

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 14, 2011

Hearing opened at 6:25 P.M., with Councillor Marchand, Chair of the WAYS & MEANS COMMITTEE, and Wayne Nickel, Chair of the SOLAR POWER ENERGY EXPLORATORY COMMITTEE, presiding.

All members were present.

The following PETITION was the subject of the hearing:

17-12 Joanne M. DiNardo, Chair-Energy Committee: Endorse the Green Communities application process including adoption of Criteria 4 "Purchase only Fuel Efficient Vehicles on non-exempt vehicles" and Criteria 5 "Adopt the Stretch Energy Code", both criteria require City Council approval.

Ms. DiNardo said the fuel purchase for vehicles will not be discussed tonight. She said the only piece she wants to discuss tonight is the Stretch Code which has 5 criteria with the Green Communities Act. 1) adopt local zoning bylaws, which is already in place, 2) expedited permitting, which is in place, 3) municipal energy level baseline, which she is working on, 4) purchase of fuel efficient vehicles, will follow after criteria 5. Criteria 5 is the most important part of the Green Communities Act if we are going to go forward as a City. She said on July 3, 2008 Deval Patrick signed the Green Communities Act and it is an optional energy code known as the stretch code which increase the energy efficiency code requirements for new construction. There is \$10 Million of green community money that is available annually to be portioned among the green communities if they adopt the stretch code, which is a requirement of becoming a green community.

Ms. DiNardo said they have been working on this since 2008 as an Energy Committee and at this point they felt that the City Council needs to be in step with them and bring it forward to the community. She said Leominster can adopt the Stretch Code by a vote of the City Council following a public hearing. Leominster Energy Committee had meetings on April 1, 2010, June 17, 2010 and had a presentation to the City Council over a year ago. She said there is a lot of information online, she has plenty of paperwork on the subject she can share with whoever wants it and there is also a live broadcast on LATV on the Stretch Code. Ms. DiNardo reviewed the executive summary that was that she handed out to the Councillors which is on file in the City Clerk's office. She said we would be eligible for between \$200,000.00 and \$250,000.00 in grant money right away and that could be spent on energy reduction plans.

Councillor Marchand asked if the state funding could be used on municipal buildings.

Ms. DiNardo said yes, municipal buildings if they are going through a major upgrade and not considered historical.

Councillor Marchand asked if it could be used on the new construction at the high school.

Ms. DiNardo said no, but they have already tackled energy efficiency measures which will help us in the long run.

Ms. DiNardo said it would be an increased construction cost for new residential (2-4%) increased construction cost for residential renovations, commercial costs are expected to increase by no more than 2%. She said design professionals would be affected because they would have to make sure their designs are in compliance with the Stretch Code. Inspection services and enforcement of the code will increase regulatory enforcement and could put a burden on the City's Building Department.

Ms. DiNardo said the Leominster Energy Committee was charged with finding ways to help the City of Leominster become more energy efficient. We have attended webinars, been to training and we find this action plan brought forward by the Green Communities Act will push us in the right direction. We want you to be informed what the Stretch Code is and what your obligations are as a Council. We don't want you to make a decision if you feel you do not have enough information and need another session. She said she spoke to Kelly Brown today and she said a lot of communities do feel a little bit hedgy about passing something like this without fully exploring it and how it is going to impact the City. Ms. DiNardo said she does offer another session that they can offer to the City Council and to the community that is a film that would explain the Stretch Code which is 45 minutes. Ms. DiNardo said Ms. Brown said if you have any specific questions that you give them to Joanne or that you email them to Joanne and they will send them out for answers.

Councillor Marchand asked if the State building code revision that would include this.

Ms. DiNardo said yes.

Councillor Marchand asked if there was a projected date.

Ms. DiNardo said 2012 and would not take place until 2013.

Councillor Marchand asked what the response was from the Building Inspector.

Ms. DiNardo said she keeps him informed of everything and he would like to comment on it but couldn't make it tonight. She urged the Council to get comments from the departments that would be affected.

