

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 11, 2013

Hearing opened at 6:40 P.M. with Councillor Lanciani, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillors Rowlands, Dombrowski and Cormier.

The following ORDINANCE was the subject of the hearing:

Relative to 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.

No one in the audience spoke.

No Councillors spoke.

HEARING ADJOURNED AT 6:44 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 11, 2013

Hearing opened at 6:50 P.M. with Councillor Salvatelli, Chair of the FINANCE COMMITTEE, presiding.

All members were present except Councillor Dombrowski. Councillor Rowlands arrived late.

The following ORDINANCE was the subject of the hearing:

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.

No one in the audience spoke.

No Councillors spoke.

HEARING ADJOURNED AT 6:48 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 11, 2013

Hearing opened at 7:00 P.M. with Councillor Salvatelli, Chair of the FINANCE COMMITTEE, presiding.

All members were present except Councillor Dombrowski.

The following ORDINANCE was the subject of the hearing:

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 11, 2013, continued

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.

Councillor Freda said this is a great opportunity for us. She credits the School Department for pursuing this.

Councillor Nickel said the repairs are needed.

Councillor Rowlands thanked everyone who put this together. He said the MSBA is a good program.

No one in the audience spoke.

HEARING ADJOURNED AT 7:07 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 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 14, 2013 were examined and found to be in order. The records were accepted.

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

- C-70 Relative to the appropriation of \$10,000.00 to the Parking Meter Salary & Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.
- C-71 Relative to the appropriation of \$20,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.
- C-72 Relative to the appropriation of \$10,000.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-73 Relative to the appropriation of \$20,000.00 to the Library Department Expense Account; same to be transferred from the Library State Aid Reserved for Appropriation Account.
- C-74 Relative to the appropriation of \$75,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-75 Dean J. Mazzarella, Mayor: Accept a donation from the Leominster Historical Society in the amount of \$28,265.00 for the purchase of Franklin Street, a historical property, as authorized by Chapter 44, section 53A of the Massachusetts General Laws.

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

- 36-13 James Lanciani, Jr.: Amend Chapter 10 of the Revised Ordinances to regulate persons or organizations engaged in soliciting or peddling in the City through issuance of a license by the Chief of Police.

A recess was called at 7:37 P.M. to have a discussion with Jim Jolicoeur and Garo Papazian regarding the lease at the Doyle Center.

The meeting reconvened at 8:23 P.M.

The following PETITION was received with an EMERGENCY PREAMBLE and referred to the LEGAL AFFAIRS COMMITTEE. Vt. 9/0. Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

- 37-13 Greg Chapdelaine and James Jolicoeur: Allow the Purchasing Agent to enter into a lease for the School Department to lease space at the Doyle Center for the purpose of housing the School Department's "Center for Excellence" program.

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

Director of Inspections – Peter Niall - term to expire April 15, 2016

Registrar of Voters – Ann B. Mahan – term to expire April 15, 2016

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Human Resource Director John Harmon to attend the Ways & Means Committee meeting on February 19, 2013 at 7:30 P.M Vt. 9/0

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request representation from Kopelman & Paige to attend the Ways & Means Committee meeting on February 19, 2013 at 7:30 P.M. Vt. 8/1, Councillor Freda opposed. The Council will ask questions regarding the process and status of the appointment/position of the Director of Inspections.

Councillor Freda said the purpose of that meeting is to discuss the appointment of the new director with Kopelman and Paige or the bigger issue that involves the whole Council.

Councillor Marchand said the question the committee has before them is an appointment and his concern regarding the process and the clarity whether they can support it or not at this time due to potential litigation. We are specifically dealing with this vacancy that is pending.

Councillor 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)	\$ 3,496,686.00
Stabilization Account	\$12,536,229.29
Emergency Reserve	\$ -0-

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

- 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.

ORDERED: - that the sum of Three Thousand Hundred Dollars (\$3,300.00) be appropriated to the Historical Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Computer and software for Historical Commission

- 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.

ORDERED: - that the sum of Three thousand Dollars (\$3,000.00) be appropriated to the Cemetery Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED Vt. 9/0

- C-65 Dean J. Mazarella, Mayor: Request that the Vietnam Veterans of America Scholarship Trust Fund be established.

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

- C-66 Dean J. Mazarella, 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.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

- 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.

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

- 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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0

- 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.

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

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

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. 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. (Hearing scheduled for February 25, 2013 at 7:00 P.M.)
- 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. (Hearing scheduled for February 25, 2013 at 6:45 P.M.)

