

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012

Hearing opened at 6:30 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present except Councillor Salvatelli. Councillors Marchand and Dombrowski arrived late

The hearing was continued from January 23, 2012.

The following PETITION was the subject of the hearing:

21-12 Greg Chapdelaine, Purchasing Agent: Rescind the Leominster Ordinance Chapter 2B, Sections 2B-1, 2B-2, 2B-3 and 2B-4, "Preference for city residents on public projects".

Councillor Rowlands said they had a ruling from Kopelman & Paige recommending the City not have this section and that it could be challenged. Kopelman & Paige had concerns about constitutionality. He said there are two questions that went to Kopelman & Paige for an opinion. The first, if there could be some wording that would allow the City to have some form of residency requirements that would hold up to a potential challenge in court. The second is the Fire Department and Police Department have requirements that they cannot live out of State yet that is constitutional. How can they have such a ruling and we cannot have a residency requirement.

A letter from Brian Riley from Kopelman & Paige dated December 27, 2011 was read. This letter is on file in the City Clerk's Office. A portion of a letter from Brian Riley dated February 10, 2012 was read and is on file in the City Clerk's Office.

Mr. Rowlands said this was originally submitted by the Mayor in 1994 and passed in 1996. He said there was an opinion raised then by Kopelman & Paige as to the legality if it was challenged in court and whether it would be constitutional. He said HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012, continued

information has been received from the same people that challenged Fall River and Worcester. He said they would be interested in challenging Leominster.

Councillor Rowlands said regardless how this turns out there is no question that the reality of it is that it did have a positive impact at the high school. There are more City employees working there than would have been if this Ordinance wasn't in place.

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

Roger Vautour of 78 Revolution Drive spoke in opposition. He said now that it was brought to the Council to be repealed local people will now lose an opportunity. He hopes for a policy with a satisfactory intent to what was stated 16 years ago. It is unfortunate that we cannot help more people around here.

Ray Bissonnette of 158 Adams Street said he sits on the Advisory Board at the trade school for the carpenters and talks with the students all the time. This will affect the trade schools in the area. He said because of this ruling we are under the microscope by other towns and organizations. He said if there is a way to get proper language in place we can make this work.

Mr. Chapdelaine said he asked Kopelman & Paige if he should be enforcing this Ordinance in current contracts. Mr. Chapdelaine said he has a letter saying no.

Councillor Rowlands said it is possible to resubmit new petitions either by the Council or by someone in the community.

Councillor Chalifoux Zephir asked if anyone came up with information about other communities that might have a policy in place of the hiring residents.

Councillor Rowlands said there is a reference by Kopelman & Paige that is not favorable of a policy format.

Councillor Dombrowski said Kopelman & Paige was concerned that a written policy could be construed the same way as the Ordinance. He said if you have an oral policy in place or just an all things being equal we're going to give the bid to someone who is giving more jobs to Leominster residents then that could be construed differently. As far as a written policy, the feedback he got, was consistent with the letter that it could be mistaken as being an Ordinance or a quasi Ordinance.

Councillor Rowlands read a section, which pertained to Councillor Dombrowski's statement, from the February 13, 2012 letter from Kopelman and Paige which is on file in the City Clerk's office.

Councillor Freda said she liked Mr. Bissonnette's idea of looking into this further. She said she is still a firm believer that you have a major project within your community that is into the millions of dollars, if we have local professionals able to participate and they are footing the bill they should be hired. She said she really would like to make sure they exhaust all efforts.

Councillor Rowlands said he wants to close the hearing so a vote can be taken. He said it would be better to start from scratch and come up with something better. The Ordinance has never been enforced. He said he would love to see the unions come forth with something that they can prove is going to be able to stand up in court and let them present it. He said we all want to have local people doing local work at some level. Councillor Rowlands said he would like to close the hearing and vote on it tonight.

Councillor Lanciani said back in the early 90's this was a bone of contention with the City when they did anything with Purchasing. Councillor Lanciani said he had no problem closing the hearing.

Councillor Chalifoux Zephir and Councillor Nickel said she had no problem closing the hearing.

HEARING ADJOURNED AT 7:08 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012

Hearing opened at 7:08 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present except Councillors Salvatelli and Marchand.

