

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 26, 2012

Hearing opened at 6:30 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:

23-13 National Grid and Verizon New England Inc.: Albert Drive – Relocate pole 45-1 across street, which will become 44-1 and replace pole 47-1 which will become pole 44-3.

Ken Dobie of National Grid said they propose to change the location of a pole and replace a pole to service two new homes. In April a truck backed up into a pole and it was temporarily fixed. This will be a permanent fix.

No one in the audience spoke in opposition of this petition.

No Councillors spoke.

HEARING ADJOURNED AT 6:32 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 26, 2012

Hearing opened at 6:35 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:

24-13 National Grid and Verizon New England Inc.: Merriam Avenue - Install one jointly owned pole beginning at a point approximately 340 feet north of the centerline of the intersection of the George W Stanton Highway/ Concord Turnpike.

Ken Dobie of National Grid said they are proposing to set a service pole to feed the new GFA Credit Union.

Councillor Chalifoux Zephir said you are just installing a new pole and not relocating anything else?

Mr. Dobie said no.

Councillor Chalifoux Zephir read a letter that was submitted by Lisciotti Development which is on file in the City Clerk's office.

No one in the audience spoke in opposition of this petition.

HEARING ADJOURNED AT 6:37 P.M.

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

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 26, 2012

Hearing opened at 6:45 P.M. with Councillor Salvatelli, Chair of the FINANCE COMMITTEE, presiding.

All members were present. Councillor Marchand arrived late.

Present at the hearing was Chief Assessor Walter Poirier, Assessors Christopher Paquette and Katherine Miller. The Comptroller John Richard arrived late.

The following COMMUNICATION was the subject of the hearing:

C-15 Relative to determining the factor to be used in setting the Fiscal Year 2013 tax rate.

A tax rate booklet based on a factor of 1 was distributed and is on file in the City Clerk's office.

Mr. Paquette said arriving at a tax rate for the current year requires many hours of data collection and analysis, however, the formula is simple. Once the overall assessed value of the City is determined and the budget is set they divide the overall value by the budget to get the new tax rate. He said Prop 2 ½ does not apply to individual property owners but rather the City as a

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 26, 2012, continued

whole. He said we are in Fiscal Year 2013 but we have to use a full calendar year for sales prior to. Fiscal Year 2013 starts in July 2012 and we use calendar year 2011 sales to determine our values.

Mr. Paquette said over the course of the past three fiscal years the overall assessed value has dropped \$438 million (12.47%).

This year accounted for an additional drop of \$106.4 Million (3.35%). Last years drop in value was 3.36%. We are seeing some improvements in the rate we are decreasing. He said hopefully we are turning a corner in the housing market and things will start to improve. He said the greatest decrease was in the single family units. There was approximately 3.56% decrease in values and in personal property there was a decrease of 24%. He said they had an entity that went from being a manufacturer to an LLC which enabled them to pick up their inventory which added about \$32 million worth of inventory. They reverted back to a manufacturer and that money went into the levy but away from the personal property account so we could no longer collect it through personal property. Commercial property values dropped 2.9% and industrial values dropped 1.8%.

Mr. Paquette said this years increase is 7.4% which is the increase from \$16.72 tax rate to what we have come up with now of \$17.96 per thousand. This points out the average single family home value dropping from \$217,724.00 to \$209,968.00 or a drop of 3.56%. The average single family tax bill will increase from \$3,640.00 to \$3,771.00 based on \$209,968.00, an increase of \$131.00 or 3.1% in the current year.

Mr. Paquette said the average commercial property bill will increase \$665.00, a 5.7% increase. The industrial property tax bill will increase \$579.00 or 6.5%. The current tax rate set to a single factor will increase from \$16.72 per thousand to \$17.96 per thousand based on the adopted fiscal year 2013 budget.

Mr. Paquette said the residential class accounts for about 78% of the overall value of the City and commercial, industrial property, open space and personal property will account for the remaining 22%.

