

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016

Hearing opened at 6:21 P.M. with Councillor Nickel, Chair of the PUBLIC SERVICE COMMITTEE, presiding. All members were present except Councillor Marchand.

The following PETITION was the subject of the hearing:

29-17 National Grid and Verizon New England, Inc.: Country Lane - Install one jointly owned pole on Country Lane in front of house #102.

James Varney of National Grid said they are taking a pole off of a customers' property that is up on top of a hill and putting it down to the street at their property line so the pole can serve 2 houses potentially instead of one.

Councillor Nickel said this is on someone's property now, correct?

Mr. Varney said correct, his house is about 100 feet from the street and the pole is located half way up the hill in the middle of his front yard.

Councillor Nickel said to Mr. Varney there was some work done on Mechanic Street at the corner of Mechanic Street and Johnson Street. There is a pole that sits about 4 feet out from the road and he hasn't seen any progress with it. He said he is going to recommend to the Committee to grant this petition tonight but wants Mr. Varney to go back to his boss and give him the word that as far as he is concerned any new petitions will not be acted on until action is taken to get that pole straightened out.

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

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

No Councillors spoke

MEETING ADJOURNED AT 6:23 P.M.

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

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016

Hearing opened at 6:25 P.M. with Councillor Bodanza, Chair of the FINANCE COMMITTEE, presiding. All members were present. Councillor Marchand arrived late.

Present at the hearing was the Comptroller John Richard, Chief Assessor Bill Mitchell and Assistant Assessors Richard Dondero and Mary Carey.

The following PETITION was the subject of the hearing:

C-33 Relative to determining the factor to be used in setting the FY17 tax rate.

Mr. Mitchell said you all received packages which were a little different this year. He said he included samples of some sales that they used in their analysis this year to show relativity between the marketing pricing and the assessed values. It is important to know that timing is everything with this estimate. Your tax bill that you will receive your FY17 bill on January 1, 2017 with assessment as of last January 1, 2016 and using 2015 sales data. A lot of people ask them when they are out on the street and inspecting homes, are assessed value always lower than the market value? He said that is not always true. It is a matter of timing. Their goal is to be at fair market value at a certain time in that year. He said the property valuations that were approved by the Department of Revenue are posted on the Assessors website and there is a link to the home. There are two reports, Valuation by Owner and Valuation by Location. They will be available on the GIS website shortly. The classification booklet will be on the website also.

Mr. Mitchell said the Council does not set a tax rate. This hearing is based on information, valuation and criteria and they're choosing to shift the burden either between classes or within a class and there are four options they can do that with. We had approximately 320 sales of single family homes with an average sale price of \$250,000 to \$700,000 that is up over last year almost 3.3%. In the Classification booklet you can follow the assessed value changes and you can follow what the market has been doing over the past 10 years. You can see the average assessed value is up about 3.9% overall. You also can see the trend to a diminishing over-ride capacity.

Mr. Richard said we included that to make you aware remember that under prop 2 ½ the ultimate levy limit is \$25 per thousand and the City's tax rate for FY17 will be \$19.73 which is closed to 80%. There are a number of communities that have reached 100% and there are more that have reached 90%. You can see in the past 10 years because of the decrease in values of the City, and the increasing the tax levy we have gone from in FY08 \$49,000,000 in override capacity down to \$12,000,000 for FY17. Luckily it has been pretty steady the last few years as values maintained. Keep in mind that wouldn't be a good day if we could not increase our tax levy anymore. There is another chart that shows how we are getting to the ultimate levy limits which is \$25 per thousand.

Mr. Mitchell said throughout the guide you are going to see references to the types of property. Residential is all the classes that begin with number 1, open space 2, commercial is 3, industrial is 4 and personal property is 5. He said you can see how each property type changed in value. The single family homes increased around 3%, condominiums went up about 6.5%. Forty new homes were built this year with an average assessment of \$343,600 so building is still strong and moving forward. The Commercial is like a slow moving train. They have increased just a little bit or went down about 1%, it's pretty stable. You will notice an O'Reilly's went up, a Wendy's in North Leominster and the Kings Corner is developing. And you can see the things that are coming around the corner like the Cumberland Farms near the Connector, a lot of facelifts at the strip malls which are slow steady moving things that are going to happen and hopefully see that growth next year. Land remained the same approximately \$73,000 per acre in Leominster and every acre over that it is considered excess land and if valued at \$10,600 per acre unless there is some type of determine to the property. The levy increased \$2.9M this year and there is still \$5,237,261.00 in unused levy capacity. The growth is relatively steady and still above average over last year, so we are about \$1.2M in growth which is a good sign.

