

6:30 P.M. Informational Meeting with Police Chief Roddy  
7:40 P.M. Interview with new Disability Commission Appointee

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**DECEMBER 8, 2008**

**HEARING BEFORE THE CITY COUNCIL, 6:50 P.M.**

(Continued from November 17, 2009)

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII" (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**

Relative to amending Chapter 22, Section 22-24 by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes. (Legal Affairs Petition 95-08)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**APPROVAL OF RECORDS**

**COMMUNICATIONS**

C-45 EMERGENCY PREAMBLE  
Relative to the appropriation of \$8,200.00 to the Highway Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

### **COMMUNICATIONS, continued**

- C-46           Relative to the appropriation of \$27,000.00 to the Veterans Services Capital Outlay Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-47           Relative to the appropriation of \$5,000.00 to the Forestry Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-48           Mayor Dean J. Mazzarella: Adopt a Resolution regarding the donation of land for property located at 40 West Street. (Legal Affairs)
- C-49           Mayor Dean J. Mazzarella: Adopt a Resolution regarding the easement rights for property located at 40 West Street. (Legal Affairs)

### **PETITIONS**

- 32-09           National Grid and Verizon New England, Inc.: Merriam Avenue: Relocate 1 jointly owned pole on Merriam Avenue beginning at a point approximately 63 feet southeast of the centerline of the intersection of Foster Court and continuing approximately 5 feet in a southeasterly direction. (Public Service)
- 33-09           Peter Latchis and Abutters: Opposition to the modifications to the Health Care Overlay District as submitted by Health Alliance dated June 19, 2008. (Legal Affairs)

### **APPOINTMENTS**

Leominster Fire Department – Daniel J. Gallagher – Firefighter

Emergency Management – Rehab Unit -Carolyn Guay, Jay Weiner,  
Admin Unit - Randi Brown, Jeffrey Rosenberg, Athena Koutsopodiotis  
Communications Unit - Calvin Pryce  
EMS Unit - Amy Mason

Leominster Cultural Commission – Joseph Tamaro

### **MATTERS BEFORE THE CITY COUNCIL**

#### CITY OF LEOMINSTER-FINANCIAL REPORT

**MATTERS BEFORE THE CITY COUNCIL, continued**

**FINANCE**

- C-38 Relative to the appropriation of \$36,480.00 to the Doyle Field Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-39 Relative to the appropriation of \$10,000.00 to the Sidewalk and Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-40 Relative to the appropriation of \$2,000.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-41 Relative to the appropriation of \$3,000.00 to the Sanitation Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-42 Mayor Dean J. Mazzearella: Request that a Tourism Donation Account be established as authorized by Massachusetts General Law, Chapter 44, Section 53A.
- C-43 Mayor Dean J. Mazzearella: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditures in excess of appropriations up to an amount not to exceed \$250,000.00 as authorized by Chapter 44, Section 31 of the Massachusetts General Laws.
- C-44 Relative to the appropriation of \$5,139.00 to the Highway Labor Account; same to be transferred from the Excess and Deficiency Account.

**LEGAL AFFAIRS**

- 103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

**WAYS & MEANS**

- 29-09 Wayne Nickel: Amend the City Council rule #11 by deleting Robert's Rules of Parliamentary Procedure and replacing with Mason's Manual of Legislative Procedure.

**MATTERS BEFORE THE CITY COUNCIL, continued**

**WAYS & MEANS, continued**

- 30-09 Wayne Nickel: Amend the City Council Rules and Procedures to enable the City Council President to appoint additional members to a committee as a consulting member. Consulting members shall not be a voting member of the committee.
- 31-09 Claire M. Freda: Amend the Council Rules of Procedure to create a committee of the whole where a subcommittee meeting would be in compliance with the Open Meeting Law when more than the Subcommittee is in attendance creating a joint meeting. The Clerk would post all subcommittee meetings as joint meetings of the City Council and subcommittees to comply with the Open Meeting Law.

**APPOINTMENT**

Disability Commission – Kathryn Neel - term to expire April 15, 2009

**OLD BUSINESS**

President’s Drinking Water Oversight Committee

2<sup>nd</sup> Reading Ordinance - Amend Chapter 22–Sections 22-24 by removing “Mixed Use Development Projects” and inserting in its place a new Section 22-24 creating “Industrial Mixed Use Overlay Districts” (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes. (Legal Affairs Petition 95-08)

**NEW BUSINESS**

1<sup>st</sup> Reading Ordinance - Amend Chapter 21, Section 21-22.3 entitled “Sewer User Rate Schedule” by revising the sewer user rate schedule as follows: As of October 1, 2008, the rate for “Residential (includes low strength industrial)” shall increase from \$1.70 to \$2.30 and the rate for “Out of city” shall increase from \$4.00 to \$5.40. (Legal Affairs-Petition 84-08)

