

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2012

Hearing opened at 7:37 P.M., with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The hearing is continued from March 12, 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 the Department of Public Works had no further comments after reviewing the revised plan.

Mr. Oldfield of New England Engineering said they have approval from the Board of Health, as well as a request from the Conservation Commission for an area of delineation for the wetland area located at the bottom of the plan. He said there were some minor modifications by the DPW requesting drainage calculations to be more clear, and enlarge the detention basin to take care of any runoff and they have been completed.

Councillor Rowlands said there is no salt, correct?

Mr. Oldfield said no salt.

Councillor Rowlands asked if this was agreed upon with the petitioner.

Mr. Oldfield said yes.

Councillor Rowlands asked if the grade was above 10%.

Mr. Oldfield said the driveway is 12%. He said the area of disturbance is 26,000 square feet which is less than acre. The impervious surface is 4%.

Councillor Rowlands asked if they had a stormwater runoff mitigation plan.

Mr. Oldfield said they have the stormwater calculations. The stormwater mitigation plan is part of the detention basin.

Councillor Rowlands asked if they were going to do silt fencing during construction.

Mr. Oldfield said silt fence is located around the perimeter of the detention basin and along the other side of the 100 foot buffer zone.

Councillor Rowlands asked if the property owner will be fully responsible for maintenance on the detention basin?

Mr. Oldfield said that is correct.

Councillor Lanciani asked if there is any drainage of water towards the reservoir or do the stormwater calculations take that into consideration?

Mr. Oldfield said three quarters of the water is being captured by the detention basin. He said there is no increase in runoff.

Councillor Chalifoux Zephir said there are no storm drains on Elm Street so if we have a big event and the runoff is held in the detention basin and then what happens?

Mr. Oldfield said it holds the water for a certain amount of time and then trickles out over time. If we didn't have that, all that water would go and flood everybody.

Councillor Rowlands asked how big the house was.

Mr. Oldfield said 3,200 square feet. The footprint is 1,200 square feet and the driveway is 12 feet wide by 200 feet long with a flat turn around area.

Councillor Rowlands said 12% is a steep driveway. He asked what the maintenance schedule was for the detention basin.

Mr. Oldfield said once a year they will take any sedimentation out from the bottom of the basin.

Councillor Rowlands asked if it was stone and gravel.

Mr. Oldfield said right now it is grass and will not be lined. It will be earth and dam.

Councillor Rowlands asked what protects it from overflow happening.

Mr. Oldfield said it is not a pipe that will get blocked but a spillway. It will go over the top. He said it is 3 ½ feet in depth and about 80 feet long. There is a little crest or hill in front of the basin so you will not see it from the road.

Councillor Rowlands asked if anyone will be notified when the maintenance is scheduled.

Mr. Oldfield said they can but it is not required.

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Councillor Rowlands said his worry is that ten years from now it hasn't been maintained. He wants to make sure it is maintained because of the sensitivity. He would assume that the responsibility of notification annually would be done with the Conservation Commission if we were to enforce that.

Mr. Oldfield said anytime, when we are that close, we would talk to the Conservation Commission because we are within 106 feet from the wetland area.

Councillor Nickel asked if there was a swale on the side of the driveway.

Mr. Oldfield said yes, when the water enters the driveway the water sheets off the driveway and enters the swale and goes down to the basin.

Councillor Nickel said his concern is when you end up with a 200 foot driveway with a 12% grade and water comes down, he can see it flying onto Elm Street especially if it turns to ice.

Mr. Oldfield said the water will sheet to one side to the swale to the wetlands.

Councillor Rowlands said there are two concerns that will be the burden of the homeowner and they are no salt on the driveway and the annual maintenance required on the detention basin to make sure it has the capacity to hold the extra flow that will occur because of the home and the driveway.

Mr. Oldfield said that would be no problem.

Councillor Rowlands said he wants to put recommendations from the Conservation Commission and include no salt, the annual maintenance of the detention basin with notification to the Conservation Commission.

Councillor Chalifoux Zephir asked if the driveway was moved from the original plan.

Mr. Oldfield said yes.

HEARING ADJOURNED AT 7:55 P.M.

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

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Hearing opened at 7:56 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." (Legal Affairs Petition 19-12)

Councillor Rowlands said there has been a lot of discussion with the Ward Councillors and with the Councillors as a Whole. He said he spoke to the Principle of the high school to get their take on it.