Mr. Mitchell said if you accept the factor of 1 and keep it at a single tax rate, the average single family tax bill will increase about \$174 over last year and the average single family tax bill will be \$4,565 per year. The Industrial will increase about \$236. They pay about \$9,961 for the average tax bill. The Commercial will increase about \$5. They still pay about \$14,028 per year for an average tax bill.

Councillor Bodanza wanted to point out that consistent with prior fiscal years that again we have the residential assessment being the lion share of the complete value and if my map is correct it is looking like the combined Commercial and Industrial assessments are about 18% of the total. If we shift away from a factor of one there will be a diminished return because we are dealing with a much smaller base when we are talking about commercial and industrial properties. We somehow discourage new business here as a result of backing away from the Factor of 1. Does this remain true as prior years?

Mr Mitchell said it does and for you to see a lot of savings in the Residential tax side you would have to shift the burden quite a bit to the Commercial side to do exactly what you are saying.

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

Councillor Bodanza said if we boosted that we would have to share that 18% amongst the other 82% and we are discouraging investment at the same time.

Mr. Mitchell said we are.

Councillor Nickel said you know the Commercial properties tend to be move volatile as far as where they stand in assessments and values over the years, he thinks of the Mall at Whitney Field, some company came in and they go around to all the malls across the country to see what they can do to lower the tax bill, so we ended up lowering it. He said he never thought he would see volatility in industrial because it stayed the same. He said he looks at a factory that is getting ready to close and go up to Westminster and taking 40 jobs with it. He assumes the building will go down in valuation because what is going on.

Mr. Mitchell said sometimes that is true. Commercial and industrial is slow moving and is not as volatile as single family homes and it is because it is investment driven. The rents don't fluctuate as much because you have long term leases in place and the investors look at it as an investment strategy. A lot of time they outgrow their space and it is hard to keep them here because we don't have the space they need. We do get calls every day for 10,000 s.f. space they need. As far the valuation goes, if that property would have stayed vacant we base it on market value. There is a certain time frame that they consider a vacancy so the vacancy is an expense of that investment. It remained vacant for quite some time and the economy wasn't doing well, he thinks they would see it in more than one property, they would see it overall.

Councillor Freda said as long as she has been sitting here, over 20 years, we have taken strong pride in the fact that we have maintained the Factor of 1. It always sounds attractive and politically a good idea to shift the tax rate but if you look at any of these communities that have two classification they are struggling to get it back to 1. We understand how that goes. She asked about the samples that were included in the booklet. She said she had done the appraisals on them and looked at the numbers. She said 2/3 of these properties had concessions of at least \$5,000 cash back. How does that affect the bottom line?

Mr. Mitchell said when you are a fee appraiser you will make that adjustment because you are focusing down on the market. You are considering these comparable sales and you will adjust for those particular things to derive a difference between the comparable sale and the subject property. Here it is different because it's considered a mass appraisal process and so if most of these have those adjustments in the market it's going to be reflective of the overall sampling that we do. That is the reason why we would target a lower assessment sale ratio. So as you look at these you will notice a lot of them are in the 87%-90%. The actual median is 96% of the assessed value to that takes into account the differences between the buyers and the sellers and the different transactions because you've got to relatively come up with a sample that reflects the whole City of Leominster. We wouldn't tune down that finely into the concessions.

Councillor Freda said this is such a normal way of doing business right now with the market up and the quickness of the property selling that it is a normal part of the transaction. She bets 75% have a concession to them and some of them are getting up to \$10,000 so that really throws your sale price off. It really makes the market look good if you get a \$200,000 listing price and it is actually a \$210,000 sale price. It does change the percentage but not by a lot.

Mr. Mitchell said there are guidelines you have to follow from the Department of Revenue. He said they are bound by the recorded documentation that is recorded at the Registry of Deeds. Although the deed will reflect the sale prices so you have to put it in as your assessment and you have to consider it as part of your assessment to sale ratio. By targeting a 96%, even when the market is going up. Mr. Dondero goes out and inspects all the sales each and every year, we physically inspect them, we don't look at them on MLS and just overview them, they physically go and inspect the properties and get a feel for them, talk to the owners, talk to the buyers and get a feel for that transaction. He said they do quite a bit of analysis on it but when you consider this on Christine Street, \$209,500 was the sale price and the assessment was \$183,100, it's 87%. When you're looking at the percentile if the median overall assessment to sale ratio is at 96% that means most of the homes are going to be at that level which is 4% below market. When you consider the average single family being \$250,000 it makes up for what you are saying Councillor Freda.

