

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012

Hearing opened at 6:37 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to 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."

Councillor Rowlands said we asked for a recommendation from the Police Department and he received a note today saying they cannot make it to the hearing. They will be able to attend the April 23, 2012 meeting. He said there are questions from the Council regarding the time this ordinance would be in effect.

Councillor Marchand asked if there is a status report from the school on this. Is it really an issue or are we making more of an issue than it really is?

Councillor Rowlands said there were several options tried. He said it was a big deal at one point. He said there has been a little change in status with the fence being moved near the science wing, which is the biggest blockage to the driveway in and out of the school. He said he doesn't know if it is as big of an issue as it was before.

Councillor Salvatelli said forget the students, hypothetically, I live on Granite Street and I go out at twelve at night on Sunday to get some milk and I want to take a left. I can't take a left, I have to take a right. It isn't just the students it's the residents there. The school is open 180 days a year from 7:30 A.M. to 2:30 P.M., that's just one issue. It's not just the school itself.

Councillor Rowlands said the restaurant on West Street makes it worse. The driving force on this is the high school.

Councillor Salvatelli said I don't go along with 24/7 but will go along with just during school hours. I would agree on 7:30-8:00 or 9:00 no left turns and at the end of the day no left turn during school time Monday through Friday.

Councillor Marchand agreed. He doesn't want the School Department to spend any money on police support for traffic, he would rather them put it into the building. He said West Street from 6:50 A.M. to 7:40 A.M. is pretty busy and then slows down significantly.

Councillor Freda asked if there has been a traffic study in that area.

Councillor Salvatelli said not for years.

Councillor Freda said she would go along with having a traffic study done and have the police determine exactly why they are requesting that. That restaurant does make a difference and sending them down Hall Street is going to be a bigger issue.

Councillor Salvatelli said he and Councillor Marchand put in a request to the police to have a traffic study about 5 years ago. A study was done for speed. He said he never checked on how many cars. A traffic study probably would be helpful.

Councillor Rowlands said it is not an issue only for high school traffic which is the driving factor here. This would be a temporary fix while construction is going on.

Councillor Nickel suggested to ask the two Ward Councillors who are most involved with it suggest a period in the morning and in the afternoon, send a letter to the school department and see how they feel about the hours and send a letter to the traffic division which will give them time to look at the dates and times to form an opinion before they come down on April 23, 2012.

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

HEARING ADJOURNED AT 6:57 P.M. and CONTINUED TO APRIL 23, 2012 at 7:10 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012

Hearing opened at 6:58 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

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.

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012, continued

Councillor Rowlands said there are three existing 10,000 gallon single wall steel underground storage tanks at the Hess station and the proposal is to install two new 20,000 gallon double walled fiberglass underground storage tanks as replacements. He read the recommendations from the Director of Inspections, the Fire Chief, the Health Inspector, the Nashua River Watershed and the Conservation Commission.

Luke DiStefano of Bohler Engineering said this is more of a maintenance request. He said there are some new regulations coming that require all single wall steel tanks to be removed and taken out of service by August 2017. What Hess is doing is being proactive and looking at sites where they still have single walled tanks and replace them early instead of waiting until the deadline. He said this is a simple removal and replacement of the entire fuel dispenser system. They will be removing three 10,000 gallon single wall steel underground storage tanks, removing all of the existing product piping, the vent lines, the vapor recovery and the dispensers. The existing islands will be demolished and removed along with the fuel dispensing mat and concrete tank mat. He said once removed they will be replaced with two 20,000 gallon double walled fiberglass underground storage tanks, the piping will be all double walled fiberglass piping, new state of the art dispensers, new islands, new concrete island mats and new concrete tank mats. This will be a complete revamp of the existing fuel dispensing system. The rest of the facility will remain unchanged.

Mr. DiStefano said this property was redeveloped in 2001-2002 when Hess removed the small kiosk beneath the canopy and replaced it with the existing Hess Express. This project is just relative to underground storage tanks and the fuel dispensing system. He said they have an Order of Conditions from the Conservation Commission due to the work being done in proximity to the Nashua River. He reviewed the conditions with Amerada Hess and they have no concerns with the conditions. They are looking to move forward on this as soon as possible.

