

HEARING BEFORE THE CITY COUNCIL, JANUARY 28, 2013

Hearing opened at 6:34 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Marchand. Councillor Freda arrived late.

The hearing was continued from November 13, 2012.

The following PETITION was the subject of the hearing:

17-13 Kenneth Vachon: Grant a Special Permit to expand the existing 9 hole golf course to 18 holes located at 449 Wachusett Street as shown on Assessor's Map 388, as Lot 1 and located in the Water Supply Protection District.

Councillor Rowlands said he received a request from the petitioner to continue this hearing to another date. The applicant stated that his engineer is preparing the necessary plan and paperwork to meet with the Planning Board, Health Department and the Conservation Commission. He said the jurisdiction over Special Permits will be changing but to move forward with this petition.

HEARING ADJOURNED AT 6:36 P.M. and continued to MAY 13, 2013 AT 6:45 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 28, 2013

Hearing opened at 6:37 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Marchand.

The following ORDINANCE was the subject of the hearing:

Relative to amending Section 16-30 of the Revised Ordinances entitled "Compensation Grades" by deleting Schedule "W" in its entirety and inserting in its place a new Schedule "W" (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7) by 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/2013, 3% effective 7/1/2013, 3% effective 7/1/2014.

No one in the audience spoke in favor or in opposition to this ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 6:39 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 28, 2013

Hearing opened at 6:45 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 16-30, of the Revised Ordinances entitled "Compensation Grades" by adding Schedule (d) Pay For Dispatchers with effective dates of July 1, 2009, through July 1, 2014

No one in the audience spoke in favor or in opposition to this ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 6:46 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 28, 2013

Hearing opened at 6:55 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 2 of the Revised Ordinances entitled "Administration" by inserting new language requiring Mayoral re-appointment at the end of a three year term or if the position is considered vacant it must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

Councillor Rowlands discussed the language in the ordinance and said that Kopelman & Paige added the sentence "Nothing in this section shall be construed to require the Mayor to appoint a member to fill a term which is expiring in the event that no less than five members continue to serve at the expiration of such term without such an appointment."

Councillor Rowlands said he is not in favor of the sentence as he feels it leaves it open for abuse.

No one in the audience spoke in favor or in opposition to this ordinance.

Councillor Dombrowski agreed with Councillor Rowlands.

No other Councillors spoke.

HEARING ADJOURNED AT 7:02 P.M.

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

Hearing opened at 7:02 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 21-13 of the Revised Ordinances entitled "Regulations for Use of Water" by inserting a section relative to abatement of water charges for above ground or in ground swimming pools.

No Councillors spoke.

HEARING ADJOURNED AT 7:02 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013

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 January 7, 2013 were examined and found to be in order. The records were accepted.

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

- C-63 Relative to the appropriation of \$3,300.00 to the Historical Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-64 Relative to the appropriation of \$3,000.00 to the Cemetery Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-65 Dean J. Mazarella, Mayor: Request that the Vietnam Veterans of America Scholarship Trust Fund be established.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for February 11, 2013 at 6:50 P.M. Vt. 9/0

- C-66 Dean J. Mazzearella, Mayor: Relative to the appropriation of One Million Two Hundred Seventeen Thousand Eight Hundred Thirty Dollars (\$1,217,830.) for the purpose of paying costs of replacing the boiler at Fallbrook Elementary School, 25 Decicco Drive, Leominster, Massachusetts, including the payment of all cost incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for February 11, 2013 at 7:00 P.M. Vt. 9/0

- C-67 Dean J. Mazzearella, Mayor: Relative to the appropriation of Three Million Six Hundred Ninety Six Thousand Seven Hundred Fifty Seven Dollars (\$3,696,757.) for the purpose of paying costs of replacing the boiler and the roof at the Southeast Elementary School, 95 Viscoloid Avenue, Leominster, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA and if the MSBA's Board of Directors vote to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE. A hearing was set for February 11, 2013 at 6:40 P.M.

- C-68 Dean J. Mazzearella, Mayor: Amend Section 16-30 of the Revised Ordinances by deleting schedule (a) in its entirety and inserting in its place a new Schedule (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1) by increasing salaries and wages of S-1 thru S-10 salaried positions 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/13, 3% effective 7/1/2013 and 3% effective 7/1/2014.

Councillor Rowlands requested a list of S1-S10 positions that would be affected by this ordinance.

