

HEARING BEFORE THE CITY COUNCIL, JANUARY 25, 2016

Hearing opened at 6:50 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, Section 13-26 of the Revised Ordinances entitled "All Night Parking" by deleting the section in its entirety and inserting "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 the date of a predicted first snow storm with an accumulation of at least three inches, whichever comes first, and terminates on April first."

No one in the audience spoke in favor or against the ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 6:52 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JANUARY 25, 2016

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

All members were present.

This hearing is continued from December 28, 2015

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".

HEARING BEFORE THE CITY COUNCIL, JANUARY 25, 2016, continued

The petitioner was not present.

No one in the audience spoke in favor or against the petition.

Councillor Bodanza said with respect to RA it was either inadvertent or just a plain mistake. He said he didn't think there was any intention to provide a Special Permit for a renewable energy facility in a Residence A zone. This would exempt the normal rooftop units that people have for solar energy. We are talking about something that is much more involved. What spurred this was a proposal that the Planning Board dealt with, with respect to a renewable facility in a Residence A zone and the feel was this was a left open loophole.

Councillor Dombrowski said the summary of the petition is to eliminate the opportunity to install these in a Residence A zone, except for rooftop unit that is for that particular structure.

HEARING ADJOURNED AT 6:52 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 25, 2016

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

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

The Committee on Records reported that the records through January 4, 2016 were examined and found to be in order. The records were accepted.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE. A motion to accept the Emergency Preamble was DENIED. Vt. 2 "yeas" and 7 "nays", Councillors Freda, Lanciani, Dombrowski, Chalifoux Zephir, Feckley, Nickel, and Cormier opposed. Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given REGULAR COURSE.

C-43 Relative to the appropriation of \$5,400.00 to the Police Department Salary & Wages Account; same to be transferred from the Police Salary & Wages Account.

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

C-44 Relative to the appropriation of \$2,500.00 to the Board of Appeals Expense Account; same to be transferred from the Stabilization Fund.

The following COMMUNICATION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Planning Board, the Assessor and the Mayor.

C-45 Dean J. Mazzarella, Mayor: Declare property on Summit Street, as shown on Assessor's Map 523, Lot 9, as surplus property.

The following COMMUNICATION was received under SUSPENSION OF THE RULES. Vt. 7/2, Councillors Dombrowski and Nickel opposed. A request for an EMERGENCY PREAMBLE and DENIED. Vt. 4 "yeas" and 5 "nays", Councillors Nickel, Cormier, Chalifoux Zephir, Dombrowski and Feckley opposed. The COMMUNICATION was given REGULAR COURSE.

C-46 Relative to the appropriation of \$19,000.00 to the Police Department Capital Outlay Account-Prior Year; same to be transferred from the Police Department Capital Outlay Account-Prior Year.

The following PETITIONS were received, referred to the PUBLIC SAFETY AND TRAFFIC COMMITTEE and given REGULAR COURSE.

18-16 Sgt. Richard J. Kinney: Place Stop Sign on Eden Glen for southbound traffic at the intersection with Graham Street and additional Stop Sign on Eden Glen for northbound traffic at the intersection with Graham Street.

19-16 Officer Richard Shea: Place a Stop Sign on Holman Avenue for westbound traffic at the intersection with Princeton Street.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 25, 2016, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was TABLED FOR STUDY. Vt. 9/0

C-33 Dean J. Mazzearella, 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 recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

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".

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$13,612,545.00
Emergency Reserve	\$ 100,000.00
Gallagher Building	\$ 716,178.00

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

C-42 Relative to the appropriation of \$60,000.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0

17-16 Bovenzi & Donovan Attorneys at Law: Street acceptance and approval of layout for Parcel "C" on Samoset Drive, the continuance of Samoset Drive, Ballard Court, Candlewood Drive and Keeneland Circle.

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

Election Officers 2015-2016 - Jean A. Gagne and Edward Sullivan –
terms to expire August 31, 2016

The following ORDINANCE was read a second time, ADOPTED as presented and passed to the ordained. Vt. 9 "yeas"

THE CITY OF LEOMINSTER

In the year two thousand and Sixteen

AN ORDINANCE

Amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic"

Be it ordained by the City Council of the City of Leominster, as follows:

Section 13-26 of the Revised Ordinances entitled "All Night Parking" is hereby amended by deleting the section in its entirety and inserting in its place the following:

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.

REGULAR MEETING OF THE CITY COUNCIL, JANUARY 25, 2016, continued

The following LOAN ORDER was read a second time, ADOPTED as presented and passed to the ordained. Vt. 9 “yeas”

CITY OF LEOMINSTER

LOAN ORDER

1st Reading Loan Order: January 11, 2016

2nd Reading Loan Order: January 25, 2016

BE IT ORDERED: - 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.

APPROVED-MAYOR

1st Reading: /s/ Dean J. Mazzarella, Mayor Date: January 12, 2016

2nd Reading: /s/ Dean J. Mazzarella, Mayor Date: January 26, 2016

Councillor Lanciani requested that a letter be sent to the Mayor and John Richards regarding the two outstanding bills that have been pending for some time, and to be brought up to date on the status. He said they have been kept in the dark.

Councillor Cormier suggested having the attorneys from Kopelman and Paige come down and go into executive session and discuss any pending litigation. He said it is a new year and it has been a while since they have come down.

Councillor Freda said she wanted to clarify Communication C-43 that we gave regular course and denied the emergency preamble. She said she wanted to make it clear that it has nothing to do with the potential Captain; it’s all about not having a Captain for four years and now being declared an emergency. It has nothing to do with the individual.

A Legal Affairs Committee meeting was established for Wednesday, January 20, 2016 at 6:30 P.M.

Committee meetings were established for the President’s Committee on City Ordinance Review On February 3, 2016 and February 10, 2016 at 6:00 P.M. The topic will be the noise ordinance

Councillor Marchand said he would like to have that joint meeting with the School Committee sooner than later. He would like to do it on an off night and will have the Superintendent contact the Council President.

Councillor Cormier said this is for the President’s Police Station Oversight Committee, he had a conversation with the Mayor the day after the Organizational Meeting and the Mayor told him that he would be getting him some numbers from John Richards based on starting a project now or waiting until 2018 when we retire the Library debt. He said his discussion was on funding and what the impact would be to taxpayers to start a project now vs. in 2018. Councillor Cormier said he ran into the Mayor in Boston and Councillor Cormier brought it up asking is he put any numbers together yet with John Richard and the Mayor told him he is still working on it. Councillor Cormier is hoping sometime in February he will have some things together or a packet from John Richards so it can be submitted to the committee and then have discussion and get the ball rolling on some ideas in what direction we have to move in and be able to get the Mayor some indication so he knows where this Council is coming from on that issue.

MEETING ADJOURNED AT 8:23 P.M.

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