Upon recommendation of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9/0

- C-69 Dean J. Mazzearella, Mayor: Request that the property located at 269 Crawford Street be declared surplus. (Granted with an Emergency Preamble on January 28, 2013)

Upon request of the WAYS & MEANS and PRESIDENT'S COMMITTEE ON INFORMATION TECHNOLOGY the following PETITION was TABLED FOR STUDY. Vt. 9/0

- 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 request of the WAYS & MEANS COMMITTEE the following APPOINTMENT was given FURTHER TIME. Vt. 9/0

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

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

CITY OF LEOMINSTER

LOAN ORDER

1st Reading: January 28, 2013

2nd Reading: February 11, 2013

ORDERED:-that the sum of One Million Two Hundred Seventeen Thousand Eight Hundred Thirty Dollars (\$1,217,830.) be appropriated 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.

APPROVED:-MAYOR

1st Reading: /s/ Dean J. Mazzarella

Date: January 31, 2013

2nd Reading: /s/ Dean J. Mazzarella

Date: February 12, 2013

At the regular meeting of the City Council, January 28, 2013 Loan Order passed by a vote of nine “yeas”; nine members of the Council, nine members present, nine members voting “yea”

At the regular meeting of the City Council, February 11, 2013 Loan Order read a second time and passed by a vote of nine “yeas”; nine members of the Council, nine members present, nine members voting “yea”.

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

CITY OF LEOMINSTER

LOAN ORDER

1st Reading: January 28, 2013

2nd Reading: February 11, 2013

ORDERED:-that the sum of Three Million Six Hundred Ninety Six Thousand Seven Hundred Fifty Seven Dollars (\$3,696,757.) be appropriated 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.

APPROVED:-MAYOR

1st Reading: /s/ Dean J. Mazzarella

Date: January 31, 2013

2nd Reading: /s/ Dean J. Mazzarella

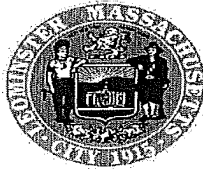
Date: February 12, 2013

At the regular meeting of the City Council, January 28, 2013 Loan Order passed by a vote of nine “yeas”; nine members of the Council, nine members present, nine members voting “yea”

At the regular meeting of the City Council, February 11, 2013 Loan Order read a second time and passed by a vote of nine “yeas”; nine members of the Council, nine members present, nine members voting “yea”.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

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 increase salaries & wages of S-1 thru S-10 salaried positions by 0% effective 7-1-2009.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 0% effective 7-1-2010.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 2% effective 7-1-2011.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 2% effective 7-1-2012.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 1% effective 1-1-2013.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 3% effective 7-1-2013.
 To increase salaries & wages of S-1 thru S-10 salaried positions by 3% effective 7-1-2014

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

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

(a) (1) SCHEDULES – EFFECTIVE JULY 1, 2009 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	24,109	25,075	26,079	27,121	28,207	29,338	30,509	31,120
S-2	27,006	28,084	29,209	30,377	31,590	32,855	34,170	34,856
S-3	30,244	31,456	32,713	34,023	35,383	36,800	38,271	39,036
S-4	33,876	35,231	36,641	38,104	39,629	41,214	42,862	43,718
S-5	37,942	39,460	41,034	42,677	44,382	46,159	48,005	48,966
S-6	42,492	44,191	45,963	47,797	49,710	51,698	53,767	54,843
S-7	47,590	49,496	51,476	53,536	55,676	57,902	60,217	61,421
S-8	53,302	55,435	57,652	59,960	62,358	64,849	67,445	68,793
S-9	59,698	62,086	64,570	67,152	69,841	72,634	75,537	77,047
S-10	66,736	69,538	72,320	75,212	78,222	81,349	84,603	86,295

(b) (1) SCHEDULES – EFFECTIVE JULY 1, 2010 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	24,109	25,075	26,079	27,121	28,207	29,338	30,509	31,120
S-2	27,006	28,084	29,209	30,377	31,590	32,855	34,170	34,856
S-3	30,244	31,456	32,713	34,023	35,383	36,800	38,271	39,036
S-4	33,876	35,231	36,641	38,104	39,629	41,214	42,862	43,718
S-5	37,942	39,460	41,034	42,677	44,382	46,159	48,005	48,966
S-6	42,492	44,191	45,963	47,797	49,710	51,698	53,767	54,843
S-7	47,590	49,496	51,476	53,536	55,676	57,902	60,217	61,421
S-8	53,302	55,435	57,652	59,960	62,358	64,849	67,445	68,793
S-9	59,698	62,086	64,570	67,152	69,841	72,634	75,537	77,047
S-10	66,736	69,538	72,320	75,212	78,222	81,349	84,603	86,295