Councillor Rowlands asked if the tanks were replaced in 2001.

Mr. DiStefano said no.

Mr. Rowlands said he knows the Council's jurisdiction is just the underground storage tanks but the layout of that business is a disaster. It is a traffic nightmare in and out of that place. He said one of the things that is relevant to this discussion is the truck coming in and having to close down at least one if not two lanes for pumping gasoline which backs traffic up. Everything is jammed in to make room for the store and he wished that wasn't the case. He said it makes our worse intersection in town even worse.

Councillor Rowlands asked if they were shutting everything down during construction.

Mr. DiStefano said everything will be shut down from the start of construction until it is completed which will be approximately six weeks without issues.

Councillor Rowlands asked if they would be putting up a big fence with signs.

Mr. DiStefano said correct. There will be no mistaking that the site is closed and under construction.

Councillor Rowlands asked if the tanks are going in the same location.

Mr. DiStefano said they will be going in the same exact location.

Councillor Rowlands said so there will still be a delivery problem when the truck comes in.

Mr. DeStefano said correct.

Councillor Rowlands asked if it was going to be a bigger truck delivering.

Mr. DiStefano said no, it will be the same size truck.

Councillor Rowlands asked if that is the best they can do.

Mr. DiStefano said they have looked at it but unfortunately there are other restrictions as to where the tanks can go. Obviously removing them and replacing them in the existing tank hole is the most economical and requires the least amount of material removal and replacement. He said Bohler was involved in the redesign of the facility back in 2001. The building was relocated, however, the canopy and dispensers, the UST's and product piping all stayed. They had to settle for a very small convenient store as far as their chain is concerned. They feel that that is still the best place for the tanks. In 2001 they did eliminate a dispenser for better ease when the truck comes in and out.

Councillor Chalifoux Zephir asked if the plan included any change in the number of gasoline dispensers.

Mr. DiStefano said no.

Councillor Chalifoux Zephir asked if they are increasing the net storage by 10,000 gallons.

Mr. DiStefano said correct.

Councillor Chalifoux Zephir asked how many deliveries per day or per week.

Mr. DiStefano said you're probably looking at 4-6 a week, but may be reduced to one depending on the demand.

Councillor Lanciani asked at what time the deliveries are currently being made.

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012, continued

Mr. DiStefano said when needed. They will not be made during peak hours, 7 A.M. to 9 A.M. and 4 P.M. to 6 P.M. He said he can't say it will never happens, obviously if they have a tank that needs to be filled a truck will come. Hess does not want their tanker trucks on site anymore than patrons or City staff do during peak hours.

Councillor Lanciani asked what if we condition it to be after 9 P.M. in the evening.

Mr. DiStefano said he has seen that but it becomes an issue with neighbors and abutters. He said he believes this is not a 24 hour site. They want an attendant on site when the product is dropped. It can significantly hamper the fuel deliveries to the facility and cause problems with having to shut down pumps. If you have to shut down pumps that can lead to more traffic issues with folks coming in and leaving or driving to other dispensers. If there is going to be a condition made relative to restricting deliveries we ask that it be to restrict to peak traffic hours 7-9 A.M. and 4-6 P.M.

Councillor Marchand asked if they would be dealing with diesel fuel at this location.

Mr. DiStefano said not at this location.

Councillor Marchand said you mentioned the new laws coming in 2017, is that for gas stations?

Mr. DiStefano said yes. He said the official date is August 17, 2017.

Councillor Marchand agreed with Councillor Rowlands, it is a nuisance.

Councillor Nickel says he avoids the place. He said the later in the evening for deliveries would be better.

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

Councillor Rowlands said he would like to check to see what kind of conditions they can put on this license.

Councillor Freda said she finds all the same issues of concern now as she did when she was talking about the Hess station when it was being built. She said it was a disaster when it first opened and still continues to be an issue. She said there were major issues when it first opened and there was total cooperation on Mr. DiStefano's part and Hess.

