

HEARING BEFORE THE CITY COUNCIL, APRIL 25, 2011

Hearing opened at 9:04 P.M. with Councillor Rowlands, Chair of the Legal Affairs and the President's Zoning Committees, presiding.

All members were present except Councillor Lanciani.

The following PETITION was the subject of the hearing:

C-68 Dean J. Mazzearella, Mayor: Adopt the proposed changes to the Leominster Zoning Ordinance

Councillor Rowlands said this hearing will be continued. No new evidence was taken in.

HEARING ADJOURNED AT 9:06 P.M. AND CONTINUED TO JUNE 13, 2011 AT 6:45 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 25, 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 to continue the informational meeting with Mayor Mazzearella regarding C.D.B.G. and to hold a public forum.

The meeting reconvened at 9:04 P.M.

Councillor Lanciani left during the recess and did not return.

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

C-76 Relative to the appropriation of \$120,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-77 Relative to the appropriation of \$40,000.00 to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-78 Dean J. Mazzearella, Mayor: Approve 25 Tucker Drive as an Economic Opportunity Area (EOA) as shown Assessor's Map 319, Lot 23 pursuant to M.G.L. c.23A, Section 3E, and submit said application for approval to the Massachusetts Economic Assistance Coordinating Council (EACC).

C-79 Dean J. Mazzearella, Mayor: Approve the proposed application by Affordable Interior Systems, Inc. for acceptance as a certified project pursuant to M.G.L. c 23A, section 3F and authorize the submission of same for approval to the Massachusetts Economic Assistance Coordinating Council (EACC).

C-80 Dean J. Mazzearella, Mayor: Approve the 13 year Special Tax Assessment (STA) Plan and Agreement, pursuant to M.G.L. c.23A, Section 3A-3F inclusive, between Affordable Interior Systems, Inc. (AIS), Calare Properties, Inc., and the City of Leominster for property located at 25 Tucker Drive and authorize the submission of same for approval to the Massachusetts Economic Assistance Coordinating Council (EACC).

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 set for May 9, 2011 at 6:25 P.M. Vt. 8/0

50-11 National Grid and Verizon New England, Inc: Install 3 jointly owned poles on Scott Road beginning at a point approximately 300 feet from centerline of Mohawk Drive continuing approximately 600 feet in a NW direction.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 25, 2011, continued

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections and the Police Department.

- 51-11 Claire Freda for Kathie Peloquin: Grant permission to erect signs in strategic locations from June 10th through June 25th, 2011 to inform the public of the upcoming "Quilt Show".

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

- 52-11 Fred R. Tousignant: Renew the Second Hand Dealer's License for Fred's Auction located at 92 Pleasant Street.
- 53-11 Leroy J. DiMauro: Renew the Second Hand Dealer's License for Leroy's Attic located at 609 Main Street.
- 54-11 George Boulgarian: Renew the Second Hand Dealer's License for George's Fine Jewelers located at 255 North Street.
- 55-11 Matthew K. Zvacek: Renew the Second Hand Dealer's License for GBA Whitney Field, LLC located at 100 Commercial Road, Unit 15.
- 56-11 Nir Shaveet: Grant a Second Hand Dealer's License for Sabra Jewelry located at 100 Commercial Road.
- 57-11 Lisa A. Rosenthal: Grant a Second Hand Dealer's License for Party of Gold for the purchase of precious metals by appointment only.

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

- 58-11 Dwayne Davis for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.
- 59-11 Agnes Martin for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.
- 60-11 Susana Arruda-Fidalgo for S & S Novelty: Grant a Hawkers & Peddlers License to sell children's toys and novelty items during the Starburst Fireworks.

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

- 61-11 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.

Councillor Salvatelli, Chair 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)	\$ 1,636,948.12
Stabilization Account	\$11,085,701.82
Emergency Reserved Account	\$ 1,443.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas"

- C-71 Relative to the appropriation of \$3,300.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Thousand Three Hundred Dollars (\$3,300.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED AS AMENDED and ORDERED. Vt. 8 "yeas". Amended to \$2,031.00 from \$2,100.00.

- C-72 Relative to the appropriation of \$2,031.00 to the Sidewalk and Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Thousand Thirty One Dollars (\$2,031.00) be appropriated to the Sidewalk and Curbing Expense 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. 8 "yeas"

REGULAR MEETING OF THE CITY COUNCIL, APRIL 25, 2011, continued

C-73 Relative to the appropriation of \$6,000.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Water Department Salary and Wages Account.

ORDERED: - that the sum of Six Thousand Dollars (\$6,000.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Water Department Salary and Wages Account.

