

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 12, 2013

Hearing opened at 6:50 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillors Freda and Dombrowski.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 8 of the Revised Ordinances entitled "Fire Protection" by inserting Section 8-1.1 Notification of spill or other incident requiring any license holder to report any spill or other release or incident to the City Council, contemporaneously or immediately after reporting the incident to the Leominster Fire Department and the Massachusetts Department of Environmental Protection as required under Massachusetts Law. Any such notice shall be delivered to the office of the City Clerk.

No one in the audience spoke in favor or against the Ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 6:52 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 12, 2013

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

All members were present except Councillor Dombrowski.

The following PETITION was the subject of the hearing:

26-14 David Tickle for CAMCO: Amend the license for storage of inflammable fluids for the property located at 163 Pioneer Drive.

Councillor Rowlands read the recommendation from the Fire Chief which states that CAMCO is proposing to move a portion of their interior storage to outside above storage tanks. The site cement pad and tanks will be designed by licensed engineers and approved by the Massachusetts State Fire Marshall's office under the oversight of a Fire Prevention Engineer. Before the tanks can be used the Fire Marshall's office shall conduct a review of appropriate documentation from the installers as well as making a site visit to visually exam the installation.

Daniel McCarty of McCarty Associates said he has been representing CAMCO since they came to Leominster about 15 years ago. He said he has been working with Deputy Chief Kirouac who has reviewed the plans. He said Deputy Chief Kirouac makes routine inspections during the course of the work with them. He encouraged the Council to take the recommendation of the Chief Kirouac and approve this upgrading the storage capability.

No one in the audience spoke in opposition.

No Councillors spoke.

HEARING ADJOURNED AT 7:03 P.M.

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

Hearing opened at 7:11 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 13 Section 13-77 of the Revised Ordinances entitled "Stop Signs" by inserting "Dewey Avenue against southbound traffic at intersection with Leland Avenue."

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

No Councillors spoke.

HEARING ADJOURNED AT 7:11 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 12, 2013

Meeting was called to orders 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 October 28, 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. A hearing was set for December 9, 2013 at 6:45 P.M. Vt. 9 "yeas"

C-13 Dean J. Mazarella, Mayor: Request the City Council set a hearing for the classification of the tax rate on December 9, 2013 for the purpose of setting the FY 2014 tax rate.

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

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

C-14 Dean J. Mazzarella, Mayor: Request that the Marcia W. O'Donnell Art Activities Fund be established.

The following PETITION was received, referred to the FINANCE COMMITTEE, given REGULAR COURSE and referred to the Mayor, the Department of Public Works, the Planning Board and the Environmental Inspector.

29-14 Gail P. Feckley et al: Request the Mayor to add a line item to the City's budget for maintenance of detention ponds in the City including, but not limited to, those on Brown Avenue, Westview Estates and any future developments in the vicinity of Cloverleaf Road and Crescent Road.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Planning Board and the Department of Public Works

30-14 James M. Donovan: Approve the layout of Samoset Drive and Spindletop Drive.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Zoning Board of Appeals, and the Director of Inspections. A hearing was set for December 9, 2013 at 6:30 P.M. Vt. 9 "yeas"

31-14 Daniel Garceau: Modify the City of Leominster Zoning Map by deleting Parcel 582-27 located at 220 Litchfield Street from the RB zone and adding it to the abutting Industrial I zone.

Councillor Robert Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Emergency Reserve	\$ 100,000.00
Stabilization Account	\$ 12,164,407.93

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

C-11 Relative to the appropriation of \$44,500.00 to the Library Department Expense Account; same to be transferred from the Library State Aid Revenue Reserved for Appropriations Account.

ORDERED: - That the sum of Forty Four Thousand, Five Hundred Dollars (\$44,500.00) be appropriated to the Library Department Expense Account; same to be transferred from the Library State Aid Revenue Reserved for Appropriations Account.

C-12 Relative to the appropriation of \$41,066.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

ORDERED: - That the sum of Forty One Thousand Sixty Six Dollars (\$41,066.00) be appropriated to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED and referred to the Emergency Management Agency. Vt. 9/0.

