

HEARING BEFORE THE CITY COUNCIL, MAY 12, 2014

Hearing opened at 6:55 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

This hearing was continued from March 10, 2014.

All members were present.

The following PETITION was the subject of the hearing:

40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinances by adding Article XVIII, Section 22-105 entitled "Medical Marijuana Facilities" to allow and regulate medical marijuana facilities in the city.

Councillor Dombrowski said no one from the Planning Board is present.

Stephen Mullaney of 66 Helena Street spoke in favor of the petition.

James White of 740 Central Street spoke in opposition the petition.

HEARING ADJOURNED AT 7:10 P.M. AND CONTINUED TO JUNE 9, 2014 AT 7:00 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2014

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

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

The Committee on Records reported that the records through April 28, 2014 were examined and found to be in order. The records were accepted.

A recess was called at 7:31 P.M. to continue interviews with the new appointees.

Meeting reconvened at 7:46 P.M.

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

- C-75 Relative to the appropriation of \$253,000.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-76 Relative to the appropriation of \$100,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-77 Relative to the appropriation of \$2,000.00 to the Mayor's Salary & and Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-78 Relative to the appropriation of \$8,000.00 to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.
- C-79 Relative to the appropriation of \$10,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.
- C-80 Relative to the appropriation of \$24,000.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-81 Relative to the appropriation of \$125,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITIONS were received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer, the Police Department and the License Commission.

- 76-14 Kevin P. Caefer: Renew the Second Hand Dealers License for GotGoldand SilverGetCash.com
- 77-14 Fred R. Tousignant: Renew the Second Hand Dealers License for Fred's Auction located at 38 Spruce Street.
- 78-14 Eu Dong-Do: Renew the Second Hand Dealers License for Sam's located at 710 North Main Street.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2014, continued

- 79-14 Joanne Atwood: Renew the Second Hand Dealers License for The Repair Palace Inc., located at 100 Commercial Road.
- 80-14 Robert A. Cornetta: Renew the License for two pool tables at Miranda's Pub located at 488 Lancaster Street.
- 81-14 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.

The following PETITION was received, referred to the CITY PROPERTY AND PROPERTY OVERSIGHT COMMITTEE, given REGULAR COURSE and referred to Board of Directors of the American Little League.

- 82-14 Judith Sumner, Recreation Director: Accept a donation from James L. Xarras and/or Leominster Little League at no cost to the city, for an electronic scoreboard currently located on private property adjacent to Bachand Field.

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

- 83-14 Judith Sumner, Recreation Director: Request an appropriation of \$9,999.00 to the Recreation Department Expense Account; same to be transferred from the Excess and Deficiency Account.

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

Assessor – Richard Dondero – term to expire 4/15/2016

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

- C-70 Dean J. Mazzarella, Mayor: Authorize the City of Leominster to pursue \$24,199.00 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

- 67-14 Game Stop #1485: Renew the Second Hand Dealers License for the premises at 100 Commercial Road #49.
- 68-14 Game Stop #3594: Renew the Second Hand Dealers License for the premises at 26 Orchard Hill Park Drive.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

- 69-14 Matt Zvacek: Renew the Second Hand Dealers License for Gold Buyers of America located at 100 Commercial Road, Unit 89.

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

- 70-14 George S. Frankovich: Renew the Second Hand Dealers License for Belden Jewelers #0240 located at 100 Commercial Road.
- 71-14 George S. Frankovich: Renew the Second Hand Dealers License for Kay Jewelers #1285 located at 100 Commercial Road.
- 72-14 Jeff Wilson: Renew the Second Hand Dealers License for Movie Stop #7045 located at 82 Orchard Hill Park Drive.

Upon request of the WAYS & MEANS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

- 73-14 Christopher J. Espinola: Renew the license for two pool tables at Kona Enterprises Inc. d/b/a Captains Lounge located at 1536 Main Street.