Councillor Rowlands read an excerpt from the minutes of the meeting when this was approved. "Councillor Salvatelli asked how adding a convenient store will improve the traffic flow and asked if it would create more traffic. Mr. Lombardo said there will be a better flow of cars under the canopy once the kiosk is removed because right now there is confusion as to where to park. He said while they are not adding many more items to what they sell there they are adding floor space. He said they are targeting existing customers."

Councillor Rowlands said to the Ward 4 Councillor your question was to the heart because there is no way on this earth that the traffic got better with the addition of this store. He hopes that Mr. DiStefano will go back to Hess and try to get something better.

HEARING ADJOURNED AT 7:28 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MARCH 26, 2012

Hearing opened at 7:28 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending 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

Councillor Rowlands said this is an attempt to clean up the definitions in our current zoning.

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

No Councilors spoke.

HEARING ADJOURNED AT 7:29 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012

Hearing opened at 7:40 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The following PETITION was the subject of the hearing:

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.

Introduced and made part of the record were the following:

- A. Petition 36-12 submitted by McCarty Engineering Inc., 42 Jungle Road, Leominster, MA with accompanying plan entitled "Site Plan Approval Documents Rollstone Bank & Trust" prepared by Patrick McCarty, Civil Engineer, McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA dated February 15, 2012. Also included were an Abutter's Map and a Certified List of Abutters.
- B. Notice of public hearing published in the Sentinel & Enterprise on March 26, 2012 and April 2, 2012.
- C. Positive recommendations were received from the Planning Board, the Building Inspector, the Department of Public Works, the Health Director and the Conservation Commission

Councillor Rowlands read the recommendations. He also read a letter from Wendy Wiiks, the Grant Writer, which is on file in the City Clerk's office.

Patrick McCarty said he is representing both parties. He said they have been before the Planning Board for Site Plan Approval and the Conservation Commission for an Order of Conditions. They are here for the Special Permit for the flood plain which is the last permitting step in this project short of the Building Permit and the Demolition Permit.

Mr. McCarty said there would be a complete reconstruction of the site. They will be taking down the existing Friendly's building, the existing parking lot will be removed, all the utilities will be disconnected, basically everything from the edge of curb that is currently closest to the brook towards the Monument Square area will be removed and fully reconstructed. The building itself is going back essentially in the same footprint and will be three stories opposed to the single story that is there now. The first story will be bank uses as well and the majority of the second. The third story will have a community room and rental office space. The work within the flood plain is limited from the elevation of 396 feet contour which is the limit of the 100 year flood plain, downgrading towards the brook which is under the jurisdiction of the permit they are requesting.

He said as part of the Greenway Project there was a new curb line that is to be installed along the existing Friendly's parking lot and all the improvements from that curb line to the brook would be completed by the City. He said that Clarissa Rowe, of Brown and Rowe in Boston, came up with setting the granite curb as the boundary between the two projects and put it into Rollstone's project so as they are doing the construction they will demolish the building etc. and site improvements and install the curb line that is on the southern section of the plan in an elbow shape. He said we'll install that curb line and will build everything from the curb line towards Monument Square and now the City won't have the expense of that curb line. They can take that money and do the rest of the work from the curb line to the brook. Clarissa also helped him put together a landscaping plan to make sure both projects were fluid and have a common theme.

Mr. McCarty said they have done a detailed drainage analysis. He said they went above and beyond the 10 standards of the Massachusetts Stormwater Guidelines. Currently the water from the roof of the existing Friendly's building is piped directly out to the brook. This plan shows that the rainwater will go into the underground infiltration chambers below the parking lot. It will be detained, infiltrated and only the overflow will go to the brook which reduces the amount of hot water coming of the rubber roof going directly to the brook.

