

HEARING BEFORE THE CITY COUNCIL, MAY 13, 2013

Hearing opened at 6:32 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Nickel.

This hearing is continued from January 28, 2013.

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Councillor Rowlands said the Petitioner submitted a letter dated April 1, 2013 requesting the petition be withdrawn.

Councillor Marchand asked if there was a reason.

Councillor Rowlands said he does not know specifically but believes it is due to the new zoning ordinance which makes the Planning Board the granting authority not the City Council.

Wayne Schofield of 65 Sawmill Road spoke in favor of the petition.

James McKnight of 1187 Elm Street asked if he would be notified by the Planning Board about any meetings concerning this petition.

Councillor Rowlands said the Planning Board will be starting from the beginning and it will be advertised and abutters notified.

Councillor Freda suggested that Mr. McKnight call the Planning Department and the Conservation agent and request notification.

HEARING ADJOURNED AT 6:37 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 13, 2013

Meeting was called to order at 7:35 P.M.

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

A recess was called at 7:36 P.M. to hold the public forum.

Meeting reconvened at 7:38 P.M.

The Committee on Records reported that the records through May 7, 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-115            Relative to the appropriation of \$25,000.00 to the Election & Registration Expense Account; same to be transferred from the Excess and Deficiency Account.

C-116            Relative to the appropriation of \$3,000.00 to the Recreation Commission Expense Account; same to be transferred from the Open Space Donation Account.

C-117            Relative to the appropriation of \$170,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATIONS were received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. Vt. 9/0

C-118            Relative to the appropriation of \$200,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

C-119            Relative to the appropriation of \$75,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 13, 2013, continued

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

- 67-13 Belden Jewelers: Renew the Second Hand Dealer's License for the premises at 100 Commercial Road.
- 68- 13 Best Buy Stores, LP: Renew the Secondhand Dealer's License for premises at 33 Orchard Hill Park Drive.
- 69-13 Kay Jewelers #1285: Renew the Secondhand Dealer's License for the premises at 100 Commercial Road.
- 70-13 Donnie Do: Renew the Second Hand Dealer's License to Sam's located at 710 N. Main Street for the purpose of buying scrap metal.
- 71-13 Joanne Atwood: Renew the Secondhand Dealer's License for the premises located at 100 Commercial Road.
- 72-13 Michael Fusco: Renew the License for two pool tables at Jake's Pub Inc. d/b/a Hot Shots located at 1293 Main Street.
- 73-13 Albert Mason: Renew the License for seven pool tables and twenty four bowling alleys at Mason's Bowling Center located at 640 R. North Main Street.

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

Registrar of Voters – David Chester – term to expire April 15, 2015

Council on Aging – Patricia C. Vallee – term to expire April 15, 2016

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

Sealer of Weights & Measurers – Joseph Quinn – term to expire April 15, 2014

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) | \$ 2,137,550.00  |
| Stabilization Account                     | \$ 12,539,089.72 |

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

- C-103 Relative to the appropriation of \$13,350.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirteen Thousand Three Hundred Fifty Dollars (\$13,350.00) be appropriated to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-107 Relative to the appropriation of \$5,800.00 to the Recreation Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Eight Hundred Dollars (\$5,800.00) be appropriated to the Recreation Department Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS was GRANTED and ORDERED. Vt. 8 "yeas" and 1 "nay", Councillor Freda opposed.

- C-108 Relative to the appropriation of \$10,000.00 to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.

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

- C-112 Relative to the appropriation of \$30,000.00 to the Veterans Service Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirty Thousand Dollars (\$30,000.00) be appropriated to the Veterans Service Expense Account; same to be transferred from the Excess and Deficiency Account.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 13, 2013, continued

C-113 Relative to the appropriation of \$13,530.00 to various General Fund Salary and Wages Accounts: same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirteen Thousand Five Hundred Thirty Dollars (\$13,530.00) be appropriated to various General Fund Salary and Wages Accounts as listed; same to be transferred from the Excess and Deficiency Account.

RE: FY 2012 Settlement Costs with Middle Managers and Inspectors Union.

| <u>Departments</u> | <u>FY 2012</u> |
|--------------------|----------------|
| Assessors          | \$ 1,595.00    |
| Treasurer          | \$ 979.00      |
| City Clerk         | \$ 854.00      |
| Building           | \$ 1,247.00    |
| Wire Department    | \$ 2,604.00    |
| Plumbing           | \$ 1,228.00    |
| Health             | \$ 3,110.00    |
| Conservation       | \$ 919.00      |
| Small Business     | \$ 994.00      |

C-114 Relative to the appropriation of \$33,213.00 to various General Fund Salary and Wages Accounts; same to be transferred from the Collective Bargaining Expense Account.

ORDERED: that the sum of Thirty Three Thousand Two Hundred Thirteen Dollars (\$33,213.00) be appropriated to various General Fund Salary and Wages Accounts as listed; same to be transferred from the Collective Bargaining Expense Account.

RE: FY 2013 Settlement Costs with Middle Managers and Inspectors Union.

| <u>Departments</u> | <u>FY 2013</u> |
|--------------------|----------------|
| Assessors          | \$ 5,562.00    |
| Treasurer          | \$ 2,230.00    |
| City Clerk         | \$ 2,023.00    |
| Building           | \$ 1,247.00    |
| Wire Department    | \$ 5,932.00    |
| Plumbing           | \$ 2,798.00    |
| Health             | \$ 7,179.00    |
| Conservation       | \$ 2,178.00    |
| Small Business     | \$ 2,356.00    |

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 8 "yeas" and 1 "nay"; Councillor Freda opposed.