Councillor Marchand asked if any construction which has taken place in Leominster already complied with this new regulation.

Ms. DiNardo said many of the new homes comply with the 2009 Energy Building Code. The HERS rating has not been instituted as far as she knows.

Councillor Marchand asked if the current commercial projects are complying with this.

Ms. DiNardo said she could not answer that.

Councillor Marchand asked if the money that comes back to the City is non competitive.

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

Ms. DiNardo said it is non competitive. It is based on the population.

Councillor Nickel asked if somebody has any C.D.B.G. money and they are going to be doing changes, is there anything that would kick in as far as the people in Ward 2?

Ms. DiNardo said that is entirely up to us. Once they have the money they decide what they want to use it on.

Councillor Nickel asked if this has been challenged in court.

Ms. DiNardo said not that she knows of.

Councillor Nickel asked if there is any type of HERS inspection process.

Councillor Freda said she has been meeting with Joanne for a couple of years and she has just done a phenomenal job. She is just summarizing it in a very short period of time. The work that she has done is incredible. We have had people come in and speak to the committee. We went to North Hampton and visited with their community. She said the thing they are most concerned about is the fact that a renovation of a house or older home will be most economically impacted. She said over 100 communities are participating in the Stretch Code.

Councillor Chalifoux Zephir asked if the money is a grant.

Ms. DiNardo said we call it a grant, we have to apply for it and there are no guarantees.

Councillor Chalifoux Zephir asked if the deadline for submission is November 18<sup>th</sup>?

Ms. DiNardo said it is unrealistic at this point that the City of Leominster submit for this year.

Councillor Chalifoux Zephir asked Ms. DiNardo if she did an inventory of fuel efficient vehicles.

Ms. DiNardo said yes.

Councillor Nickel asked if she new the percentage of vehicles that would be affected.

Ms. DiNardo said she doesn't have it handy but has the information.

Councillor Nickel asked how long this program has been in effect and how sure can we be for the future that the money will be around in the future.

Ms. DiNardo said this money is protected and funded under the REGI, (Greenhouse Gas Initiative). It is guaranteed to be preserved under that program. The grant allocation is done on a bi-annual basis and will be changing to an annual. She said there are 74 communities participating in the Green Communities Act.

Councillor Salvatelli said he is interested in this but feels uneducated about it. He asked how many times the energy committee is meeting.

Ms. DiNardo said once a month for two years.

Councillor Salvatelli asked if wind power has come up.

Ms. DiNardo said they have plans on wind and solar they have been exploring. I have the information in my office.

Councillor Salvatelli said he would like to have a meeting on an off night for a presentation on what's going on.

Councillor Rowlands offered an apology. He didn't realize he was on the committee.

Councillor Rowlands asked if there was a middle ground that there is some sort of penalty that you can go without it.

Ms. DiNardo said no, that is why we are here. There is no sense in spending any more time on the green communities criteria if we have to have the stretch code and the City doesn't want it. We will go the other route with Sarafix and still come up with the Climate Action Plan.

Councillor Cormier said I know it will increase construction cost but do we have any data that shows what the average home or business will save?

Ms. DiNardo said it is in the package that I gave you. There is a cost analysis for different size homes. There is a positive payback from the get go.

HEARING ADJOURNED AT 6:56 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 14, 2011

Hearing opened at 6:57 P.M., with Councillor Chalifoux Zephir, Chair of the PUBLIC SERVICE COMMITTEE presiding.

All members were present.

The following PETITION was the subject of the hearing:

15-12 National Grid and Verizon New England: Vezina Avenue: Install a jointly owned pole on Vezina Avenue beginning at a point approximately 10 feet south of the centerline of the intersection of Vezina Avenue and continuing approximately 10 feet in a southeast direction.

Iris Price of National Grid said they have a tree guard that needs to be moved. They will need to put in a stub pole.

Councillor Chalifoux Zephir asked if it would be temporary.

Ms. Price said no, the stub pole will be the replacement for the tree guard. It is 35 feet high and 7 feet in the ground.

Councillor Marchand asked if it was on private property or City property.