The following COMMUNICATION was received under SUSPENSION OF THE RULES with an EMERGENCY PREAMBLE and referred to the CITY PROPERTY COMMITTEE. Upon recommendation of the CITY PROPERTY COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9/0

- C-69 Dean J. Mazzearella, Mayor: Request that the property located at 269 Crawford Street be declared surplus.

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

- 33-13 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to enter into a five year contract for busing service.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and Referred to the Planning Board, the Director of Inspections, the Health Director, the Conservation Commission and the Department of Public Works. A hearing was set for February 25, 2013 at 7:00 P.M. Vt. 9/0

- 34-13 N.E.W. Plante Development: Grant a Special Permit to construct 46 apartments in an existing building at 140 Adams Street as shown on Assessor's Map 6, as lot 3 and located within the floodplain.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and Referred to the Planning Board, the Director of Inspections, the Health Director, the Conservation Commission and the Department of Public Works. A hearing was set for February 25, 2013 at 6:45 P.M. Vt. 9/0

- 35-13 Rockwell Pond, LLC: Grant a Special Permit to construct a driveway to connect the existing building at 83 Cotton Street and 44 Pond Street and repave a portion of the existing parking lot at 83 Cotton Street as shown on Assessor's Map 7 as lot 5 and Map 6 as lot 11 and located within the floodplain. (Legal Affairs)

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

Leominster Police Chief – Robert Healey -Effective January 11, 2013

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)	\$ 3,581,686.00
Stabilization Account	\$ 12,536,229.29
Interest	\$ 21,821.36
Emergency Reserve	\$ 0

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

- C-48 Relative to the appropriation of \$454,527.00 to the Wastewater Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Four Hundred Fifty Four Thousand, Five Hundred Twenty Seven Dollars (\$454,527.00) be appropriated to the Wastewater Support Services Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: OPEB contribution to unfunded actuarial liability

- C-49 Relative to the appropriation of \$750,000.00 to the Wastewater Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) be appropriated to the Wastewater Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Continued upgrades to the Wastewater Treatment Plant	\$500,000.00
Day Street Pump Station Upgrade	\$250,000.00

- C-50 Relative to the appropriation of \$40,000.00 to the Unemployment 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 Unemployment Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-51 Relative to the appropriation of \$20,000.00 to the Other Finance Offices and Accounts; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Other Finance Offices and Accounts; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”, Councillor Cormier abstained due to a possible conflict of interest.

- C-52 Relative to the appropriation of \$20,000.00 to the Debt Service Interest Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Debt Service Interest Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the FINANCE COMMITTEE the following COMMUNICATION was TABLED. Vt. 9 “yeas”

- C-53 Relative to the appropriation of \$50,000.00 to the Building Demolition Expense Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