Present at the hearing were the applicant Mr. Leite and Kent Oldfield of SRA & NE Engineering Group.

The hearing was continued from February 27, 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.

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012, continued

Introduced and made part of the record were the following:

- A. Petition #31-12 submitted by Manoel Loka Leite, 24 Gevry Circle, Leominster, MA, with accompanying Abutters List and Map with a revision date of January 1, 2010, a Soil Absorption Design Plan prepared by William Scully, Registered Civil Engineer, SRA & N.E. Engineering Group, 601 Shea Street, Fitchburg, MA dated 12/15/2011 with a revision dated of 1/3/12.
- B. Notice of the public hearing published in the Sentinel & Enterprise on February 13, 2012 and February 20, 2012.
- C. Letter of recommendation from the Director of Inspections, the Health Director and the Planning Board.
- D. The following comments were received from the Conservation Commission: "The site appears to be under the jurisdiction of the Conservation Commission as granted by MGL CH 131 § 40 The Conservation Commission will review this project with regards to wetlands protection, stormwater management and drainage. The original plans did show that the driveway was within an area that is jurisdictional under the Wetlands Protection Act. The Commission has requested that the applicant file a request for determination. The site is steeply sloped with the topo map showing the front of the lot at 780' and the location of the house will be at between 820 and 840'. We would ask that the applicant provide for Stormwater runoff mitigation measures during and after construction. We encourage the use of best management practices to capture Stormwater and enable infiltration on site. There are no storm drains located on Elm Street."
- E. The following comments were received from the Department of Public Works: "Before we can complete our review a few things are required from the applicant per City of Leominster Zoning Ordinance Chapter 22, Article VI, Section 22.41.6. The applicant will need to provide a site plan showing grades, the proposed house and impervious areas, etc. Once we receive this information, we will finish our review of this Petition and offer our approval or disapproval."

Councillor Rowlands read the recommendations which are on file in the City Clerk's Office.

Mr. Oldfield, representing Mr. Leite, said the applicant proposes a house on Elm Street. There is a brook, a Mass. Electric easement for the power lines on one side of the property. He said the abutter on the left is Michael Piermarini. He said they have spoken to him and is okay with this project. He said the site is being serviced by a well, public water supply and a septic system. The septic system will be infilled which will slope in the same direction as the slope exists today. There is a small detention sedimentation basin as requested by the Conservation Commission and the DPW. He said all work will be done outside the 100 ft. buffer zone as well as the 200 ft. riverfront area.

Councillor Rowlands said the Conservation Commission is suggesting in their recommendation to us that the sight appears to be under the jurisdiction of the Conservation Commission and you are saying it is not?

Mr. Oldfield said the original plan that we had came up the existing cart road and went over, now we moved everything out of the buffer zone. He said he have no problem going before Conservation.

Councillor Rowlands asked if the recommendation received from the Conservation Commission was from the old drawings or the new drawings.

Mr. Oldfield said it may be on the old drawings.

Mr. Oldfield said there is hay bales and silt fence. The lost size is 130,000 square feet. The impervious area of the rooftop and driveway is about 5,000 or 4% of the entire lot. The total disturbance is 26,000 s.f. or 20% of the lot.

HEARING ADJOURNED AT 7:23 P.M. and CONTINUED TO APRIL 23, 2012 at 7:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012

Hearing opened at 7:23 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present except Councillor Salvatelli. Councillor Marchand arrived late.

The hearing was continued from February 13, 2012.

The following PETITION was the subject of the hearing:

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.

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012, continued

Councillor Rowlands read a letter dated February 26, 2012 from Lawrence Tibert. He said the letter was originally written to the office of the Planning Department.

Lawrence S. Tibert  
 46 Sawtelle Road  
 Leominster, MA 01453  
 978-201-1965  
 ltibert@verizon.net

February 26, 2012

Office of Planning and Development  
 25 West Street  
 Leominster, MA 01453

CITY CLERK'S OFFICE  
 LEOMINSTER, MA

2012 FEB 28 A 8:42

Attention: Kate Griffin-Brooks

Re: Rezoning Petition, Paul DiGeronimo (City Council Petition # 28-12)  
 Sawtelle Road, Woodbury and Montrose Streets

I have become aware that a Planning Board hearing to address the above referenced petition has been scheduled for March 6, 2012. Unfortunately, I will be away on business but respectfully request that my comments be included in these proceedings.

