were reporting their light being green but it was the light on Central Street they see. Mass. Highway is supposed to come and look at the situation.

MEETING ADJOURNED AT 10:32 P.M.

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