

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2012

Hearing opened at 6:52 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillors Dombrowski and Marchand.

The following ORDINANCE was the subject of the hearing:

Relative to 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."

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

No Councillors spoke.

HEARING ADJOURNED AT 6:53 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2012

Hearing opened at 7:00 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 21, Article II, Section 21-11.1 of the Revised Ordinances entitled "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.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:02 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2012

Hearing opened at 7:10 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:

Relative to amending 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.

Councillor Marchand asked if there is a plan in place to look at a rate structure.

Councillor Rowlands said there is a shortfall in revenue due to residential consumption. A big portion of this is related to the \$28,000,000.00 worth of investment that will be down to the sewer treatment plant. He said hopefully with the upgrades and investment we are looking to make, it will last a long time and allow us to pay off this debt. Hopefully these rates will cover this \$28,000.00 and as well as the water increases.

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

HEARING ADJOURNED AT 7:16 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2012

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

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

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

- C-74 Relative to the appropriation of \$3,300.00 to the Cemetery Expense Account; same to be transferred from the Cemetery and Perpetual Care Income Trust Fund.
- C-75 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account.
- C-76 Relative to the appropriation of \$800.00 to the License Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-77 Relative to the appropriation of \$4,597.00 to the Highway Expense Account; same to be transferred from the Snow and Ice Expense Account.
- C-78 Relative to the appropriation of \$1,500.00 to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for May 29, 2012 at 6:50 P.M. Vt. 9/0

- C-79 Dean J. Mazzarella, Mayor: Relative to the appropriation of \$28,000,000 to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto, provided that no borrowing in excess of \$20,000,000.00 would be permitted unless (i) the City received federal stimulus grants of at least \$8,000,000.00, or (ii) the City received a loan commitment from the Massachusetts Water Pollution Abatement Trust for a zero interest loan of \$28,000,000.00 for this project, neither of which are now available to the City, is hereby amended in its entirety to read as follows:

ORDERED, that the sum of \$28,000,000 be and hereby is appropriated to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefor.

The following COMMUNICATION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Assessor, the Treasurer and the Health Director.

- C-80 Dean J. Mazzarella, Mayor: Declare surplus a city owned parcel on Benham Street, shown on Assessor's Map 340, Parcel 13.

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

- C-81 Dean J. Mazzarella, Mayor: Approve the proposed amount of \$391,486.00 for the Community Development Block Grant for year 38.

The following PETITIONS were received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Treasurer and the Planning Board.

- 67-12 David R. Cormier: Accept Wedgewood Lane as a public way.
- 68-12 David R. Cormier: Accept Sage Avenue as a public way.
- 69-12 David R. Cormier: Accept Ruth Street as a public way.
- 70-12 David R. Cormier: Accept Patricia Drive as a public way.
- 71-12 David R. Cormier: Accept Montrose Street as a public way.
- 72-12 David R. Cormier: Accept Larson Avenue as a public way.
- 73-12 David R. Cormier: Accept Crabtree Lane as a public way.
- 74-12 David R. Cormier: Accept Calza Street as a public way.
- 75-12 David R. Cormier: Accept Bond Street as a public way.
- 76-12 David R. Cormier: Accept Bassett Street as a public way.
- 77-12 David R. Cormier: Accept Malburn Street as a public way from #107 to end.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2012, continued

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Police Chief, the Wire Inspector and the Department of Public Works.

78-12 Richard M. Marchand and Susan Chalifoux Zephir: Install a warning light on the island or in close proximity to the intersection of Lindell Avenue and Maple Avenue.

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

79-12 Carol and David Shields: Renew the license for three pool tables at South Leominster Lounge d/b/a Forte's Lounge located at 1030 Central Street.

80-12 William Plant: Renew the license for nine pool tables at J.C. Fenwicks Co., located at 37 Mechanic Street.

81-12 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.

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

City Assessor –Katherine Miller - term to expire April 9, 2015

Office of Emergency Management- Carl Sanabria – Deputy Director - Communications Unit  
Anthony Pandiscio – Mechanic  
Richard Hens – EMS Unit

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

Disability Commission – Denise Andrews and Thomas Yoder  
terms to expire April 15, 2015

Conservation Commission – Scott Pearson - term to expire April 15, 2015

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)	\$ 2,518,718.00
Stabilization Account	\$ 11,103,675.65
Emergency Reserved Account	\$ 350,034.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. 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. (Granted with an Emergency Preamble on April 23, 2012; another vote is required.)

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED.

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.