He said if the Council chooses to adopt a residential exemption it will take all the properties greater than \$234,000.00 and increase their taxes and reduce the taxes of the properties under \$234,000.00. If you chose to adopt a small business exemption, which is any business located within a building valued under a \$1 million and under 10 employees would qualify for a small business exemption. He said there are only 70 businesses that would qualify for that. If this was adopted anybody that qualified would get a reduction in their taxes and they would be made up by the remainder of the class.

Councillor Salvatelli said he had a number of businesses that were going through tax breaks (TIFF) and wanted to know if that amount was significant right now.

Mr. Poirier said there are four or five that are operating right now. The most significant amount is the Dixie Cup TIFF which is personal property. He said for the first 4-5 years they have a 95% tax reduction. They are still paying taxes on personal property but only assessed at 5% of the total.

Mr. Poirier said the others are minor TIFF's. He said there was one that was scheduled to go into force but never came to be. That was the Tucker Drive building. That TIFF is not in effect and is not affecting valuation.

Councillor Salvatelli said he noticed the increase in single family housing this year was significant.

Mr. Poirier said that is deceptive. Out of 41 there were 29 properties that were listed in the mixed used class that no longer qualify for that so they were moved to the single family class.

Councillor Salvatelli asked where the \$586,000.00 in growth came from.

Mr. Poirier said in single family valuations we got \$6.64 million, condominium valuations \$258,000.00, 2-3 family valuations \$300,000.00, multi family valuations was the largest growth factor in the city which is 4 units up to 12 plus, There was no growth in open space. In the commercial we had \$5.598 million which included Aldi, Tractor Supply and a doctor's office. In industrial there was \$1.414 million.

Councillor Salvatelli asked Mr. Richard if this \$586,000.00 is under free cash.

Mr. Richard said no, he estimated the growth when they set the budget.

Councillor Salvatelli said you estimated \$586,000.00 worth of new growth?

Mr. Richard said yes.

Councillor Salvatelli said essentially, the arithmetic of it is you go up 2 1/2 %, which we were able to do then you add in the growth, which is \$586,000.00 and that's how you anticipate what you are going to have, right?

Mr. Richard said yes.

Councillor Salvatelli asked if the additional tax revenue is raising taxes beyond 100%?

Mr. Richard said they haven't done that. They are going to maintain \$5.2 million of unused revenue, the same as last year. Our collection rate is at 99.5%

Councillor Salvatelli said that is remarkable good.

Councillor Cormier said the second or third day of the New Year I always get a call and it is usually a condo owner that thinks their taxes went up significantly. I notice that condominiums are in a separate class of their own so how much is the average condominium tax bill going up?

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 26, 2012, continued

Mr. Poirier said no, they dropped 2.8%

Mr. Paquette said it is tough to say for a condo because condos have such a wide range. He said there is a huge swing in value based on the condos out there.

Mr. Poirier said each complex is like an individual neighborhood. You have to deal with the sales in there to indicate value within that condominium complex.

Councillor Cormier asked if condos can definitely expect an increase?

Mr. Poirier said he would expect the average condominium to have an increase. Based on what is going on he would expect increases universally.

Mr. Paquette said single family is 3 ½% and condos about 4 ½ %

Councillor Rowlands asked if somebody opens up a daycare as an office at home that falls out of the residential category into a mixed use category.

Mr. Poirier said no, not necessarily. There are multiple mixed use categories. There is 01, 03 and 04. Depending upon percentage usage of the commercial use vs. the residential use they then set a percentage. The only time that really comes into play is if you had a split tax rate. If we had a 70% residential and 30% commercial or industrial parcel 70% would be taxed using the residential rate and 30% would be taxed using the commercial or industrial rate.

Councillor Dombrowski asked how the new overlay districts are going to affect values.

Mr. Poirier said he has no idea until the market reacts to them. He said they would make the changes based upon the zoning and hopefully be able to lay it right into the GIS system and at that point they will be able to tell what parcels fall into what district. He said the most impact will be on any vacant land.

Councillor Dombrowski asked if there was a procedure in place at City Hall where you are able to keep track of the different uses.

Mr. Poirier said the uses themselves fall under the Building Department, the zoning enforcement officers.

Councillor Dombrowski asked how the increased hospital overlay going to affect things.

