

HEARING BEFORE THE CITY COUNCIL, APRIL 13, 2015

Hearing opened at 7:05 P.M. with Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present except Councillor Dombrowski.

The following PETITION was the subject of the hearing:

27-15 National Grid and Verizon New England: Lake Street – Install 1 jointly owned pole and anchor. National Grid to relocate pole 13 feet north and install new pole, down guy and anchor with a 12 ft. lead. New pole and anchor will be located on city property at the west side of Lake Street.

Ken Dobie of National Grid said he met with the customer and they came to an agreement to do away with the pole that was going to be set. The new proposal will move the pole 13 feet putting an anchor at the end which will dead end the wires. The stub pole will not be necessary. He said the engineer in Waltham said this is the best course of action. He changed the plan to the new one submitted now and the homeowner was happy.

No one in the audience spoke in opposition to this petition.

Councillor Feckley said she spoke with the abutters on Saturday and we also received a copy of a letter sent to the City Clerk stating they are in agreement with the new location.

HEARING ADJOURNED AT 7:08 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 13, 2015

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

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

The Committee on Records reported that the records through March 23, 2015 were examined and found to be in order. The records were accepted.

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

C-38 Dean J. Mazarella, Mayor: Request that Raymond Racine be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest as he is currently employed by the Public Works Department and will be taking a position with the School Department umpiring baseball and softball games.

C-39 Dean J. Mazarella, Mayor: Request that Raymond Racine be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest as he is currently employed by the Public Works Department and will be taking a position setting up polling booths for the City Clerk Elections and Registration Office.

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

C-40 Relative to the appropriation of \$7,280.00 to the Sealer of Weights & Measures Salary & Wages Account; same to be transferred from the Sealer of Weights & Measures Receipts Reserved for Appropriation Account.

C-41 Relative to the appropriation of \$7,500.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-42 Relative to the appropriation of \$1,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-43 Relative to the appropriation of \$540,882.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Revenue Reserved for Appropriation Account.

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

28-15 Andrew Rome: Renew the license for one pool table at the Columbia Tavern located at 16 Central Street Rear.

29-15 Michael J. Fusco: Renew the license for two pool tables at Jake's Pub Inc. d/b/a Hot Shotz located at 1293 Main Street.

30-15 William Plant: Renew the License for nine pool tables at J. C. Fenwicks/Tinkums located at 37-39 Mechanic Street.

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- 31-15 Kevin Donahue: Renew the license for one pool table at Scoreboards Sports Bar and Grill located at 137 Lancaster Street.
- 32-15 Roger Cormier: Renew the Second Hand Dealers License for Crowne Jewelers located at 12 Lindell Avenue.
- 33-15 Jon Andre Zajon: Renew the Second Hand Dealers License for Georges Fine Jewelers, Inc. located at 255 North Street.
- 34-15 George Deglaoui: Renew the Second Hand Dealers License for Deghan Inc., d/b/a Hannoush Jewelers located at 100 Commercial Road.
- 35-15 Joanne Atwood: Renew the Second Hand Dealers License for The Repair Palace located at 100 Commercial Road.
- 36-15 Matt Zvacek: Renew the Second Hand Dealers License for Gold Buyers of America, LLC located at 100 Commercial Road.
- 37-15 Robert Jamsa: Renew the Second Hand Dealers License for Best Buy Stores, LP #1433 located at 33 Orchard Hill Park Drive.
- 38-15 Mark Gordon: Renew the Second Hand Dealers License for Music Mania Inc. located at 875 Merriam Avenue, Suite 135.
- 39-15 Virginia A. Tocci: Renew the Second Hand Dealers License for Joseph's Group Inc. d/b/a Joseph's Jewelers located at 28 Central Street.
- 40-15 Christine Abernathy: Renew the Second Hand Dealers License for ecoATM, Inc. located at 100 Commercial Road.
- 41-15 GameStop #1485: Renew the Second Hand Dealers License for the location at 100 Commercial Road #49.
- 42-15 Game Stop #3594: Renew the Second Hand Dealers License for the location at 26 Orchard Hill Park Drive.
- 43-15 Laurel Krueger: Renew the Second Hand Dealers License for Beldon Jewelers #0240 located at 100 Commercial Road.
- 44-15 Laurel Krueger: Renew the Second Hand Dealers License for Kays Jewelers #1285 located at 100 Commercial Road.
- 45-15 Nellye Molina: Grant a Second Hand Dealers License for J & J Consignment located at 232 Central Street.

The following PETITION was received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the License Commission and the Police Department.

