

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2015

Hearing opened at 6:30 P.M. with Councillor Cormier, Chair of the FINANCE COMMITTEE, presiding

All members were present.

The following COMMUNICATIONS were the subject of the hearing:

- C-97 Relative to the appropriation of \$45,581,850.00 to the Fiscal Year 2016 General Fund Budgetary Accounts; same to be raised by Fiscal Year 2016 Revenue.
- C-98 Relative to the appropriation of \$5,675,000.00 to the various Fiscal Year 2016 Water Department Budget Accounts; same to be raised/offset by the Fiscal Year 2016 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.
- C-99 Relative to the appropriation of \$5,214,000.00 to the various Fiscal Year 2016 Wastewater Department Budget Accounts; same to be raised/offset by the Fiscal Year 2016 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.

No one in the audience spoke in favor of the Communications.

Gary Zimmerman of 47 Lynnhaven Road spoke in opposition of the Communications and is fighting to keep money in his pocket. He said he is disappointed again with the budget because he thinks our leaders continue to take the easy way out. He said our taxes keep going up again and for what he sees the management team isn't held accountable for spending. Unions have collective bargaining and the taxpayers have no one to fight for them. He keeps thinking that the City Council will fight for the taxpayers. He said he had a lot of questions regarding the budget like estimated revenue is not put in the budget, how do you understand a tax increase is needed if you only see one side of the numbers, the expenses? He said he has concerns about the excise tax estimates that are posted at the Department of Revenue. He assumes these numbers come from the City. The FY2015 Budget that he printed shows in the Financial Administrator section the Comptroller Salary and Wages line item at \$15,000,000.00. When he added up all the actuals in 2014 Financial Report for the Finance Admin including all expenses it doesn't come close to \$14,000,000.00 unless he missed something. He is hoping it is just a typo. The Fire Department Overtime line item in the budget states the Chief requested \$736,000.00. The Mayor increased it to \$1,000,000.00. He said hold the Fire Department to that number and don't let them go above it. They requested it, hold them to it. In 2012 there was Free Cash of \$5.6M. In 2013 he couldn't find the number because the Comptroller's website only goes up to 2012. In 2014 we had \$8M. According to the DOR website Free Cash is a revenue source which results from the calculation as of July 1st of a community's remaining unrestricted funds from operations of the previous year based on the balance sheet as of June 30th. It typically includes actual receipts in excess of revenue estimates and unspent amounts in departmental budget line items for the year just ending plus unexpended free cash from the previous year. Under sound financial policies a community would strive to generate free cash in the amount equal to 3-5% of its annual budget. However, the DOR also recommends that free cash not be available to supplement current year departmental operations. He said his interpretation is that it is a profit for the year. Actual revenue vs. actual expense. So, to him \$8M is overtaxing the taxpayer. He said he spoke with his Councillor and he tried to explain there isn't really \$8M in free cash. But definition and calculation by the City, to him, there is \$8M in free cash.

Mr. Zimmerman said in FY 14 they had 1,319 employees in the City. Thirty Five percent of the City employees make more than \$60,000.00. A huge benefit for the employees in the City is not only their salary but the premium health care plan, retirement and the option of early retirement with paid benefits. Unions ask for more and more. They need to remember that money comes out of the taxpayers pocket and affects their families also. When does it stop? He said this budget shows a police salary budget increase of a quarter of a million dollars, a fire department overtime increase of three hundred thousand dollars. When is there accountability for these departments? Somethings got to give. Council, you don't have much power over the Mayor to hold him accountable throughout the year but this is the one time in the year you can. You should reject the budget and ask each department to make cuts so taxes aren't raised. If that means lay off, that is life. He has been there but it shouldn't be an open checkbook.

Mr. Zimmerman said every year increased taxes have been going in place without really looking at cutting costs. These increases, year after year, take money from hard working taxpayers. You are elected by the taxpayers to support them and to hold the City accountable as best you can. It's time to send a message for the taxpayer, enough is enough.

HEARING ADJOURNED AT 6:45 P.M. AND CONTINUED TO JUNE 29, 2015 AT 7:45 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2015

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

All members were present.

The following PETITION was the subject of the hearing:

- 60-15 David R. Cormier, Wayne A. Nickel, Robert Salvatelli, Gail Feckley and Richard Marchand: Amend Chapter 22, Section 22-4 of the Leominster Zoning Ordinance by adding a definition for Yard Sales.

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2015, continued

Councillor Dombrowski read the proposed definition as follows:

Yard Sale definition-any display of used goods for sale on a property customarily used as a residence. The person or persons conducting the sale shall be residents of the immediate neighborhood. Yard Sales shall be exempt from enforcement as prohibited commercial activity in the City's residential zones. (Residence A, Rural Residential, Residence B and Residence C) provided they are conducted in compliance with the following

- 1) There shall be no more than three Yard Sales per residential address at any given calendar year
- 2) Yard Sales shall be conducted only between the hours of 8 A.M. and 5 P.M.
- 3) Yard Sales may not be conducted on more than two consecutive days
- 4) Any signage used in connection with a Yard Sale must be removed within 24 hours of the Yard Sale's conclusion
- 5) In no event will Yard Sales offer for sale firearms, animals, alcoholic beverages or other items prohibited by law
- 6) All items for sale must originate from the home or homes of the seller conducting the Yard Sale.