Ms. Price said City property.

No one in the audience spoke in favor or in opposition to this petition.

HEARING ADJOURNED AT 7:01 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 14, 2011

Hearing opened at 7:02 P.M., with Councillor Rowlands, Chair of the LEGAL SERVICE COMMITTEE presiding.

This hearing is continued from October 11, 2011.

All members were present.

Brian Riley from Kopelman & Paige was present. Also present was Phil Lombardo attorney for the project, MHF Design Project Engineer, Chris Tamula, Paul Wilson and Ken Camille from Cumberland Farms and Bruce Rossi, Environmental Consultant.

The following PETITION was the subject of the hearing:

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.

Mr. Riley said this is an unusual license because originally it was issued in the 1950's and it runs with the land. The Council does have some authority. He said the applicant is here to increase the storage on the sight. He said he was asked if conditions can be put on the license and he said case law says you can put reasonable conditions on. It is not strictly related to a fire or explosion or damage but if there are any public health or safety concerns about the neighborhood or streets around it the court says you can consider that. He said in his opinion conditions can be attached to this license and this is the opportunity if the Council has concerns.

Mr. Lombardo said they are ready to entertain questions or comments.

Councillor Rowlands said he has concerns about delivery times and said he is looking for the range between 7:00 A.M. to 10:00 P.M.

Mr. Wilson said that was reasonable. They would be agreeable to that.

Councillor Rowlands asked Mr. Riley what wording do they need or condition do they have to put on the permit to ensure this oil spill that happened is fully cleaned up and will be fully resolved.

Mr. Riley said his understanding is that this property is under a DEP Order to take care of the incident for a couple of years now and perhaps getting to the end of the process. They are legally obligated to take care of that under DEP control. A condition saying they are obligated to comply with all environmental laws and orders of DEP.

Councillor Rowlands said he would also like to see a condition stating no deliveries between 10:00 P.M. to 7:00 A.M.

Mr. Wilson said that the 7:00 A.M. is restrictive because food product deliveries start earlier. He said he thinks Councillor Rowlands is worried about the larger vehicles. Groceries are delivered at 3:00 A.M.

Councillor Rowlands said he would go along with the no delivery of fuel between 10:00 P.M. and 7:00 A.M.

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

Councillor Marchand asked what the normal delivery system is now for oil.

Mr. Camille said it varies and depends on they need it. They deliver as early as 5:00 A.M.

Councillor Marchand asked if they were going to increase the number of pumps.

Mr. Camille said yes.

Councillor Marchand asked if they have done a traffic impact study.

Mr. Lombardo said yes. He said there was a traffic study conducted and done very conservatively. It was done on the basis of the existing Cumberland Farms operation with four pumps and a small store vs. what it is going to be, a larger convenience store and more pumps. The traffic engineer found that there was no significant increase in traffic at peak hours and also the number of curb cuts reductions.

Councillor Marchand said he disagrees with him.

Mr. Lombardo said what is conservative is that they are taking over the existing Cumberland Farms and the CVS and that stand alone site where back to being a drugstore and CVS can count as being as existing traffic. If you were to take Cumberland Farms traffic and CVS traffic you would perhaps see a reduction in the number of new trips to the site. Our traffic engineer concluded that even on a conservative basis comparing the small Cumberland Farms store to a larger one there was no significant increase in traffic and no impact to the site.

Councillor Marchand asked how many gas pumps will there be.

Mr. Camille said ten fueling positions, five pumps.

Councillor Marchand asked if they were going to restrict the business hours of operation.

Mr. Camille said no, they are planning on being open 24 hours.

Councillor Marchand asked if there will be music playing at the pumps.

Mr. Camille yes, and that can be restricted.

Mr. Marchand asked if they have worked with the neighbors regarding privacy.

Mr. Lombardo said they met with neighbors and there was only one concern with the man next door. He was looking for some fencing which we are going to give him.

Councillor Marchand asked if they had to do any work with the road to tighten up the curb cut.