C-74 Relative to the appropriation of \$20,000.00 to the Water Department Overtime Expense Account; same to be transferred from the Water Department Salary and Wages Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Water Department Overtime Expense Account; same to be transferred from the Water Department Salary and Wages Account.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/0

37-11 David Rowlands: Require that any construction that creates new street(s) or extensively modifies existing streets be secured by a bond in the full amount needed to complete construction of said street(s) from a surety company licensed to do business in the Commonwealth of Massachusetts and that said bond shall not be released until the street(s) are completed and accepted by the City of Leominster.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. The hearing was continued to May 9, 2011 at 6:30 P.M.

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 7/1; Councillor Marchand opposed.

43-11 Richard M. Marchand: Endorse a change to the language in the pending zoning legislation to amend "Table of Uses – Generally Permitted Uses" subsection 16.5.1.2 to read "No more than four (4) lodgers or boarders except in Residence B and C. All boarding/lodging houses need a special permit from the Planning Board."

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0

44-11 Richard M. Marchand: Amend Section 14-20 of the Revised Ordinances entitled "Sex Offender Residency Restrictions" changing from 1,000 feet to 1,500 feet the area around a school that a Level 2 and Level 3 sex offender is prohibited from residing in and adding to Section 14-20.3H "Furthermore, notification of said violation will be conveyed to the City of Leominster License Commission.

Upon request of the LEGAL AFFAIRS COMMITTEE and the PRESIDENT'S ZONING COMMITTEE, the following COMMUNICATION was given FURTHER TIME. The hearing was continued to June 13, 2011 at 6:45 P.M. Vt. 8/0

C-68 Dean J. Mazzaella, Mayor: Adopt the proposed changes to the Leominster Zoning Ordinance.

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was GRANTED AS AMENDED. Vt. 8/0. Amended to 30 MPH from 35 MPH.

45-11 Claire Freda: Install 30 MPH speed limit signs on Willard Street from the intersection of Central Street (Rte. 12) to the intersection of Lancaster Street (Rte. 117).

A recommendation from the Chair of the WAYS & MEANS COMMITTEE to GRANT the following COMMUNICATION was DENIED. Vt. 4/4; Councillors Salvatelli, Rowlands, Nickel and Dombrowski opposed.

C-69 Dean J. Mazzaella, Mayor: Allow the Mayor the flexibility to offer a salary within the step range when hiring department heads; salary not to exceed the top step in that classification.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8 "yeas". Councillor Nickel abstained from voting on the portion related to the Montachusett Interfaith Hospitality Network due to a possible conflict of interest. Councillor Marchand said there might be a motion to reconsider the vote at the next meeting due to Councillor Lanciani's absence.

C-70 Dean J. Mazzaella, Mayor: Approve the proposed amount of \$507,179.70 for the Community Development Block Grant for Year 37.

Council President Dowmbrowski said during the information meeting he was happy that the Mayor confirmed that the individual line items would be adhered to unless there was some material change in the money given to the City. He said he needs to discuss the integrity of the process. He said Councillor Freda stated earlier the questions that were asked the Mayor

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were from individual Councillors not the Council as a whole; and that's true. He said all the Councillors put the questions together and a master list was compiled. As President, it is his responsibility to make sure that all those questions are answered. He said he did not put forth any questions but if he had he would have put forth many of the questions that were on the list including the question about Carter Street that Councillor Lanciani was apparently upset about. With respect to the Carter Street question, he appreciates the human element and appreciates that the Cavioli brothers served their country. He said his grandfather fought at Hiroshima, his father-in-law fought at Hiroshima, his father served during the hostage crisis in Iran and he appreciated the difficulty with the property. Everyone who applies to C.D.B.G. or who gets help by C.D.B.G. is because they are down on their luck. The bottom line is it's a relevant question and it is a question that had to be answered. This question has been out there for a while and was submitted to the Mayor by way of several emails for over a week. This was not an unexpected question. He was ready to answer it. It was not a sneak attack. He said the question was available to Councillor Lanciani who did not voice an objection to it, nor did anyone else. That is because we are nine individuals and we come down here twice a month and when we have questions we put them together and we don't sabotage somebody, we don't blindside them. He got it in writing and he had plenty opportunity to respond. He needs to respond publicly because it is a transparent process and the citizens need to trust the process. He said having said that, he appreciates the Mayor coming down and did a very good job presenting the program and reminds the Council that it didn't happen until they did their job. They came down when we did our job.

Councillor Freda said the question could have been asked differently whether we felt we had to do that tonight was a whole different decision but the first she heard of this is by phone calls by two newspaper reporters. She doesn't feel that the way she should have found out that was a discussion about how C.D.B.G. money was being used or that the Council was pushing the issue to get an answer. That is what bothered her with the way the whole process worked. It could have been handled differently.

Council President Dombrowski said he agreed that it could have been handled differently and if you look at the timeline it was known by the involved parties a long time ago and probably should have been made more transparent a long time ago.

Councillor Chalifoux Zephir said she found out about the question in the same manner.

Councillor Marchand said he was in the same situation. He said the question did have to get answered. He said he didn't think it was a good situation to be dealing with that tonight. He said he sent out an email to the Councillors regarding the email he sent to the Mayor about the meeting giving him the option of not dealing with it tonight if he didn't feel comfortable. He knew it was coming.