Mr. McCarty said the building is outside the 100 year flood plain. The grade is going to be maintained as they are now. The one change to the grading is driven by ADA Compliance. If you are pulling into the site now from Monument Square you cross the concrete sidewalk and the pavement starts sloping down immediately towards the guardrail in the back. That slope is currently more than the maximum that is allowed under the ADA and Architectural Access Board regulations. He said the curb cut, the sidewalk stayed the same and they took the grade in the back sidewalk and came in with 2% which is the maximum allowed and then dropped to catch up with the existing grade. So we flattened it out and then in drops down. He said the flood plain encompasses the whole parking lot and Brown and Rowe will tweak the grading on the green space.

Councillor Rowlands asked why he was making it smaller given how tight the parking is, is it because of the flood plain?

Mr. McCarty said it is because of a couple of reasons. One, it's because of the flood plain, and two, if you look in the parking table in the Zoning Ordinance there is not a parking category for a bank. The only box we fit in is Office and Professional which says 1 space per 250. With an office or professional building car space turnover is twice per day. A bank is very transactional. You are in for the ATM, deposits, visit loan officer and you are in and out. The parking turnover is more like 3 times an hour than twice a day. We know we don't need the 51 that is required. We don't want to create more parking than we need in the downtown as heard from a lot of Boards.

Councillor Rowlands said there is no snow storage at all at this facility.

Mr. McCarty said that is correct.

Councillor Rowlands asked how many employees will be at this bank.

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2012, continued

Mr. Buchanan said it has yet to be determined, roughly 13.

Mr. McCarty said they are converting a few of the catch basins and converting them into manholes, taking the cover off that is perforated and putting on a solid cover and adding deep sump catch basins with hooded outlets so they will be improving the water quality that is coming from the parking lot and going to the brook.

Councillor Chalifoux Zephir asked who will be responsible for maintaining the green area that is under the jurisdiction of the Monoosnock Brook Project once it is completed.

Mr. McCarty said the bank will in coordination with the DPW as referenced in the Site Plan approval conditions.

Mr. McCarty said the approved Site Plan is different in two ways from the renderings you see before you. He said there was a dumpster pad but has been eliminated. Papers will go to Fitchburg for shredding and processing. He said the building has been slid five feet south to allow a greater corridor between the building and the Woodblock Building which puts it one foot off the 100 year flood plain line.

Councillor Lanciani asked if it was going to be strictly a three story building and not made higher.

Mr. McCarty said no.

Councillor Marchand asked if they were going to be shrubs or greenery in the front of the building.

Mr. McCarty said the landscape design shows low growing shrubbery and plants between the sidewalk and the building.

Councillor Marchand said you are moving the building 5 feet. What happens to the walkway? Will the bank be responsible for improving the walkway?

Mr. McCarty said the walkway is located on the property being purchased by the bank but is within the seven foot sidewalk easement. In all likelihood it's going to get destroyed during construction of the building and will be re-poured as part of the construction process.

Councillor Marchand asked if the parking spaces are the minimum required by law.

Mr. McCarty said they are the City of Leominster's requirement, 9'x18'. He said Mr. Bovenzi gave his employees a \$2.00 incentive to use other parking. The bank will be giving their employees something similar.

Councillor Marchand asked what the rationale was for not storing snow on the property.

Mr. McCarty said it was because of the proximity to the brook, the 100 year flood plain and losing parking spaces.

Councillor Cormier asked what the maintenance plan was for the underground detention system, and asked if there would be any opposition to a condition placed on this Special Permit that the City would go in and inspect regularly.

Mr. McCarty said the property owner will have to check the system twice a year. He said there are inspection ports. He said he would not want to add any more burden to the DPW. If you go to the other bank branches you will see that they are meticulously maintained.

Mr. Buchanan said they have someone come in and do a continued maintenance program including HVAC systems every 3 months.

Councillor Rowlands said conditions from the Planning Board and the Conservation Commission will be part of this Special Permit.

No one in the audience spoke in favor or opposition.

HEARING ADJOURNED AT 8:23 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 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 7:41 P.M. to continue the public hearing, get an update from the Mayor and to hold a public forum.

Meeting reconvened at 9:27 P.M.