Mr. Poirier said some houses that fall in that area and the hospital might make offers to some people. He said he hasn't seen the zoning.

Councillor Rowlands said there is no increase in the overlay district at the hospital in terms of space.

David McKeehan of the North Central Massachusetts Chamber of Commerce spoke in favor of maintaining a Factor of 1.

HEARING ADJOURNED AT 7:25 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012

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

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

The following COMMUNICATION was received with an EMERGENCY PREAMBLE referred to the FINANCE COMMITTEE. Vt. 9 "yeas" Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

C-23 Relative to the appropriation of \$661,000.00 to the Prior Year Snow and Ice Expense Account; same to be raised by Fiscal Year 2013 Revenue.

ORDERED: - that the sum of Six Hundred Sixty One Thousand Dollars (\$661,000.00) be appropriated to Prior Year Snow and Ice Expense Account; same to be raised by Fiscal Year 2013 Revenue.

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

C-24 Relative to the appropriation of \$15,000.00 to the Highway Overtime Account; same to be transferred from the Emergency Reserve Account.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012, continued

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 December 10, 2012 at 6:25 P.M. Vt. 9/0

28-13 National Grid and Verizon New England Inc.: Haws Street – Install one jointly owned pole beginning at a point approximately 400 feet northwest of the centerline of the intersection of Mill Street.

A recess was called at 7:41 P.M. to discuss a future pole location with Mr. Dobie.

Meeting reconvened at 7:45 P.M.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Water and Sewer Department. An opinion from Kopelman and Paige was requested asking if this petition was legal and if so request ordinance preparation.

29-13 Dennis C. Hillman and David R. Cormier: Amend the City Ordinance sewer rate schedule to include an abatement for filling swimming pools.

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

Board of Assessors – Walter Poirier – Chief Assessor – term to expire April 15, 2013

Board of Assessors – Christopher Paquette – term to expire April 15, 2015

Planning Board – John J. Souza – term to expire April 15, 2015

Treasurer/Collector – David Laplante – term to expire April 15, 2015

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

Emergency Reserved Account	\$ 62,000.00
Stabilization Account	\$12,527,648.33

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED to adopt a Factor of 1. Vt. 9 “yeas”

C-15 Relative to determining the factor to be used in setting the Fiscal Year 2013 tax rate.

Upon recommendation of the PUBLIC SERVICE COMMITTEE the following PETITIONS were GRANTED. Vt. 8/0, Councillor Cormier abstained due to a possible conflict of interest.

23-13 National Grid and Verizon New England Inc.: Albert Drive – Relocate pole 45-1 across street, which will become 44-1 and replace pole 47-1 which will become pole 44-3.

24-13 National Grid and Verizon New England Inc.: Merriam Avenue - Install one jointly owned pole beginning at a point approximately 340 feet north of the centerline of the intersection of the George W Stanton Highway/ Concord Turnpike.

A letter from Lisciotti Development was read regarding petition 24-13 and is on file in the City Clerk’s office.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED. Vt. 9/0 A letter of appreciation will be sent to Charles Cole from the Council for his donation.

C-22 Dean J. Mazarella, Mayor: Request that the Class of 1942 Scholarship Trust Fund be established.

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

25-13 David Rowlands: Modify the City of Leominster Ordinance relative to appointments by amending Article VI, Section 2-25, Article VII, Section 2-28 and Article VIII, Section 2-28

Upon request of the LEGAL AFFAIRS and the PRESIDENT’S ZONING COMMITTEES the following COMMUNICATION was given FURTHER TIME. Vt. 9/0

C-68 (2011) Dean J. Mazarella, Mayor: Adopt the proposed changes to the Leominster Zoning Ordinance.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012, continued

Upon recommendation of the CITY PROPERTY COMMITTEE the following PETITION was GRANTED. Vt. 9/0

26-13 Dean J. Mazzarella: Accept a gift of two 25 foot white fiberglass flagpoles and twenty-one 3 ft. x 5 ft. U.S. flags valued in the amount of \$2,396.00.

