

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 12, 2011

Hearing opened at 6:45 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

Mr. Caputo, petitioner and owner of the property, was present.

This hearing was continued from August 8, 2011.

The following PETITION was the subject of the hearing:

75-11 Chris Caputo: Rezone the land located at 7 Prospect Street from Residence A and Business B to Commercial.

Councillor Rowlands read the recommendation from the Planning Board dated September 9, 2011.

Dear Lynn:

At the regularly scheduled Planning Board Meeting on September 6, 2011 the Planning Board held a public hearing on a proposed zone change for 7 Prospect Street from Residence A and Business B to Commercial.

The Planning Board recommends that Mr. Caputo change his property to all Business B. This would allow Mr. Caputo to have a single zoning appropriate for a business. It would also avoid spot zoning. When the Petitioner described his location it turns out that the small Massachusetts Electric property (zoned Bus B) is between Mr. Caputo and the other properties zoned Commercial and therefore there would not be a contiguous Commercial zone.

Sincerely,
Kate Griffin-Brooks
Director of Planning and Development

Mr. Caputo passed out maps to the Councillors which are on file in the City Clerk's office.

Mr. Caputo said what he passed out and highlighted is #7 and #15 which are the two parcels he is looking to get changed to Business B. He said he has owned 7 Prospect Street for approximately 18 years and 15 Prospect Street for approximately 15 years. He said currently, the front half of 15 Prospect Street and a little of Main Street is Business B. The rear half is zoned Residence A. 7 Prospect Street is three quarters is Business B and one quarter Residence A. To the rear of the property is the railroad tracks.

Councillor Rowlands said the original petition was to change to Commercial and that is how it was advertised. He asked if he was comfortable with the recommendation of the Planning Board to change it to Business B.

Mr. Caputo agrees with the Planning Board recommendation.

Councillor Rowlands asked Mr. Caputo what is his motivation.

Mr. Caputo said maybe to expand the business and/or potentially develop the property in the future.

Councillor Chalifoux Zephir asked what kind of businesses are around that area.

Mr. Caputo said he owns Prospect Auto Sales and on one corner there is Commerce Bank and across from there is Wyman's Liquors.

Councillor Chalifoux Zephir asked if he was going to expand his auto business.

Mr. Caputo said possibly, yes. He said he would possibly expand it and/or at a future date develop it in accordance with whatever Business B would allow.

Councillor Freda said she was at the Planning Board meeting the night Mr. Caputo did his presentation and he is basically looking to clean it up. She said the recommendation from the Planning Board was Business B instead of Commercial and Mr. Caputo agreed with that.

Councillor Salvatelli said there is a house directly after your property and asked what is that zoned.

Mr. Caputo said it is zoned Business B. He said after the car lot there is a white house. A trucking business is run out of the next parcel, next is a six family.

Councillor Salvatelli asked if Mr. Caputo was looking to change to three different zones? Are looking at the initial property, the middle property and then another piece of property?

Mr. Caputo said no. He said the front of the property is already zoned Business B. I am trying to get the rear section that abuts the railroad track changed from Residence A to Business B.

Councillor Rowlands said making the other lot bigger, all Business B instead of half would expand your potential for a business there.

Mr. Caputo said correct as well as 7 Prospect Street.

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 12, 2011, continued

Councillor Rowlands said according to the Business B uses, you probably don't have enough space to develop the lot right now since only half of it is in Business B.

Mr. Caputo said with an acre, meaning the car lot which is 1/2 an acre and the lot where the multi family sits, he thinks he could put something there without that building being there. He said it is not fully rented.

Councillor Rowlands said in long term he doesn't want to see the zoning creep.

Councillor Lanciani asked who owned the white house.

Mr. Caputo said he did. He said he did make a mistake on the original petition. It reads 7 Prospect as opposed to 7 and 15 Prospect Street.

Councillor Rowlands said an amendment will have to be voted on which would read "To rezone the land located at 7 and 15 Prospect Street from Residence A to Business B".

Councillor Rowlands asked Councillor Freda, because she was at the Planning Board meeting, if the Planning Board discussed 7 and 15 Prospect Street.

Councillor Freda said yes.

Councillor Rowlands said the Planning Board should correct their recommendation changing it from 7 Prospect Street to 7 & 15 Prospect Street.

HEARING ADJOURNED AT 7:08 P.M.