Councillor Feckley said she appreciates the time and effort in the presentation and they really gave a snapshot of what is going on in the City. She asked how many homes sales were there this year?

Mr. Mitchell said 353.

Mr. Dondero said there were 363 single family sales in 2015 and the median price was \$246,000.

Councillor Feckley asked if there was an increase from the year before?

Mr. Dondero said 2014, 2015 and so far 2016 he has seen an increase in just about all class of property.

Councillor Feckley asked Mr. Mitchell to define the words unused levy capacity.

Mr. Mitchell said what happens each year you have a levy limit that you are allowed to raise without doing a 2 1/2 override and so our levy limit was \$5.2M about what we are raising this year. So that is what that means. Although you see an increase of \$2.9M in the budget you still \$5.2M under your limit you can go to without the approval of the taxpayer without a 2 1/2 override. You could raise the budget that much.

Councillor Feckley asked Mr. Mitchell if his professional opinion would be to stay at a factor of 1.

Mr. Mitchell said we cannot give an opinion.

Mr. Richard said yes I would recommend to stay at a factor of 1.

Councillor Freda thought it would be a good idea for Mr. Richard to talk about how close many communities are to their limit and what happens when you get to the limit it is pretty dangerous and we are in good shape.

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

Mr. Richard said that is what I was eluding to earlier that the closer you get to the \$25 per thousand and for us it's \$1.8M. There are communities that have it and there are communities near us that are at 90% that means they are probably over \$22.50 per thousand on their tax levy if they have a single tax rate. If they hit the \$25 they cannot raise their tax levy. They would not be able to maintain their budget. It's serious.

Councillor Chalifoux Zephir said the \$1.8M that you just mentioned that is the difference between the 1973 rate vs. \$25?

Mr. Richard said no. The \$1.8M is a proposition 2 ½ increase. If you take what our levy limit was last year and you times it by 2.5% that is what it is. So annually that is what we can do. The difference between 1973 and \$25 is the \$5.2M for unused levy capacity so we could go up this year \$5.2M. We have that ability and flexibility. We have had that since 1966 so in the last 10 years we could have raised an additional \$52M of taxes we did not. In addition to that we could raise another \$12M of override capacity before you hit the \$25.

Councillor Chalifoux Zephir asked Mr. Richard to explain the \$12M.

Mr. Richard said if you take 1973 and you add \$5.2M you get to \$22 then the difference between the \$22 and the \$25 you could go out for an override. If you had 90% and say the market turns down 10% and you lose that value you are stuck. It affects urban communities more because the values aren't as high. The average single family homes aren't the same as you see in the Southboros, Northboros and the Westboros. The more east you go the higher the valuations to they are protected more. You might see tax rates, even though they are paying a lot more in taxes, might be under \$10 per thousand.

Councillor Chalifoux Zephir said for the general public assuming we stay with the factor of 1 the tax rate of 1973 is derived by taking all of the work that Mr. Mitchell and his group have done all of the assessed value and dividing that into the tax levy.

Mr. Richard said correct.

Councillor Freda asked on the examples why did most of the assessed values drop from 2015 to 2016 in the examples you gave? It was a pretty good year and all dropped an average of \$5,000 to \$10,000.

Mr. Mitchell said what happens a lot of the time is they will go out and inspect the properties each year, Mr. Dondero inspects the sales each year, so every sale that you see is probably going to have a bigger adjustment when you lay eyes on it and you do physical data changes to it you might see the assessment change more than the sale that you didn't or the property you didn't go out to. So it is probably in relationship to the inspection we did or some adjustment we may have made to the grading or the condition of the home.

Ralph Nascimento, President and CEO of the North Central Massachusetts Chamber of Commerce said the Chamber is a private non-profit business association that serves nearly 1,000 businesses mainly small and medium size businesses including many here in the City of Leominster. He respectfully asked that they continue your commitment to make Leominster a regional leader in economic development and maintain the single tax rate system currently in place. Through a single tax rate the City of Leominster has a history of embracing growth and supporting the business community and that message to the business community has had a profound impact on the City. Leominster has been rewarded with new businesses, business expansion and solid commercial tax base. He said he knows this Council and the administration is committed to economic development and continuing the momentum that exists in Leominster. He said they look forward to working with the City as a partner for growth.