My wife and I purchased the single family home located at 46 Sawtelle Road on September 29, 2010, the first of two newly constructed houses on the street.

Prior to the purchase, we were told the area was to be developed as follows:

- Sawtelle Road would consist of twelve single family residences similar to ours. This seems to be reflected in the subdivision plan modification (2009) that calls for six single family homes to be built on each side of the street.
- We were told that there were no plans for the development of the wooded lot to the east of our property beyond the "paper street" that separates us from the lot owned by Mr. DiGeronimo.
- Richard Road was to be developed as owner-occupied condominiums. These units are currently advertised as rental units as evidenced by the newly installed sign at the corner of Central Street and Richard Road.

I am very concerned that the neighborhood I originally bought into, at a cost in excess of \$330,000, is not becoming the neighborhood as portrayed to me prior to purchase. I understand that Mr. DiGeronimo intends on creating more rental property by way of three duplex-style buildings in his latest rezoning request. This causes me to also question whether the plans for ten more single family homes on Sawtelle Road will also be scrapped and I will become surrounded by large duplex-style rental property. The placement of rental units in such close proximity, where the tenants have no vested interest in the property or the community, would negatively impact the value of my home.

The 37,800 square foot lot owned by Mr. DiGeronimo, contains a wedge zoned as Residence B. It does not appear that this parcel is a viable building lot and is virtually unusable in any commercial application, thereby, making rezoning of the remainder necessary for full development of the property. Please note that I am fully opposed to any rezoning of the residential portion to commercial as this piece provides a small buffer zone nearest my property.

This matter has been ongoing for approximately one year. It should be known that in 2011 and, as recently as February 21, 2012, Mr. DiGeronimo stated that should the parcel remain commercial, he intended to place storage units on the land. Previously, he has mentioned placement of a gasoline station. I take this as an effort on the part of Mr. DiGeronimo to gain abutter's support of his plan for duplex-style rental property as the "lesser of two evils".

In telephone conversations on February 15 and 21, 2012 with Mr. DiGeronimo, I expressed my displeasure with this matter and told him I would support rezoning that would include only owner-occupied single family homes similar to mine. I hope he is considering my proposal.

Please take my concerns into consideration in making your decision regarding this matter.

Sincerely,

  
 Lawrence Tibert

cc: Leominster City Council Members, Planning Board Members

Councillor Rowlands read the recommendations from the Planning Board, the Director of Inspections, the Department of Public Works and the Health Director.

Stephen Mullaney of S.J. Mullaney Engineering said the parcel in question is split zoned which is part Residential and part Commercial. The zoning district line was placed after the property was created and under the Zoning Ordinance when that occurs the property owner has the option of shifting that zoning district line 30 feet in either direction, whichever is more favorable to the property owner. In this case if the property owner were to shift the 30 foot distance towards the residential area he could make the entire property Commercial and develop it Commercial. If he shifted the 30 foot distance in the opposite direction he would have enough room to place one duplex structure and he could develop the remainder of the lot Commercial.

Mr. Mullaney said the petitioner will respect whatever decision the City Council makes but intends to make use of the property and not necessarily left for open space. He said in regards to the letter read from the neighbor, the provision of storage was something that has been discussed for several years. It goes back to the original Master Plan with the Southend Woods development six or seven  
 HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2012, continued

years ago. He said the idea was that people living in townhouse units might need more storage space for their goods and having a storage facility nearby might be accommodating to them.

Councillor Rowlands said regarding duplexes in a Residential B district, are talking 3 duplexes and 6 units?

Mr. Mullaney said at most. He said Mr. DiGeronimo is not necessarily committed to 3 duplexes, it could be 2 single families and 1 duplex or 4 duplex units and 1 single family.

Councillor Rowlands asked if there was a desire for Residence A for this project.

Mr. Mullaney said Residence A would require another petition because it would have different criteria. He said Mr. DiGeronimo would consider it.

Councillor Chalifoux Zephir asked if the wedge of land that is currently zoned Residential, how many feet is that across the bottom?

Mr. Mullaney said approximately 50 feet across the bottom.

