

HEARING BEFORE THE CITY COUNCIL, OCTOBER 9, 2012

Hearing opened at 7:10 P.M. with Councillor Chalifoux Zephir, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present except Councillor Cormier.

The following PETITION was the subject of the hearing:

15-13 National Grid: Old Willard Road: Install a singly owned pole beginning at a point approximately 495 feet west of the centerline of the intersection of Lancaster Street.

Iris Price from National Grid said they want to put in a stub pole. She said they originally had a tree guide and the tree has fallen over. This new stub pole will guide the other street poles.

Councillor Chalifoux Zephir asked if this was a new pole going in across the street.

Ms. Price said yes.

Councillor Marchand said he refers to this as an anchor pole and will it be on private property, city property or National Grid property.

Ms. Price said this will be on city property. When they petition a town it will be on town property. If they had to put it on private property they would get an easement from the homeowner.

No one spoke in opposition.

HEARING ADJOURNED AT 7:13 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 9, 2012

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

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

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

C-19 Dean J. Mazzaella, Mayor: Request that James Imprescia be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest as he is currently employed by the City of Leominster as the Plumbing and Gasfitter Inspector and will be taking a position setting up polling places for the City Clerk Elections and Registration Office

C-20 Dean J. Mazzaella, Mayor: Request the City Council pass a resolution to require the Council to follow the Rules of Procedures dated 2012 "Ways and Means and Post Audit Committee."

C-21 Dean J. Mazzaella, Mayor; Request the City Council pass a resolution calling attention to Section 5.6 of the City Charter "Meetings with the City Council."

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Department of Public Works, the Health Director, the Planning Board and the Director of Inspections. A hearing was set for November 13, 2012 at 6:45 P.M.

17-13 Kenneth Vachon: Grant a Special Permit to expand the existing 9 holes 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.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

18-13 Michael D. Piermarini and Tammy H. Piermarini: Request the City Council to rescind/ revoke Special Permit #2 of 2012 for Lot A-2 located on Elm Street and re-open the public hearing process.

19-13 Manoel Loka Leite: Request the City Council to amend Special Permit #2 of 2012 to allow the installation of a well located on Lot A-2 Elm Street.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 9, 2012, continued

The following PETITION was received, referred to the CITY PROPPERTY COMMITTEE, given REGULAR COURSE and referred to the Cemetery Department, the Historical Commission, the Department of Public Works, Richard Early President of the Vietnam Veterans Association and the Director of Veteran's Services.

- 20-13 Thomas Hazzard for Vietnam Veterans of America Chapter 116: Consider moving 2 Parrott rifles from Evergreen Cemetery to Carter Park's Civil War Monument.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE and given REGULAR COURSE.

- 21-13 Richard M. Marchand on behalf of the Johnny Appleseed Festival Committee: Close off West Street from the intersection of Cottage Street to Main Street; close off Park Street at the intersection of Main Street; close off Church Street but maintain public safety access; allow the use of the City Hall Parking Lot; allow the use of the parking lot adjacent to City Hall on West Street; allow the use of the John Tata Auditorium in the City Hall; allow the use of the parking lot between the First Church Unitarian and the First Baptist Church to host the 20th year anniversary of the Annual Johnny Appleseed Arts and Cultural Festival on September 21, 2013 (rain date September 28, 2013) from 5:30 A.M. to 10:30 P.M.

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)	\$ 77,000.00
Stabilization Account	\$ 12,527,648.33

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 8 "yeas"
A hearing was set for November 26, 2012 at 6:45 P.M.

- C-15 Dean J. Mazzearella, Mayor: Request the City Council set a hearing for the classification of the tax rate on November 26, 2012, the purpose of which is to set the FY2013 tax rate.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

- 15-13 National Grid: Old Willard Road: Install a singly owned pole beginning at a point approximately 495 feet west of the centerline of the intersection of Lancaster Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was given FURTHER TIME and referred to the Mayor. Vt. 8/0

- C-16 Dean J. Mazzearella, Mayor: Accept a donation of land located on Valley Street as shown on Assessors' Map 299 as Lot 113 from Benedetto R. Marchetti.

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

- C-17 Claire Freda: Accept M.G.L. Chapter 59, Section 8A relative to the Veteran's Work Off Program. The Valor Act adds a new 5N to M.G.L. Chapter 59 which allows cities and towns to create Work Off Abatement Programs for Veterans.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 8/0
An opinion from the City Solicitor and an email from the Mayor was read into the record. Both are on file in the City Clerk's office.

- 3-13 David Rowlands: Amend Article VI, Section 2-25, Article VII Section 2-28, Article VIII, Section 2-28 and all similar sections in the city ordinances relative to Mayoral Appointments to add "Said term may be extended indefinitely by the mayor at his/her discretion without vote of the City Council".