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

HEARING BEFORE THE CITY COUNCIL, SEPTEMBER 12, 2011

Hearing opened at 7:08 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present.

Anthony Cleaves of Whitman & Bingham Associates was present and representing the City of Leominster/DPW.

The following PETITION was the subject of the hearing.

2-12 City of Leominster/DPW: Grant a Special Permit to install a stormwater collection system at 85 Water Street as shown on Assessor's Map 20, Lot 1A, located within a floodplain.

Introduced and made part of the record were the following:

- A. Petition 2-12 submitted by Patrick LaPointe with accompanying plan prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, Massachusetts, entitled "Summer Street/Water Street Stormwater Improvement Project" in Leominster, Massachusetts prepared for the City of Leominster, dated July 2011. A map and list of the abutters were included.
- B. Notice of public hearing published in the Sentinel & Enterprise on August 29, 2011 and September 5, 2011.
- C. Positive letters of recommendations from the Health Inspector, the Planning Board, the Director of Inspections, the Department of Public Works, and the Conservation Commission.

Anthony Cleaves of Whitman & Bingham Associates said the City is planning to install a new stormwater collection system beginning at Summer Street onto Water Street and then and across private property at 85 Water Street with an ultimate discharge into Monoosnoc Brook. He said there is a flood plain associated with Monoosnoc Brook which requires a Special Permit from the City Council.

Mr. Cleaves said currently Water Street does not have any stormwater system in this section. Part of the reason to put this system in place is to remove the stormwater collection out of the municipal sewer system. He said they are planning on putting in a water quality unit just as they get onto private property. It is a large tank that would have the stormwater come in and filter the water and get the sediment out of it before it is ultimately discharged to the brook. So, this will get the stormwater out of the municipal sewer system and clean up the stormwater and provide better collection on Water Street. This will avoid flooding problems and collection issues.

Councillor Rowlands said we have been putting the conditions from the Conservation Commission on the Special Permit and asked if there would be a problem listing them on this Special Permit.

Mr. Cleaves said no because they have to abide by them for the Conservation Commission. He said a lot of it is standard and some conditions might not apply. He said they will be digging a trench, putting in the pipe and backfilling the trench. He said

the amount of erosion will be very minimal. The biggest part of it, as far as resource area, is the actual work along the brook. He said there is an existing retaining wall and they will be coring a hole through the retaining wall. The bank of the brook has

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boulders and cobbles. They will be removing rocks and putting in larger rap-rock and locking it in place with concrete. All the silt was stripped away years ago.

Councillor Rowlands asked if there was any maintenance required on the catch basins or the cleansing unit.

Mr. Cleaves said just like any maintenance of any stormwater system it will be inspected and cleaned which the City has the truck to do that.

Councillor Rowlands asked if it was a once a year cleaning.

Mr. Cleaves said it depends on the stormwater, how much sand you need to put down in the winter and if the sand gets cleaned up. The recommendation is to inspect if two-four times a year. He said the large tank was designed not just for today but for the future. It is an oversized concrete tank with 24 inch pipe going in and coming out. He said it was designed for a 25 year storm event which is 36 cubic feet per second. He said pipe network is designed for 25 year storm as listed in the subdivision control law.

No one in the audience spoke.

No Councillors spoke.

HEARING ADJOURNED AT 7:17 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 12, 2011

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 record through August 29, 2011 were examined and found to be in order. The records were accepted.

The following COMMUNICATION was received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. Vt. 9/0

C-8 Relative to the appropriation of \$50,000.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Emergency Reserve Account.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works and the Wire Inspector. A hearing was set for September 26, 2011 at 6:55 P.M. Vt. 9/0

7-12 National Grid and Verizon New England, Inc.: West Street: Install a jointly owned pole on West Street beginning at a point approximately 250 feet north of the centerline of the intersection of George Terrace.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to The Fire Department and the Health Inspector. A hearing was set for October 11, 2011 at 6:45 P.M. Vt. 9/0

8-12 Kathleen A. Sousa for Cumberland Farms, Inc.: Amend the underground storage license for the property located at 1287-1289 Main Street to increase the capacity of the underground tanks from 24,000 gallons to 40,000 gallons.

The following PETITION was received with an EMERGENCY PREAMBLE and referred to the LEGAL AFFAIRS COMMITTEE. Vt. 8 "yeas" and 1 "nay", Councillor Freda opposed. Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Referrals will be sent to the Police Department, the Mayor, the School Building Commission, the Department of Public Works and the School Committee. Vt. 9/0

9-12 Tom Browne on behalf of Leominster High School: Designate Kingman Drive as a one way street by posting a "No Entry - 2:00 - 2:30 P.M." sign at the corner of Kingman Drive and Exchange Street.

