

HEARING BEFORE THE CITY COUNCIL, JUNE 11, 2012

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

All members were present except Councillor Marchand.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 16, Section 16-34 of the Revised Ordinances entitled "Classification of Positions" by adding the title of Head Administrative Clerk with a salary of S-5.

No one in the audience spoke in favor or in opposition of this 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, JUNE 11, 2012

Hearing opened at 6:55 P.M. with Councillor Chalifoux Zephir, Chair of the PUBLIC SERVICE COMMITTEE presiding.

All members were present except Councillor Marchand.

The following PETITION was the subject of the hearing:

82-12 National Grid: Install one singly owned pole on Hamilton Street beginning at a point approximately 415 feet southeast of the centerline of the intersection of Fairmount Street.

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

No Councillors spoke.

HEARING ADJOURNED AT 6:57 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JUNE 11, 2012

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

All members were present except Councillor Marchand.

The following PETITION was the subject of the hearing:

Relative to amending Chapter 22, Section 22-84 of the Leominster Zoning Ordinance entitled "Signs Permitted in Business, Commercial and Industrial Districts" by adding a section for electronic message boards.

Councillor Freda said she is in support of this Ordinance.

Gavin Colvert, 5 Cynthia Lane, Sterling. Said he is representing his wife Mrs. Danielle Colvert, who is the Principle of St. Anna School. He said she wanted to be here this evening but had an event at school. He read a statement from her stating that she is in favor of Petition 32-12 and as Principle of St. Anna School wants to be able to use the sign to its fullest capabilities as a messaging tool. It will be able to showcase the wide range of programs and show that it is a school zone and slow down motorists. Since there is not a lot of frontage on the street a lot of people do not know the school is there.

Councillor Freda said the Pastor of St. Anna Church is away and would have been here to speak in favor.

HEARING ADJOURNED AT 7:07 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 11, 2012

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

Attendance was taken by a roll call vote; all members were present. Councillor Marchand arrived late.

The Committee on Records reported that the records through May 14, 2012 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-97 Relative to the appropriation of \$27,000.00 to the Snow & Ice Expense Account; same to be transferred from the Snow & Ice Salary & Wages Account.
- C-98 Relative to the appropriation of \$160,000.00 to the Snow & Ice Expense Account; same to be transferred from the Emergency Reserve Account.
- C-99 Relative to the appropriation of \$10,000.00 to the Conservation Commission Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-100 Relative to the appropriation of \$8,600.00 to the Library Department Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-101 Relative to the appropriation of \$190,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Emergency Reserve Account.
- C-102 Relative to the appropriation of \$1,640,000.00 to the FY2013 Capital Outlay Expense Accounts as listed; same to be transferred from the Excess and Deficiency Account.

| | |
|--------------------------------------|--------------|
| ITTF Expenses | \$ 60,000.00 |
| Municipal Building Capital Outlay | \$ 40,000.00 |
| Conservation Commission Expenses | \$ 12,000.00 |
| Police Department Capital Outlay | \$305,350.00 |
| Fire Department Capital Outlay | \$655,000.00 |
| Wire Department Capital Outlay | \$ 37,650.00 |
| Highway Department Capital Outlay | \$170,000.00 |
| Forestry Expenses | \$ 10,000.00 |
| Sidewalk Improvement Capital Outlay | \$100,000.00 |
| Recreation Department Capital Outlay | \$ 30,000.00 |
| School Department Capital Outlay | \$220,000.00 |

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works and the Wire Inspector. A hearing was set for June 25, 2012 at 6:40 P.M. Vt. 8/0

- 84-12 National Grid and Verizon New England: Install, remove and relocate jointly owned poles on Nashua Street beginning at a point approximately 375 feet southeast of the centerline at the intersection of Main Street and continuing approximately 423 feet in the southeast direction.

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

- 85-12 Roger Cormier: Grant a Second Hand Dealer's License for RCDC Inc. d/b/a Crowne Jewelers located at 12 Lindell Avenue.

