

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2012

Hearing opened at 6:48 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

The hearing was continued from February 13, 2012.

The following PETITION was the subject of the hearing:

31-12           Manoel Loka Leite: Grant a Special Permit to construct a single family dwelling on Elm Street as shown on Assessor's Map 535 as Lot 1B, located within the water supply protection district.

Councillor Rowlands said he received a letter from the applicant requesting the hearing be continued to March 12, 2012.

HEARING ADJOURNED AT 6:49 P.M. AND CONTINUED TO MARCH 12, 2012 AT 6:45 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 27, 2012

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

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

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

C-52           Relative to the appropriation of \$14,475.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

C-53           Relative to the appropriation of \$426,745.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Director of Inspections, the Department of Public Works, the Health Director and the Conservation Commission. A hearing was set for April 9, 2012 at 7:00 P.M. Vt. 9 "yeas"

36-12           Patrick McCarty, Agent for Friendly Lion Realty, LLC: Grant a Special Permit to demolish the existing building and replace it with a new three story bank, office and professional building located at 24 Monument Square, as shown on Assessor's Map 16 as Lot 9A, located within the flood plain.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

37-12           City of Leominster Labor Unions: Request the adoption of Chapter 32B, Section 19 in accordance with the Massachusetts General Laws.

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

38-12           Spindle City Pawnbrokers Inc., d/b/a Spindle City Precious Metals: Renew the Secondhand Dealer's License at 99 Erdman Way.

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

Emergency Management – Logistics Unit – David Nelson

Prospective Police Officers – Christopher L. Asmar, Brandon E. Fleming, Ny Mao

Fire Department – Permanent Firefighters – Joshua Adam Burdett, Jonathan James Williams

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)	\$ 2,913,566.00
Stabilization Account	\$ 11,092,716.00
Emergency Reserved Account	\$ 354,034.00

## REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 27, 2012, continued

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

C-47 Relative to the appropriation of \$150,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

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

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

C-48 Relative to the appropriation of \$11,000.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eleven Thousand Dollars (\$11,000.00) be appropriated to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

C-49 Relative to the appropriation of \$70,000.00 to the Wire Department Capital Outlay Expense Account: same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seventy Thousand Dollars (\$70,000.00) be appropriated to the Wire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0 The hearing is continued to March 12, 2012 at 7:00 P.M.

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0 The hearing is continued to March 12, 2012 at 6:45 P.M.

31-12 Manoel Loka Leite: Grant a Special Permit to construct a single family dwelling on Elm Street as shown on Assessor's Map 535 as Lot 1B, located within the water supply protection district.

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

32-12 Leominster City Council: Amend Chapter 22, Section 22-84 of the Leominster Zoning Ordinance entitled "Signs Permitted in Residence Districts" by adding a section for electronic message boards.

33-12 Roger Brooks: Amend Chapter 21, Section 21-11.1 of the Revised Ordinances entitled "Water User Rate Schedule" to increase the Base Charge and the Meter Water Charge rates effective April 1, 2012.

34-12 Roger Brooks: Amend Chapter 21, Section 21-22.3 of the Revised Ordinances entitled "Sewer User Rate Schedule" to increase the Base Charge and the Meter Sewer Charge rates effective April 1, 2012 and April 1, 2013.

Upon recommendation of the CITY PROPERTY AND THE PUBLIC SAFETY COMMITTEES, the following PETITION was AMENDED and given FURTHER TIME. Vt. 9/0 Amended to read Saturday, September 29, 2012 not September 22, 2012.

35-12 Richard M. Marchand on behalf of the Johnny Appleseed Festival Committee: Close off West Street from Main Street to St. Mark's Church, and from Park Street to Main Street. Close off Church Street and School Street in their entirety and close off the City parking lot located in the vicinity of School Street and West Street intersection, the City Hall parking lot and the City parking lot between the First Baptist Church and the First Church Unitarian on Saturday, September 29, 2012 between the hours of 5:30 A.M. and 6:30 P.M. to host the 19<sup>th</sup> Annual Johnny Appleseed Arts & Cultural Festival.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-50 Dean J. Mazarella, Mayor: Declare surplus a City owned parcel of land on Benham Street shown on Assessor's Map 410 as Lot 17.

## REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 27, 2012, continued

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

C-51 Dean J. Mazarella, Mayor: Request that John Rooney be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. He is currently employed by the Leominster School Department and will be taking a position for the Leominster Recreation Department as a referee for the youth basketball program.

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

2012 Election Officers – Evelyn Vignola, Jane Kalfus-Maine,  
Debra McNally, Deborah G. Hebert

A Legal Affairs Committee meeting was set for March 1, 2012 at 7:00 P.M.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Mr. LaPointe and Mr. Brooks to attend the Legal Affairs Committee meeting on March 1, 2012 at 7:00 P.M. to discuss Petitions #33-12 and #34-12. Vt. 9/0.

Councillor Rowlands said there is a meeting On February 29, 2012 at 7:00 P.M. The Mass. Taxpayers Association will hold a discussion regarding health care. He said it is an important issue that we are facing.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. Vt. 9 “yeas”. A hearing was set for March 26, 2012 at 6:50 P.M.

1st Reading Ordinance – amending 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.” (Legal Affairs Petition 19-12)

The following ORDINANCE was read once, ADOPTED as presented and ordered published. Vt. 9 “yeas”. A hearing was set for March 26, 2012 at 6:55 P.M.

1<sup>st</sup> Reading Ordinance – amending Section 13-34 of the Revised Ordinances 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.” (Legal Affairs Petition 20-12)

MEETING ADJOURNED AT 8:48 P.M.

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