Upon request of the WAYS & MEANS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0

27-13 David Rowlands: Request the City Council utilize the powers vested in them per Section 5.1 of the Leominster Home Rule Charter to reorganize the Personnel and Labor Services.

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

Recreation Commission – Richard Greene - term to expire April 15, 2015

Office of Emergency Management – Laura Case and Felicia Santiago

Under Old Business, Councillor Rowlands asked if we received any communication from Manoel Loka Leite regarding the Special Permit granted to him for the property located at 909 Elm Street has been received.

The Clerk said no.

Councillors Freda recused herself due to a possible conflict of interest. Councillor Marchand recused himself as he was not in attendance at the public hearing.

Councillor Rowlands said we were made aware of potential changes to the Special Permit that the Council issued. Two Department Heads in the City investigated the changes and made a proper report to the Council as to what that changes were. He said they were also told by the Building Inspector that a Certificate of Occupancy would not be given to the recipient of the Special Permit. He said he asked the City Clerk to send a letter to the petitioner asking them to come before this Council to amend that petition in a timely manner or risk the Special Permit being revoked.

Councillor Rowlands said he went out of his way to make a phone call to both the engineer and to the attorney representing the recipient of the Special Permit and told them it was important to come forth, and he was told they were. He said the fact that he has heard nothing up to now bothers him. He said he would like to ask the Building Department to put a Cease and Desist Order on that property and the recipient of the Special Permit appear before the Council. He said his patience is worn out and feels that the Council has been more than fair.

Councillor Dombrowski said he has to receive formal notice.

A motion was made by Councillor Rowlands that the City Council send a letter to the Building Inspector’s office asking that all work and construction relative to that Special Permit for 909 Elm Street be stopped immediately. Motion seconded by a vote of 7/0, Councillors Freda and Marchand abstained.

A motion was made by Councillor Rowlands that the recipient of the Special Permit appear in front of the Council on January 14, 2013 at 6:30 P.M. and formal notification be sent to the recipient of the Special Permit. Motion seconded by a vote of 7/0, Councillors Freda and Marchand abstained.

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

**RESOLUTION REGARDING MAYOR’S FAILURE TO ABIDE BY THE CHARTER CONCERNING
THE REQUEST FOR MAYOR TO APPEAR BEFORE CITY COUNCIL**

WHEREAS Section 3.6 of the Leominster Home Rule Charter (hereinafter the “Charter”) requires the mayor to appear before the City Council as stated below:

(a) In General. The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b) City Officer, Member of Multiple Member Body, City Employees. The city council may require any city officer, member of a multiple member body or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers, duties or responsibilities which are within the scope of responsibility of any such city officer, member of a multiple member body or city employee.

© Mayor. The city council may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The city council may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The mayor shall not be required to respond to or to answer any question not directly related to those presented to him in advance of the meeting, and in writing.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012, continued

(d) Notice Requirements. The city council shall give at least five days written notice to any person it shall require to appear before it under this section. Notice under this section shall be by delivery in hand.

WHEREAS, the City Council voted to have the mayor appear before the Council on the first City Council meeting of each month.

WHEREAS, the City Council has provided the mayor with written questions well within timeframe specified in Section 3.6(d)

WHEREAS, Section 9.12 of the Charter requires the Leominster City Council to, by resolution, direct the Mayor's attention to those provisions of the Charter in which the Mayor is not in compliance.

Sec. 9.12. Enforcement of charter provisions.

It shall be the duty of the mayor to see that the provision of the charter are faithfully followed and complied with by all city agencies. Whenever it appears to the mayor that any city agency is failing to follow any provision of this charter, he shall, in writing, cause notice to be given to such agency directing compliance with the charter.

If it shall appear to the city council that the mayor is not himself following the provisions of the charter it shall, by resolution, direct his attention to those areas in which it believes he is failing to comply.

Therefore be it resolved by the City Council to direct the Mayor's attention to Section 3.6 of the Charter and request that he follow the Charter and appear before the Leominster City Council as requested.

Adopted by the City Council on November 26, 2012.

/s/ City Council

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 8 "yeas" and 1 "nay", Councillor Freda opposed.