C-109 Dean J. Mazarella, Mayor: Request the authorization to file a home rule petition to pay a certain unpaid bill for \$76,807.36 to S. J. Mullaney Engineering, Inc. for consulting services. (Granted with an Emergency Preamble on April 22, 2013; another vote is required.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 7 "yeas", Councillors Dombrowski and Freda abstained due to a possible conflict of interest.

C-111 Dean J. Mazarella, Mayor: Accept from Wealth Management Realty Corporation "Parcel A" as shown on a plan of land at Monument Square and Central Street in Leominster, Massachusetts dated April 19, 2013. (Granted with an Emergency Preamble on May 7, 2013; another vote is required.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/1, Councillor Chalifoux Zephir opposed.

43-13 Susan Chalifoux Zephir and Richard Marchand: Install a 4 way stop sign at the intersection of Lindell Avenue and Abbott Avenue.

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

50-13 Kevin P. Cafer: Renew the Second Hand Dealer's License to Got Gold and Silver Get Cash.com for the purchase of precious metals by appointments only.

55-13 Kym Jollimore: Renew the License for one pool table at the Tankard located at 13 Central Street.

56-13 Carol and David Shields: Renew the License for three pool tables at the South Leominster Lounge d/b/a Forte's Lounge located at 1030 Central Street.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 13, 2013, continued

- 57-13 William Plant: Renew the License for nine pool tables at J.C. Fenwicks located at 37-39 Mechanic Street.
- 58-13 Christopher J. Espinola: Renew the license for two pool tables at Kona Enterprises d/b/a Captains Lounge located at 1536 Main Street.
- 59-13 George Delgaoui: Renew the Second Hand Dealer's License for Deghan, Inc. located at 100 Commercial Road.
- 60-13 EcoATM, Inc.: Renew the Second Hand Dealer's License for the EcoATM Inc. located at 100 Commercial Road.
- 61-13 Matthew Zvacek: Renew the Secondhand Dealer's License for Gold Buyers of America located at 100 Commercial Road #44.
- 62-13 Leroy J. DiMauro: Renew the Secondhand Dealers License for Leroy's Attic located at 609 Main Street.
- 63-13 Mark Gordon: Renew the Secondhand Dealers License for Music Mania Inc. located at 975 Merriam Avenue.
- 64-13 Jeff Wilson: Renew the Secondhand Dealers License for Movie Stop 7045 located at 82 Orchard Hill Park Drive.
- 65-13 GameStop Inc.: Renew the Secondhand Dealers License for GameStop #3594 located at 26 Orchard Hill Park Drive.
- 66-13 GameStop Inc.: Renew the Secondhand Dealers License for GameStop #1485 located at 100 Commercial Road #49.

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

Emergency Management – EMS Unit – Mark A. Kruger and Raymond J. LePage

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RE-APPOINTMENT was CONFIRMED.  
Vt. 8 "yeas"; Councillor Cormier abstained due to a possible conflict of interest.

Cable TV Advisory Board – Eugene Capoccia – term to expire April 15, 2015

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

Cultural Commission – Barbara Mahoney – term to expire April 15, 2016

Under Old Business, Councillor Rowlands said we received a large listing of bills from Kopelman & Paige and would like to have a discussion with them regarding the bill and also litigation.

A motion was made to request that Kopelman & Paige attend the next meeting on Tuesday, May 28, 2013 to review outstanding cases and discuss any billing questions. Vt. 9/0

Councillor Lanciani said we received a copy of a letter that was sent to the American Little League from the Building Inspector. He asked if they could receive clarification if anything has been done at the field regarding the scoreboard.

Councillor Salvatelli said this is a different issue, it is the advertising sign for tree cutting, not the scoreboard. He said the little League issue is still pending.

Councillor Chalifoux Zephir said she spoke with Judy Sumner and Mr. Lora, President of the League and there are two ongoing issues. They are in the process of scheduling the move of the scoreboard. They are waiting for the person who is going to help them to schedule the date. She said this most recent issue that came up about the sign, the name on that sign is a sponsor and the League contends that it has a building permit signed in May 2011 and that it is legitimate. She said there is a dispute over whether or not that permit was given in error. She said we can ask Kopelman & Paige about this issue when they come down to the Council.

Councillor Salvatelli said he would like Kopelman & Paige to breakdown how much the City Council spent on legal expenses this year, and how much the City spent on the Little League issue.

Councillor Freda said she would like a breakdown on how much the City has spent on the zoning for the past three to four years.

Councillor Nickel said he would like to find out from Kopelman & Paige how a permit can be issued by a Building Inspector and after the sign is erected it has to be taken down. How many signs are there in Leominster? Every traffic island and parking lot have signs for those who have donated services to the City of Leominster. Is that an issue? But we have a sign that was put up after a permit was issued by the Building Inspector at the time and now suddenly after two years it becomes an issue. He said he would like to now how many letters the Recreation Department/City sent out to the leagues giving them permission to have a sign on the property.

## REGULAR MEETING OF THE CITY COUNCIL, MAY 13, 2013, continued

Councillor Marchand said he hopes this is not an isolated incident. He would like to know if the current Building Inspector was directed to do it or if it is something he discovered himself.

Councillor Marchand asked the Clerk to check on the temporary appointment for a department head and ask the Personnel Director what his plan is for that appointment.

Councillor Rowlands questioned the wording in the Charter regarding the temporary appointments. He said he would like to ask Kopelman & Paige if the Mayor needs to send the temporary appointment down every sixty days?

Councillor Marchand said he would like clarification on where we stand with an appointment that was granted temporarily and has expired.

Under New Business, Councillor Salvatelli said budget hearings will be June 18<sup>th</sup> and 19<sup>th</sup>. He will prepare the schedule.

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

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.  
LEAVE TO WITHDRAWN 9/0

MEETING ADJOURNED AT 9:05 P.M.

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