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

(c) (1) SCHEDULES – EFFECTIVE JULY 1, 2011 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	24,591	25,577	26,601	27,663	28,771	29,925	31,119	31,742
S-2	27,546	28,646	29,793	30,985	32,222	33,512	34,853	35,553
S-3	30,849	32,085	33,367	34,703	36,091	37,536	39,036	39,817
S-4	34,554	35,936	37,374	38,866	40,422	42,038	43,719	44,592
S-5	38,701	40,249	41,855	43,531	45,270	47,082	48,965	49,945
S-6	43,342	45,075	46,882	48,753	50,704	52,732	54,842	55,940
S-7	48,542	50,486	52,506	54,607	56,790	59,060	61,421	62,649
S-8	54,368	56,544	58,805	61,159	63,605	66,146	68,794	70,169
S-9	60,892	63,328	65,861	68,495	71,238	74,087	77,048	78,588
S-10	68,071	70,929	73,766	76,716	79,786	82,976	86,295	88,021

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

(d) (1) SCHEDULES – EFFECTIVE JULY 1, 2012 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	25,083	26,089	27,133	28,216	29,346	30,524	31,741	32,377
S-2	28,097	29,219	30,389	31,605	32,866	34,182	35,550	36,264
S-3	31,466	32,727	34,034	35,397	36,813	38,287	39,817	40,613
S-4	35,245	36,655	38,121	39,643	41,230	42,879	44,593	45,484
S-5	39,475	41,054	42,692	44,402	46,175	48,023	49,944	50,944
S-6	44,209	45,977	47,820	49,728	51,718	53,787	55,939	57,059
S-7	49,513	51,486	53,556	55,699	57,926	60,241	62,649	63,902
S-8	55,455	57,675	59,981	62,382	64,877	67,469	70,170	71,572
S-9	62,110	64,595	67,178	69,865	72,663	75,569	78,589	80,160
S-10	69,432	72,348	75,241	78,250	81,382	84,636	88,021	89,781

(e) (1) SCHEDULES – EFFECTIVE JANUARY 1, 2013 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	25,334	26,350	27,404	28,498	29,639	30,829	32,058	32,701
S-2	28,378	29,511	30,693	31,921	33,195	34,524	35,906	36,627
S-3	31,781	33,054	34,374	35,751	37,181	38,670	40,215	41,019
S-4	35,597	37,022	38,502	40,039	41,642	43,308	45,039	45,939
S-5	39,870	41,465	43,119	44,846	46,637	48,503	50,443	51,453
S-6	44,651	46,437	48,298	50,225	52,235	54,325	56,499	57,630
S-7	50,008	52,001	54,092	56,256	58,505	60,843	63,275	64,541
S-8	56,010	58,252	60,581	63,006	65,526	68,144	70,872	72,288
S-9	62,731	65,241	67,850	70,563	73,390	76,325	79,375	80,962
S-10	70,126	73,071	75,993	79,033	82,196	85,482	88,901	90,679

(g) (1) SCHEDULES – EFFECTIVE JULY 1, 2014 – SCALES OF PAY FOR SALARIED POSITIONS IN THE SERVICE OF THE CITY OF LEOMINSTER, MASSACHUSETTS

	MIN	2	3	MID	4	5	6	MAX
S-1	26,877	27,955	29,073	30,234	31,444	32,707	34,010	34,692
S-2	30,106	31,308	32,562	33,865	35,217	36,627	38,092	38,858
S-3	33,716	35,067	36,467	37,929	39,445	41,025	42,664	43,518
S-4	37,765	39,277	40,847	42,477	44,177	45,945	47,782	48,737
S-5	42,298	43,990	45,745	47,577	49,477	51,457	53,515	54,587
S-6	47,371	49,265	51,239	53,284	55,416	57,634	59,940	61,140
S-7	53,053	55,168	57,386	59,682	62,068	64,548	67,128	68,471
S-8	59,421	61,800	64,270	66,843	69,517	72,294	75,188	76,691
S-9	66,551	69,214	71,982	74,860	77,860	80,973	84,209	85,893
S-10	74,397	77,521	80,621	83,846	87,202	90,687	94,315	96,201

A motion was made by Councillor Rowlands and seconded by Councillor Cormier to RECIND the vote taken on January 28, 2013 on the following Ordinance . Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was AMENDED and ADOPTED AS AMENDED. Vt. 9 “yeas” Amended by deleting the phrase “water charges” and replace with the phrase “sewer charges” Vt. 9 “yeas”

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 11, Section 21-13 of the Revised Ordinances entitled “Regulations for Use of Water” is hereby amended by inserting the following subsection:

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

(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 sewer 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.

