

HEARING BEFORE THE CITY COUNCIL, AUGUST 12, 2013

Hearing opened at 7:00 P.M. with Councillor Lanciani, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillors Rowlands, Marchand and Nickel.

The following ORDINANCE was the subject of the hearing;

Relative to amending Chapter 21 of the Revised Ordinances entitled "Water and Sewers" by adding conditions 12 and 13 to Section 21-47.4(b).

No one in the audience spoke in favor or in opposition of the Ordinance.

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, AUGUST 12, 2013

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

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

The Committee on Records reported that the records through July 22, 2013 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to continue the informational meeting and to hold a public forum.

Meeting reconvened at 8:45 P.M.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 12, 2013, continued

A Moment of Silence was held for Police Officer Christopher Asmar and Armand Millette who was a past member of the Planning Board.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 8/0. Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”

C-2 Relative to the appropriation of \$350,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of \$350,000.00 be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

RE: Central Fire Station Roof Replacement

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

6-14 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for I.T. services for a six-year period.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Health Director, the Planning Board, the Director of Inspections and the City Solicitor.

7-14 Claire Freda: Adopt a temporary moratorium on medical marijuana treatment centers.

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

8-14 Dean J. Mazarella, Mayor: Request authorization to enter into two separate agreements for Net Metering Power/Credit Purchase for solar generated electricity metering credits for terms of more than three years and authorize the Mayor to execute such agreements and take such actions as necessary to implement such agreements.

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

9-14 George Boulgarian: Grant a Second Hand Dealer’s License to George Boulgarian Jewelry Services at 109 N. Main Street.

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

Office of Emergency Management – EMS Unit – Jonathan L. Crawford and Pamela P. Gage
 Rehab & Sheltering Unit – Robert N. Cote
 Communications Unit – Charlie T. Williams

Upon request of the Mayor the following APPOINTMENT was WITHDRAWN.

Office of Emergency Management- Rescue Support Unit - Erik Leblanc

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 8/0

1-14 Robert Salvatelli: Place a stop sign on the corner of Norfolk Drive and Cumberland Road.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0

5-14 Claire Freda: Request that a truck exclusion be authorized by Mass DOT for the residential neighborhoods of Debbie Drive, Beth Avenue, Barry Lane, Jay Avenue, Old Mill Road and the Legate Hill Estates subdivision.

Upon request of the CITY PROPERTY COMMITTEE the following PETITION was TABLED FOR STUDY. Vt. 8/0

3-14 Robert Salvatelli: Review and develop a fee schedule for the Municipal Garage that reflects current costs and maintenance associated with repair of facility.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 12, 2013, continued

Upon recommendation of the WAYS & MEANS COMMITTEE the following APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Disability Commission – Paul Mushrush - term to expire April 15, 2016

Leominster Police Department – Permanent Sergeant - John D. Fraher

Election Officers for 2013 - 2014

Upon recommendation of the WAYS & MEANS COMMITTEE, the FOLLOWING ORDER was ADOPTED. Vt. 8 “yeas”
Councillors Chalifoux Zephir and Dombrowski said they will vote to adopt the election order but do not approve of the text of the ballot question.

**CITY OF LEOMINSTER
SPECIAL MUNICIPAL ELECTION ORDER
SEPTEMBER 24, 2013**

ORDERED:-that the City Clerk be and she hereby is authorized and directed to notify and warn the voters of the City of Leominster to assemble in their respective polling places in the several wards and precincts of the City, designated by the City Council as follows:

WARD 1A	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1B	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 1C	SKY VIEW MIDDLE SCHOOL 500 KENNEDY WAY
WARD 2A	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2B	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 2C	SOUTHEAST ELEMENTARY SCHOOL 95 VISCOLOID AVENUE
WARD 3A	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3B	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 3C	FRATERNAL ORDER OF EAGLES HALL 456 LITCHFIELD STREET
WARD 4A	SENIOR CITIZEN DROP-IN CENTER 5 POND STREET
WARD 4B	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 4C	LEOMINSTER VETERANS' QUARTERS 100 WEST STREET
WARD 5A	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5B	AUDITORIUM, CITY HALL 25 WEST STREET
WARD 5C	FIRST BAPTIST CHURCH OF LEOMINSTER 23 WEST STREET

On Tuesday, September 24, 2013 then and there for the purpose of giving in their votes for the following question:

Shall the City of Leominster permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at property on Jungle Road?

YES _____ NO _____

A “yes” vote would allow PPE Casino Resorts MA, LLC (“PPE”) to apply to the Massachusetts Gaming Commission for a license to operate a gaming facility in accordance with a Host Community Agreement executed between PPE and the City. The primary terms of the Agreement are set forth below.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 12, 2013, continued

A “no” vote would prohibit the operation of such a gaming facility and prevent PPE from submitting a final application to the Massachusetts Gaming Commission.