Mr. Lombardo said they are eliminated curb cuts and tightening up the curb cuts and moving them away from the intersection.

Councillor Marchand asked if they were installing sidewalks.

Mr. Lombardo said yes.

Councillor Chalifoux Zephir asked if the delivery locations on the site changed.

Mr. Lombardo said the goods are delivered to the front door of the location and unloaded.

Councillor Chalifoux Zephir asked if the front door changed from the existing Cumberland Farms.

Mr. Lombardo said yes. He said the whole building is going to be knocked down and a new one put up.

Mr. Tamula explained the plan again.

Councillor Marchand asked what the pickup time was for the dumpster.

Mr. Camille said usually the middle of the day.

Councillor Rowlands asked Attorney Riley what our jurisdiction is on the license to store flammable liquids.

Attorney Riley said he couldn't see that you could put a condition on delivery of groceries or pickup of dumpster. He said the fuel and oil deliveries are part of this and said it would be fine as a condition.

Councillor Freda asked for a summary of the 24 page document on the environmental data that was received the day before the holiday.

Mr. Rossi said basically the data package is comprehensive set of data that was collected primarily to characterize the soil and ground water for the actual construction activities. A considerable amount of environmental testing has been done under regulations. We recently went out to get data in order to characterize the conditions of the soil and ground water so when they do the construction work they will have the opportunity to do some cleanup and remove the contaminated soil and groundwater we will have that data. The data is consistent with what we say in the past and didn't expect to see any different. There are no

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

changes, if anything the groundwater data has improved since the last time it was sampled. He said the conditions have not changed in any way since the initial data was obtained.

Councillor Freda asked Attorney Riley if the Council has any authority to condition for periodic testing over and above what DEP would require. She said her concern is the way they found out there was a leak.

Attorney Riley said he doesn't see that as a condition. He said DEP has regulations that they need to follow and that would be the appropriate place for it to be and not on this license.

Councillor Freda asked Attorney Riley if there was a way to condition any type of a spill that DEP would notify us, the City Clerk or permitting authority, not just the Board of Health and the Fire Department.

Attorney Riley said there was something from the Fire Department because it was a flammable material they received some kind of notice from DEP after the release.

Councillor Freda said after we questioned it.

Mr. Lombardo said what Councillor Freda alluded to was while Cumberland Farms engineers were doing what they needed to do to file with DEP, file with the Board of Health which didn't get communicated to the Council. We were wondering if it would satisfy Councillor Freda and other Councillors if we agree, as a condition to provide the Council, Mayor or somebody direct copies of what we file with DEP during this process so you are informed to where we are as we go.

Councillor Rowlands said he would be in favor of that.

Councillor Lanciani said there are going to be three catch basin being installed and at the last meeting you said there were going to be separators and will be the responsibility of Cumberland Farms, they own them.

Mr. Rossi said yes.

Councillor Chalifoux Zephir asked if Cumberland Farms will be responsible for the maintenance of those storm drains.

Mr. Rossi said yes.

Councillor Rowlands said he would like to have a contact person for issues that come up. He said the conditions they are looking at are no oil deliveries between 10:00 P.M. and 7:00 A.M. and insuring that all State regulation related to the oil spill are followed.

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

HEARING ADJOURNED AT 7:30 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 14, 2011

Hearing opened at 7:32 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

Chris Caputo, owner of the property affected by the change, was present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 22 of the Revised Ordinances entitled "Zoning" by changing the Leominster Zoning Map so that the land identified as Assessor's Map 430, Parcel 6 shown as 7 Prospect Street, and Assessors' Map 430, Parcel 12, known as 15 Prospect Street, are designated as zoning district Business B.

Councillor Rowlands said we had a hearing and there was a change in the advertising compared to the way it was approved so it was re-advertised and having a hearing on the side of caution.

Mr. Caputo said it was Commercial going to Business B.

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

HEARING ADJOURNED AT 7:34 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 14, 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 7:32 P.M. to continue the hearings and to hold a public forum.

