

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 2015

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

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

A recess was called at 7:32 P.M. to continue an informational meeting and to hold a public forum.

The meeting reconvened at 8:07 P.M.

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

- C-4 Dean J. Mazarella, Mayor: Consider acquiring, by eminent domain, permanent and temporary easements on certain properties located on or near Mechanic Street in connection with the Mechanic Street Rehabilitation Project. The properties affected by the taking are set forth more particularly in Schedule A, enclosed herewith, and shown on a plan entitled "Mechanic Street Leominster, MA Easement Plan" dated July 10, 2015, revised through July 29, 2015, prepared by CHA.

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

- C-5 Relative to the appropriation of \$8,000.00 to the Conservation Commission Salary & Wages Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 2015, continued

- C-6 Relative to the appropriation of \$76,807.36 to the prior year City Council Expense Account; same to be transferred from the Stabilization Fund.

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

- 3-16 Lynn A. Bouchard: Authorize the use of the ImageCast Precinct Tabulator which is distributed by LHS Associates of Salem, NH beginning with the November 3, 2015 Municipal Election and discontinue the use of Accu-Vote ES-2000 Optical Scan Vote Tabulating Equipment.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. (A hearing was set for August 24, 2015 at 6:40 P.M.)

- 4-16 National Grid and Verizon New England, Inc.: Elm Street-Install 1 jointly owned pole beginning at a point approximately 300 feet Southwest of the centerline of the intersection of Biscuit Hill Drive. National Grid to install one service Pole 29-1 at side of road to service new home at 243 Elm Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE.

- 5-16 Wayne Nickel: Place “no parking” signs on the south side of Central Place for a distance of approximately 120 feet from its terminus with Central Street.

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

Cultural Commission-Eileen O’Leary – term to expire April 15, 2018

Planning Board – Paul Weizer – term to expire April 15, 2020

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given further time. Vt. 8/0. (The hearing was continued to August 24, 2015 at 6:45 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 request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (A hearing was set for August 24, 2015 at 7:00 P.M.)

- 1-16 John Souza, Patrick Perla, Salvatore Ciccone, Fred Fredricks, Thomas Carignan: Remove the word “vacant” from Article I, Section 22-10.1.1 of the Leominster Zoning Ordinance so that Leominster’s Ordinance conforms with the State’s definition of a “single lot exemption” in M.G.L. Chapter 40A, Section 6.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. VT. 8/0

- 2-16 Richard Marchand: Prohibit parking at the intersection of Hall Street and Academy Road; on Hall Street 15 feet on both sides at the entrance to Academy Road and on Academy Road 15 feet on both sides from Hall Street.

Councillor Cormier, Chairman of the Finance Committee, read the Financial Report for the City into the record. The Stabilization Account has a balance of \$13,579,089.37. No money has been transferred to the Emergency Reserve Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 5 “yeas” and 3 “nays”, Councillors Cormier, Feckley and Nickel opposed.

- C-2 Relative to the appropriation of \$51,668.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Fifty One Thousand, Six Hundred Sixty Eight Dollars (\$51,668.00) be appropriated to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”

- C-3 Relative to the appropriation of \$207,073.00 to the Debt Service-Principle Expense Account; same to be transferred from the Stabilization Fund.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 10, 2015, continued

ORDERED: - that the sum of Two Hundred Seven Thousand, Seventy Three Dollars (\$207,073.00) be appropriated to the Debt Service-Principle Expense Account; same to be transferred from the Stabilization Fund.

RE: School Energy Incentives: \$ 77,073.00
Library Expansion/Renovation \$130,000.00

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was DENIED. Vt. 7 “yeas” and 1 “nay”, Councillor Feckley opposed.

1st Reading Ordinance – Amend Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Sign” by inserting Haskell Avenue against northeast bound drivers at Vista Avenue, Pierce Street, against southwest bound drivers at Vista Avenue and Vista Avenue, against northwest bound drivers at Pierce Street.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 6 “yeas” and 2 “nays”, Councillors Freda and Lanciani opposed.

THE CITY OF LEOMINSTER
In the year two thousand and fifteen

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 I, Section 2204, Definitions, is hereby amended by inserting the following definition:

Yard Sale –

Any display of used goods for sales 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 4 Yard Sales at one residential address in any given calendar year
2. Yard Sales shall be conducted only between the hours of 8:00 a.m. and 5:00 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 sellers conducting the Yard Sale.

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDER OF TAKING was given FURTHER TIME. Vt. 8/0

ORDER OF TAKING-certain properties located on or near Mechanic Street
In connection with the Mechanic Street Rehabilitation Project

A Legal Affairs Committee Meeting was established on August 17, 2015 at 6:30 P.M.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Comptroller, John Richard and the Purchasing Agent Greg Chapdelaine to attend the next meeting to discuss Communication C-6. Vt. 7/0. Councillor Bodanza abstained due to a possible conflict of interest.

MEETING ADJOURNED AT 8:45 P.M.

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