Councillor Dombrowski read the favorable recommendation from the Building Inspector and a recommendation from the Planning Board stating that they are "standing down".

Robert Carlin, Main Street, North Leominster said he is in favor of this petition because it is setting very good guidelines for people who are having the Yard Sales to get rid of their own personal items. He lives on Main Street in North Leominster and there are 3-4 repeat offenders that have multiple yard sales. He said the one adjacent to him, the yard is becoming a collector location for all the merchandise she sells and it is not from her house. He said he has a personal opinion strong against multiple Yard Sales. He strongly agrees that three Yard Sales a year is a good number, no license required but there has to be some kind of enforcement capability for the City.

Gary Zimmerman, 47 Lynnhaven Road said he is all for the Yard Sale and the limit. Whenever you are having more than 2 or 3 you are running a business. If it was in his neighborhood he would feel the same way with the traffic. The key would be the enforcement. Hopefully the neighbors will be the eyes for the community and report it to stop it from happening.

Nancy Koski, 2 Debbie Drive said the petition that she was shown had 6 yard sales typed in, the 6 was crossed out and replaced with 4. Councillor Dombrowski read 3, when did that happen? What does "standing down mean"? Does that mean they go along with the petition or against the petition. She said she was not going to attend the hearing because she feels the decision was already made. However, with Father's Day being yesterday, her father was a WW2 Disabled American Veteran and she felt the need to come down and speak. He fought for our country, he fought for her freedom he fought for your freedom. I feel that you are somehow missing the point here. It's not the number of Yard Sales that we are having, what you are doing is restricting freedom in my yard to do what I would like to do. I don't live in a condo association where you can't have a Yard Sale. I am paying taxes and I will be paying more taxes and I still can't do what I want to do. As I stated before it truly is not about the number of Yard Sales an individual has its about limiting my freedom on my property. You are opening up a can of worms, what is going to be next? I feel like I am truly broken, I find it very interesting who has not signed on to this petition and I thank you for standing up for what is right. Some of the offenders have stepped up and done the right thing and applied for the second hand dealer's license. I wish the petition would just be withdrawn and just be done with it.

HEARING ADJOURNED AT 7:11 P.M.

During the Regular Meeting the total amount of Yard Sales per calendar year was corrected from three to four. Councillor Dombrowski read it incorrectly at the hearing.

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

REGULAR MEETING OF THE CITY COUNCIL, JUNE 22, 2015

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

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

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for June 29, 2015 at 7:45 P.M.

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| C-100 | Relative to the appropriation of \$63,859.790.00 to the Fiscal Year 2016 General Fund Net School Spending Eligible Budget Accounts; same to be raised by Fiscal Year 2016 Revenues. |
| C-101 | Relative to the appropriation of \$3,196,755.00 to the Fiscal Year 2016 General Fund School Department Expense Accounts; same to be raised by Fiscal Year 2016 Revenues. |

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

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| C-102 | Relative to the appropriation of \$50,000.00 to the School Department Capital Outlay Expense Account – Johnny Appleseed School Energy Improvement Account; same to be transferred from the Excess and Deficiency Account. |
| C-103 | Relative to the appropriation of \$1,750.00 to the Conservation Commission Salary & Wages Account; same to be transferred from the Excess and Deficiency Account. |

REGULAR MEETING OF THE CITY COUNCIL, JUNE 22, 2015, continued

C-104 Relative to the appropriation of \$1,082,285.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Revenue Reserved for Appropriation Account.

The following PETITION was received, referred to the WAYS AND MEANS & VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and the Police Department.

63-15 Donny Do: Renew the second hand dealer's license for Sam & Friends located at 710 North Main Street.

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

Council on Aging – Betty David – term to expire April 15, 2018

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

59-15 Robert A. Cornetta: Renew the license for two pool tables at Miranda's Pub located at 488 Lancaster Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt.9/0 (Hearing continued to July 13, 2015 at 7:00 P.M.)

57-15 James J. Carnivale, Karen L. Carnivale and Jeffrey T. Duval: Modify the Zoning map by changing the district designation from Residential to Commercial for land owned by the petitioners as shown on the Assessors Map 239, Lots 5 and 8, and Map 240, Lots 3 and 4.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, THE FOLLOWING petition was GRANTED. Vt. 7/2, Councillors Freda and Laniani opposed.

60-15 David R. Cormier, Wayne A. Nickel, Robert Salvatelli, Gail Feckley and Richard Marchand: Amend Chapter 22, Section 22-4 of the Leominster Zoning Ordinance by adding a definition for Yard Sales.

Upon request of the PUBLIC SAFETY AND TRAFFIC COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 9/0

54-15 Gail Feckley: Place a stop sign at Nass Farm Road and Joslin Street.

Upon recommendation of the PUBLIC SAFETY AND TRAFFIC COMMITTEE, the following PETITION was GRANTED. Vt.9/0

61-15 Gail P. Feckley: Place three way stop signs at the intersection of Vista Avenue, Pierce Street and Haskell Avenue.