ORDERED: - that the sum of One Thousand Two Hundred Dollars (\$1,200.00) be appropriated 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.

ORDERED: - that the sum of Nineteen Thousand Five Hundred Dollars (\$19,500.00) be appropriated 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.

ORDERED: - that the sum of Eighteen Thousand Dollars ((\$18,000.00) be appropriated to the Doyle Field Expense Account; same to be transferred from the Excess and Deficiency Account.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2012, continued

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

- C-44 Dean J. Mazzearella, 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

- 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 LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/2; Councillors Salvatelli and Lanciani opposed.

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

- 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. (Hearing scheduled for May 29, 2012 @7:00 P.M.)

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

- 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 of Leominster and will be taking a position with the Leominster Recreation Department to provide a Summer Enrichment Program.

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

- 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.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0; Councillor Dombrowski abstained due to a possible conflict of interest.

- 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.

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2012, continued

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

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

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

Doyle Field Commission - Gilbert C. Donatelli– term to expire April 15, 2015

Sealer of Weights & Measurers - Joseph Quinn– term to expire April 15, 2013

License Commission - James J. Kelly, Jr. – term to expire April 15, 2018

Disability Commission - Gail Turbide and Marty Turbide– terms to expire April 15, 2015

Insect & Pest Control - Ralph Persons– term to expire April 15, 2013

Supt. Gypsy & Brown Tail Moths - Ralph Persons– term to expire April 15, 2013

Veterans Burial Agent - Richard Voutour– term to expire April 15, 2013

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RE-APPOINTMENT was CONFIRMED. Vt. 7 “yeas” and 2 “nays”, Councillors Marchand and Rowlands opposed.

Board of Appeals - Scott Simpson– term to expire April 15, 2015

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

City of Leominster  
In the year two thousand and 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 22-4, Definitions, is hereby amended by deleting the following provisions:

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 a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

City of Leominster  
In the year two thousand and twelve

#### AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Water and Sewer.”

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

Chapter 21, Article II, Section 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” is hereby amended by deleting said section in its entirety and inserting in its place the following:

The water user rate schedule for residential and industrial use shall be as follows:

Effective 4/1/12

## REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2012, continued

Minimum water charge per quarter:	
5/8" meter	\$20.00
3/4" meter	\$20.00
1.0" meter	\$25.00
1.5" meter	\$25.00
2.0" meter	\$25.00
3.0" meter	\$30.00
4.0" meter	\$30.00
6.0" meter	\$40.00
8.0" meter	\$40.00
Out of City	\$40.00

Metered rates per unit, 4 units and over – effective April 1, 2012

Within City:	\$3.48 per unit
Outside the City:	\$4.48 per unit

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

City of Leominster

In the year two thousand and twelve

## AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Water and Sewer.”

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

Chapter 21, Article III, Section 21-22.3 of the Revised Ordinances is hereby amended by adding the following rate provisions and by deleting the corresponding rates from prior year

User Class	Factor	Unit	Rate
Residential (includes low Strength industrial) (As of April 1, 2012)	Metered water	100 cu. ft.	\$3.75
(As of April 1, 2013)			\$3.97
Minimum sewer charge Per quarter			\$20.00
Lunenburg (As of April 1, 2012) Per Intermunicipal Agreement dated June 24, 1999	Metered water	100 cu. Ft.	\$4.35
(As of April 1, 2013)			\$4.57
Out of City (As of April 1, 2012)	Metered water	100 cu. ft.	\$8.12
(As of April 1, 2013)			\$8.59

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for June 11, 2012 at 7:00 P.M. Vt. 9 “yeas”

1<sup>st</sup> Reading Ordinance- Amend Chapter 22, Section 22-84 of the Leominster Zoning Ordinance entitled “Signs Permitted in Business, Commercial and Industrial Districts” by adding a section for electronic message boards.

A vote was taken to send a letter to the Mayor requesting a traffic study regarding the establishment of a left or right turn signal on Central Street at Litchfield. Vt. 9/0

Councillor Cormier said he has mentioned this several times before. He said in 2008 a study was done and was flagged in the yellow. In 2009 it was flagged red. He said traffic and the number of accidents are getting worse. It should be on the radar for a redesign.

Councillor Freda said it was brought up when Hess was going in. All these comments that we heard stating it was not going to affect the intersection, now we are going to look for a study when Hess gas station should have been more on task with that. The neighbors will be thrilled.

Councillor Nickel said the Police Department and the Fire Department has done a phenomenal job with all that has been going on at the same time.

MEETING ADJOURNED AT 9:05 P.M.

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