RESOLUTION REGARDING MAYOR'S FAILURE TO ABIDE BY THE CHARTER CONCERNING THE PROPER APPOINTMENT AND REMOVAL OF CITY OFFICERS

WHEREAS, Section 2.3 of the Leominster Home Rule Charter (hereinafter the "Charter") requires, in relevant part, the Mayor to appoint all "city officers, department heads and members of multiple member bodies" subject to approval by the City Council.

WHEREAS, Section 2.5 of the Charter allows the temporary appointment to city offices by the Mayor for a period not to exceed sixty (60) days.

WHEREAS, Section 2.5 further allows a temporary appointment to be reappointed for succeeding sixty (60) day terms without limit unless rejected by a two thirds vote of the City Council.

WHEREAS, the former Building Inspector was last appointed by the Mayor in 2006.

WHEREAS, pursuant to Section 5.5 of the Charter, the former Building Inspector's term expired on April 15, 2009.

WHEREAS, the Mayor subsequently failed to reappoint the former Building Inspector pursuant to Section 2.3 of the Charter and likewise failed to make any temporary appointment of the former Building Inspector pursuant to Section 2.5 of the Charter.

WHEREAS, there continues to exist numerous city officials whose appointments have expired without reappointment or other action by the Mayor.

WHEREAS, on April 11, 2011, the City Council by a 7-2 vote, passed a resolution requesting the Mayor to make all of the outstanding appointments.

WHEREAS, the former Building Inspector continued to be employed as an officer and/or Department Head employed by the City of Leominster for the next approximate three and one half (3 ½) years until approximately September 25, 2012.

WHEREAS, on September 25, 2012, the Mayor informed the former Building Inspector that he was not being reappointed and essentially terminated his employment with the City of Leominster.

WHEREAS, Section 2.4 of the Charter, provides verbatim:

The mayor may, in writing, suspend any city officer, department head, or member of a multiple member body appointed by the mayor; and in such case, he shall at once report his action and his reasons therefore to the city council. The suspension of any such person shall, fifteen days following the date such report is made, be a removal, unless within the said fifteen days the person whose removal is sought has filed a request for hearing on such removal before the city council. Such hearing shall be held in accordance with the procedure established in section 3.8 (b) of this charter. The provisions of this section shall be subject to the civil service law and any collective bargaining agreements as may be applicable.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012, continued

WHEREAS, the former Building Inspector was employed as an officer and/or Department Head and is entitled to a hearing pursuant to Section 2.4 of the Charter.

WHEREAS, the Mayor has failed to “at once report his action and his reasons therefore to the city council” and to file with the City Council “a notice of suspension” as required by Section 2.4 and Section 3.8 of the Charter.

WHEREAS, Section 9.12 of the Charter requires the City Council to, by resolution, direct the Mayor’s attention to those provisions of the Charter in which the Mayor is not in compliance.

Accordingly, it is hereby resolved by the City Council as follows:

1. To direct the Mayor’s attention to Section 2.3 and 2.5 of the Charter and request that all outstanding and expired appointments be made forthwith.
2. To direct the Mayor’s attention to Section 2.4 and 3.8 of the Charter and request that a written notice of his actions relative to the former Building Inspector be filed with the City Council forthwith.
3. To state, for the record, that the Mayor’s actions, as outlined above, violate the applicable provisions of the Charter, are contrary to the spirit and intent of the Charter, and are contrary to the public policy favoring appropriate checks and balances in government.

Adopted by the Leominster City Council on November 26, 2012 by 8/1 vote.

/s/ John M. Dombrowski, President of the Leominster City Council, November 26, 2012.

Under New Business, Councillor Rowlands said he has tried to use the City email account and it is horrendous. It is terribly slow and he is still losing mail. He said people never complain when they go through my regular email but when they go through the City email he loses mail. He said the filtering system that they use is somehow losing constituents email. He consistently gets lost email complaints when using this account. He said we don’t have an IT director.

