

HEARING BEFORE THE CITY COUNCIL, JUNE 23, 2014

Hearing opened at 7:35 P.M. with Councillor Salvatelli , Chair of the FINANCE COMMITTEE, presiding.

All members were present.

The following COMMUNICATIONS were the subject of the hearing:

- C-101 Relative to the appropriation of \$110,350,000.00 to the Fiscal Year 2015 Budget; same to be raised by Fiscal Year 2015 Revenue.
- C-102 Relative to the appropriation of \$5,675,000.00 to the Fiscal Year 2015 Water Department accounts as listed: same to be raised/offset by Fiscal Year 2015 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-103 Relative to the appropriation of \$5,214,000.00 to the Fiscal Year 2015 Sewer Department accounts as listed: same to be raised/offset by Fiscal Year 2015 Sewer Department Estimated Receipts as authorized by Chapter 44 Section 53E of the Massachusetts General Laws.

Gary Zimmerman of 47 LynnHaven Road spoke in opposition of the FY15 budget.

Mayor Mazzarella said he is hoping that they will pass the budget. He handed out information regarding the budget which is on file in the City Clerk's Office. He said if you look back to 2008 when the economy was not good, the City received 28% in local aid cut and since 2009 we operated with \$2,000,000.00 less than we did prior to the recession. He said the budget is lean and it is difficult to make up \$2,000,000.00. In 2008 when the economy got bad that didn't lessen our commitment to education. Every year we have met or exceeded school spending, while if you look at other communities around the other cities they are not. This year's net school spending is not less than what it was, it is more, \$1.2 million dollars plus other expenditures. The local aid contribution from 2013-2015 is 8.2% higher and 1.3% in what the state gives us. Some of the money is not directed to the classroom but it is directed to education. We are over in transportation. We still have to pay back our portion of debt service. We were not able to get everything to be reimbursed. He said our expenses for education for transportation are over \$3.2 million. We have done projects at Southeast School getting a new roof, work at Fallbrook and we are pretty sure we are going to get the grant for Northwest School. We got great help from the State but we still have to provide the funding for our portion of it. It does not come from the school budget. There are multiple listings of grants including an energy grant in which the School Department was the biggest benefactor. The savings that they realized can be spent back into the classroom and other locations. The reality is Leominster gave more money in that school spending during bad times, it also did huge building projects while everybody else put the brakes on them. We continue to pick up kids almost every kid in the public school system to the tune of almost \$4,000,000.00. Leominster has been generous. This is a tough budget. Every department had other requests it wished we could fund. There is only so much money.

HEARING ADJOURNED AT 7:56 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 23, 2014

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 7:35 P.M. to hold a public hearing and to hold a public forum.

Meeting reconvened at 8:13 P.M.

The following COMMUNICATION was received, referred to the CITY PROPERTY AND PROPERTY OVERSIGHT COMMITTEE, given REGULAR COURSE and referred to the City Solicitor, the Wire Inspector and the Department of Public Works.

- C-104 Dean J. Mazzarella, Mayor: Request a private utility easement for Romebeau Inc., owner of the Columbia Tavern on Manning Avenue.

The following COMMUNICATIONS were received with EMERGENCY PREAMBLES and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED AND ORDERED. Vt. 9 "yeas"

- C-105 Relative to the appropriation of \$1,922.00 to the City Clerk Salary & Wages Account; same to be transferred from the City Council Salary & Wages Account.
- ORDERED: - that the sum of One Thousand Nine Hundred Twenty Two Dollars (\$1,922.00) be appropriated to the City Clerk Salary & Wages Account; same to be transferred from the City Council Salary & Wages Account.
- C-106 Relative to the appropriation of \$9,000.00 to the Mayor's Salary & Wages Account; same to be transferred from the Mayor's Salary & Wages Account.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 23, 2014, continued

ORDERED: - that the sum of Nine Thousand Dollars (\$9,000.00) be appropriated to the Mayor's Salary & Wages Account; same to be transferred from the Mayor's Salary & Wages Account.

C-107 Relative to the appropriation of \$15,000.00 to the Police Department Expense Account; same to be transferred from the Police Department Salary & Wages Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the Police Department Expense Account; same to be transferred from the Police Department Salary & Wages Account.

The following COMMUNICATION was received under SUSPENSION OF THE RULES, referred to the PRESIDENT'S COMMITTEE ON SMALL BUSINESS/ ECONOMIC DEVELOPMENT given REGULAR COURSE and referred to the Assessor, the Economic Development Coordinator and the developer.

C-108 Dean J. Mazzarella, Mayor: Vote of support for the Housing Development Incentive Program (HDIP) Preliminary Certification Application to the Department of Housing and Community Development (DHCD) for the Lofts at City Place located at 108 Adams Street, as shown on Assessor's Map 4, Parcel 1.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for July 14, 2014 at 6:45 P.M. Vt. 9/0.

89-14 National Grid and Verizon New England: Industrial Road – Install 1 jointly owned pole on Industrial Road beginning at a point approximately 123 feet north of the centerline of the intersection of Keystone Drive.