- 46-15 Peter Bellanton: Grant a License to North Central Coach & Cab LLC located at 435 Lancaster Street, Suite 341 for 10 limousines in compliance with M.G.L. Chapter 159A.

The following PETITION was received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Police Department and the Treasurer

- 47-15 Albert D. Mason: Renew the license for 7 pool tables and 24 bowling alleys at Mason's Bowling Center located at 640 R. North Main Street.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections and the Police Department.

- 48-15 Claire Freda for Kathie Peloquin: Place signs on Mechanic Street, Route 117, West Street, the Common and North Main Street to promote the annual quilt show on June 26 and 27, 2015. Signs would be placed on the weekend of June 6, 2015 and taken down the weekend of June 27th.

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

HISTORICAL COMMISSION – Michael Kerrigan and Patrick LaPointe –
terms to expire 4/15/18

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

BOARD OF APPEALS - Stephen A. DeCarolis - term to expire 4/15/18

BOARD OF APPEALS – ALTERNATE MEMBER - Robert Fitzpatrick - term to expire 4/15/16

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BOARD OF ASSESSORS - Mary E. Carey - term to expire 4/15/18

BOARD OF HEALTH - Dr. Peter Lanza - term to expire 4/15/18

CULTURAL COMMISSION - Bruce Lambert - term to expire 4/15/18

DISABILITY COMMISSION – Gail Turbide and Marty Turbide - terms to expire 4/15/18

DOYLE FIELD COMMISSION - Gilbert C. Donatelli term to expire 4/15/18

HISTORICAL COMMISSION – Donald Piermarini, Chester Carter and
Kate Griffin Brook - terms to expire 4/15/18

LIBRARY BOARD OF TRUSTEES - Mark Bodanza - term to expire 4/15/18

LICENSE COMMISSION – Kenneth J. Tata - term to expire 4/15/21

RECREATION COMMISSION – John M. Ciccolini and Thomas Bissonnette –
terms to expire 4/15/18

VETERANS BURIAL AGENT – Richard Voutour – term to expire 4/15/16

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE the following PETITIONS were GRANTED. Vt. 8/0

25-15 Aime Lemoine: Renew the License for two pool tables at Seven R's, d/b/a A & R's Double Inn located 166 Water Street.

26-15 Fred R. Tousignant: Renew the Second Hand Dealer's License for Fred's Auction located at 38 Spruce Street.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITION was GRANTED. Vt. 7/0, Councillor Cormier abstained due to a possible conflict of interest.

27-15 National Grid and Verizon New England: Lake Street – Install 1 jointly owned pole and anchor. National Grid to relocate pole 13 feet north and install new pole, down guy and anchor with a 12 ft. lead. New pole and anchor will be located on city property at the west side of Lake Street.

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

Stabilization Account	\$10,104,907.93
Emergency Reserve	\$0

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 6 "yeas", Councillors Cormier and Nickel abstained due to a possible conflict of interest.

C-37 Relative to the appropriation of \$150,000.00 to the Fire Department Overtime Account; same to be transferred from the Stabilization Fund. (Granted with an Emergency Preamble on March 23, 2015; another vote was required.)

The following RESOLUTIONS were received under SUSPENSION OF THE RULES, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Assessor, the Treasurer and the City Solicitor. Vt. 8/0

RESOLUTION- Authorize transfer and convey Lancaster Street property

RESOLUTION – Authorize acceptance of a permanent easement for Exchange Street properties

Under Old Business, Councillor Cormier said last week he was away on vacation and while away he was reading an article in the newspaper regarding the State withholding \$3.2M in local aid. He saw that many of his colleagues had commented and his phone was probably ringing being the Chairman of Finance. He says he echoes the sentiments of his colleagues on the City Council about how disturbing this was to read. He said he wasn't aware of this and that was disturbing. The former Chair of Finance, according to the newspaper article, was not aware of this either. Some of this was brewing toward the end of his chairmanship of this committee. The paper said this was planned and if this was planned I don't know when it was planned. Why wasn't the City Council notified? The disturbing part is that the administration claims this was planned but we didn't know anything about it. I think there is a lack of accountability going on. I don't know what else to say about it at this point. Certainly we can't hold those accountable, that comes under Section 3.4 of the City Charter where the Mayor would need to hold those individuals, those department heads accountable for whatever is going on.