Councillor Rowlands said there has been a lot of work done on water and sewer and it looks like they are making strong headway with Notown filtration which is very important to the Consent Order. He said he has outstanding questions that they presented to the Mayor that are not getting answered regarding the violation that took place in July. He said it is a good time for a summary of water regarding the Consent Order, the sewer treatment plant which a lot of work and money went into and supposedly making good headway with the bacteria issue and how we handle those. He would like to have the Water Department Business Manager Roger Brooks and the DPW Director down sometime for a meeting.

In accordance with Section 3.6 of the Leominster City Council, a vote was taken to have the Water Department attend a meeting of the Water and Sewer Committee meeting on January 21, 2013 at 6:30 P.M.

Councillor Rowlands said he would like all the paperwork, billing and decisions made by Kopelman and Paige regarding the 72 Carter Street property. He said he has a major concern that we involve them along this process for a long period of time and paid them a lot of money. He said they should have been in a position to save us some embarrassment as a City. He said he would like to know what we paid and what their decisions were during that process. He said he is asking for a formal request to Kopelman & Paige for that information. A vote was taken to send a formal request to Kopelman and Paige.

Councillor Rowlands said he has concerns regarding the CDBG Department. He said the quote in the paper from the Mayor said “We need to look at this because it is a total mess.” He said he can’t imagine what the people holding the purse strings of the taxpayers money going to look at when there is both a legal ethics issue as well as the manager of that saying it’s a total mess. This is after sixteen years of being told this is a model program. He said he can’t imagine the work environment where your boss goes and gets punished for a violation and admits to guilt of a violation of the ethics laws and comes back to work and says he really didn’t mean it, it’s you, and it’s your fault and pointing at an employee. He said we need to do something with CDBG because it is an important program that helps hundreds of people that are in desperate need. If we start putting this program in jeopardy heaven forbid. He said he is in favor in making a motion to ask the person who has been told he is responsible for creating this total mess to appear before the Council.

Councillor Dombrowski asked if it would be more appropriate to first bring down the person in charge of the program.

Councillor Rowlands asked who is that?

Councillor Dombrowski said he wasn’t sure

Councillor Chalifoux Zephir said the Planning Director

Councillor Marchand said a conversation is needed but doesn’t think they can ask an employee to come down but can invite an employee to come down. He said he would like to have a conversation with the rehab person who the allegations were brought forth and back and forth in the newspaper with articles. The Planning Director is responsible for overseeing the whole program. He said this program has always been a model program.

Councillor Rowlands said in the Charter under 3.6 we have the authority to ask an employee, department head or a member from a multiple member body. He said he would like to ask them down all together.

Councillor Dombrowski said he is not necessarily opposed to anything and thinks it is something that needs to happen for the benefit of the City. How it happens is another question. He asked that the request be held until next time and we need to have some type of written confirmation from the City Solicitor this isn’t something that we need to do in executive session. He said he will talk to the City Solicitor on what the avenues would be.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 26, 2012, continued

Councillor Lanciani agrees and said the minute we start talking to anybody and another name comes up we are in violation. He said the thought of doing something so this program doesn't get canned; we want to make sure we are doing it properly.

Councillor Chalifoux Zephir said she understands executive session is for discussion on job performance. She said if you are on a fact mission and understand the facts, time frames and if the liens have been put on or process she prefers to do that in public.

Councillor Dombrowski said he wants to ere on the side of caution and make sure we do it properly.

Councillor Freda said she doesn't believe they can go into execution and agrees with Councillor Chalifoux Zephir. If we thought that we could it would be the decision of the person we bring down. He might want it public or private. She said this is CDBG money that we do not have jurisdiction over. We vote on it but it is the Mayor's program. It's a gray area and she would like to see Councillor Dombrowski talk with the City Solicitor.

A vote was taken for Councillor Dombrowski to contact Kopleman and Page regarding this matter and executive session.

Councillor Marchand said he also has been having issues with email. He said he ran into a snag when someone is been trying to reach him via email. He said it is not the first time. He said do not send me email to the city account as he will not get it and you won't hear back from me. He said his number is in the book and people can call the Clerk's office for my private email addresses.

MEETING ADJOURNED AT 9:30 P.M.

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