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

- C-54 Relation to the appropriation of \$8,843.00 to the Sewer Department Salary & Wages Account; same to be transferred from the Sewer Department Support Services Expense Account.
- ORDERED: - that the sum of Eight Thousand Eight Hundred Forty Three Dollars (\$8,843.00) be appropriated to the Sewer Department Salary and Wages Account; same to be transferred from the Sewer Department Support Services Expense Account.
- | | |
|---|------------|
| RE: 2% Non-Union FY2012 Settlement Amount | \$2,165.00 |
| 1% Non-Union FY 2013 Settlement Account | \$6,678.00 |
- C-55 Relative to the appropriation of \$11,053.00 to the Water Department Salary & Wages Account; same to be transferred from the Water Department Support Services Expense Account.
- ORDERED: - that the sum of Eleven Thousand Fifty Three Dollars (\$11,053.00) be appropriated to the Water Department Salary & Wages Account; same to be transferred from the Water Department Support Services Expense Account.
- | | |
|--|------------|
| RE: 2% Non-Union F?Y2012 Settlement Amount | \$3,654.00 |
| 1% Non-Union 1/1/2013 Settlement Amount | \$7,399.00 |
- C-56 Relative to the appropriation of \$155,219.00 to the Various General Fund Salary & Wages Accounts as listed; same to be transferred from the Collective Bargaining Expense Account.
- ORDERED: - that the sum of One Hundred Fifty Five Thousand Two Hundred Nineteen Dollars (\$155,219.00) be appropriated to the Various General Fund Salary & Wages Account as listed; same to be transferred from the Collective Bargaining Expense Account;
- | | |
|--|--|
| RE: Non-Union Employee’s FY2013 Settlement | |
| 7/1/2012 2% Cost of Living Adjustment | |
| 1/1/2013 1% Cost of Living Adjustment | |
- C-57 Relative to the appropriation of \$67,078.00 to the Various General Fund Salary & Wages Accounts as listed; same to be transferred from the Excess and Deficiency Account.
- ORDERED: - that the sum of Sixty Seven Thousand Seventy Eight Dollars (\$67,078.00) be appropriated to the Various General Fund Salary & Wages Account as listed; same to be transferred from the Excess and Deficiency Account.
- RE: 2% Cost of living adjustment for non-union employee’s FY2012 retroactive payments.
- C-58 Relative to the appropriation of \$60,000.00 to the Collective Bargaining Expense Account; same to be transferred from the Excess and Deficiency Account.
- ORDERED: - that the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated to the Collective Bargaining Expense Account; same to be transferred from the Excess and Deficiency Account.
- RE: One time payment for non-union employee’s unilateral health insurance plan design changes for the FY2010 thru FY2012 time period.
- C-60 Relative to the appropriation of \$2,910.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland Fee’s Reserved for Appropriation Account.
- ORDERED: that the sum of Two Thousand Nine Hundred Ten Dollars (\$2,910.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Wetlands Fee’s Reserved for Appropriation Account.
- C-61 Relative to the appropriation of \$40,000.00 to the Other Finance Offices and Accounts Expense Account; same to be transferred from the Debt Service – Principal Expense Account.
- ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Other Finance Offices and Accounts Expense Account; same to be transferred from the Debt Service-Principal Expense Account.
- RE: Debt Issuance Costs

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9 “yeas”

- C-62 Dean J. Mazarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in Fiscal Year 2013 in excess of the available appropriation in the amount of \$250,000.00 as authorized by Massachusetts General Law, Chapter 44, Section 31D.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

Upon recommendation of the PUBLIC SAFETY COMMITTEE the following PETITION was GRANTED. Vt. 9/0

- 31-13 Patrick LaPointe and Thomas Bissonnette: Install a stop sign on the curve on Main Street just before Wilder Avenue against east bound traffic on Main Street.

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

- C-59 Relative to the appropriation of \$3,599.00 to the CDBG Administration Salary & Wages Account; same to be transferred from the CDBG Administration Salary & Wages Account.

ORDERED: - that the sum of Three Thousand Five Hundred Ninety Nine Dollars (\$3,599.00) be appropriated to the CDBG Administration Salary & Wages Account; same to be transferred from the CDBG Administration Salary & Wages Account.

RE: Non-Union 2% Increase – 7/1/2011
 Non-Union 2% Increase – 7/1/2012
 Non-Union 1% Increase – 1/1/2013

Upon request of the WAYS & MEANS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW. Vt. 9/0

- 27-13 David Rowlands: Request the City Council utilize the powers vested in them per Section 5.1 of the Leominster Home Rule Charter to reorganize the Personnel and Labor Services.

Upon request of the WAYS & MEANS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0
 This petition was referred to the President's Committee on Information Technology.

- 32-13 John Dombrowski: Add to the City Council's Rules of Procedure RULE 34-EMAILS – All emails that are sent or received by City Councillors relating to City matters shall be sent through the City Clerk's Office who will then forward them to all Councillors and the appropriate departments.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. 9 "yeas"

Cultural Commission – Bruce Lambert – 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"



An Ordinance

THE CITY OF LEOMINSTER

In the year two thousand and thirteen

To increase hourly scales of pay for W-1 through W-6 by:

Effective 7/1/2009 by 0.0%
 Effective 7/1/2010 by 0.0%
 Effective 7/1/2011 by 2.0%
 Effective 7/1/2012 by 2.0%
 Effective 1/1/2013 by 1.0%
 Effective 7/1/2013 by 3.0%
 Effective 7/1/2014 by 3.0%

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

Amend Section 16-30 by deleting schedule W in its entirety and inserting in its place therein, the following:

(b) (1) SCHEDULE W – EFFECTIVE JULY 1, 2009 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	13.52	13.93	14.27	14.57	15.00	15.29
W-2	14.79	15.31	15.79	16.18	16.71	17.04
W-3	16.01	16.55	16.95	17.50	18.04	18.40
W-4	17.12	17.66	18.20	18.83	19.38	19.77
W-5	18.14	18.72	19.31	19.93	20.43	20.83
W-6	23.18	24.25	25.28		26.28	26.80