**Summary of Key-Points Within the Host Community Agreement
Between PPE Casino Resorts MA, LLC and the City of Leominster**

PROJECT DESCRIPTION

- “Category 2” gaming facility with 1250 Slot Machines
- Around 125,000 sq. feet of gaming, retail and restaurant space
- On about 16 acres of land on Jungle Road
- Total investment of at least \$125 million

PAYMENTS TO CITY

1. Prior to Opening

- PPE will pay all legal and consultant costs and fees incurred in connection with the Project
- PPE will pay all permitting fees associated with the Project
- Prior to Commencement of Construction, PPE will make an unrestricted grant to the City of \$250,000.

2. Annual Payments

- PPE will make total annual payments to the City equal to the greater of:
 - o 2% of Gross Gaming Revenue (projected to result in payments of approximately \$4 million to the City each year) or
 - o A minimum annual payment, which will be \$3.8 million in the first year and will increase each year for at least five years, but may be decreased after the 5th year if PPE’s revenues decline as a result of competition within the state. This minimum payment includes:
 - Property taxes of \$1 million (increasing at 2.5% each year)
 - Impact Fee of \$100,000.
 - Community Benefit Payment of \$2.7 million
- After 10 years, the percentage payment to the City increases to 2.5% of Gross Gaming Revenues
- PPE agrees to garage all vehicles for the project in Leominster and excise taxes will be paid in addition to the above.

BENEFITS TO LEOMINSTER ECONOMY

- Approximately 600 Construction jobs
 - o Preferences for Leominster Residents and Union Members
- Approximately 500-700 full-time permanent jobs
 - o Preferences for Leominster Residents
- Purchases of goods and services from local vendors
- Leominster Community Foundation
 - To support local charities and youth sports
 - Also to support a micro-loan program for small businesses
 - PPE to fund with \$50,000. per year

PUBLIC INFRASTRUCTURE IMPROVEMENTS and PUBLIC SAFETY

- o PPE will make all public infrastructure improvements (water, sewer, roadway, etc.) as required by the City’s Boards and Commissions and their engineering consultants to be funded by PPE
- PPE to construct a Police Department Substation
- PPE to prepare a public safety plan in consultation with Leominster Police and Fire Departments and to use Leominster Police Details for supplemental security

RESPONSIBLE GAMING

- PPE will join and actively participate in the Massachusetts Partnership on Responsible Gambling
- PPE will educate its employees and provide information to patrons regarding responsible gaming

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 12, 2013, continued

MISCELLANEOUS

- PPE will pay the City's legal fees in any dispute if the City prevails
- PPE will indemnify the City from certain claims by third parties
- PPE will provide reports and documentation to the City to ensure compliance with the provisions of this Agreement.

And it is further ORDERED:- that the polls shall be opened at 7:00 A.M. and closed at 8:00 P.M. and that notice shall be given by publication of this order in a conspicuous place in the office of the City Clerk.

Per Order Leominster City Council
True Copy Attest:
Lynn A. Bouchard, City Clerk

The following ORDINANCE was read a second time and, ADOPTED as presented and passed to be ordained. Vt. 8 "yeas"

THE CITY OF LEOMINSTER

In the year two thousand and thirteen

AN ORDINANCE

Amending Chapter 21 of the Revised Ordinances entitled "Water and Sewers."

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

Section 21-47.4(b) of the Revised Ordinances entitled "Permit – Conditions" is hereby amended by inserting the following:

- (12) As a condition of the Comprehensive Wastewater Management Plan (CWMP) land use measures have been adopted to ensure no additional sewerage is added into the collection system. All co-permittees listed in the City of Leominster's National Pollution Discharge Elimination System (NPDES) permit are also required through their Intermunicipal Agreement to comply with the requirements of the CWMP and corresponding land use controls.
- (13)
- (14) A sewer bank will be implemented based upon the sewer remediation performed to date and requires four gallons per day (4GPD) of inflow/infiltration (I/I) to be removed for every one gallon per day (1GPD) of new wastewater added to the system.

The following ORDINANCE was read once, and a motion to amend to read \$2,000.00 in place of \$1,000.00 was passed by a vote of 5 "yeas" and 3 "nays", Councillors Lanciani, Dombrowski and Chalifoux Zephir opposed. The ORDINANCE was ADOPTED AS AMENDED Vt. 8 "yeas". A hearing was set for August 26, 2013 at 7:00 P.M.

1st Reading Ordinance – Amend Chapter 2 of the Revised Ordinances entitled "Administration" by inserting ARTICLE XXVIII. SCHOOL COMMITTEE, Section 2-111. Compensation. The members of the school committee shall receive an annual stipend of \$2,000.00 for their services.

Under Old Business, Councillor Freda said there are a lot of issues surrounding Starburst regarding trash, traffic, hawkers, access and police. She would like to know how these issues are going to be handled this year.

Councillor Marchand said he will get some answers for her

MEETING ADJOURNED AT 9:48 P.M.

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