

HEARING BEFORE THE CITY COUNCIL, DECEMBER 28, 2015

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

All members were present except Councillor Salvatelli.

The following PETITION was the subject of the hearing:

13-16 John J. Souza, Planning Board Chairman: Amend Section 22-17 Underlying Districts Table of Uses, Industrial Uses, Energy System, Renewable, to change in column RA from SPPB, SPA to "N".

The hearing was continued to January 25, 2016 at 7:00 P.M. due to the fact that the Planning Board has not had their hearing yet.

HEARING ADJOURNED AT 7:03 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 28, 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 Salvatelli.

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

- C-38 Relative To the appropriation of \$23,000.00 to the Emergency Management Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.
- C-39 Relative to the appropriation of \$142,235.00 to the Highway Department Capital Outlay Expense Account; same to be transferred from the Stabilization Account.
- C-40 Dean J. Mazarella, Mayor: Request that the Snow and Ice Expense Account be authorized to incur liability and make expenditure in FY 2016 in excess of the available appropriations in the amount of \$250,000.00 as authorized by Massachusetts General Law Chapter 44, Section 31D.
- C-41 Dean J. Mazarella, Mayor: Relative to the appropriation of Three Million Eight Hundred Seventy-Eight Thousand Six Hundred Eighty-Two Dollars (\$3,878,682.00) for the purpose of paying costs of roof, window and door replacement at the Johnny Appleseed Elementary School, located at 845 Main Street, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the facility and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the Leominster Public Schools. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44 or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and that if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on this proposed repair project, the borrowing authorized by this Order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA with respect to this project.

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

Board of Health – Thomas Ardinger – term to expire 4/15/18

Disability Commission – Karen Buckley – term to expire 4/15/18

Housing Authority – Virginia Tocci – term to expire 4/15/20

A recess was called at 7:35 P.M. to hold interviews with the Permanent Firefighter appointees.

Meeting reconvened at 7:45 P.M.

Upon request of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0.

- 8-16 Raymond Racine: Modify Chapter 16, Section 16-32 of the General Ordinances of the City of Leominster by changing the classification of Engineer – Senior to an S-8, and the Public Works Assistant Director to an S-9.

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

- C-33 Dean J. Mazarella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Jennifer L. Flanagan and State Representative Dennis A. Rosa file special legislation with the General Court, on behalf of the City, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G. L. c 31, as follows:

AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The positions of police chief and police captain in the city of Leominster shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. (Hearing continued to January 25, 2016 at 7:00 P.M.)

- 13-16 John J. Souza, Planning Board Chairman: Amend Section 22-17 Underlying Districts Table of Uses, Industrial Uses, Energy System, Renewable, to change in column RA from SPPB, SPA to "N".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED. Vt. 8/0. Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED AS AMENDED. Vt. 8/0. Amended to change seventy two hours to forty eight hours and change twenty four hours to forty eight hours, and take out the word "the" and add the words "a predicted" to the date of a predicted first snow storm.

- 14-16 Richard M. Marchand: Amend Chapter 13, Section 13-26 "All night parking" to read "It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park such vehicle on any street for a period of time longer than one hour between the hours of 12:00 A.M. and 6:00 A.M. of any day during the winter parking ban in effect forty eight hours before a predicted Winter storm and forty eight hours after the storm to provide municipal cleanup. The winter parking ban commences on December first, or a **predicted** date of the first snow storm with an accumulation of at least three inches, whichever comes first, and terminates on April first.

Upon recommendation of the PUBLIC SAFETY AND TRAFFIC COMMITTEE, the following PETITION was granted. Vt. 8/0

- 15-16 David R. Cormier: Install a street light on pole #2 on Tory Circle.

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

Stabilization Account	\$11,878,620.00
Emergency Reserve	\$ 100,000.00

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

- C-31 Relative to the appropriation of \$20,000.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED:-that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.

RE: To repair damage due to snowstorms which occurred last winter

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 8 "yeas"

- C-34 Relative to the appropriation of \$1,000.00 to the Police Department Overtime Account; same to be transferred from the Disability Fines Receipts Reserved for Appropriation Account. (Granted with an Emergency Preamble on December 14, 2015; another vote is needed.)

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

- C-35 Relative to the appropriation of \$16,910.00 to the Recreation Capital Outlay Account; same to be transferred from the Stabilization Account.

ORDERED: - that the sum of Sixteen Thousand Nine Hundred Ten Dollars (\$16,910.00) be appropriated to the Recreation Capital Outlay Account; same to be transferred from the Stabilization Account.

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 28, 2015, continued

Upon request of the FINANCE COMMITTEE the following COMMUNICATION was DENIED. Vt. 8 “yeas”

C-36 Relative to the appropriation of \$130,000.00 to the Drake House Expense Account; same to be transferred from the Stabilization Fund.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 “yeas” and 2 “nays” Councillors Feckley and Freda opposed.

C-37 Relative to the appropriation of \$350,000.00 to the Drake House Expense Account; same to be transferred from the Stabilization Fund.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE the following APPOINTMENT was CONFIRMED. Vt. 8 “yeas”

Fire Department- Permanent Firefighter- Adam Thibault

Upon request of the FINANCE COMMITTEE, the following LOAN ORDER was given FURTHER TIME. Vt. 8 “yeas”.
A hearing is set for January 11, 2016 at 6:45 P.M.

1st Reading Loan Order – that the sum of Three Million Eight Hundred Seventy-Eight Thousand Six Hundred Eighty-Two Dollars (\$3,878,682.00) for the purpose of paying costs of roof, window and door replacement at the Johnny Appleseed Elementary School, located at 845 Main Street, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the facility and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the Leominster Public Schools. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44 or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and that if the MSBA’s Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on this proposed repair project, the borrowing authorized by this Order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA with respect to this project.

MEETING ADJOURNED AT 9:04 P.M.

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