

HEARING BEFORE THE CITY COUNCIL, JANUARY 9, 2012

Hearing opened at 6:58 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:

22-12 National Grid and Verizon: Legate Hill Road-Relocate the jointly owned pole P31 on Legate Hill Road approximately 12 feet south of its current location.

Iris Price of National Grid said there is a new subdivision going in and the plan is to remove the exiting pole that is located in the middle of the road and relocate it roughly 12 feet.

HEARING ADJOURNED AT 6:58 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 9, 2012

Hearing opened at 7:00 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS AND THE PRESIDENT'S ZONING COMMITTEES, presiding.

All members were present.

This hearing is continued from October 24, 2011.

The following PETITION was the subject of the hearing:

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

Councillor Rowlands said they are in the process of moving forward to hire a consultant to help with this process. He said it is the right thing to do and will allow us to move forward. After the consultant is in place his goal is to wrap it up in two months to move forward to make the changes. He said there were 30 pages of changes that have been documented that need to be done.

No Councillors spoke.

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

HEARING ADJOURNED AT 7:05 P.M. AND CONTINUED ON MARCH 26, 2012 AT 7:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2012

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 7:38 P.M. to hold an informational meeting with John Richard for clarification on the Snow and Ice Expense Account and to hold a public forum.

Meeting reconvened at 7:45 P.M.

The following COMMUNICATION were 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-40 Dean J. Mazzarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in FY2012 in excess of the available appropriation in the amount of \$236,600.00 as authorized by Massachusetts General Law, Chapter 44, Section 31D.

## REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2012, continued

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

- C-41 Relative to the appropriation of \$2,000.00 to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-42 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Police Salary and Wages Account.

The following COMMUNICATIONS were received, referred to the LEGAL AFFAIRS COMMITTEE, GIVEN REGULAR COURSE and referred to the Comptroller and the Mayor.

- C-43 Dean J. Mazzarella, Mayor: Request that Massachusetts General Law Chapter 32B, Section 20 be accepted as added by Chapter 479 of the Acts of 2008.
- C-44 Dean J. Mazzarella, Mayor: Request that Massachusetts General Law Chapter 32B, Sections 21, 22, and 23 be accepted as added by Chapter 69 of the Acts of 2011. (Legal Affairs)

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE AND referred to the Planning Board, the Department of Public Works, the Building Inspector and the Health Department. A hearing was set for February 13, 2012 at 7:00 P.M. Vt. 9/0

- 28-12 Paul A. DiGeronimo, Johnny Appleseed Realty, LLC: Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by changing a portion of the property on Sawtelle Road, Montrose Street and Woodbury Road identified as Assessor's Map 523, Lot 14 from Commercial District to Residence B District.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE and given REGULAR COURSE.

- 29-12 New England Farm Worker's Council: Request permission to use the City Council Chambers on January 27<sup>th</sup>, February 24<sup>th</sup>, March 30<sup>th</sup> and April 20<sup>th</sup>, 2012 to take Fuel Assistance applications.

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

Emergency Management – EMS Unit – Daniel Johnson, Joseph Dumas

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)	\$ 3,585,786.00
Emergency Reserved Account	\$ 354,034.00
Stabilization Account	\$ 11,092,716.00

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

- C-35 Relative to the appropriation of \$5,000.00 to the Sealer of Weights & Measurers Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Sealer of Weights & Measurers Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

- C-36 Relative to the appropriation of \$140,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Forty Thousand Dollars (\$140,000.00) be appropriated to the Highway Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 5 "yeas" and 4 "nays"; Councillors Lanciani, Rowlands, Chalifoux Zephir and Freda opposed.

- C-37 Relative to the appropriation of \$5,000.00 to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9 "yeas"

- C-38 Relative to the appropriation of \$18,350.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

## REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2012, continued

ORDERED: - that the sum of Eighteen Thousand Three Hundred Fifty Dollars (\$18,350.00) be appropriated to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Building Rehabilitation

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.

22-12 National Grid and Verizon: Legate Hill Road-Relocate the jointly owned pole P31 on Legate Hill Road approximately 12 feet south of its current location.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITIONS were TABLED. Vt. 9/0

19-12 Aaron Kennedy, Leominster Police Department: Amend Section 13-88 of the Revised Ordinances entitled "Left turn prohibition" by deleting "Granite Street, eastbound to West Street westbound via cut off" and inserting "Granite Street, eastbound to West Street westbound".

20-12 Aaron Kennedy, Leominster Police Department: Amend Section 13-34 of the revised ordinance entitled "No parking on certain streets" by changing the no parking restriction on Granite Street, south side from "between the hours of 8:00 A.M. and 5:00 P.M." to "between the hours of 8:00 A.M. and 1:00 P.M. and 3:00 P.M. and 5:00 P.M."