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

Office of Emergency Management – Rehab Unit – Stephen Brodeur

Fire Department – Permanent Firefighters – William L. Schofield and Adam L. Studham

Upon request of the WAYS AND MEANS & VETERANS AFFAIRS COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. 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 AND MEANS & VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 7/1, Councillor Freda opposed. Councillor Bodanza abstained due to a possible conflict of interest.

84-14 Stephen J. Mullaney: Request the City Council ask the Mayor to submit an appropriation to pay certain unpaid bills due to S. J. Mullaney Engineering, Inc., as requested by the Mayor and the City Council in a Home Rule Petition to the General Court (Communication C-109, 2013), and as authorized by the General Court and the Governor in Chapter 192 of the Acts of 2013.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. Hearing was continued to July 28, 2014 at 6:45 P.M.

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. Hearing was continued to July 14, 2014 at 7:00 P.M.

50-14 James Whitney and Ten Registered Voters: Amend the Leominster Zoning Ordinance Article I, Section 22-4 entitled Definitions by eliminating the sentence "Facilities that utilize animal testing of products are not included in this definition" from the Life sciences definition.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0.

88-14 John Fraher, Leominster Police Department: Amend Chapter 18, Section 18-5 of the Revised Ordinances entitled "Police - Equipment" by deleting Section 5 in its entirety and replacing with a new Section 5.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was GRANTED. Vt. 8/1, Councillor Feckley opposed.

87-14 James E. Rheault: Rename the most westerly portion of Nancy Court, a private way, to Connors Way, a private way with the result that the premises at #18 Nancy Court (Assessors' Map 359 Parcel 2) would henceforth be known as #18 Connors Way, and that the premises at #24 Nancy Court (Assessors' Map 359 Parcel 9) would henceforth be known as #24 Connors Way.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 23, 2014, continued

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

C-88 Relative to the appropriation of \$40,000.00 to the Assessor's Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Assessor's Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED.
Vt. 7 "yeas" and 2 "nays", Councillors Cormier and Nickel opposed.

C-89 Relative to the appropriations of \$50,067.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery and Perpetual Care Income Account.

ORDERED: - that the sum of Fifty Thousand Sixty Seven Dollars (\$50,067.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery and Perpetual Care Income Account.

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

C-90 Relative to the appropriation of \$2,500.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account.

ORDERED: that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED.
Vt. 7 "yeas". Councillors Nickel and Cormier abstained due to a possible conflict of interest.

C-91 Relative to the appropriation of \$40,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

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

C-92 Relative to the appropriation of \$8,500.00 to the Highway Expense Account; same to be transferred from the Snow & Ice Salary and Wages Account.

ORDERED: -that the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) be appropriated to the Highway Expense Account; same to be transferred from the Snow & Ice Salary and Wages Account.

RE: Traffic Study at Pierce Street at Vista Avenue

C-93 Relative to the appropriation of \$10,000.00 to the Wire Department Expense Account; same to be transferred from the Snow & Ice Salary and Wages Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Wire Department Expense Account; same to be transferred from the Snow & Ice Salary and Wages Account.

RE: Traffic Evaluation at intersection of North Main Street at Nelson Street

C-94 Relative to the appropriation of \$25,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Wide Area network Connections

C-95 Relative to the appropriation of \$327,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Twenty Seven Thousand Dollars (\$327,000.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: 7 Marked Cruisers, 4 Unmarked Cruisers

REGULAR MEETING OF THE CITY COUNCIL, JUNE 23, 2014, continued

C-96 Relative to the appropriation of \$200,000.00 to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account.

C-97 Relative to the appropriation of \$375,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) be appropriated to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

RE: To reimburse the Stabilization Fund for funds transferred out for Fire Department roof repair.

C-2	\$350,000.00
C-6	<u>25,000.00</u>
	\$375,000.00

C-98 Relative to the appropriation of \$6,000.00 to the Treasurer's Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Six Thousand Dollars (\$6,000.00) be appropriated to the Treasurer's Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

RE: Sick Leave Buyback for retiring employees

C-99 Relative to the appropriation of \$229,931.00 to the Worker's Compensation Expense Account – FY 2015; same to be transferred from the following accounts:

FY2012	Worker's Compensation Loss Fund	\$112,443.00
FY2011	Worker's Compensation Loss Fund	\$100,000.00
FY2010	Worker's Compensation Loss Fund	\$ 10,000.00
FY2009	Worker's Compensation Loss Fund	\$ 4,168.55
FY2008	Worker's Compensation Loss Fund	\$ 3,319.45

ORDERED: - that the sum of Two Hundred Twenty Nine Thousand, Nine Hundred Thirty One Dollars (\$229,931.00) be appropriated to the Worker's Compensation Expense Account – FY 2015; same to be transferred from the following accounts:

FY2012	Worker's Compensation Loss Fund	\$112,443.00
FY2011	Worker's Compensation Loss Fund	\$100,000.00
FY2010	Worker's Compensation Loss Fund	\$ 10,000.00
FY2009	Worker's Compensation Loss Fund	\$ 4,168.55
FY2008	Worker's Compensation Loss Fund	\$ 3,319.45

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 "yeas" and 1 "nay", Councillor Dombrowski opposed. Councillor Marchand disclosed he has a family member that works at the School Department and will vote on the Communication as a whole. Councillor Cormier disclosed he has a family member that works at the School Department and the Fire Department and will vote on the communication as a whole. Councillor Nickel disclosed he has a family member that works at the Fire Department and will vote on the communication as a whole.