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

Leominster Fire Department – Reserve Firefighters – Sean Keith Gray, Matthew Brian Burke, Nicholas Richard DeCarolis, Joshua Adam Burdett, Jonathan James Williams, Benjamin Franklin Brideau, David Robert Fagone, Jordan Thomas Altobelli

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 12, 2011, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED Vt. 9/0. Amended by adding "and 15" and delete the words "to Commercial".

75-11 Chris Caputo: Rezone the land located at 7 and 15 Prospect Street from Residence A to Business B.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED WITH CONDITIONS. Vt. 8 "yeas"; Councillor Chalifoux Zephir abstained due to a possible conflict of interest. An amended recommendation from the Planning Board is requested.

2-12 City of Leominster/DPW: Grant a Special Permit to install a stormwater collection system at 85 Water Street as shown on Assessor's Map 20, Lot 1A, located within a floodplain.

The conditions are:

1. Boiler Plate of detailed conditions in addition to the following conditions
2. 48 Hour notice to Conservation Agent prior to start of work
3. 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
4. Stockpiling-No stockpiling in the resource area
5. Any stockpiling must be covered to control erosion and runoff
6. All storm events and tracking reports shall be submitted to conservation@leominster-ma.gov
7. Emergency Contact List-shall be submitted in writing to Conservation/Agent prior to the start of work
8. Erosion control shall be monitored and corrected as need be throughout the site

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

3-12 Patrick LaPointe: Install a stop sign on Aspinwall Avenue against northbound drivers at Malburn Street.

4-12 Patrick LaPointe: Install a stop sign on Tanzio Road against eastbound drivers at Aspinwall Avenue.

5-12 Patrick LaPointe: Install a stop sign on Grove Terrace against eastbound and westbound drivers at Grove Avenue.

6-12 Patrick LaPointe: Install a stop sign on Tanzio Road against southbound and northbound drivers at Lancaster Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-7 Dean J. Mazzarella, Mayor: Request that Jeff O'Neill, be exempt from the provisions of M.G.L. Chapter 268 (20B) Conflict of Interest as he is currently employed by the City of Leominster as a Recreation Commissioner and will running recreation programs and officiate when needed.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 "yeas"

Office of Emergency Management -Mark Buyea – EMS Unit

Under Old Business, Councillor Freda, Chair of the Water & Sewer Oversight Committee, said she spoke to Roger Brooks to see if the wind and rain had any effect of the water. She said there were a few algae blooms but are being treated like they were last time. He will give us a better explanation when he comes in September 26, 2011.

Councillor Marchand said we had some work done on upper Willow Street replacing water and sewer lines. He said the entire left side of that street has sunk in and it is a mess. Maybe they can respond to that when they come down.

Councillor Rowlands, Chair of the President's Zoning Committee, said the Mayor has called a Special Meeting on Wednesday, September 14, 2011 to talk about zoning. The public forum is at 6:15 P.M. with the meeting to follow at 6:30 P.M.

Councillor Marchand said he will not be able to attend. Councillor Nickel said he has an appointment in the afternoon and might be late. Councillor Rowlands said he might be a little late.

Councillor Salvatelli said he was under the assumption the paving was suppose to be done before school began. They have a lot of the rough stuff done but not the final coat. Does anyone have an idea when that is going to be done?

Councillor Lanciani said very shortly. We have had a lot of rain and probably why it has been held up. He said that is why Mr. LaPointe wanted to get the money appropriated and passed so he could get it going but unfortunately we have been inundated with rain.

Councillor Rowlands said we have received Kopelman & Paige bills and I have some questions regarding some of those bills. I believe Kopelman & Paige is coming down to get potential questions answered.

Council President Dombrowski said the Clerk informed him she spoke with the Mayor who is providing us something in writing before they come down. We can indicate to them there may be some questions on billing as well.

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 12, 2011, continued

Councillor Rowlands said he has a July 7, 2009 letter which talks about a TIFF which calls for anticipated job creation of 15 however a document that came out March 25, 2011 says the actual TIFF agreement says a minimum of 5 jobs within 5 years and he would like to get an update. He said last he knew they created one job and they are in their third year. He said he would like to get clarity to what is the agreement in terms of the jobs created and how are they doing based on that agreement.

