

REGULAR MEETING OF THE CITY COUNCIL, JUNE 10, 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 May 28, 2013 were examined and found to be in order. The records were accepted.

A recess was called at 7:31 P.M. to conclude the informational meeting with the City Comptroller and the Treasurer regarding the Cemetery Perpetual Care Open Space Donation Account and Fire Department Overtime Account.

Meeting reconvened at 7:48 P.M.

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

- C-129 Relative to the appropriation of \$6,275.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-130 Relative to the appropriation of \$15,000.00 to the Police Department Expense Account; same to be transferred from the Police Salary and Wages Account.
- C-131 Relative to the appropriation of \$53,000.00 to the Infrastructure Technology Task Force Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-132 Relative to the appropriation of \$800,000.00 to the Parking Garage Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-133 Relative to the appropriation of \$202,000.00 to the Worker's Compensation Insurance Account: same to be transferred from the following accounts as listed:
- | | |
|---------------------------------------|-------------|
| FY2007 Workers Compensation Loss Fund | \$ 7,305.04 |
| FY2008 Workers Compensation Loss Fund | \$40,000.00 |
| FY2009 Workers Compensation Loss Fund | \$55,000.00 |
| FY2010 Workers Compensation Loss Fund | \$99,694.96 |
- C-134 Relative to the appropriation of \$29,300.00 to the Library Department Expense Account; same to be transferred from the Library Salary and Wages Account. (Finance)
- C-135 Relative to the appropriation of \$40,000.00 to the Police Overtime Account; same to be transferred from the Police Salary and Wages Account.(Finance)

The following COMMUNICATIONS were received and referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for June 24, 2013 at 7:00 P.M. Vt. 9/0

- C-136 Relative to the appropriation of \$106,735,000.00 to the Fiscal Year 2014 Budget; same to be raised by Fiscal Year 2014 Revenue.
- C-137 Relative to the appropriation of \$5,650,000.00 to the Fiscal Year 2014 Water Department accounts as listed: same to be raised by Fiscal Year 2014 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-138 Relative to the appropriation of \$5,206,000.00 to the Fiscal Year 2014 Sewer Department accounts as listed: same to be raised by Fiscal Year 2014 Sewer Department Estimated Receipts as authorized by Chapter 44 Section 53E of the Massachusetts General Laws.

The following COMMUNICATION was received and referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE. The City Clerk will contact Kopelman & Paige to verify they have reviewed this information.

- C-139 Dean J. Mazarella, Mayor: Request authorization to enter into an agreement for Net Metering Power Purchase for solar generated electricity and related net electricity metering credits for terms of more than three years and the authorization of the mayor to execute such agreements and take such actions as are necessary to administer and implement such agreements.

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

- C-140 Dean J. Mazarella, Mayor: Authorize the City of Leominster to pursue \$22,356.00 through the Department of Justice JAG Program.

The following PETITION was received and referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board and the Director of Inspections. A hearing was set for July 8, 2013 at 7:00 P.M. Vt. 9/0

REGULAR MEETING OF THE CITY COUNCIL, JUNE 10, 2013, continued

- 76-13 Leominster City Council: Amend Chapter 22, Article XIII, Section 22—79 of the Leominster Zoning Ordinance entitled “Sign Regulations” by designating the City Council as the special permit granted authority for signs located on city property.

The following PETITION was received and referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Mayor. The following PETITION was AMENDED by changing the words “Superannuation Retirement” to “Ordinary Disability” and “Section 5” to “Section 6” Vt. 9/0

- 77-13 James Lanciani Jr.: Grant to Matthew Swaine the needed time to retire under an ordinary disability retirement. The Home Rule Petition as follows:
 Section 1. Notwithstanding any general or special law or rule or regulations to the contrary, the City of Leominster Retirement Board shall retire Matthew Swaine under the terms and conditions of Ordinary Disability pursuant to Section 5 Chapter 32 of the General Laws.
 Section 2. This act shall take effect upon its passage.

The following PETITIONS were received and referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Assistant City Solicitor and the Traffic Bureau.

- 78-13 Richard M. Marchand: Revise the City of Leominster Traffic Ordinances to not allow registered or unregistered utility trailers to be parked on unaccepted streets for an extended period time if not being used by the owner for a specific purpose.
- 79-13 Richard M. Marchand: Request the Police Department Traffic Bureau investigate the legality and the feasibility of creating a section in the City Traffic Ordinances to remove common traffic violations from being submitted to the state and remain a local violation with assessments of said violations paid directly to the City of Leominster.