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

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

C-66 Dean J. Mazzearella, Mayor: Request that William Charpentier be exempt from the provisions of M.G.L. Chapter 268A (20B) Conflict of Interest as he is currently employed by the City of Leominster and taking on a position at the Weights and Measures Department as part time Deputy Weights and Measures Inspector.

The following COMMUNICATION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Police Chief.

C-67 Dean J. Mazzearella, Mayor: Authorize the City of Leominster to pursue \$22,208.00 through the United States Department of Justice- Justice Assistance Grant Program (JAG).

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

- 46-12 Mark Gordon: : Renew the Second Hand Dealers License for Music Mania Inc., d/b/a Gordon Lasalle Music located at 975 Merriam Avenue.
- 47-12 Sterling Jewelers Inc.: Renew the Second Hand Dealers License for Kay Jewelers #1285 located at 100 Commercial Road.
- 48-12 Sterling Jewelers Inc.: Renew the Second Hand Dealers License for Belden Jewelers #240 located at 100 Commercial Road.
- 49-12 Fred R. Tousignant: Renew the Second Hand Dealers License for Fred's Auction located at 92 Pleasant Street.
- 50-12 Virginia A. Tocci: Renew the Second Hand Dealers License for Joseph's Group Inc./Joseph's Jewelers located at 28 Central Street.
- 51-12 George Boulgarian and Jon Zajon: Renew the Second Hand Dealers License for Georges Fine Jewelers located at 255 North Street.
- 52-12 Leroy J. DiMauro: Renew the Second Hand Dealers License for Leroy's Attic located at 609 Main Street.
- 53-12 George Delgaoui: Renew the Second Hand Dealer's License for Deghan, Inc d/b/a Hannoush Jewelers located at 100 Commercial Road.
- 54-12 Kevin Cafer: Renew the Second Hand Dealer's License for the purchase of precious metals by appointments only.
- 55-12 Kim Jollimore: Renew the License for one pool table at the Tankard, located at 13 Central Street.
- 56-12 Aime Lemoine: Renew license for one pool table at Seven R's d/b/a A & R's Double Inn located at 166 Water Street.

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

Office of Emergency Management –Rehab Unit – Martha Hawkins
Sheltering Unit – Jackie Lastella

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

Board of Appeals -Alternate - Michael Ciccolini - term to expire April 15, 2013

Cultural Commission – Joseph Tammaro – term to expire April 15, 2015

Board of Health – Dr. Peter Lanza – term to expire April 15, 2015

Historical Commission –Donald Piermarini, Chester Carter, Kate Griffin-Brooks
terms to expire April 15, 2015

Housing Authority – Msgr. John E. Doran and Marcel Leger
terms to expire April 15, 2017

Recreation Commission- Thomas Bissonnette and John M. Ciccolini
terms to expire April 15, 2015

Forest Warden – Paul Kennedy - term to expire April 15, 2014

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

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)	\$ 2,659,718.00
Stabilization Account	\$ 11,103,675.65
Emergency Reserved Account	\$ 350,034.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 “yeas” and 2 “nays”; Councillor Nickel and Cormier opposed.

C-62 Relative to the appropriation of \$8,000.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of six Thousand Five Hundred Dollars (\$6,500.00) be appropriated to the Sanitation and Drainage Expense 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-63 Relative to the appropriation of \$6,500.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Six Thousand Five Hundred Dollars (\$6,00.00) be appropriated to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

C-64 Relative to the appropriation of \$60,000.00 to the Principle Debt Service School’s Expense Account; same to be transferred from the Interest on Bonds Expense Account.

ORDERED: - that the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated to the Principle Debt Service School’s Expense Account; same to be transferred from the Interest on Bonds Expense Account.

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.

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.

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

C-44 Dean J. Mazarella, 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

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 continued to April 23, 2012 at 7:00 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0 Amended by changing “Section 22-74” to “Section 22-84”.