Councillor Chalifoux Zephir asked if his client would have the opportunity to just move 30 feet?

Mr. Mullaney said correct.

Councillor Cormier asked what would the access be to the proposed bottom duplex property?

Mr. Mullaney said the access would be either from the bottom of Montrose Street or the end of Woodbury.

Councillor Freda said one of the pieces missing is in Residence B which would also allow an apartment building. She said at the Planning Board meeting we listened to what is right and what is wrong for that area. People bought there home knowing that there is a Commercial piece of property close by and they felt safe with a Commercial piece of property because that is what they expected when they bought their property. She said she doesn't know how much more they would be expected to take in terms of changes and zoning changes. She said she has concerns about a change.

John Albert of 11 Sawtelle Road said he lives kitty corner to the proposed zoning change. He said he bought his house in 1977 and has seen a few changes in that area. He said it was Commercial property when he bought it. The Vaillette house, on the corner of Sawtelle, kitty corner in the opposite direction was removed years ago. A pharmacy was built, then closed and another pharmacy was put in and that closed. Now a Dollar Tree is there. Behind that there was a construction storage unit for 8-10 years that closed and now it is a sports athletic center. To the other side of him is Century 21 and where the barn use to be there is a doctor's office and parking lot. He said he is basically surrounded with Commercial and does not have a problem with it, they have been very good neighbors. He said at any time that could change. This little piece of property that they are trying to change, if that stays Commercial his house is worth more. Unless it goes to Residence A, he can't support it. That is not in front of us and he is not in favor of the petition changing it to Residence B.

Councillor Rowlands said giving the concerns of the residence and the abutters and the potential difference between Residence B and Residence A, the best resolution would be Residence A. He said if the petitioner wants us to vote on it we will vote, if they want to do a reconsideration of Residence A and give this petition Leave to Withdraw that would be accepted.

Councillor Lanciani said he agrees with Councillor Rowlands.

Councillor Freda said she walked the site with Mr. Di Geronimo and she asked him about Residence A. She said Mr. DiGeronimo didn't think it was economically in his best interest to do Residence A or that is what he would have been applying for.

Councillor Chalifoux Zephir said she has a problem with Residence B also.

HEARING ADJOURNED AT 7:47 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2012

Meeting was called to order at 7:31 P.M.

Attendance was taken by a roll call vote; all members were present except Councillor Salvatelli. Councillor Marchand arrived late.

The Committee on Records reported that the records through February 13, 2012 were examined and found to be in order. The records were accepted.

REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2012, continued

A recess was called at 7:32 P.M. to continue the hearing, hold the public forum and hold interviews with prospective Police Officers.

Meeting reconvened at 8:00 P.M.

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

- C-54           Relative to the appropriation of \$175,848.00 to the Public Works Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-55           Relative to the appropriation of \$2,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-56           Relative to the appropriation of \$2,000.00 to the Cemetery Overtime Account; same to be transferred from the Emergency Reserve Account.
- C-57           Relative to the appropriation of \$2,000.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.
- C-58           Relative to the appropriation of \$4,500.00 to the Health Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-59           Relative to the appropriation of \$6,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-60           Relative to the appropriation of \$61,000.00 to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Treasurer and Assessor. A letter will be sent to the Mayor asking if an appraisal was done.

- C-61           Dean J. Mazarella, Mayor: Authorize the Mayor to acquire, by purchase, gift, and/or eminent domain, for general municipal purposes and on such terms and conditions as the Mayor deems appropriate, the parcel of land with improvements thereon located at 21 Franklin Street and described in a deed recorded with the Worcester North District Registry of Deeds in Book 7470, Page 287.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Public Works Director and the Wire Inspector. A hearing was set for March 26, 2012 at 6:35 P.M. Vt. 7/0, Councillor Cormier abstained due to a possible conflict of interest.

- 39-12           National Grid and Verizon New England, Inc.: Merritt Street – Install 1 jointly owned pole on Merritt Street beginning at a point approximately 20 feet south of the centerline of the intersection of Monroe Street.