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

- 74-14 Aime Lemoine: Renew the license for two pool tables at Seven R's d/b/a A & R's Double Inn located at 166 Water Street.
- 75-14 Albert 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, MAY 12, 2014, continued

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

- C-71 Dean J. Mazzarella, Mayor: Approve a Stormwater Ordinance which will provide reasonable guidance for the site planning and for the control of the pre and post-development stormwater runoff for protecting local water resources from degradation.

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

- 40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinances by adding Article XVIII, Section 22-105 entitled "Medical Marijuana Facilities" to allow and regulate medical marijuana facilities in the city. (Hearing continued to June 9, 2014 at 7:00 P.M.)
- 50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 24-2 entitled Definitions by eliminating the sentence "Facilities that utilize animal testing of products are not included in this definition" from the Life sciences definition. (Hearing continued to May 27, 2014 at 7:00 P.M.)

Councillor Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City onto the record. Account balances are as follows:

Excess and Deficiency Account (Free Cash)	\$ 2,046,828.00
Stabilization Account	\$12,166,817.88
Emergency Reserved	\$0

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas"

- C-72 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 28, 2014; another vote is required.)

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

- C-73 Relative to the appropriation of \$60,000.00 to the Gallagher Building Expense Account; same amount to be transferred from the Gallagher Building Revolving Fund.

ORDERED: That the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

RE: Gallagher Building operating expenses.

- C-74 Relative to the appropriation of \$51,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: That the sum of Fifty One Thousand Dollard (\$51,000.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Purchase of 40 new Taser X26P's

Upon recommendation of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 "yeas"

Office of Emergency Management: Rescue Unit – Melissa Singer
Administration Unit – Juan Hidalgo

Board of Appeals – Alternate Member – Robert Fitzpatrick - term to expire 4/15/15

Cultural Commission – David Letters – term to expire 4/15/2017

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

Board of Appeals - Joseph Tocci - term to expire 4/15/2017

Council on Aging - Ann Lucier, James E. Hines, John Harmon,
Carol DeCarolis, terms to expire 4/15/2017

Cultural Commission- Gilbert Tremblay - term to expire 4/15/2017

License Commission - Melissa Maguire - term to expire 4/15/2020

Recreation Commission- Douglas Cormier - term to expire 4/15/2017

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Under Old Business, Councillor Nickel said that he has not spoken to Mr. Poirier and asked Councillors to submit their list of poles in their wards to the Clerk for future discussion with National Grid.

Upon request of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was given FURTHER TIME.. Vt. 9 “yeas”

RESOLUTION – City owned parcels adjacent to the American Little League Field on American Way

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 27, 2014 at 6:35 P.M.

1st Reading Ordinance – Amending Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” by inserting Wilder Lane, against northbound drivers at Wilder Road.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 27, 2014 at 6:40 P.M.

1st Reading Ordinance – Amending Chapter 22, Section 22-17 of the Revised Ordinances entitled “Underlying Districts Table of Uses” by changing under Business Uses “Motor vehicle gas station minimart and car wash” to two separate lines that would read: 1. Motor vehicle gas station minimart, 2. Motor vehicle gas station minimart and car wash.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 27, 2014 at 6:45 P.M.

1st Reading Ordinance – Amending Chapter 16, Section 16-31 of the Revised Ordinances entitled “Method of step advances” by adding to subparagraph (b); Effective July 1, 2014, officers and employees with positions classified in the “S” classification who are department heads (S-8, S-9, or S-10) will receive a starting salary within the minimum and maximum range of the classification of their position, subject to approval by the mayor.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 27, 2014 at 6:55 P.M.

1st Reading Ordinance – Amending Chapter 13 of the Revised Ordinances entitled “Operation of Vehicles” by deleting Sections 13-68, 13-71 and 13-72 in their entirety and replacing with new Sections 13-68, 13-71 and 13-72 thru 13-72.6 relative to traffic fines.

Subcommittee meetings were established:

Legal Affairs Committee	May 19, 2014 at 5:00 P.M.
Council Rules and Code of Conduct Committee	May 19, 2014 at 6:00 P.M.
Finance Committee	May 27, 2014 at 6:00 P.M.

Meeting adjourned at 9:12 P.M.
MEETING ADJOURNED AT 7:10 P.M.

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