32-12 Leominster City Council: Amend Chapter 22, Section 22-84 of the Leominster Zoning Ordinance entitled “Signs Permitted in Commercial, Industrial and Business Districts” by adding a section for electronic message boards.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED with CONDITIONS. Vt. 8 “yeas”. Councillor Dombrowski abstained due to a possible conflict of interest.

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.

Conditions as follows:

1. Any changes in plans in plan must be submitted to the Conservation Commission.
2. A preconstruction meeting is required.
3. A 48 hour notice is required before work can begin.
4. In perpetuity – no snow storage allowed on property.

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

5. Rain Garden Maintenance shall be the responsibility of the owner of record or designee as agreed to with the Leominster DPW.
6. Coordination with Brown and Row engineers regarding the rain garden and Monoosnock Brook Greenway project. Information shall be included with this NOI.
7. Stormwater Maintenance-the maintenance or repair, by property owner or record, or designee, of drainage systems including best management practices shall be the responsibility of the owner as agreed to with the Leominster DPW.
8. Operations and Maintenance Plan-Owner of record responsible for implementation of O&M plan, including bi-annual reporting to the Conservation Commission and the DPW.
9. Upon completion of all work the applicant shall submit a request for a certificate of compliance, which shall include an as built plan etc.
10. The parking space reduction from 51 to 42 spaces is subject to the receipt by the Planning Board of a Rollstone Bank & Trust Policy that encourages their employees to ride-share, walk or use public transit to get to work.
11. The snow will be trucked off site at the end of each snow storm.
12. All trash will be trucked off site.

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

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

Up recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 5/4; Councillors Marchand, Nickel, Savlatelli and Dombrowski opposed.

- 43-12 Gregory C. Chapdelaine, Purchasing Agent and James Jolicoeur, Superintendent of Schools: Allow the Purchasing Agent to enter into a five year contract for the School Food Service Program.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

- 44-12 John W. Harmon, Human Resource Director: Create the title of Emergency Management Director Assistant with a salary of S-6 and add it to the City Ordinance "Classification of positions," Section 16-34.

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

- C-65 Dean J. Mazarella, Mayor: Request that David Smith be exempt from M.G.L. Chapter 268A, Section 20B (Conflict of Interest) as he works for the Department of Public Works and will be providing an evening car maintenance program to the public through the Recreation Department.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 5/4; Councilors Dombrowski, Salvatelli, Marchand and Rowlands opposed.

- 45-12 Russell Kassatly: Grant a Hawkers and Peddlers License for the sale of merchandise during the year 2012.

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

Leominster Police Department – Shane Rodriguez - Permanent Police Officer

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

Emergency Management – Assistant Directors – terms to expire April 15, 2013 - James LeBlanc, Richard Gauvin

Emergency Management - Deputy Directors – terms to expire April 15, 2013
Alfred Staal, Thomas Piper, Daniel Thibodeau, Jean Hudson

Emergency Management - Auxiliary Police Officers – terms to expire April 15, 2013

Nikito Baker, John Caron, Paul Tolpolski, Kathy Truax, Justin P. Nichols, Vincente Figueroa, Edward Coffin, Oscar Myles, Pedro Ruiz, Elympse Octavuis, Matt Perkins

Emergency Management –Communications Unit – Maria Buyea, Joel Parilla,
EMT Unit - Nancy Patey
Rescue Unit - Greg Day

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

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME. (A hearing is scheduled for April 23, 2012 at 7:10 P.M.)

2nd 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.”

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 twelve

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Zoning.”

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

Chapter 22 of the Revised Ordinances, entitled “Zoning,” Article II, Section 2204, Definitions, is hereby amended by inserting the following:

Kennel: The boarding, breeding, raising, grooming, overnight boarding, or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Pet Services: A business establishment maintained for the purpose of supporting pets to include but not limited to grooming, “day care,” and bathing. Overnight boarding of pets is not included.