(b) (2) SCHEDULE W – EFFECTIVE JULY 1, 2010 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	13.52	13.93	14.27	14.57	15.00	15.29
W-2	14.79	15.31	15.79	16.18	16.71	17.04
W-3	16.01	16.55	16.95	17.50	18.04	18.40
W-4	17.12	17.66	18.20	18.83	19.38	19.77
W-5	18.14	18.72	19.31	19.93	20.43	20.83
W-6	23.18	24.25	25.28		26.28	26.80

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

(b) (3) SCHEDULE W –EFFECTIVE JULY 1, 2011 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	13.79	14.20	14.55	14.86	15.30	15.59
W-2	15.08	15.61	16.10	16.50	17.04	17.38
W-3	16.33	16.88	17.28	17.85	18.40	18.76
W-4	17.46	18.01	18.56	19.20	19.76	20.16
W-5	18.50	19.09	19.69	20.32	20.83	21.24
W-6	23.64	24.73	25.78		26.80	27.33

(b) (4) SCHEDULE W –EFFECTIVE JULY 1, 2012 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	14.06	14.48	14.84	15.15	15.60	15.90
W-2	15.38	15.92	16.42	16.83	17.38	17.72
W-3	16.65	17.21	17.62	18.20	18.76	19.13
W-4	17.80	18.37	18.93	19.58	20.15	20.56
W-5	18.87	19.47	20.08	20.72	21.24	21.66
W-6	24.11	25.22	26.29		27.33	27.87

(b) (5) SCHEDULE W –EFFECTIVE JANUARY 1, 2013 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	14.20	14.62	14.98	15.30	15.75	16.05
W-2	15.53	16.07	16.58	16.99	17.55	17.89
W-3	16.81	17.38	17.79	18.38	18.94	19.32
W-4	17.97	18.55	19.11	19.77	20.35	20.76
W-5	19.05	19.66	20.28	20.92	21.45	21.87
W-6	24.35	25.47	26.55		27.60	28.14

(b) (6) SCHEDULE W –EFFECTIVE JULY 1, 2013 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	14.62	15.05	15.42	15.75	16.22	16.53
W-2	15.99	16.55	17.07	17.49	18.07	18.42
W-3	17.31	17.90	18.32	18.93	19.50	19.89
W-4	18.50	19.10	19.68	20.36	20.96	21.38
W-5	19.62	20.24	20.88	21.54	22.09	22.52
W-6	25.08	26.23	27.34		28.42	28.98

(b) (7) SCHEDULE W –EFFECTIVE JULY 1, 2014 – HOURLY SCALES OF PAY FOR UNSKILLED, SEMI-SKILLED AND SKILLED LABOR POSITIONS IN THE SERVICE OF THE CITY:

	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
W-1	15.05	15.50	15.88	16.22	16.70	17.02
W-2	16.46	17.04	17.58	18.01	18.61	18.97
W-3	17.82	18.43	18.86	19.49	20.08	20.48
W-4	19.05	19.67	20.27	20.97	21.58	22.02
W-5	20.20	20.84	21.50	22.18	22.75	23.19
W-6	25.83	27.01	28.16		29.27	29.84

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



THE CITY OF LEOMINSTER

In the year two thousand and thirteen

An Ordinance

To Amend Section 16-30 by adding schedule (d):

Scales of Pay for Dispatchers in the City of Leominster to take effect July 1, 2009.

	7/1/2009	7/1/2010	7/1/2011	7/1/2012	1/1/2013	7/1/2013	7/1/2014
Step 6	36,896.32	36,896.32	37,634.24	38,386.92	38,770.78	39,933.90	41,131.91
Step 5	36,172.85	36,172.85	36,896.30	37,634.22	38,010.56	39,150.87	40,325.39
Step 4	35,463.58	35,463.58	36,172.85	36,896.30	37,265.26	38,383.21	39,534.70
Step 3	34,768.23	34,768.23	35,463.59	36,172.86	36,534.58	37,630.61	38,759.52
Step 2	34,086.48	34,086.48	34,768.20	35,463.56	35,818.19	36,892.73	37,999.51
Step 1	33,418.12	33,418.12	34,086.48	34,768.20	35,115.88	36,169.35	37,254.43
Entry	32,762.89	32,762.89	33,418.14	34,086.50	34,427.36	35,460.18	36,523.96