Meeting reconvened at 7:35 P.M. and the Council voted 9/0 to convene into Executive Session to discuss strategy with respect to collective bargaining or litigation. It was announced that the Council will return for the regular session.

The meeting reconvened at 8:23 P.M.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-25 Relative to the appropriation of \$350,012.00 to the Emergency Reserve Account; same to be raised by Fiscal Year 2012 Revenue.

Under Suspension of the Rules the following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9 "yeas"

C-26 Dean J. Mazzarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in FY 2012 in excess of available appropriation in the amount of \$700,000.00 as authorized by Massachusetts General Law, Chapter 44, Section 31D.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Police Department and the Department of Public Works.

18-12 David Rowlands: Install a stop sign at Electric Avenue and Main Street.

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

Leominster Fire Department – Firefighters – Sean Keith Gray, Matthew Brian Burke, Nicholas Richard DeCarolis

Councillor Robert Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Excess and Deficiency Account (Free Cash)	\$ 3,978,636.00
Stabilization Account	\$ 11,092,716.00
Emergency Reserved Account	\$ 5,790.00

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 9 "yeas". A hearing is scheduled for November 28, 2011 at 7:00 P.M.

C-11 Relative to determining the factor to be used in setting the Fiscal Year 2012 tax rate.

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

C-13 Relative to the appropriation of \$4,900.00 to the Cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

ORDERED: that the sum of Four Thousand Nine Hundred Dollars (\$4,900.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Emergency Reserve Account.

C-14 Relative to the appropriation of \$870,803.00 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Eight Hundred Seventy Thousand, Eight Hundred Three Dollars (\$870,803.00) be appropriated to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: FY 2011 Sewer Surplus Returned to Department

C-15 Relative to the appropriation of \$847,638.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Hundred Forty Seven Thousand, Six Hundred Thirty Eight Dollars (\$847,638.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: FY 2011 Water Surplus Returned to Department

## REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 14, 2011, continued

- C-16 Relative to the appropriation of \$30,500.00 to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: that the sum of Thirty Thousand Five Hundred Dollars (\$30,500.00) be appropriated to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-17 Relative to the appropriation of \$45,000.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: that the sum of Forty Five Thousand Dollars (\$45,000.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: Pierce Street drainage project
- C-18 Relative to the appropriation of \$54,615.00 to the ITTF Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: that the sum of Fifty Four Thousand Six Hundred Fifteen Dollars (\$54,615.00) be appropriated to the ITTF Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: FY 2011 Receipts returned to ITTF Department
- C-19 Relative to the appropriation of \$3,310.00 to the Conservation Commission Expense Account; same to be transferred from the Emergency Reserve Account.
- ORDERED: that the sum of Three Thousand Three Hundred Ten Dollars (\$3,310.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Emergency Reserve Account.
- RE: Removal of damaged/diseased trees located on Conservation property
- C-20 Relative to the appropriation of \$569,564.00 to the School Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: that the sum of Five Hundred Sixty Nine Thousand, Five Hundred Sixty Four Dollars (\$569,564.00) be appropriated to the School Transportation Expense Account; same to be transferred from the Excess & Deficiency Account.
- RE: FY 2011 Medicaid Reimbursement
- C-21 Relative to the appropriation of \$60,000.00 to the School Department Expense Account; same to be raised by FY 2012 Revenue.
- ORDERED: that the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated to the School Department Expense Account; same to be raised by FY 2012 Revenue.
- RE: Charter School tuition receipts increase by State to the School Department
- C-22 Relative to the appropriation of \$130,000.00 to the FY2012 Revenue; same to be transferred from the Excess and Deficiency Account.
- ORDERED: that the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) be appropriated to the FY 2012 Revenue; same to be transferred from the Excess and Deficiency Account.
- RE: Library Debt Service
- C-23 Relative to the appropriation of \$10,000.00 to the Library Department Expense Account; same amount to be raised by FY2012 Revenue.
- ORDERED: that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Library Department Expense Account; same to be raised by FY 2012 Revenue.
- RE: Final calculation to meet spending requirements for Library Certification purposes
- Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 8/0, Councillor Cormier abstained due to a possible conflict of interest.
- 15-12 National Grid and Verizon New England: Vezina Avenue: Install a jointly owned pole on Vezina Avenue beginning at a point approximately 10 feet south of the centerline of the intersection of Vezina Avenue and continuing approximately 10 feet in a southeast direction.
- Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas". (Granted with an Emergency Preamble on November 9, 2011; another vote was required.)
- C-24 Dean J. Mazzarella, Mayor: Acceptance of ten land takings for the purpose of reconstructing Merriam Avenue and Lindell Avenue.

## REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 14, 2011, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED WITH CONDITIONS. Vt. 9/0 The conditions are: 1) No oil deliveries between 10:00 P.M. and 7:00 A.M., 2) Must follow all D.E.P. Regulations regarding oil spills and cleanup.

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0 A hearing is set for November 28, 2011 at 6:30 P.M.

- 16-12 Joe Couture for MLMT 2006-C2 Mall at Whitney Field: Grant a Special Permit to restore a section of eroded river dyke located along the Nashua River at the Mall at Whitney Field as shown on Assessor's Map 567 as lots 12, 2C, 5, 13, 19 located within the floodplain.

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

- C-12 Relative to the appropriation of \$103,063.47 to the CDBG Housing Rehabilitation Construction Expense Account; same to be transferred from the following CDBG Accounts as listed below:

Administration Salary	\$25,000.00
Summer Youth Salary	\$ 4,263.03
Summer Youth Expense	\$ 775.19
Code Enforcement Salary	\$ 861.00
Code Enforcement Expense	\$ 8,837.00
Rehab Salary	\$16,770.00
Rehab Expense	\$25,416.00
Economic Dev. Salary	\$11,851.00
Economic Dev. Expense	\$ 8,086.00
YWC/Battered Woman's	\$ 1,204.00
Mayor's Energy Assistance	\$ .25

ORDERED: That the sum of One Hundred Three Thousand Sixty Three Dollars and Forty Seven Cents (\$103,063.47) be appropriated to the CDBG Housing Rehabilitation Construction Expense Account; same to be transferred from the following DCBG Accounts as listed below:

Administration Salary	\$25,000.00
Summer Youth Salary	\$ 4,263.03
Summer Youth Expense	\$ 775.19
Code Enforcement Salary	\$ 861.00
Code Enforcement Expense	\$ 8,837.00
Rehab Salary	\$16,770.00
Rehab Expense	\$25,416.00
Economic Dev. Salary	\$11,851.00
Economic Dev. Expense	\$ 8,086.00
YWC/Battered Woman's	\$ 1,204.00
Mayor's Energy Assistance	\$ .25

Upon request of the WAYS & MEANS and THE SOLAR POWER ENERGY EXPLORATORY COMMITTEES, the following PETITION was given FURTHER TIME. Vt. 9/0

- 17-12 Joanne M. DiNardo, Chair-Energy Committee: Endorse the Green Communities application process including adoption of Criteria 4 "Purchase only Fuel Efficient Vehicles on non-exempt vehicles" and Criteria 5- "Adopt the Stretch Energy Code", both criteria require City Council approval.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

The City of Leominster

In the year two thousand and eleven

## AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled "Zoning" by amending the Zoning Map.

Be it ordained by the City council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances entitled "Zoning" is hereby amended by changing the Leominster Zoning Map, so that land identified as Assessors' Map 430, Parcel 6, known as 7 Prospect Street, and Assessors' Map 430, Parcel 12, known as 15 Prospect Street, are designated as zoning district Business B.



## REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 14, 2011, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. Vt. 9/0  
A hearing is scheduled for November 28, 2011 at 6:25 P.M.

2<sup>nd</sup> Reading Ordinance – Amend Chapter 1 of the Revised Ordinances entitled “General Provisions” by deleting Section 1-11 in its entirety and inserting in its place a new Section 1-11 entitled “Wards and Precincts”.

Under Old Business, Councillor Freda said she will be in contact with the Mayor regarding a meeting with Mr. Brooks and Veolia Water to answer a number of questions.