Lieutenant Scott Bernier said he spoke with Chief Healey and the reason behind it is because of the backup on Granite Street. If someone stops on the top of Granite Street and wants to take a left of West the traffic backs up on Granite Street as school is getting out. He said the proposed amendment is okay with Chief Healey and himself but difficult to enforce. If someone does stop to take that left without a police officer present, they are going to do it. Can we promise we can have a cruiser there? Especially at 2:15-2:20 P.M. every afternoon. That is the biggest problem when school gets out. If we have an extra traffic car we can send it there. He said he felt it would not improve the area or have a safety impact.

Councillor Rowlands said the 24 hour 7 days a week didn't fly well with the neighborhood because we would be sending cars down Hall Street at an intersection where there are vision problems with parking on the street. They had talked about certain hours which added more confusion. He said it didn't sound like the school was driving it or the Police are enthusiastic to enforce something.

Councillor Salvatelli said he and Councillor Marchand tried to get a light there but the neighbors did not want it. We petitioned the Police Department to put a speed monitoring sign up and to monitor the area.

HEARING ADJOURNED AT 8:04 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 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 7:32 P.M. to hold the public hearings and the public forum.

Meeting reconvened at 8:05 P.M.

The following COMMUNICATIONS were received with an EMERGENCY PREAMBLE, referred to the FINANCE COMMITTEE. Vt. 9/0. Upon recommendation of FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”.

C-68 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

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

C-69 Relative to the appropriation of \$1,200.00 to the Forestry Expense Account; same to be transferred from the Excess and Deficiency Account.

C-70 Relative to the appropriation of \$19,500.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

C-71 Relative to the appropriation of \$18,000.00 to the Doyle Field Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-72 Dean J. Mazzearella, Mayor: Request that Kelly Machunsky be exempt from the provisions of M.G. L. Chapter 268A (20B) Conflict of Interest. She is currently employed as a school teacher for the City of Leominster and will be taking a position with the Leominster Recreation Department to provide a Summer Enrichment Program.

C-73 Dean J. Mazzearella, Mayor: Request that Sarah Mistler be exempt from the provisions of the M.G.L. Chapter 268A (20B) Conflict of Interest. She is currently employed as a school teacher for the City for the City of Leominster and will be taking a position with the Leominster Recreation Department to provide a Summer Enrichment Program.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Planning Board, the Health Director, the Director of Inspectiions and the Department of Public Works. A hearing was set for May 29, 2012 at 7:00 P.M.

57-12 James S. Whitney for J. Whitney Development: Grant a Special Permit to rehabilitate the property at 98 Adams Street, as shown on Assessor’s Maps 3 & 4 as lots 14C, 1 and 2, located within the flood plain.

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

58-12 Best Buy Stores, LP: Renew the Secondhand Dealer’s License for premises at 33 Orchard Hill Park Drive.

59-12 MovieStop 7045: Renew the Secondhand Dealer’s License for the premises at 82 Orchard Hill Park Drive.

60-12 GameStop Inc.: Renew the Secondhand Dealer’s License for the premises at 26 Orchard Hill Park Drive.

61-12 GameStop Inc: Renew the Secondhand Dealer’s License for the premises at 100 Commercial Road.

62-12 GBA Whitney Field, LLC: Renew the Secondhand Dealer’s License for the premises at 100 Commercial Road #24.

63-12 Lisa Rosenthal: Renew the Secondhand Dealer’s License for Party of Gold for the purchase of precious metals by appointment only.

64-12 Christopher J. Espinola: Renew the license for two pool tables at Captain’s Lounge located at 1536 Main Street.

65-12 Albert D. Mason: Renew the license for seven pool tables and twenty four bowling alleys at Mason’s Bowling Center located at 640 R. North Main Street.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2012, continued

66-12 Michael Fusco: Renew the License for two pool tables at Jake's Pub Inc., d/b/a Hot Shotz located at 1293 Main Street.

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

Leominster Police Department – Permanent Police Officers
Cedric L. Crawford, Matthew J. DiPerri, Jeffrey Walsh, Andrew F. Gosselin, Jr.