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITIONS were given FURTHER TIME. Vt. 9/0

23-12 Joanne Dinardo and Patrick LaPointe: Approve a Stormwater Ordinance, which will provide reasonable guidance for site planning and for the control of pre and post-development stormwater runoff for protecting local water resources from degradation.

24-12 David Rowlands, James Lanciani, Jr., David R. Cormier, John Dombrowski and Robert Salvatelli: Adopt changes to the Leominster Zoning Ordinance Table of Uses for Boarding/Lodging Houses.

25-12 David Rowlands, James Lanciani, Jr., David R. Cormier, John Dombrowski and Robert Salvatelli: Adopt changes to the Leominster Zoning Ordinance regarding animal care.

Upon recommendation of the WAYS & MEANS COMMITTEE the following PETITION was GRANTED. VT. 9/0

C-39 Dean J. Mazzarella, Mayor: Request that Kerry A. Boudreau be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. She is currently employed by the City of Leominster's Comptrollers Office and will be taking a position for the City Clerk-Elections and Registration Office as an Election Officer.

Upon request of the WAYS & MEANS COMMITTEE, 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.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended by adding "effective date of January 1, 2012".

26-12 John W. Harmon, Human Resources Director: Create the title of Account Clerk with a salary of S-5 effective January 1, 2012, and add it to the City Ordinance's Classification of positions Section 16-34.

Upon recommendation of the COMMITTEE ON SCHOOLS, the following PETITION was GRANTED. Vt. 9/0

27-12 James Jolicoeur, Superintendent of Schools: Request that the City Council vote favorably on a Resolution authorizing the Superintendent submit to the Massachusetts School Authority a Statement of Interest.

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

Election Officers – Domenic Marcantonio, Kerry A. Boudreau, David R. Johnson,  
Anne M. Richard, Mary Anne Grady, Verna Charpentier, Susan  
Sanguinetti, Rita T. Trainque

Emergency Management – Admin Unit - Nancy Koski, Ellen Lydon-Oliveira  
Sheltering Unit - Rita Trainque

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 9, 2012, continued

Upon recommendation of the COMMITTEE ON SCHOOLS, the following RESOLUTION was ADOPTED. Vt. 9 “yeas”

### RESOLUTION

Resolved: Having convened in an open meeting on January 9, 2012, the Leominster City Council of Leominster, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated January 9, 2012 the following Accelerated Repair Program projects located at Bennett School 145 Pleasant Street Leominster, MA, Southeast Elementary School 95 Viscoloid Avenue Leominster MA and Fall Brook Elementary School DeCicco Drive Leominster MA which describes and explains the following deficiencies and the priority category(s) for which Leominster may be invited to apply to the Massachusetts School Building Authority in the future:

Priest School	Boiler Replacement
Southeast Elementary School	Boiler Replacement
Fall Brook Elementary School	Boiler Replacement
Southeast Elementary School	Gym Roof Replacement;

And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Leominster to filing an application for funding with the Massachusetts School Building Authority.

ADOPTED BY THE LEOMINSTER CITY COUNCIL  
JANUARY 9, 2012

/s/ Lynn A. Bouchard, City Clerk

/s/ Dean J. Mazzarella, Mayor

Upon request of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was given FURTHER TIME> Vt. 9/0

#### Appointment of Legal Counsel

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 23, 2012 at 6:55 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – amending Chapter 13, Section 77 of the Revised Ordinances entitled “Stop Signs” by inserting “Main Street, against westbound drivers at intersection with Electric Avenue.”

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 23, 2012 at 7:00 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance – amending Chapter 16, Section 34 of the Revised Ordinances entitled “Personnel” by adding Account Clerk, S-5, effective January 1, 2012.

Under New Business, Councillor Salvatelli asked if the Council had any authority over the Leominster Housing Authority. He said her heard that the 10<sup>th</sup> floor of the Main Street unit was being vacated for a private organization summit to come in for care.

Councillor Lanciani said no, we do not have any authority. He said he can appear before the Council but has not heard anything on that.

Councillor Marchand said he has heard rumors in his ward and has been before them before.

Councillor Salvatelli said he will contact Mr. Capoccia.

Councillor Chalifoux Zephir said there is a meeting January 11, 2011 at 6:30 at City Hall, Room 10 with neighbors from Priest and Allen Street. They want to create a Neighborhood Watch.

Councillor Freda said she received an email from the Mayor asking if the Councillors would be interested in looking at the progress of the Police Station. She said she would put some dates together to see what is good for everyone to go through the station.

Councillor Rowlands established a President's Zoning Committee meeting on January 18, 2012 at 6:45 P.M. and a Legal Affairs Committee meeting on January 18, 2012 at 7:00 P.M.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Mayor and the Comptroller to come down to the Council to discuss Communication #43 and #44. Vt. 9/0

MEETING ADJOURNED AT 9:32 P.M.

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