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

Election Officers for 2012 – 2013

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) | \$ 794,423.00 |
| Stabilization Account | \$11,103,675.65 |
| Emergency Reserved Account | \$ 34.00 |

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 5 "yeas" and 3 "nays", Councillor Dombrowski, Cormier and Nickel opposed.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 11, 2012, continued

C-74 Relative to the appropriation of \$3,300.00 to the Cemetery Expense Account; same to be transferred from the Cemetery and Perpetual Care Income Trust Fund.

ORDERED: - that the sum of Three Thousand Three Hundred Dollars (\$3,300.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery and Perpetual Care Income Trust Fund.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 8 "yeas"

C-82 Relative to the appropriation of \$1,900.00 to the Mayor's Expense Account; same to be transferred from the Open Space Donation Account. (Granted with an Emergency Preamble on May 29, 2012; another vote is required.)

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 5 "yeas" and 3 "nays", Councillors Dombrowski, Cormier and Nickel opposed.

C-83 Relative to the appropriation of \$45,695.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Forty Five Thousand, Six Hundred Ninety Five Dollars (\$45,695.00) be appropriated to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

Councillor Marchand arrived at 7:48 P.M.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8 "yeas" and 1 "nay", Councillors Chalifoux Zephir opposed.

C-84 Relative to the appropriation of \$40,800.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Forty Thousand Eight Hundred Dollars (\$40,800.00) be appropriated to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

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

C-85 Relative to the appropriation of \$200,000.00 to the FY 2013 Worker's Compensation Trust Fund; \$160,000.00 to be transferred from FY 2010 Worker's Compensation Trust Fund Account, \$23,271.95 from FY 2009 Worker's Compensation Trust Fund Account, \$15,182.25 from FY 2006 Worker's Compensation Trust Fund Account and \$1,545.80 from FY2005 Worker's Compensation Trust Fund Account.

ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the FY 2013 Worker's Compensation Trust Fund; same to be transferred from the previous fiscal years Worker's Compensation Trust Funds as listed below:

| | | |
|---------|----------------------------------|--------------|
| FY 2010 | Worker's Compensation Trust Fund | \$160,000.00 |
| FY 2009 | Worker's Compensation Trust Fund | \$ 23,271.95 |
| FY 2006 | Worker's Compensation Trust Fund | \$ 15,182.25 |
| FY 2005 | Worker's Compensation Trust Fund | \$ 1,545.80 |

C-86 Relative to the appropriation of \$8,330.13 to the Mayor's Expense Account; same to be transferred from the Mayor's Salary & Wages Account.

ORDERED: - that the sum of Eight Thousand Three Hundred Thirty Dollars and Thirteen Cents (\$8,330.13) be appropriated to the Mayor's Expense Account; same to be transferred from the Mayor's Salary & Wages Account.

RE: Copy Machine, Computer and four licenses and installation of 2010 Microsoft Office Professional.

C-87 Relative to the appropriation of \$3,000.00 to the City Clerk Expense Account; same to be transferred from the Election & Registration Expense Account.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the City Clerk expense Account; same to be transferred from the Election & Registration Expense Account.

RE: Purchase and installation of computers

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 9/0

C-88 Relative to the appropriation of \$104,341,000.00 to the City of Leominster General Fund Fiscal Year 2013 Budget; same to be raised by Fiscal Year 2013 Revenue. (A hearing is set for June 25, 2012 at 6:45 P.M.)

REGULAR MEETING OF THE CITY COUNCIL, JUNE 11, 2012, continued

C-89 Relative to the appropriation of \$5,210,000.00 to the Water Department Fiscal Year 2013 Budget; same to be raised by Fiscal Year 2013 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (A hearing is set for June 25, 2012 at 6:45 P.M.)