19-14 Edmond Favreau et al: Support the abandonment and closure of Old Mill Road as a public way after 67 Old Mill Road to the beginning of the last entrance/exit to Liberty Commons.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and given FURTHER TIME. Vt. 8/1, Councillor Freda opposed. The change reflects the addition of adding Medical Marijuana Dispensary Center to the definitions and to the underlying Districts Table of Uses.

13-14 Stephen J. Mullaney and Ten Registered Voters: Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by adding to "Health Care Overlay District (HCO) Definitions" in Section 22-4 a definition for Medical Marijuana Treatment Center and Medical Marijuana Dispensary Center and by adding the following entry to "Institutional Uses" in Section 22-18 Overlay Districts Table of Uses.

Institution Uses	RR	RA	RB	RC	BA	BB	C	I	MU1	MU2	V
Medical Marijuana Dispensary Center	N	N	N	N	N	N	SPCC	N	SPCC	N	N
Medical Marijuana Treatment Center	N	N	N	N	N	N	N	SPCC	SPCC	N	N

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

20-14 David R. Cormier, Brian J. Flathers, Donna J. Ciccone and Michael Ciccone: Install "No Parking This Side of Street" signs on DeCicco Drive on the side of the street opposite of the ball field from the ball field to the corner of DeCicco Drive and Union Street.

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

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

26-14 David Tickle for CAMCO: Amend the license for storage of inflammable fluids for the property located at 163 Pioneer Drive.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/2, Councillors Dombrowski and Freda opposed.

27-14 David R. Cormier and Ronald W. Kolb: Place 20 MPH speed limit signs on Beth Avenue, Debbie Drive, Barry Lane and Jay Avenue.

Upon request of the PUBLIC SAFETY COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

28-14 Michael J. Iannacone: Request a speed bump to be placed on Howard Street.

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

RESOLUTION

495 MAIN STREET - Bakers Cadillac

To Authorize in Part of a Water and Sewer Easement

Resolution #14-14

BE IT RESOLVED: That the City Council of the City of Leominster hereby authorized the Mayor to release to the owner of the property at 495 Main Street, upon such terms and conditions as the Mayor deems appropriate, that portion of a permanent easement now held by the City for water and sewer purposes in the aforesaid property as is shown on the plan entitled: “Easement Modification Plan in Leominster, Massachusetts” prepared for Baker Cadillac, dated May 28, 2013; and that the Mayor is further authorized to execute on behalf of the City a recordable instrument for this purpose and to take all actions necessary or convenient to accomplish the foregoing real property disposition.

Adopted by the Leominster City Council
on November 12, 2013

/s/ Lynn A. Bouchard, City Clerk

/s/Dean J. Mazarella, Mayor

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was TABLED. Vt. 8 “yeas” and 1 “nay”, Councillor Freda opposed.

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances, entitled “General Use Regulations,” by inserting the subsection 16.12 entitled “Temporary Moratorium on Medical Marijuana Treatment Centers.”

The following ORDINANCE was read a second time and 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 Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic.”

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

Section 13-77 of the Revised Ordinances entitled “Stop Signs” is hereby amended by inserting “Dewey Avenue, against southbound traffic at intersection with Leland Avenue.”

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

The following ORDINANCE was read a second time and 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 Chapter 8 of the Revised Ordinances entitled “Fire Protection.”

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

Chapter 8 of the Revised Ordinances entitled “Fire Protection” is hereby amended by inserting the following as Section 8-1.1

Any licensee holding a license described in Section 8-1 is required to report any spill or other release or incident to the City Council, contemporaneously or immediately after reporting the incident to the Leominster Fire Department and the Massachusetts Department of Environmental Protection as required under Massachusetts Law. Any such notice shall be delivered to the office of the City Clerk.

Council President Chalifoux Zephir said a thank you note addressed to the City Council from the Norman P. Dufresne family was received.

Councillor Rowlands said he noticed the comments about Veteran’s Day and as always Leominster does a great job. He was sorry he couldn’t attend as his work doesn’t give him the day off.

Council President Chalifoux Zephir said that once again Mr. Voutour did a fantastic job as did Barry Hudson and the high school band, they were wonderful.

Councillor Freda said we should be proud of the kids from Skyview who came up with a design for a helmet to reduce concussions. It was recognized by the NFL and there is a UTUBE video of it. She also wanted to congratulate the school as one of the top 33 schools that ranked high for their offering of AP classes.

MEETING ADJOURNED AT 8:55 P.M.

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