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

- 40-12           John W. Harmon, Human Resource Director: Create the title of Head Administrative Clerk with a salary of S-5 and add it to the City Ordinance “Classification of positions,” Section 16-34.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Health Director, the Conservation Commission, the Building Inspector and the Fire Department. A hearing was set for April 9, 2012 at 6:35 P.M. Vt. 8/0

- 41-12           Lucien M. DiStefano, Agent for Amerada Hess Corp.: Amend the underground storage license for the property located at 482 Main Street to increase the capacity of the underground storage tanks from 30,000 gallons to 40,000 gallons.

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

- 42-12           Christopher Rivard: Grant a Transient Vendors License for the sale of flowers and plants in April and May 2012.

The following RE-APPOINTMENT was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Board of Registrars – David L. Higgins, Jr. – term to expire April 15, 2015

REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2012, continued

Councillor Freda, Clerk 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)	\$ 2,666,218.00
Stabilization Account	\$ 11,092,716.00
Emergency Reserved Account	\$ 350,034.00

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

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.

ORDERED: - that the sum of Fourteen Thousand, Four Hundred Seventy Five Dollars (\$14,475.00) be appropriated 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.

ORDERED: - that the sum of Four Hundred Twenty Six Thousand Seven Hundred Forty Five Dollars (\$426,745.00) be appropriated to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

Councillor Freda read a letter from the Department of Elementary and Secondary Education into the record:



**Leominster Public Schools**  
 24 Church Street, Leominster, MA 01453  
 Telephone: 978.534.7700 Fax: 978.534.7775

**James R. Jolicoeur Superintendent of Schools**

February 15, 2012

To: Mayor Dean Mazzearella  
 From: Jim Jolicoeur  
 Subject: FY 2011 Net School Spending

The completion and submission of the FY 2011 end of year report has concluded that the district did not meet the net school spending threshold set by the Commonwealth. I have attached a letter received from the Commissioner of Education regarding this notification.

Based on our previous conversations you indicated you would like the request for the funds to be supported by a list of planned expenditures. Below is a list of recommended expenditures that were approved by the Finance Subcommittee on Monday, February 6, 2012.

**FY 2012 Net School Spending (NSS) Recommended Expenditures**

1. Library and Inventory Software – Destiny software - Follett

This is the district-wide library software that controls the inventory of library books and the accounting of books being check-out and returned to the library by students and staff. The existing software is not being supported to run on current operating system standards. The software will also provide interfaces to link library/media resources to common core standards and provides a module for the inventory of textbooks and instructional technology devices.

This expenditure was no included in the FY 2012 budget.

Destiny software purchase.....	\$76,758
Server to run Destiny.....	5,655
Desktops for circulation desks.....	4,550
<b>Total.....</b>	<b>\$ 86,963</b>

2. Photocopier lease payment

The need to address the photocopier situation is addressed under a separate agenda item. This is a projected amount that would be needed to cover the lease payment if the finance subcommittee and subsequently the school committee approved the lease to inject some new hardware into the aging fleet of photocopiers presently in the school buildings and central office. The new machines would be configured to promote document management through smarter printing, networked scanning and printing, and scanning to PDF for management and distribution of documents via email.

Projected total of lease payments through June, 2012..... \$ 41,970

3. Classroom projection technology

This expenditure is a lump sum expenditure for the installation of interactive projectors for curriculum support in classrooms, including software, cables, and installation.

Per unit cost is \$2,465 and 35 units have been budgeted for a total of \$ 86,275

4. Acer Tablet computers

This expenditure is for the acquisition of Acer tablet computers for piloting these computers in administrative and classroom environments.

Per unit cost is \$550 and 50 units have been budgeted for a total of \$ 27,500

5. Replacement Servers

Expenditures for servers to replace existing equipment are critical for ongoing investment in the network infrastructure and to continue to enhance the network for future support of student electronic portfolios.

Per unit cost is \$5,653.62 and 10 units have been budgeted for a total of \$ 56,537

6. Textbooks and related instructional materials for common core standards upgrade - Mathematics

Curriculum Materials - Estimated on review of three different publisher sets.

Per Classroom Cost:

Teacher materials	\$ 400
Student materials \$85/student x30	\$ 2,550
Classroom materials (manipulatives)	\$ 550
Total per class.....	\$ 3,500
\$3,500 X15 classrooms.....	\$ 52,500

7. Textbooks and related instructional materials for addition of World History curriculum to Leominster High School program of Studies

Estimated cost of textbooks and related materials \$ 75,000

**Total request for Net School Spending.....\$426,745**

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was DENIED. Vt. 7 “yeas” and 1 “Nay”; Councillor Lanciani opposed.