C-101 Relative to the appropriation of \$110,350,000.00 to the Fiscal Year 2015 Budget; same to be raised by Fiscal Year 2015 Revenue.

ORDERED: - that the sum of One Hundred Ten Million Three Hundred Fifty Thousand Dollars (\$110,350,000.00) be appropriated to the various General Fund budget account as listed; same to be raised by Fiscal Year 2015 Revenue.

C-102 Relative to the appropriation of \$5,675,000.00 to the Fiscal Year 2015 Water Department accounts as listed: same to be raised/offset by Fiscal Year 2015 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

ORDERED: - that the sum of Five Million Six Hundred Seventy Five Thousand Dollars (\$5,675,000.00) be appropriated to the various Water Department Accounts as listed; same total amount to be raised/offset by Water Department estimated receipts as authorized by Massachusetts General Law Chapter 44 Section 53E.

C-103 Relative to the appropriation of \$5,214,000.00 to the Fiscal Year 2015 Sewer Department accounts as listed: same to be raised/offset by Fiscal Year 2015 Sewer Department Estimated Receipts as authorized by Chapter 44 Section 53E of the Massachusetts General Laws.

ORDERED: - that the sum of Five Million Two Hundred Fourteen Thousand Dollars (\$5,214,000.00) be appropriated to the various Sewer System Department Accounts as listed; same total amount to be raised/offset by Sewer Department estimated receipts as authorized by Massachusetts General Law Chapter 44 Section 53E.

See Page _____ for complete budget.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 23, 2014, continued

Upon recommendation of the PRESIDENT'S COMMITTEE ON SMALL BUSINESS/ECONOMIC DEVELOPMENT, the following COMMUNICATION was GRANTED. Vt. 9/0

C-100 Dean J. Mazarella, Mayor: Approve a tax agreement between the City of Leominster and Syncarpha Massachusetts LLC for the location of a solar project at 350 Industrial Road in Leominster.

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

Assessor – Mary E. Carey – term to expire 4/15/2015

Leominster Fire Department - Reserve Firefighters
Michael P. Crowley, Dustin C. Randall, Eric L. Arsenault

Upon request of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENT was given FURTHER TIME. Vt. 9/0

Timothy R. Comeau

Upon request of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was TABLED. Vt. 9/0

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

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for July 14, 2014 at 6:50 P.M. Vt. 9 "yeas"

1st Reading Ordinance – Amend Section 21 of the Revised Ordinances entitled "Water and Sewers" by inserting a new Article VI, Sections 21-74 through 21-83 relative to "Stormwater and Erosion Control"

Councillor Salvatelli, Chair of the FINANCE COMMITTEE, moved that the following LOAN ORDER be removed from the table and placed on the calendar for action. It was so voted. 9/0 Committee reports as follows: Given LEAVE TO WITHDRAW. Vt. 9/0

1st Reading Loan Order - Ordered that the Treasurer with the approval of the Mayor borrow the sum of \$340,000.00 for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as "land of Bruce Barnes" located on Jungle Road, Shown on Leominster's Assessors Map 305, Parcels 9 and 10, containing 16.5 acres; that said land be conveyed to the City of Leominster under the provisions of Massachusetts General Law, Chapter 40, Section 8C, as amended and other Massachusetts General Laws relating to conservation, to be managed and controlled by the Leominster Conservation Commission and the Conservation Commission be authorized to apply for any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any others in any way connected with the scope of this Article, and the City of Leominster and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the City of Leominster to affect said purchase. (July 2005)

Councillor Salvatelli, Chair of the FINANCE COMMITTEE, moved that the following COMMUNICATION be removed from the table and placed on the calendar for action. It was so voted. 9/0 Committee reports as follows: Given LEAVE TO WITHDRAW. Vt. 9/0

C-84(2008) Relative to the appropriation of \$10,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Excess and Deficiency Account.

Councillor Salvatelli, Chair of the FINANCE COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted. 9/0 Committee reports as follows: Given LEAVE TO WITHDRAW. Vt. 9/0

29-14 Gail P. Feckley et al: Request the Mayor to add a line item to the City's budget for maintenance of detention ponds in the City including, but not limited to, those on Brown Avenue, Westview Estates and any future developments in the vicinity of Cloverleaf Road and Crescent Road.

Councillor Salvatelli, Chair of the FINANCE COMMITTEE AND Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted. 9/0 Committee reports as follows: Given LEAVE TO WITHDRAW. Vt. 9/0

82-08 David Rowlands: Establish a Water Enterprise Account as authorized by MGL Chapter 44 53F1/2.

MEETING ADJOURNED AT 9:50 P.M.

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