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

- 80-13 Roger H. Brooks Jr.: Amend Chapter 21, Section 21.47.4 of the Leominster Revised Ordinances entitled “Permit-Conditions” by adding conditions 12 and 13 to said section.

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

Leominster Fire Department - Permanent Firefighter – Benjamin F. Brideau

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)	\$ 957,930.00
Stabilization Account	\$12,539,089.72

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS was GRANTED and ORDERED. Vt. 5 “yeas” and 4 “nays; Councillors Nickel, Cormier, Chalifoux Zephir and Dombrowski opposed.

- 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.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Recreation Commission Expense Account; same to be transferred from the Open Space Donation Account.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”

- 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.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 7 “yeas” and 2 “nays”, Councillors Nickel and Cormier opposed. (Granted with an Emergency Preamble on May 28, 2013; another vote is required)

- C-120 Relative to the appropriation of \$8,000.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 “yeas” and 3 “nays”, Councillors Rowlands, Nickel and Cormier opposed.

- C-121 Relative to the appropriation of \$58,731.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 10, 2013, continued

ORDERED: - that the sum of Fifty Eight Thousand Seven Hundred Thirty One Dollars (\$58,731.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: Outdoor Power Equipment-Lawnmower	\$ 8,664.00
Cemetery Labor	\$34,786.00
Cemetery Clerk	\$15,281.00

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

C-122 Relative to the appropriation of \$1,200.00 to the Cemetery Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Thousand Two Hundred Dollars (\$1,200.00) be appropriated to Cemetery Expense Account; same to be transferred from the Excess and Deficiency Account.

C-123 Relative to the appropriation of \$1,100.00 to the City Clerk Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum One Thousand One Hundred Dollars (\$1,100.00) be appropriated to the City Clerk Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: City Ordinance Book Updates

A motion was made and seconded to amend the following COMMUNICATION from \$58,000.00 to \$17,146.57. Vt. 5 "yeas" and 4 "nays", Councillors Salvatelli, Lanciani, Nickel, and Freda opposed. Upon a majority recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED AS AMENDED and ORDERED. Vt. 7 "yeas" and 2 "nays", Councillors Freda and Salvatelli opposed.

C-124 Relative to the appropriation of \$17,146.00 to the City Solicitor Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of \$17,146.57 be appropriation to the City Solicitor Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-125 Relative to the appropriation of \$50,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of \$50,000.00 to the Highway Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Highway Maintenance Expenses for FY 2013

C-126 Relative to the appropriation of \$250.00 to the Library Salary & Wages Account; same to be transferred from the Library Salary & Wages Account.

ORDERED: - that the sum of Two Hundred Fifty Dollars (\$250.00) be appropriated to the Library Salary & Wages Account; same to be transferred from the Library Salary & Wages Account.

RE: Acting Library Director Funding
Acting Assistant Library Director Funding

C-127 Relative to the appropriation of \$210,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess & Deficiency Account.

ORDERED: - that the sum of Two Hundred Ten Thousand Dollars (\$210,000.00) be appropriated to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To Eliminate Snow & Ice Expenses and Overtime Deficits.

Upon request of the FINANCE COMMITTEE the following COMMUNICATION was given FURTHER TIME. Vt. 9/0

C-128 Relative to the appropriation of \$16,722.00 to the Police Department Expense Account; same to be transferred from the Police Salary & Wages Account.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 9/0. Councillor Cormier requested that the Fire Department, the Police Department and the Department of Public Works be aware of the new dates.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 10, 2013, continued

74-13 Richard M. Marchand, Event Coordinator for the Johnny Appleseed Festival: Amend the dates for the 20th Annual Johnny Appleseed Arts and Cultural Festival from September 21, 2013 with a rain date of September 28, 2013 to September 28, 2013 with a rain date of October 5, 2013.

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

75-13 Christopher Nikolow: Grant a Second Hand Dealers License for Ashlyn & Co. Fine Jewelry located at 3 Park Street.

Upon request of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8 “yeas” and 1 “nay”, Councillor Rowlands opposed.

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

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

Cultural Commission– Bonnie Hathaway– term to expire April 15, 2016

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 - Anthony DeBenedetto– term to expire April 15, 2016

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 9 “yeas”

Trust Fund Commission - Settimo Firmani– term to expire April 15, 2016

Office of Emergency Management – Auxiliary Officer - Matthew Perkins

Under Old Business, Councillor Chalifoux Zephir said just a reminder, on June 25, 2013 there will be a Special Senate Election to decide who will be our next State Senator. The poles will be open from 7:00 A.M. to 8:00 P.M.

Councillor Rowlands asked that the item for Sign of Twelfth Street Field not be on the next agenda.