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

The following ORDINANCE was read a second time and AMENDED. Vt. 9 "yeas" The ORDINANCE was ADOPTED AS AMENDED and passed to be ordained. Vt. 9 "yeas". The following language that was added by Kopelman and Paige was stricken from the ordinance referencing the Planning Board and the Development and Industrial Commission; "nothing in this section shall be construed to require the mayor to appoint a member to fill a term which is expiring in the event that no less than five members continue to serve at the expiration of such term without such an appointment." Also, the following language was stricken regarding the Conservation Commission "nothing in this section shall be construed to require the mayor to appoint a member to fill a term which is expiring in the event that no less than three members continue to serve at the expiration of such term without such an appointment."



THE CITY OF LEOMINSTER

In the year two thousand and thirteen

AN ORDINANCE

amending Chapter 2 of the Revised Ordinances entitled "Administration."

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

Section 2-25 of the Revised Ordinances entitled "City Treasurer – Appointment; Term" is hereby amended by inserting the following language:

Upon the expiration of the said three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-28 of the Revised Ordinances entitled "City Collector – Appointment; Term" by inserting the following language:

Upon the expiration of the said three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-31 of the Revised Ordinances entitled "City Comptroller – Appointment; Term" by inserting the following language:

Upon the expiration of the said three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is

considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-34 of the Revised Ordinances entitled "Purchasing Agent – Appointment; Term" by inserting the following language:

Upon the expiration of the said three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-39 of the Revised Ordinances entitled "Inspector of Weights and Measures – Appointment" by inserting the following language:

Upon the expiration of the said term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-43 of the Revised Ordinances entitled "Assessing Department – Charge; Appointment and Term; Powers and Duties" by inserting the following language:

Upon the expiration of the any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-47 of the Revised Ordinances entitled "Public Library Department – Established; Appointment and Compensation of Members" by inserting the following language:

Upon the expiration of any such term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-51 of the Revised Ordinances entitled "Department of Veterans Services – Established; Appointment, Qualifications and Term of Director" by inserting the following language:

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

Upon the expiration of the said three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-55 of the Revised Ordinances entitled "Department of Public Works: Water/Wastewater Treatment Plant Commission – Appointment and term of members, Chairperson and Secretary" by inserting as the third sentence in subsection (b) the following language:

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-61 entitled "Board of Health – Appointment; membership; qualifications; terms" by inserting the following language:

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-65 entitled "Planning Board – Established; appointment and terms of members" by inserting the following language:

Upon the expiration of any such five year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-70 entitled "Registrars of Voters – Composition; Appointment and Term" by inserting the following language:

(d) Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-74 of the Revised Ordinances entitled "Board of Commissioners of Trust Funds – Appointment and Terms of Members" by inserting the following language:

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-78 of the Revised Ordinances entitled "Development and Industrial Commission – Established; Appointment and Term of Members" by inserting the following language:

Upon the expiration of any such five year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-81 of the Revised Ordinances entitled "Capital Improvement Commission – Established; Composition; Appointment and Term of Members" by inserting the following language:

Upon the expiration of any three year term of a citizen member, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-99 of the Revised Ordinances entitled "Conservation Commission – Appointment of Members" by inserting the following language:

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-103 of the Revised Ordinances entitled "Cable Television Advisory Committee – Appointment; Membership; Terms" by inserting the following language:

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

And further by amending Section 2-105 of the Revised Ordinances entitled "Cemetery Commission: Established – Appointment and Terms of Members" by inserting the following language:

Upon the expiration of any such three year term, the position is to be filled by mayoral re-appointment as stated in Section 2.3 of the Leominster Home Rule Charter (or) if re-appointment is not made at the expiration of the three year term, the position is considered vacant and must be filled by temporary appointment as defined by Section 2.5 of the Leominster Home Rule Charter.

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



THE CITY OF LEOMINSTER

In the year two thousand and thirteen

AN ORDINANCE

amending Article 21 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 21-13 of the Revised Ordinances entitled "Regulations for Use of Water" is hereby amended by inserting the following subsection:

(q) A user of the system with an above-ground or in ground swimming pool with at least a 5,000 gallon capacity may apply to the Director of Public Works for an abatement of water charges associated with the initial filling or complete refilling of water in such pool. Abatements may only be granted for the filling of a new pool or complete refilling after repairs or relining, and not for seasonal refilling or topping off. Applicants must supply the Director of Public Works with adequate documentation of such filling, including, as applicable, a paid contractor's invoice for the installation of the pool or pool liner, a pool permit on file with the Building Department, and any other information or procedures required by the Director to verify the amount of water used in such filling or refilling.