MEETING ADJOURNED AT 7:06 P.M.

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

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016

Hearing opened at 7:07 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

Present at the hearing was Planning Director Kristen Kelly and Planning Board Chairman John Souza.

The following PETITION was the subject of the hearing:

21-17 Kristen Kelly on behalf of the Planning Board: Adopt a new Zoning Ordinance regarding the installation of Solar Energy.

Councillor Dombrowski said this hearing will have to be continued because the Council needs input from the Zoning Board of Appeals because they will have to work with this ordinance as well and the Planning Board. The Planning Board still needs to have their hearing and give us a recommendation.

Mr. Souza said the Planning Board scheduled a hearing on January 9, 2017. He said the Planning Board has been involved with this. There is a piece of property on Pleasant Street that came to them for a solar farm and when they looked at the ordinances there was no ordinance. There is an ordinance on turbines but nothing for solar. But yet we had a solar farm that was built. It is on Industrial Road and was built with no ordinances. The solar farm would not have been built with these proposed ordinances. Going back to Pleasant Street, because we didn't have anything but the zoning did say Special Permit required which gave them the

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

opening to follow through and do research. The Planning Board looked at a number of different towns Marion, Athol, Gardner, Palmer and looked at their ordinances and what they had. Some we liked, some we didn't. Marion was too restrictive and didn't fit for us but had other things like landscaping that were good. They took bits and pieces from the different ordinances and as they went through the Special Permit hearings they took the different ordinance and ended up on the drawing as requirements of the Special Permit. So that Pleasant Street basically the ordinance is on the drawing as the Special Permit requirements that the Planning Board put on.

He said they didn't want to do that for every property so they wanted to address it. Not only rooftops but industrial flat roofs or industrial areas where a private company would want to put land mounted frames to put solar on their property. That is why they came up with different categories of roof mounted and land mounted. We are trying to protect the people and have protection on it.

We want to make sure esthetically that people in the neighborhood would be protected. On Industrial Road no one is protected as it goes right to the property line and the noise levels are high. There is no consideration for landscaping.

Ms. Kelly said upon doing research there is roof mounted vs. ground mounted and off site vs. on site. We thought it was very important to call attention to the difference between a solar farm which is generating energy to be sold off site vs. on site where they are generating electricity either of their roof or possibly ground mounted for consumption by that business or that property. They broke it out into different petitions but addressing the definitions of them and the Table of Uses. There are a lot of small considerations that should be covered.

Councillor Freda said we have a referral back from the Zoning Board of Appeals and they don't feel that they have enough information to make a recommendation so they want to invite Ms. Kelley to their next meeting January 11th to discuss the recommendation.

Councillor Marchand asked Mr. Souza if he was referring to the Industrial Road site of 22 acres.

Mr. Souza said something like that. You can see it from the airport if you look north.

Councillor Marchand said he was involved in the micro management as an abutter from the day they put the first shovel in the ground until they turned on the power. It was nothing less than a disaster. You made a comment that how it didn't really affect residential. You are right in a way because the residential of 265 apartments that abuts it is actually a Special Permit in an industrial zone. However, it was a nightmare from day 1 and there was a constant breach by the company of the promises they had with the partnership with the abutter from using their parking lot to the placement of their trailer, to plowing, cleaning. What happened was they did not comply unless someone came down on them from the City Hall constantly about their hours of operation. When they got into the harvesting you could hear it from my house on Merriam Avenue. Not only the harvesting was loud but the chipping was even worse and the pounding of the land to get it to where it needed to be and the excavation in general. The other part that was an issue was that in an industrial zone there is no real buffer between a project like that that's in with a Special Permit already and what happened was with a 100 foot buffer the banking footage counts. So if it was a 100 foot buffer and that banking dropped down 99 feet they could build up to 1 foot to that property line. He said he hopes the Planning Board addresses the buffer.