Councillor Rowlands said at the last meeting they had a discussion relative to CDBG. He said we received information about the program and the review. He had a conversation with Samantha Graves who is the representative of HUD that represents Leominster and her supervisor Brian Shamenko. He said he learned that the Housing Rehab portion of that program is on hold and it has been on hold for a while. Councillor Rowlands said the report was time stamped February 25, 2013 and we were not given the report. We found out about the report by reviewing the bills from the City Solicitor. We had no idea the review was underway. It had very serious findings in the report.

Councillor Rowlands asked HUD why they were doing the review and they said it was normal practice and it was scheduled.

Councillor Rowlands asked if it had anything to do with the ethics violation.

They said yes, it was part of the consideration when determining about how broad and wide the review is. They told him it also had to do with the high turnover related to the CDBG program and confirmed that the Mayor did ask for it. Councillor Rowlands said this program is extremely valuable to the City of Leominster in terms of the veterans and the elderly and asked if we were in a potential position of losing money. He was told no, but the Housing Rehab is on hold. He said he was shocked. He said there are a lot of elderly, lower income, veterans who really benefit from this program and to learn it has been on hold for a substantial amount of time and not, as a member of the City Council, even made aware of the review or that fact, he finds it very troubling.

Councillor Rowlands said there is a lack of clarity in the reports they asked for. He said they received a review, a cover letter and some sort of spreadsheet that lists properties. He said he doesn't believe the spreadsheet is an official CDBG document that came from the CDBG department. Councillor Rowlands said the people from HUD told him they are doing the second part of that review which was the financial review. He said he understands that it took place last week and there should be an internal report in three or four weeks from now. He is hoping that report will not be hidden from them for several months like the other one and the Council will receive a copy.

Councillor Chalifoux Zephir said the City had to get back to HUD with corrective actions. She said she asked for some follow up documents from the Mayors office that were sent back to HUD regarding the corrective actions addressed for the twelve specific finding and two concerns. She said she has not received the information requested.

Councillor Rowlands asked HUD if this is serious and they said yes, twelve finding of this magnitude are serious. He said the concentration should be fixing that and holding people accountable for why it is broken.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 10, 2013, continued

Councillor Lanciani said there are going to be some hearings on June 18, 2013 addressing double poles. He said he has had a number of people asking what is happening with the double poles.

Councillor Rowlands requested a letter be sent to Joanne DiNardo to see if there is a time constraint with C-139.

A motion was made by Councillor Marchand and seconded by Councillor Dombrowski to request the Mayor establish a new Cemetery Commission. Vt. 9/0

Councillor Freda asked for information regarding C-132 which is the \$800,000.00 for the parking garage before they vote on it.

Councillor Salvatelli said he talked with the Mayor and the Comptroller. They sent out a bid to the engineering company and the engineering company came back with this bid. He said he will get as much information as he can.

Councillor Chalifoux Zephir said she would like to know what the \$800,000.00 is getting us.

Councillor Cormier would like to know what other avenues or scenarios have been looked into. How much would it cost us to demolish it? We need to know some options.

Councillor Chalifoux Zephir said we should ask for the RFP from Mr. Chapdelaine.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to have the Mr. Chapdelaine and Mr. Niall down on June 19, 2013 at 6:30 P.M. Vt. 9/0

Councillor Marchand said there is a TIF that was established in Ward 5 which was decertified. He said the amount was significant. He was told the money was going to be returned to the City and would like to know if it has and where it will go. The Clerk will send an email to the Mayor asking if the money has been returned to the City.

Upon request of the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE the following RESOLUTION was given FURTHER TIME. Vt. 9/0

Resolution – Designation of 236 Lancaster Street – Economic Opportunity Area

Councillor Salvatelli discussed some of the line items in the budget and asked the Councillors to be ready for the Budget hearings.

Councillor Nickel would like to know what is going on with the CDBG Program.

A motion was made to send the Mayor a letter asking what the status is with the CDBG Program funding. Vt. 9/0

Councillor Marchand said as he passed the Merriam Avenue/Blossom Street intersection and lines have been painted, four stop signs have been installed and eight warning signs are in place. According to Ms. Wiiks this was not initiated by the City. He said when they erected one of the signs it was placed at the end of a driveway on Merriam Avenue which was not a good place for it to be put.

Councillor Freda asked what was going on at Merriam Avenue and Lindell Avenue.

Councillor Marchand said they start the job, shut it down, come back and start again and shut it down. This is how they do it. It's the State that is doing that reconstruction and it is unfortunate.

MEETING ADJOURNED AT 9:50 P.M.

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