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

Doyle Field Commission – term to expire April 15, 2015 - Gilbert C. Donatelli
Sealer of Weights & Measurers – term to expire April 15, 2013 - Joseph Quinn
License Commission – term to expire April 15, 2018 - James J. Kelly, Jr.
Disability Commission – terms to expire April 15, 2015 - Gail Turbide, Marty Turbide
Insect & Pest Control – term to expire April 15, 2013 - Ralph Persons
Supt. Gypsy & Brown Tail Moths – term to expire April 15, 2013 - Ralph Persons
Veterans Burial Agent – term to expire April 15, 2013 - Richard Voutour
Board of Appeals – term to expire April 15, 2015 - Scott Simpson

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)	\$ 2,521,018.00
Stabilization Account	\$ 11,103,675.65
Emergency Reserved Account	\$ 350,034.00

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”

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 recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED WITH CONDITIONS. Vt. 7 “yeas”. Councillors Salvatelli and Marchand were not at the hearing and did not vote.

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.

Conditions are:

1. No Salt or chemicals shall be used or released outdoors on the property.
2. The applicant shall file a written schedule with the Department of Public Works and the Conservation Commission detailing the terms of annual maintenance that the applicant shall perform to maintain and keep clear all catch basins on the property.
3. The applicant shall forthwith provide the Conservation Commission with a written statement of water runoff mitigation measures to be used at the construction site, both during and after construction.

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.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2012, continued

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED WITH CONDITIONS. Vt. 9 “yeas”

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.

Conditions are as follows:

1. All soil staging areas, both clean and dirty, be located as far away from river as possible
2. All soil staged on poly draped over hay bale berms
3. Soil piles should be covered nightly with poly firmly anchored over the pile
4. Stockpiled material should remain on-site for the minimum amount of time necessary, ideally 49 hours, and no more than two weeks
5. A Licensed Site Professional or his/her designee should be on-site for oversight of all subsurface excavation operations
6. 48 hour notice to Conservation Agent once erosion control is place
7. 48 hour notice to Conservation Agent prior to beginning work
8. Any contamination documentation to be copied to the Conservation Commission
9. Prior to commencement must obtain necessary permits from Fire and Building Departments and must meet appropriate City and State requirements

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 COMMUNICATIONS were GRANTED. Vt. 9/0

C-66 Dean J. Mazarella, 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.

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

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

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.

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

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2012, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 7 “yeas” and 2 “nays” Councillor Rowlands and Cormier opposed.

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

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given LEAVE TO WITHDRAW. Vt. 9 “yeas”

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.” (Legal Affairs Petition 19-12)

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 14, 2012 at 6:50 P.M.

1st Reading Ordinance – amending Chapter 22 of the Revised Ordinances entitled “Zoning”, Article II, Section 22-4, Definitions by deleting the following:

In the definition of “Home Occupation,” deleting the words “animal hospital.”

In the definition of “Personal and Consumer Service Establishment,” deleting the words “pet grooming establishments.”

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 14, 2012 at 7:00 P.M.

1st Reading Ordinance – Amend Chapter 21, Article II, Section 21-11.1 of the Revised Ordinances entitle “Water User Rate Schedule” by deleting said section in its entirety and inserting a new water user rate schedule for residential and industrial use effective April 1, 2012. (Legal Affairs Petition 33-12)

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 14, 2012 at 7:10 P.M.

1st Reading Ordinance – Amend Chapter 21, Section 21-22.3 of the Revised Ordinances entitled “Sewer User Rate Schedule” by amending the sewer rates for residential and out of city effective April 1, 2012 and April 1, 2013.

Under New Business, committee meeting were established.

May 7, 2012 Public Safety Committee at 6:30 P.M. Invite the Chief of Police.
 Legal Affairs Committee at 7:00 P.M. Invite Mr. Harmon, Personnel Director

May 9, 2012 Finance Committee at 7:00 P.M. Invite Patrick LaPointe, DPW Director

Councillor Dombrowski said a letter will be sent to Kopelman & Paige for a general opinion about the ability of the Council to condition Special Permit on flood plain issues.

Councillor Freda said she would like specific on storm water permitting.

Councillor Rowlands said it is not just on flood plain issues. He said he doesn’t want the questions to imply there has been a situation making the City vulnerable to lawsuits.

Councillor Dombrowski said he will craft a letter and bring it to the Council.

Councillor Cormier asked if the purchase of the property on Franklin Street closed yet.

Councillor Freda said no.

MEETING ADJOURNED AT 10:15 P.M.

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