C-90 Relative to the appropriation of \$4,500,000.00 to the Sewer Department Fiscal Year 2013 Budget; same to be raised by Fiscal Year 2013 Sewer Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (A hearing is set for June 25, 2012 at 6:45 P.M.)

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 7/2; Councillors Rowlands and Freda opposed.

C-91 Relative to the appropriation of \$1,400,000.00 to the Stabilization Fund; same to be transferred from the Overlay Surplus Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 "yeas"

C-95 Relative to the appropriation of \$20,000.00 to the Veteran's Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on May 29, 2012; another vote is required.)

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITIONS were given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/1, Councillor Dombrowski opposed.

67-12 David R. Cormier: Accept Wedgewood Lane as a public way.

68-12 David R. Cormier: Accept Sage Avenue as a public way.

69-12 David R. Cormier: Accept Ruth Street as a public way.

70-12 David R. Cormier: Accept Patricia Drive as a public way.

71-12 David R. Cormier: Accept Montrose Street as a public way.

72-12 David R. Cormier: Accept Larson Avenue as a public way.

73-12 David R. Cormier: Accept Crabtree Lane as a public way.

74-12 David R. Cormier: Accept Calza Street as a public way.

75-12 David R. Cormier: Accept Bond Street as a public way.

76-12 David R. Cormier: Accept Bassett Street as a public way.

77-12 David R. Cormier: Accept Malburn Street as a public way from #107 to end.

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

82-12 National Grid: Install one singly owned pole on Hamilton Street beginning at a point approximately 415 feet southeast of the centerline of the intersection of Fairmount Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0. A hearing is set for June 25, 2012 at 7:00 P.M.

83-12 Haws & Mill Street Inc. & Gershman Brown Crowley Inc.: Grant a Special Permit to demolish an existing building and construct a new 13,255 square foot CVS full service pharmacy with drive thru at 246 Mill Street, as shown on Assessor's Map 268, lots 1 & 7 located within a flood plain.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following COMMUNICATIONS were GRANTED. Vt. 9/0.

C-80 Dean J. Mazarella, Mayor: Declare surplus a city owned parcel on Benham Street, shown on Assessor's Map 340, Parcel 13.

C-92 Dean J. Mazarella: Request that the City Council permanently dedicate a portion of land located at 95 Viscoloid Avenue for a park, playground, or recreation purposes pursuant to M.G.L. Chapter 45, and to place said portion of land under the charge of the Recreation Commission.

A letter regarding C-92 from the Mayor and Wendy Wiiks were read and are on file in the City Clerks office.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 11, 2012, continued

Upon recommendation of the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-96 Dean J. Mazzearella, Mayor: Approve the Economic Opportunity Area (EOA) Application for 98 Adams Street, located at the corner of Adams Street and Cotton Street.

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

C-81 Dean J. Mazzearella, Mayor: Approve the proposed amount of \$391,486.00 for the Community Development Block Grant for year 38.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended by adding "Such funds for sidewalk improvement and other related accessories in the HUD Core Area."

C-93 Dean J. Mazzearella: Adopt a Resolution authorizing the Mayor to enter into a Contract for Loan Guarantee Assistance on behalf of the City as borrower, to execute a Promissory Note as required under said Contract, and to execute such other agreements or documents and agree to such reasonable terms and conditions as may be required by the federal government.

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

C-94 Dean J. Mazzearella: Request that Anna Hamblin be exempt from the provisions of M.G.L. Chapter 268A (20B) Conflict of Interest as she is currently employed by the City of Leominster Retirement Board as an Executive Secretary and will be performing the duties of Conservation Commission Scribe at the monthly meetings during the evening hours.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas" and 1 "nay, Councillor Rowlands opposed.

Planning Board – Thomas Carignan and Salvatore M. Ciccone
terms to expire April 15, 2017

The following LOAN ORDER was read a second time, adopted as presented and passed to be ordained. Vt. 7 "yeas" and 2 "nays", Councillor Rowlands and Dombrowski opposed.