- 9-13 John Scribner, Lisciotti Development: Accept the deed from Massapoag Development, LLC which grants to the City of Leominster land titled "Open Space Parcel D" containing approximately 4.96 acres as per condition 12 of the Planning Board Subdivision Approval.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt.8/0
The hearing is continued to October 22, 2012 at 6:45 P.M. An email was received from Roger Glenn of Montana Court and is on file in the City Clerk's Office. Councillor Rowlands asked for clarity on the recommendation from the Planning Director regarding the Mixed Use Overlay District. Petition referred to the Temporary Building Inspector.

- 14-13 James J. Carnivale, Trustee Carnivale Realty Trust: Rezone Parcel 240-4 and 240-3 located at 404 Main Street from Residence B to Commercial.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 9, 2012, continued

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

16-13 New England Farm Worker's Council: Request permission to use the City Council Chambers to take fuel assistance applications on the following dates: October 22nd, November 2nd and 16th, December 14th and 28th, 2012; January 11th, and 25th, February 8th and 22nd, March 8th and 22nd, and April 5th and 19th, 2013.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

C-18 Dean J. Mazzarella, Mayor: Request that Michael Carey be exempt from M.G.L. Chapter 268A, Section 20B (Conflict of Interest), as he is a teacher for the Leominster School Department and will be a referee for the Recreation Department's youth basketball program.

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

Leominster Police Department – effective July 31, 2012
Sergeant - James A. Marois, Jr.

Election Workers – terms to expire August 31, 2013
Dennis Grammont, Phyllis Grammont,
Paulette Robichaud and Francis J. Giangrande

Under Old Business, Councillor Rowlands said the Main Street (Route 13) paving has been ongoing. He said this Council approved over a year ago \$50,000.00 to repave and clean up the intersections in terms of the washboard. The Mayor received confirmation from the state that we would save \$50,000.00 because the state was going to do the work last fall. Unfortunately, the state did not get out to pave, but came out to grind it down to make it smoother. They were going to come back in the late spring and repave it. He said the state did not come back and he has been in contact with Wendy Wiiks. Apparently there were problems between the state and government in getting money for paving. In September we were told they were going to come back and pave it this year. Now I am told it is going to happen any day now but I don't know how much longer the asphalt factories will remain open. He said he was told by the Mayor and Wendy Wiiks they are still working with the state.

Councillor Rowlands said we voted to have the Mayor come down to discuss the 15 questions presented to him. These questions were related to the violations because of chloroform in the water. He said he has received four specific complaints from constituents in his ward who had some form of illness in July and they want to understand what the process was for notification when this type of issue happens. One of his constituents spent 11 days in the hospital with an intestinal disorder in July. He said we received a letter from Mr. LaPointe explaining some of the questions that were related to the chloroform issue. He said chloroform is an indicator that other problems exist. He said he has a fact sheet on chloroform from Environmental Services in New Hampshire which tells how to interpret this. He said it varies quite a bit from the letter they received. He said the fact sheet says public notice to the water system users is required since a properly constructed and maintained water system should not have a total chloroform present. It would be nice, as a Councillor, to be notified from the Water Department. He said he didn't learn about this as a City Councillor until there was an article in the newspaper on August 31st and the violation happened in July. He said he would like to know why it occurred. What is the process for notification? He would like to see the questions answered.

Councillor Salvatelli asked if this is a unique problem to us or is it all over the state?

Councillor Rowlands said it's not unique it occurs all over the world. This is a test that is commonly used for determining the bacterial quality of drinking water in the U.S. and the world. He said his question is did we get it as a result of the work that was done? We were doing extensive work at the filtration plant and what is the notification process. He said he wants to know.

Councillor Dombrowski said he was in contact with the Council's Attorney regarding his firm representing the Mayor in a personal issue with the Leominster American Little League. Attorney Maddaus said he believed it was not a conflict. Councillor Dombrowski said it is a big firm, they have a lot of departments and believes they do not represent the Mayor any longer. He said Attorney Maddaus wanted to bring it to our attention.

Councillor Chalifoux Zephir said she met the attorney, representing the Mayor, at one of the meetings about the Little League Field. She said this attorney came and stated that he represented the Mayor but was subsequently fired the next day. So he didn't represent the Mayor for very long. She said she can't imagine a conflict.

Councillor Dombrowski asked the Councillors if anyone had an issue or should we proceed with Attorney Maddaus.

No Councillors objected.

REGULAR MEETING OF THE CITY COUNCIL, OCTOBER 9, 2012, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following ELECTION ORDER was adopted. Vt. 8/0

**CITY OF LEOMINSTER
STATE ELECTION
ELECTION ORDER
NOVEMBER 6, 2012**

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

Per Order Leominster City Council
True Copy Attest:

/s/ Lynn A. Bouchard, City Clerk

MEETING ADJOURNED AT 8:50 P.M.

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