A recess was called at 8:08 P.M. to have a discussion regarding Petition 62-15.

Meeting reconvened at 8:12 P.M.

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

62-15 Diane Beaudoin: Allow signage to be placed at the Leominster Connector Lights and at the end of the Route 2 exit at Exit 34 for the Johnny Ro Park.

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

Free Cash	\$ 21,617.10
Stabilization Account	\$12,545,407.93

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

C-81 Relative to the appropriation of \$80,000.00 to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eighty Thousand Dollars (\$80,000.00) be appropriated to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the Excess

REGULAR MEETING OF THE CITY COUNCIL, JUNE 22, 2015, continued

C-82 Relative to the appropriation of \$18,000.00 to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the Elections & Registration Expense Account.

ORDERED: - that the sum of Eighteen Thousand Dollars (\$18,000.00) be appropriated to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the Elections & Registration Expense Account.

C-83 Relative to the appropriation of \$2,000.00 to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the City Clerk Expense Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Elections & Registration Capital Outlay Expense Account; same to be transferred from the City Clerk Expense Account.

C-84 Relative to the appropriation of \$75,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seventy Five Thousand Dollars (\$75,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the Fire Department Salary & Wages Account.

RE: IMC Software

C-85 Relative to the appropriation of \$75,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Fire Department Salary & Wages Account.

ORDERED: - that the sum of Seventy Five Thousand Dollars (\$75,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from Excess and Deficiency Account.

C-86 Relative to the appropriation of \$15,000.00 to the Fire Department Expense Account; same to be transferred from the Fire Department Salary & Wages Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the Fire Department Expense Account; same to be transferred from the Fire Department Salary & Wages Account.

RE: Training Expenses

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 7 "yeas". Councillor Cormier and Nickel abstained due to a possible conflict of interest.

C-87 Relative to the appropriation of \$60,000.00 to the Fire Department Overtime Account; same to be transferred from the Salary & Wages Account.

ORDERED: - that the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

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

C-88 Relative to the appropriation of \$300,000.00 to the ITTF Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Thousand Dollars (\$300,000.00) be appropriated to the ITTF Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Server Infrastructure

C-89 Relative to the appropriation of \$30,000.00 to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.

ORDERED:- that the sum of Thirty Thousand Dollars (\$30,000.00) be appropriated to the Library Expense Account; same to be transferred from the Library Salary & Wages Account.

RE: Computer equipment replacement

C-90 Relative to the appropriation of \$8,000.00 to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Eight Thousand Dollars (\$8,000.00) be appropriated to the Parking Meter Salary and Wages Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

C-91 Relative to the appropriation of \$10,000.00 to the Parking Meter Expense Account; same to be transferred from the Parking Meter Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Parking Meter Expense Account; same to be transferred from the Parking Meter Reserved for Appropriation Account.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 22, 2015, continued

C-92 Relative to the appropriation of \$200,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Computer

C-93 Relative to the appropriation of \$62,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Sixty Two Thousand Dollars (\$62,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Payback of School Choice funds for capital projects.

Upon request on the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 8 "yeas" and 1 "nay", Councillor Bodanza opposed.

C-94 Relative to the appropriation of \$1,000,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

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

C-95 Relative to the appropriation of \$20,000.00 to the Veterans Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Veterans Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Veterans Benefits

C-96 Relative to the appropriation of \$225,000.00 to the Workers Compensation Expense Account; same to be transferred from the Various Workers Compensation Loss Funds as listed:

FY 2012	Workers Compensation Loss Fund	\$ 86,000.00
FY 2013	Workers Compensation Loss Fund	\$139,000.00

ORDERED: - that the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000.00) be appropriated to the Workers Compensation Expense Account; same to be transferred from the Various Workers Compensation Loss Funds as listed.

FY2012	Workers Compensation Loss Fund	\$ 86,000.00
FY 2013	Workers Compensation Loss Fund	\$139,000.00

Upon request on the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 "yeas" (Hearings continued on June 29, 2015 at 7:45 P.M.)

C-97 Relative to the appropriation of \$45,581,850.00 to the Fiscal Year 2016 General Fund Budgetary Accounts; same to be raised by Fiscal Year 2016 Revenue.

C-98 Relative to the appropriation of \$5,675,000.00 to the various Fiscal Year 2016 Water Department Budget Accounts; same to be raised/offset by the Fiscal Year 2016 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.

C-99 Relative to the appropriation of \$5,214,000.00 to the various Fiscal Year 2016 Wastewater Department Budget Accounts; same to be raised/offset by the Fiscal Year 2016 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.

Under New Business Council President established a Special Meeting on June 29, 2015 at 7:45 P.M. for the purpose of Budget Hearings.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Comptroller and the School Department Business Manager attend the Special Meeting. Vt. 9/0

Congratulations were extended to Councillor Lanciani for his recognition by the Fire Chief. The Chief honored Councillor Lanciani by presenting him with the Chief's Coin last week.

MEETING ADJOURNED AT 8:53 P.M.

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