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. 8/0. A hearing was set for April 23, 2012 at 7:00 P.M. Councillor Rowlands requested the updated plans be resent to the Conservation Commission and the Department of Public Works for another recommendation.

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 COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0

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.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 8 “yeas” Amended by removing “1<sup>st</sup> Step -4 Units to 40 Units \$3.35 per Unit” and “2nd Step – Over 40 Units \$3.90 per Unit” and inserting “4 Units and Over a charge of \$3.48 Per Unit - Effective 4/1/2012”.

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.

A letter from the Mayor was read in support of the increases. The letter is on file in the City Clerk’s Office.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 8 “yeas” Amended by removing “1<sup>st</sup> Step – 4 Units to 40 Units - \$3.60 per Unit Effective 4/1/2012” and “\$3.80 Per Unit Effective 4/1/2013” and “2nd Step – Over 40 Units - \$4.20 per Unit Effective 4/1/2012 and \$4.50 per Unit Effective 4/1/2013” and inserting “\$3.75 per Unit Above the Base Consumption of 3 Units Effective April 1, 2012” and “\$3.97 per Unit Above the Base Consumption of 3 Units Effective April 1, 2013”.



## REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2012, continued

- 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 request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. A hearing is scheduled for April 9, 2012 at 7:00 P.M.

- 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. (Hearing set for April 9, 2012 at 7:00 P.M.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 8/0. It was requested that Brian Masur of Kopelman & Paige summarize Section 19 for the Council.

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

Upon recommendation of the CITY PROPERTY AND PUBLIC SAFETY COMMITTEES, the following PETITION was GRANTED. Vt. 8/0

- 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 WAYS & MEANS COMMITTEE the following PETITION was GRANTED. Vt.8/0

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

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

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

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

2<sup>nd</sup> 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 – Hearing set for March 26, 2012 at 6:50 P.M.)

2<sup>nd</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 - Hearing set for March 26, 2012 at 6:55 P.M.)

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for April 9, 2012 at 6:50 P.M. Vt. 8 "yeas"

1<sup>st</sup> Reading Ordinance – Amend Chapter 22 of the Leominster Zoning Ordinance by inserting the definitions for Kennel, Pet Services and Veterinary Hospital/Office and further amending Section 22-26 Table of Uses by inserting under Business Uses the following:

Uses	RRA	RAA	RB	RC	BA	BB	C	I
Kennel	SPPB/SPA	N	N	N	N	N	N	SPPB/SPA
Pet Services	N	N	N	N	Y	Y	Y	Y
Veterinary	SPPB	N	N	N	SPPB	SPPB	SPPB	SPPB

## REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2012, continued

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for March 26, 2012 at 6:40 P.M. Vt. 8 “yeas”

1<sup>st</sup> Reading Ordinance – Amend Chapter 4 of the Revised Ordinances entitled “Building” by inserting a new subsection, Article I Section 4-2.12 relative to the adoption and purpose of the Stretch Energy Code.

In accordance with Section 3.6 of the Leominster City Charter, a vote was taken to request the Mayor to send down the Administrator of the Downtown Community Development to give an update of the efforts to revitalize the downtown community.

In accordance with Section 3.6 of the Leominster City Charter, a vote was taken to request the Mayor attend the first City Council meeting of every month until the end of the year to give the Council an update on what is going on in the City. If there are any question they will be forwarded to him in advance.

Under New Business, Councillor Freda reminded the Council of the Massachusetts Municipal Councillors Association Dinner at the College of the Holy Cross, March 21, 2012 at 6:00 P.M.

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 8/0. Committee reports as follows:

21-12 Greg Chapdelaine, Purchasing Agent: Rescind the Leominster Ordinance Chapter 2B, Sections 2B-1, 2B-2, 2B-3 and 2B-4, “Preference for city residents on public projects.” GRANTED. Vt. 8 “yeas”

A letter from Kopelman and Paige dated December 27, 2011 was read and is on file in the City Clerk’s Office.

MEETING ADJOURNED AT 8:25 P.M.

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