Veterinary Hospital/Office: a facility where animals are given medical or surgical treatment where boarding of animals is limited to short term care incident to the medical or surgical treatment

And by further amending “Zoning,” Article II, Section 22026, 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

Under New Business, the Council President said they received a letter requesting a Joint Meeting with the Leominster School Committee to be held at the Library. They want to discuss protocol, setting goals, monitoring progress leading to best practices, student achievements and to share the work they have done with the Council.

Councillor Marchand said the Library might not be the best place to hold the meeting since it closes at 9:00 P.M. He said that the letter sounds specific and that is going to be the agenda. Can we talk about other issues? What they want to speak about is really out of our jurisdiction.

Councillor Dombrowski said we have two issues 1) where it meeting is going to be held and 2) if the agenda can be expanded for question on other issues.

Councillor Lanciani said we don’t understand the projects they want to talk about. We don’t get involved in them. They have to give me something that I will sit and enjoy.

Councillor Chalifoux Zephir said this is an opportunity to start dialog with the School Committee and the new Superintendent. I think the Library is a good place to have it so we do finish by 9:00 P.M.

Councillor Nickel said I, along with Councillor Cormier, tried to set up meetings and when we did we got a letter saying it wasn’t the right protocol and we were essentially told this was not our jurisdiction. So we are going to listen to a program that we won’t be voting on. He said he is not in any rush to have a meeting with them.

Councillor Freda said we kept asking the Superintendent to come down and we were putting him in a bad position. He works for the School Committee. We should’ve been asking the School Committee to come down. We should meet with them.

Councillor Dombrowskis said we will set up the meeting and the Councillors can attend if they wish.

Councillor Marchand said he wants to know what is going on with the schools. He said we brag about the drop out rate and there is a mass exodus. I want to know about the Mentoring Program. If we are going to spend time together I want to have a full conversation.

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

Councillor Rowlands said he is in support of a joint meeting but the issue is the content they dictate. He would prefer topics they share responsibility for like healthcare and the budget, net school spending and net turnover in the school.

Councillor Salvatelli said these are our friends not our enemies. There are two new members and we should meet.

Councillor Chalifoux Zephir said she had a conversation with a person and they were really concerned with the fees that the Doyle Field Commission is charging for youth sport leagues to practice at the facility. The person quoted \$1,000.00 for a youth Lacrosse League. She said she would like to know the rate structure the Doyle Field Commission has in place for high school teams and youth leagues. She would like to know what the Recreation Department charges them also. She would like to know what kind of money the Doyle Field Commission is making.

Councillor Marchand said the Recreation Department voted to approve a regional touch football league for adults to be held at Carter on Sunday mornings from 8-2. He said he has no idea what planet they were on when they made that decision. He said he intervened and the Director changed it immediately to another ward. There has to be a message sent to the Recreation Department about their policies. They seem to be a little out of control.

Councillor Rowlands said there is a conflict in the City with City property, the little league field, and a property owner. He would like to get a ruling on who is representing the City's interest.

Councillor Dombrowski said that has already been requested.

Councillor Marchand said that land is under the auspices of the Leominster Recreation Department/LLC Land Trust.

Councillor Nickel said he had a letter delivered to his home from the American Little League. They have concern that the Recreation Director would be making decisions regarding what is going on at the field. Since the Director is appointed by the Mayor then will there be an impartial group or person to make decisions. Councillor Nickel said he will get a copy to the City Clerk. He said his opinion is the Mayor should step aside.

Councillor Freda said the Rotary Employees of The Year Dinner will be April 25, 2012 at the Four Points by Sheraton with a Social starting at 6:00 P.M. and dinner at 7:00 P.M. The employees being honored are:

Christopher Cameron	Firefighter of the Year
Roger Brooks	DPW Employee of the Year
Bryan Schwarzel	Police Officer of the Year
Michelle Nadeau	City Hall Employee of the Year
Eileen Egan	Grade PK-5 Employee of the Year
Gina Wironen	Grades 6-8 Employee of the Year
Nona Ojala	High School Employee of the Year
Stephen Keating	St. Anna School Employee of the Year
Karen Leger	St. Leo School Employee of the Year

MEETING ADJOURNED AT 10:55 P.M.

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