Councillor Cormier said he inquired about the property at 210 Lancaster Street and received a report from Acting Chief Healey on September 8th stating they expect the detective bureau to be moving in within 2 weeks. They expanded the original plan of five detectives and one supervisor to include their crime analyst and neighborhood liaison. In addition they decided they could move the crime lab, audio visual room and most evidence collection and preservation operations safely to 210 Lancaster Street. This was made possible by Detectives and the maintenance person who collectively performed some of the work at cost savings to the City. They are waiting on the completion of the computers and phone services by Guardian. Once that is completed and tested they will move all operations in one day. Video surveillance cameras are the last of the technology to be purchased and installed. He also stated that the entrance and hallway leading to the first floor elevator was repaired and painted by department personnel. New carpet was installed leading to and into the elevator in addition to partitions were constructed by department personnel to separate the former museum exhibition space from public view. The elevator needs to be inspected and elevator contract in place. The money for the contract was not included in the initial money but Greg Chapdelaine is working on it.

Councillor Cormier said he would like to know what the next phase is and would like to know where we are going with this. He said if any Councillors have any questions let him know and he will submit them all at once.

Councillor Chalifoux Zephir said she would like to know how they spent the money that was allocated.

Councillor Cormier said he will ask for a breakdown.

Councillor Salvatelli asked if it will be open 24 hours and who is in charge of the maintenance, inside and out. He said they did a fabulous job and he said he would like to get an update from the Chief.

Councillor Nickel said he would like to know how much access there is to the public.

The following Ordinance was read once, ADOPTED as presented and ordered published. A hearing was set for October 11, 2011 at 7:00 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 22 of the Revised Ordinances, entitled “Zoning”, Article II, Section 16.6.1.2 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 recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was TABLED FOR STUDY. Vt. 8 “yeas” and 1 “nay”, Councillor Dombrowski opposed.

RESOLUTION – In Support of H.R. 1489 “The Return to Prudent Banking Act”

Under New Business, Councillor Freda asked for update on the Courthouse. She said she was at a meeting last week and it appears \$65M dollars going into the supplemental budget which money will be coming back to the communities. The formula they are looking at is for us to get back what we were cut and if that is the formula they use that will certainly be helpful. She said we are also going to get the rest of the ice storm money from that budget.

Councillor Marchand, Chair of the WAYS & MEANS COMMITTEE, moved that the following RESOLUTION be removed from the table and placed on the calendar for action. It was so voted. 9/0. Upon recommendation of the WAYS & MEANS COMMITTEE the following RESOLUTION was ADOPTED. Vt. 7 “yeas” and 2 “nays”, Councillors Chalifoux Zephir and Freda opposed.

Resolution

Massachusetts Department of Revenue Financial Management Review

Whereas the Leominster Public School system had a financial operation review done by the Massachusetts Association of School Business Official (hereafter known as the MASBO Report) which outlined many inefficiencies in the accounting systems between the School Department and city’s Administration, especially in the areas of payroll, purchasing, and accounts payable.

Whereas many of the same inefficiencies outlined in the MASBO Report between the city’s administration and the School Department, also exists in other city departments.¹

Whereas the City Council is committed to increasing efficiency in city government and therefore reducing waste.

Whereas the Department of Revenue offers Financial Management Reviews aimed at increasing efficiency in government at no cost to the city. (See attached DOR document which states:

“We also review a wide range of municipal documents including submissions to DOR. We examine financial practices and procedures, policies to guide decisions and we look to ensure that financial checks and balances are in place. We

REGULAR MEETING OF THE CITY COUNCIL, SEPTEMBER 12, 2011, continued

confirm that the town is in compliance with state laws and regulations relating to municipal financial practices. We examine how levels of communication and the structure of government impact operations. We review the technology condition of the municipality and generally seek ways to create efficiencies in government.”)

Therefore, be it resolved, that the City Council of Leominster request that the Mayor of the City of Leominster request a financial management review with the Massachusetts Department of Revenue.

¹ As one example, inefficiencies in payroll processing which often require duplication of data entry and lacks benefits of efficiencies found with use of more modern Information Technology.

Adopted by the Leominster City Council
September 12, 2011
/s/ Lynn A. Bouchard, City Clerk

MEETING ADJOURNED AT 9:32 P.M.

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