A recess was called at 9:02 P.M. to discuss the issuance of Special Permit #2 of 2012 to Manoel Loka Leite for the property located at 909 Elm Street with Attorney Thomas Bovenzi who represents the applicant and the land owner. Councillors Dombrowski and Freda abstained from this discussion due to a possible conflict of interest.

Meeting reconvened at 9:26 P.M.

Councillor Marchand said they had a Ways & Means Committee meeting and an agenda item was a letter received from Edward Cataldo's attorney requesting a public hearing. He said confusion still remains with the conflict of recommendations made by Kopelman & Paige and legal counsel for the City Council Mirick O'Connell. He said from that discussion Councillor Dombrowski drafted a Resolution.

The following ORDINANCE was read once, AMENDED, and ADOPTED AS AMENDED WITH MAPS and ordered published. Vt. 9 "yeas". Amended by adding to Section 22-15 "As an alternative to initiating criminal proceedings, the Director of Inspections may enforce the Zoning Ordinance by noncriminal disposition in accordance with General Laws Chapter 40, Section 21D. For purposes of such enforcement, any person who violates any provision of this Ordinance shall be subject to a penalty of \$100 for the first offense, \$200 for a second offense, and \$300 for the third and any additional offenses." Also amended was Section 34.3.1 changing the term "floodway" to "floodplain" and in Article XIV, Wireless Communications Facilities removing the words "or replacement" from the second sentence of Section 22-86.

1st Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by deleting the entire Chapter 22 and inserting in its place a new Chapter 22, such revised Ordinance to take effect and replace the existing Ordinance in accordance with Massachusetts General Laws Chapter 40A, Section 5.

Under New Business, Councillor Chalifoux Zephir said she received an email from the Mayor earlier this week asking for the Council's permission for him to speak with the Council Attorney Stephen Maddaus of Mirick O'Connell. She said she would present it to the City Council and vote on it.

Councillor Dombrowski said he feels it is appropriate for Kopelman and Paige to speak with Attorney Maddaus but not the Mayor.

A motion was made to allow the Mayor speak with Attorney Maddaus. Vt. 0/9. Motion denied.

A motion was made to approve Kopelman & Paige to speak with the Council Attorney Stephen Maddaus subject to the client confidentiality privilege. Vt. 9/0

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 8/1, Councillor Freda opposed.

RESOLUTION REGARDING SECTION 2.4 OF THE
LEOMINSTER HOME RULE CHARTER

WHEREAS, Section 2.4 of the Charter, Special Acts and Acceptances of the City of Leominster (hereinafter the "Charter") Allows the mayor to suspend or remove any "city officer, department head or member of a multiple member body appointed by the mayor...";

WHEREAS, Section 2.4 of the Charter requires the mayor to reduce his actions to "writing",

WHEREAS, Section 2.4 of the Charter further requires the mayor to "at once report his action and his reasons therefore to the city council";

WHEREAS, Section 2.4 of the Charter further provides that "the suspension of any such person shall, fifteen days following the date such report is made be a removal, unless within the said fifteen days the person whose removal is sought has filed a request for a hearing on such removal before the city council";

WHEREAS, on September 25, 2012, the mayor effectively suspended/terminated the Building Director, who was a department head for the City of Leominster;

WHEREAS, the mayor has failed, refused or neglected to "at once report his action and his reasons therefore to the city council" as required by section 2.4 of the Charter; and

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 11, 2013, continued

WHEREAS, Section 9.12 of the Charter requires the city council to, by resolution, direct the mayor's attention to those provisions of the Charter in which the mayor is not in compliance.

Accordingly, it is hereby resolved by the city council to direct the mayor's attention to Section 2.4 of the Charter and request that the mayor forthwith "report his action and his reason therefore to the city council."

In making this request, the city council notes that this resolution is, at least, the third similar request made to the mayor by the city council.

Adopted by the Leominster City Council on
February 11, 2013 by an 8/1 vote.

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

Councillor Cormier, Chair of the CITY PROPERTY COMMITTEE, moved that the following PETITIONS be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows:

- 14-02 Mark A. Woodward: suspend the City's planned cutting of eighteen marked shade trees along Harvard Street for the purpose of widening the road so a new entrance can be constructed to expand Pioneer Industrial Park, unless and until a truck exclusion is in place for Harvard Street from the driveway of ESP Lock Co. to Prospect Street. GIVEN LEAVE TO WITHDRAW
- 41-03 Keith W. Lauer: Request that the City Council take all necessary action to clean up Rockwell Pond. GIVEN LEAVE TO WITHDRAW.

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 so voted 9/0. Committee reports as follows:

RESOLUTION – In Support of H.R. 1489 "The Return to Prudent Banking Act". GIVEN LEAVE TO WITHDRAW

MEETING ADJOURNED AT 10:50 P.M.

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