2nd Reading Loan Order - Relative to the appropriation of \$28,000,000 to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto, provided that no borrowing in excess of \$20,000,000.00 would be permitted unless (i) the City received federal stimulus grants of at least \$8,000,000.00, or (ii) the City received a loan commitment from the Massachusetts Water Pollution Abatement Trust for a zero interest loan of \$28,000,000.00 for this project, neither of which are now available to the City, is hereby amended in its entirety to read as follows:

ORDERED, that the sum of \$28,000,000 be and hereby is appropriated to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefor.

The following ORDINANCES were 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 twelve

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled "Zoning."

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

Chapter 22 of the Revised Ordinances, entitled "Zoning," Article II, Section 22-84.2, "Regulation of Signs in Business, Commercial and Industrial Districts," is hereby amended by adding the following provisions.

84.2.1.3 Electronic signs. An electronic message board shall be allowed in compliance with all other applicable provisions of Chapter 22 and in compliance with the following provisions:

REGULAR MEETING OF THE CITY COUNCIL, JUNE 11, 2012, continued

- a) The changeable area of the sign shall be no greater than thirty-two (32) square feet.
- b) The message that is displayed shall change not more frequently than every three (3) seconds.
- c) No more than one (1) electronic message board with two (2) sides is permitted per lot.
- d) No message shall scroll across the board.
- e) No electronic sign shall be erected at the intersection or edge of any street in such a manner as to obstruct free and clear vision; shape or color it may interfere with or obstruct the view of, or be confused with, any authorized traffic signal, sign or device.

The City of Leominster
In the year two thousand and twelve

AN ORDINANCE

Amending Chapter 16-34 of the Revised Ordinances, entitled "Classification of Positions."

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

Chapter 16, Section 16-34 of the Revised Ordinances entitled "Classification of Positions; is hereby amended by adding the following class title and salary classification, effective July 1, 2012:

Head Administrative Clerk S-5

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 "yeas"

Resolution on Section 108 Loan Guarantee Assistance

Resolution C-93

BE IT RESOLVED: that the City Council of the City of Leominster hereby:

- (a) Authorizes the Mayor, as the chief executive officer of the City, to enter into a Contract for Loan Guarantee Assistance under Section 108 of title 1 of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. § and 24 CFR Part 570, Subpart M, on behalf of the City as borrower, to execute Promissory Note numbered B-11-MC-25-0013 required under said Contract, and to execute such other agreements or documents and agree to such reasonable terms and conditions as may be required by the federal government in connection with the foregoing;
- (b) Pledges, as security for payment under said Note and such other charges as may be authorized in the Contract:
 - (i) All allocations or grants which have been made or for which the City may become eligible under Section 106 of the Act, as well as any grants which are or may become available to the City pursuant to Section 108(q);
 - (ii) Program income, as defined in 24 CFR 570.500(a) (or any successor regulation), directly generated from the use of the Guaranteed Loan Funds, as defined in the Contract.
 - (iii) The full faith and credit of the City in support of all obligations of the City under the Note and Contract;
 - (iv) All proceeds (including insurance and condemnation proceeds) from any of the foregoing; and
 - (v) All funds or investments in the accounts established under the Contract.
- (c) Confirms that Guaranteed Loan Funds, as defined in the Contract, shall be used by the City to carry out public facilities activities, pursuant to 24 CFR 570.703(1), in connection with the Comb and Carriage Neighborhood Infrastructure project.

Adopted by the Leominster City Council
June 11, 2012

/s/ Lynn A. Bouchard, City Clerk

/s/ Dean J. Mazarella, Mayor

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Planning Director, the DPW Director, a representative from Kopelman & Paige to attend a Public Service Committee meeting on July 11, 2012 at 6:30 P.M. to discuss unaccepted streets. Vt. 9/0.

MEETING ADJOURNED AT 8:25 P.M.

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