1<sup>st</sup> Reading Ordinance - Amend Chapter 13, Section 13-34 entitled “No Parking on Certain Streets” by inserting into said section Mohawk Drive (both sides), west of Lock Drive to the end. (Public Safety Petition 21-09)

## **TABLED COMMUNICATIONS UPON WHICH ACTION IS PROPOSED**

### **LEGAL AFFAIRS**

- C-9 (2005) Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional license for the sale of alcoholic beverages.
- C-10 (2005) Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional license for the sale of alcoholic beverages.
- C-11 (2005) Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional license for the sale of alcoholic beverages.
- C-12 (2005) Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional license for the sale of alcoholic beverages.
- C-13 (2005) Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional license for the sale of alcoholic beverages.

## **TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**

### **LEGAL AFFAIRS**

- 101-05 John Dombrowski: Adopt an ordinance requiring the payment of Development Impact/Linkage Fees for commercial and residential development within the City of Leominster.
- 115-05 John Souza, Planning Board Chairman and Andrew Taylor, Acting Planning Director on behalf of the Leominster Planning Board: Amend the Leominster Zoning Ordinance dated July 10, 2001 with amendments through December 10, 2004 for the purpose of adding the following: 16.9.2 – In a case of undeveloped lots of 1.5 acres or less in the Industrial Zone by Special Permit of the Leominster City Council a use Variance may be issued for a non-conforming business if it is determined that there is no practical industrial use for this land; the use variance must comply with the zoning requirements for BA District found in the Leominster Zoning Ordinance – Table of Uses.

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED, continued**

**LEGAL AFFAIRS, continued**

- 13-07 Susan Chalifoux-Zephir: Grant a Special Permit to use an existing building located at 307 Whitney Street, located in an Industrial zone and shown on Assessor's Map 569 as Lot 19, for a restaurant.
- 23-08 Sergeant Michael Goldman: Amend the City of Leominster Ordinance entitled "No parking on Certain Streets" by deleting Kingman Drive (east side), from Granite Street southerly for a distance of one thousand one hundred fifty two feet and Kingman Drive (west side) and inserting in its place Kingman Drive both sides.

**LEGAL AFFAIRS & FINANCE**

- 82-08 David Rowlands: Establish a Water Enterprise Account as authorized by MGL Chapter 44 53F1/2.

**PUBLIC SAFETY**

- 51-05 David Rowlands and Dennis Rosa: Request a truck exclusion on Prospect Street from the intersection of Prospect Street and Route 13, east to the intersection of Prospect Street and Harvard Street; also, on Harvard Street from the intersection of Prospect Street and Harvard Street, south to the intersection of Harvard Street and Orchard Hill Park Drive.
- 93-06 Richard M. Marchand: Make River Street from the intersection of Hamilton Street to Main Street a truck exclusion.

**PUBLIC SAFETY AND WAYS & MEANS**

- C-42 Mayor Dean Mazzarella: Request adoption of a resolution to support all steps necessary to build a new or renovated police facility.

**CITY PROPERTY AND WAYS & MEANS**

- 52-07 John Dombrowski and Robert Salvatelli: Request that the Mayor enter into negotiations and discussions with Fitchburg State College or another similar college or university for the purpose of providing college courses at the newly constructed and renovated library.

**TABLED PETITIONS UPON WHICH ACTION IS PROPOSED, continued****WAYS & MEANS**

- 76-03 Craig Long: Renew license for two pool tables at Jake's Pub Inc. d/b/a hot Shots located at 1293 Main Street.
- 115-07 Mary T. Jean: Establish an annual stipend for the elected School Committee members equal to forty percent of the annual salary of the Leominster City council members to begin on January 9, 2008 and increase in accordance to the City council salary increases
- 39-08 Stephen J. Mullaney: Adopt comprehensive, reasonably definite and carefully drafted rules of procedure for the proper sequence and methods of interaction by petitioners to the City Council with members of the City Council, with other city officials and with interested parties, effective prior to and during the processing of petitions to the City Council of any kind, so that petitioners may know in advance what is or may be required of them.

**TABLED ORDINANCE UPON WHICH ACTION IS PROPOSED**

2<sup>nd</sup> Reading Ordinance – amend Chapter 22 of the Revised Ordinances entitled “Zoning” by amending Section 22-26 “Table of Uses Temporary mobile or trailer homes” by deleting the Special Permit requirement by City Council (SPCC) and also adding Temporary use of a mobile or trailer home is allowed for residential purposes after a fire or other similar disaster; approval may be granted by the Director of Inspections for 30 days; the City Council may approve an additional 120 day period, followed by 60 day extensions, if necessary, not to exceed one year. (Legal Affairs Petition 144-04)

Lynn A. Bouchard  
City Clerk  
December 4, 2008