Councillor Rowlands said he had someone come to him again on Day Street. The pump station backed up again. It has backed up three times into people’s homes and we have spent a lot of money repairing their basement. The last time it backed up he was told that the generator, which runs automatically on natural gas, broke down and didn’t work. With this storm, it happened again. There is a dumpster outside the house again and we are, again, in the business of re-cleaning, fixing and repairing an entire basement. He said he sent an email and received an explanation that the pump station is outdated and needs a major investment. Councillor Rowlands would specifically like to know what it will cost for this pump station to get it in proper working order, because it costs the City substantial amount of money every time there is an outage and backs raw sewage up into someone’s home. It has happened to three homes. He said it drives him crazy when a constituent comes and says “oh by the way, the City’s pump station failed, my basement is full of sewage and you don’t know anything about it.”

Councillor Dombrowski said we can bring that up when they come down.

Councillor Freda said she is not sure if it is a Water and Sewer Oversight Committee question. She understands the frustration of the Ward 1 Councillor. She said there are problems in other part of the City and she is not sure it is the purvue of this committee to be sighting a particular pump station.

Councillor Chalifoux Zephir said we should ask the DPW for a list of capital improvement that need to be made that are in their long term capital plan and that are not covered under the \$20M bond that the City has currently.

Councillor Marchand said they have problems on West Street.

Councillor Rowlands recommended asking for a detailed list on what capital projects are needed over the next three years before calling a meeting.

Councillor Salvatelli said we were told that project was going to be close to \$30M and they were going to do it cheaply for \$20M, meaning there were things that weren’t going to be done. He would like to know what’s not going to be done.

Councillor Nickel said we spend \$1.2M for a generator that was part of the upgrade to the sewer plant but then when we lost electricity, the City had to go out and try to rent another generator while National Grid tried to get the electricity back. The sewer plant was off line for a number of hours. He would like to know what happened there.

A vote was taken to bring Roger Brooks, Pat LaPointe, Viola Water and Woodard and Curran down to answer these questions. A list will be given to them prior to the meeting. Vt. 6/3; Councillors Lanciani, Chalifoux Zephir and Salvatelli opposed.

Under New Business, Councillor Chalifoux Zephir said everyone received a copy of the storm report. She said being the Chairperson of Public Service she had a couple of conversations with the Mayor and asked about being briefed with the City Council. She said the report was great and is a start. She would like to invite the Mayor to come down and bring Mr. Coggins, the Fire Chief, the Police Chief and talk with us about the report. It would be good to brainstorm with them and make it better next time.

Councillor Rowlands said having a post discussion after the storm was a good idea. He said he stumbled upon the Leominster Police Facebook page that is pretty active. He found a lot of people in his ward and around the City using Facebook to report where there were outages, having problems concerns. He said that was a good thing and would think it should be expanded not just the Police Department. He said it was extremely effective putting information out. It would be nice to have a citywide Facebook page where members in the community could participate.

Councillor Nickel said the amount of time and effort that was put in by the volunteers that were involved was absolutely phenomenal.

A vote was taken to invite the School Superintendent James Jolicoeur to come down for an informational meeting in the near future. Vt. 9/0

Councillor Marchand said he would like to find out if there is a possibility that there can be a little more delay in transition on some of the lights in town, specifically the Merriam Avenue, Washington Street intersection. There were two bad accidents one right after another.

Councillor Marchand said one of the issues that he brought up earlier this past year was the institution of a middle school sports program for kids. He said the school department was in a position that financially they could not prioritize it over other needs. He said a comment was made to him that the administrators wanted it, the principles wanted it, teachers supported it to a certain degree and the kids wanted it, but when it came down no one really showed up to advocate for it. He feels it is needed. If you drive by Doyle Field tonight there were hundreds and hundreds of kids from Samoset and Sky View. Four Hundred kids signed up for the flag football. They not only had a boy’s team but a girl’s team. It was great and the kids had fun.

MEETING ADJOURNED AT 10:00 P.M.

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