Councillor Chalifoux Zephir said she agreed the question had to be asked and clarified. She said she sympathized with Councillor Lanciani because it was embarrassing and humiliating. She said the relationship we have or do not have with the Mayor and people we bring down to ask questions to, we need to do it in a way that elicits the information and provides transparency. We also need to do it in a way that does not embarrass or attempt to embarrass and humiliate people. We need to do a better job. Tonight was a clear example that we missed the mark.

Councillor Dombrowski said he doesn't know how you ask that question in another way. It is a difficult circumstance. He said it is clearly not an issue that is resolved but we put together a master list, the list goes out, everyone knows about it and there is a responsibility to make sure all the questions are answered.

Councillor Freda said she can't believe that as a Council, no one thinks that was not an improper thing to do. Nobody even talked about him being a Veteran, living in the core area, had no money, nobody took care of him and all he wanted to do is die in his own home. We never talked about the thank you letter from the Mayor sent to Kate Griffin-Brooks and Joe Cataldo. Do we really think what we did tonight was necessary? No one is questioning what we did to somebody? She said they deserve the money but because the Mayor was attached to it we're almost implying that it was done unfairly to that man, that's not right.

Councillor Dombrowski said the issue is not whether this gentleman deserved the money at the time, he applied for it, he presumed he deserved it and was given it. The issue is the failure to have a lien perfected and the facts that happened subsequent to that. That is the issue. He said there is a deed on record to the Mayor for the property for nominal consideration. We are talking about an entire change in the way C.D.B.G. has been done after 36 years and it had to be answered. There was absolutely no attempt to give the Cavioli's a hard time at all. It was a question that had to be answered and he is not sure it was answered.

Councillor Chalifoux Zephir said she didn't look at the list that the Mayor had but to make a statement there wasn't a lien put on it, that is not the only property in the history of the City with experience with C.D.B.G. that did not have a lien put on it. She said she doesn't know which properties did not or why they did not but there is a list and that is not the only one.

Councillor Dombrowski said he understands that.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8/0

C-75 Dean J. Mazarella: Request Joseph Tocci be exempt from the provisions in M.G.L. Chapter 268 (20B) Conflict of Interest as he is currently employed by the City of Leominster's Zoning Board of Appeals and will be doing contract work for the Leominster Department of Public Works.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0

46-11 Kevin Cafer: Grant a Second Hand Dealer's License for the purchase of precious metals by appointments only.

Upon recommendation of the WAY & MEANS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0

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- 47-11 Deghan, Inc d/b/a Hannoush Jewelers: Renew Second Hand Dealer's License for the purchase of precious metals at 100 Commercial Road.
- 48-11 Aime Lemoine: Renew License for one pool table at Seven R's d/b/a A & R's Double Inn, 166 Water Street.
- 49-11 Mason Recreation Center: Renew License for 7 pool tables and 24 bowling alleys at Mason's Bowling Center, 640 North Main Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas"

Emergency Management – Sheltering Unit – Laural Aiesi
Admin. Unit – Kathy Mills

Under Old Business, Councillor Salvatelli reported on the Seventh Street Oil Spill. Councillor Salvatelli said he spoke with the Health Director, Mr. Knuth. He said they are now waiting for a bid for topsoil on both sites. They will then build a precast concrete wall and install a stockade fence between the properties. He said the work will be completed in May so the grass can start to grow. Councillor Salvatelli said he asked Mr. Knuth if there were any additional cost and Mr. Knuth said we are within our budget.

Councillor Cormier said he was asked to report on the Lancaster Street-New Police Station, the Emergency Management Roof and the District Court Lease. Councillor Cormier said he sent an email to the Mayor but has not heard back from him. He said he will follow up and report at the next meeting.

Councillor Nickel reported on the Leominster High School Renovation. He said he spoke with Tom Brown briefly. Mr. Brown was going into a meeting and was going to call Councillor Nickel back. Councillor Nickel did not hear from him but did hear he was in a meeting most of the day.

Councillor Freda said she was at the same meeting as Mr. Brown and they spent the whole day interviewing for the construction manager at risk. She said they interviewed four people and they have made their choice. She said the construction manager at risk will be on board in a day or two.

Councillor Rowlands said he was at a meeting with Councillor Freda at 8:15 A.M. and a vote was taken by the committee in reference to temporary trailers. He said it came down to one company out of the several that bid. He said the contract was over \$2,000,000.00 for the lease, delivery and cleanup. He said it is non-reimbursable money and it is coming out of the school budget. He said it passed unanimously. Councillor Rowlands said he has personal respect for the project manager and the architect and engineering firm. They are very sharp people.

Councillor Freda said the team that is in place is very good and all four people that we interviewed today has a great working relationship with Pagano and Daedalus.

MEETING ADJOURNED AT 11:00 P.M.

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