Under Old Business, Councillor Cormier said at the January 23, 2013 City Property Committee meeting, Judy Sumner spoke about the letter received from the Leominster American Little league regarding moving the scoreboard at the Twelfth Street Field. He said there were several members in attendance. Ms. Sumner indicated that the abutter has agreed to a location of the scoreboard in the jog of land where the Little League wanted it in the first place. Councillor Cormier said Rob Lora said that was the first he had heard that the abutter was willing to agree to that. Councillor Cormier said at the next Recreation Commission meeting they will be taking up this matter again and feels there will be a resolution to this soon.

Councillor Rowlands said this is not under our jurisdiction, and it has been made clear by Kopelman & Paige, but he has concerns about City property in and around that location. He believes it is a City property issue and believes it is a City Council issue. It is not the issue of the scoreboard but clearly part of the overall discussion of that field and City property around that field. He is hoping things move forward on this issue and an agreement is reached but thinks there is a bigger issue that might get resolved as well. He said City property is being modified around there that has an impact on an institution that has been in this City for 50 years or more.

Councillor Marchand said he is not ready to report on the opinion from Mirick O'Connell regarding Leominster's Home Rule Charter-Appointments and Holdovers and the letter received from Edward Cataldo's attorney requesting a public hearing and will schedule a committee meeting to discuss them.

Councillors Freda and Dombrowski abstained from the following discussion due to a possible conflict of interest

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 28, 2013, continued

Councillor Rowlands said we asked for a letter to be sent to the recipient of the Special Permit #2 of 2012 to Manoel Loka Leite for the property located at 909 Elm Street to ask the recipient to come before the Council. He asked the Clerk if she received anything back.

The Clerk said they did receive the letter and the paralegal from the attorney's office came and got an application from the Building Department. They're suppose to submit the new request for the next meeting

The following LOAN ORDER was read once, ADOPTED as presented and ordered published. Vt. 9 "yeas"

1st Reading Loan Order - Relative to the appropriation of One Million Two Hundred Seventeen Thousand Eight Hundred Thirty Dollars (\$1,217,830.) for the purpose of paying costs of replacing the boiler at Fallbrook Elementary School, 25 Decicco Drive, Leominster, Massachusetts, including the payment of all cost incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

The following LOAN ORDER was read once, ADOPTED as presented and ordered published. Vt. 9 "yeas"

1st Reading Loan Order - Relative to the appropriation of Three Million Six Hundred Ninety Six Thousand Seven Hundred Fifty Seven Dollars (\$3,696,757.) for the purpose of paying costs of replacing the boiler and the roof at the Southeast Elementary School, 95 Viscoloid Avenue, Leominster, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA and if the MSBA's Board of Directors vote to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for February 11, 2013 at 6:40 P.M. Vt. 9/0

1st Reading Ordinance - Amending Section 16-30 of the Revised Ordinances by deleting schedule (a) in its entirety and inserting in its place a new Schedule (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1) by increasing salaries and wages of S-1 thru S-10 salaried positions 0% effective 7/1/2009, 0% effective 7/1/2010, 2% effective 7/1/2011, 2% effective 7/1/2012, 1% effective 1/1/13, 3% effective 7/1/2013 and 3% effective 7/1/2014. (Legal Affairs Communication-68)

Councillor Rowlands, 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 vote 9/0. Committee reports as follows:

23-12 Joanne Dinardo and Patrick LaPointe: Approve a Stormwater Ordinance, which will provide reasonable guidance for site planning and for the control of pre and post-development stormwater runoff for protecting local water resources from degradation. GIVEN FURTHER TIME. Vt. 9/0

Councillor Marchand, Chair of the WAYS & MEANS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was voted 9/0. Committee reports as follows:

23-10 Claire Freda: Review Council Procedures, Rules and Responsibilities as they do or do not pertain to representation within and outside City Council Chambers. LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

Under "New Business" the Ways & Means Committee established a meeting on February 4, 2013 at 7:00 P.M.

MEETING ADJOURNED AT 9:45 P.M.

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