Councillor Cormier said the City Comptroller is dealing with in excess of \$110M of taxpayer money on a confirmation that expired on April 15, 2010. The last time he was confirmed was July 2007. This City Council has no say over what the

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Comptroller is doing for all these years. On this agenda we have all these re-appointments and I still don't see his name on there. It is getting to the point where we need to ask the Comptroller to come down. What's happening is we are getting close to budget time and there is obviously a lot going on and it is not just with local aid, we are hearing about deficiencies with net school spending and so many other things. We have to ask ourselves how could this potential impact our budget. We still don't have free cash certified. In one of the letters that the Mayor sent us recently, he talks about how they have spent months cleaning out closets, cleaning up old accounts, grants, purchase orders, etc. from back to 2012, so obviously there are some things going on that need to be cleaned up with books.

Councillor Cormier wants to remind everyone that back on September 12, 2011 this Council voted on a Resolution to ask the Mayor to have the DOR come in and do a review of the City's finances and I still don't think that's been acted upon. As far as I am concerned the invitation is still open and given all of this controversy going on I would wonder if the Mayor would rethink and act on the Resolution. It would be prudent to see something at this point.

Councillor Cormier said in June 2013, it was budget time and the Comptroller John Richard came down and said there was some talk about the City Council potentially cutting the budget to give the taxpayers a break that year. He said John Richards was making it very clear that it wasn't fiscally responsible, they worked hard to get themselves to where they are, and cutting the budget could potentially put us on a bad financial footing, it could hurt our bond rating, it could start to cause instability in the City of Leominster and if we cut taxes we could potentially run into a lot of problems. He said Mr. Richards also went on about Moody's and our bond rating. Councillor Cormier said he would like to see the Comptroller come down and explain to us how "this" news helps our bond rating after we had to sit and listen to his shmeal on how our actions could be detrimental to the bond rating. Then you have the Mayor making comments that we have the money, we can cover this. We're taking this out of the stabilization fund. What does that do to our bond rating by making those kinds of comments that we can dip into this money. He said being the new chairman of Finance I want to understand how everything we are dealing with here could affect the decisions we are going to have to make at budget time. We are going to get appropriations so do we want to put in a park this year? Do we want to take more land by eminent domain and put another park in or are we going to have other things we are going to make up for like net school spending, or other things we weren't told about.

Councillor Freda said she doesn't know what the difficulty is. This Council voted on \$62M for the schools, we gave them \$62M net school spending availability. If the school is saying they have \$61M, somewhere there is \$1M, it's not rocket science. Where is it? Somebody has the answer. Councillor Freda said this Council use to bring up a piece of Kopelman & Paige's invoice at the meetings but I guess this one was missed. "Review correspondence in the Department of Elementary and Secondary Education regarding the financial statement and withholding Chapter 70 payment, authority of the State agency legal research." We should ask the Mayor's office for a copy of that opinion. We don't have any authority it's the School Committee authority and that is pretty clear. Ask the question, where is the money?

Councillor Bodanza said at the last City Council meeting we set up a meeting with the School Committee that is scheduled for April 29, 2015. One of the four items that the Superintendent wanted included on the agenda was the discussion of the issue on net school spending with DESE. He said it is very clear, he has seen documents, that this Council appropriated \$62.5M to the schools and it is clear, he has seen the documents, that the schools spent \$62.5M and there is \$1.1M that is not accounted for in the year-end report they filed with DESI. He is very confident that this will get resolved. He said he doesn't think that we are the arbitrator of that or we should be discussing it in a meeting with the School Committee. That is something that has to be ironed out between the Comptroller, Mr. Deedy, the Superintendent, and auditors and he is sure they will get to the bottom of it.

Councillor Salvatelli said the school issue was answered by a couple of veterans here but the Councillor from Ward 3 had about four other issues that deserve significant attention starting with the appointment process and bond rating. He said no one has been talking about it for the last year and a half. He said Councillor Cormier deserves the respect and admiration for bringing it up again.

Councillor Freda said we are making statements that we don't have any backup and she gets concerned about that. If that was brought up it should have been put on the agenda have a discussion about it.

Councillor Marchand said it is an emotional situation when you hear such numbers of great significance. This is old business and we dealt with it during the budgetary process so it does deem recognition especially from the Chair of Finance. He said we can't do anything with it tonight unfortunately and there is probably a sense of frustration on every ones part that we can't waive a wand and fix it. He said obviously we are going to push the issue and hopefully by the next meeting it will be resolved or at least identified what the issue is and the Mayor will be coming down to speak to the Council on that matter. I will also suggest if he wants to bring his support team, the Comptroller, if necessary.

Under New Business, Councillor Freda said to the Chair of the Committee on Schools when I was at the last School Committee meeting there was a discussion about some members thinking they were not going to be able the make the meeting on April 29th and asked him if there has been any discussion with any of them.

Councillor Bodanza said he hasn't heard from anyone. He said he will look into it.

MEETING ADJOURNED AT 8:07 P.M.

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