Mr. Marchand said he is watching another site being built not in Leominster and the cars that are on Rte. 140 going in every morning are all over the place. They harvest the land but they don't make provisions for parking for staff. With the North Leominster project they were suppose to have a central location and at one point they had as many as 75 electricians at one time. They were suppose to be van pooled in but that never materialized. You can imagine the lower parking lot of a residential property where approximately 80% on a daily basis was not available as a result of them using that. It blew out of proportion. Also a very small management trailer was suppose to be put in and it turned out to be a medium size trailer besides a storage trailer about 40 feet long. He said as property manager from the abutting property he had to work with them and help them to be able to muscle through. They knew ahead of time what they needed to do they just were not up front with the City when it came down to it. In the regulations in Site Plan Approval your deepest consideration in having a vehicle "a water elephant" (water tank truck) has to be there. The dust was terrible. He appreciates that they are doing this and in the meantime we have to protect, in the best interest, we have to protect the projects that are going to come in, whether they are at that magnitude or not, especially if they are going to be abutting residential properties. We have to be very considerate of the entire neighborhood and the entry roads getting into the projects. If it is going to be Special Permit, Mixed Use or Industrial then we have to be considerate of the buffer so it is not going right up to their property. He said the last thing is when they went through there construction they then had to come to the City and ask to be able to cut trees because they weren't getting the percentage of light they needed during the hours of operation. The City granted them the opportunity to work with them to cut City trees down and then it went to the abutter to trim the trees up on the hill so when it came to the integrity of the buffer it was completely compromised. He said he met with a landscape engineer and they agreed to things and he never came back. He said he is glad that the Planning Board is addressing this.

Mr. Souza said some of the things you brought up were things I did not know and he likes his input.

Councillor Feckley said when she was walking around the project she was shocked how close it was to the parking lot. She said she received a lot of calls regarding the noise. Sometimes it would start at four o'clock in the morning. This company removed the buffer between Liberty Place and the railroad and also the airport. The wildlife became an issue.

Councillor Chalifoux Zephir said even if you can't cover every single possibility, because you can't, you can always impose additional conditions during the Special Permit process depending on the specific project.

Mr. Souza said if it is by a Special Permit we can but if it is by right we can't.

Councillor Nickel said cities have taken businesses to court over the noise level and what has happened is their lawyers would say so what was the number of decibels before the project started? How can you compare when you don't have a base? If there was something there that would require them to pay to have the decibel levels done and give the numbers to the City and the Planning Board just in case there was a court case.

Ms. Kelly said in the ordinance it says the noise decibels from pre-construction to post construction are not to increase more than 5 decibels at the property lines. It does imply but we could be more specific in the language.

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

Councillor Marchand asked if they would consider taking a look at a Special Permit - Planning Board and just building it stronger into the profile of the permitted uses realizing that a resident who is trying to go through put panels on their roof is totally different. It could be listed right across the board as Special Permit – Planning Board Authority. They will have to come in for their Site Plan Approval. He said we are going to miss things. When they came in we didn't have an electrician to test to give them the clearance for what they were doing.

Ms. Kelly said going back to the idea of onsite vs. offsite electricity generation we are trying to hold potential solar farms to the higher standards as far as construction and development impact. She said she did add to the draft two lines to the Table of Uses that address the onsite vs. the offsite. So a solar farm is considered an offsite solar system. In areas where it is allowed, it would be allowed in the rural residential or the industrial with Special Permit from the Planning Board and Site Plan Approval, otherwise it is not allowed. Any solar farm would have to go through the Special Permit process. There is a little more leeway with the onsite as it has different criteria.

Mr. Souza said it is not only Special Permit but also requires Site Plan Approval which takes care of your parking, roads and things like that. We did address some of that but I think we have to be a little stronger with that.

Dick O'Brien, 578 Merriam Avenue said he is a strong supporter of solar. He said he has a solar rooftop installation and for over the past year and a half he hasn't had an electric bill. It is a great alternative energy setup. But he does agree that the City of Leominster needs to take special precautions in terms of future developments of solar installations and especially these solar farms. He said he is conflicted while he wants to see solar energy become more of a component of our energy systems he also hates to give up these natural areas. Is it possible to suggest for every acre or for square foot of solar panels there is a square foot of natural area left pristine on these lots? So if you develop a two acre solar farm you have to have at least 2 acres of forest land or natural area that is left untouched instead of developing the entire parcel. The other thing we do in the natural recourse field is we require a baseline documentation report of sites that are put under permanent protection. He was wondering in a solar farm development for solar farms that are looking to export energy out of the community not being used by the local resident, if we could require them to provide a baseline documentation report of the site before they develop it so if the buffer zones are eliminated you have photographic evidence of what it looked like and you have a stronger case to have it restored in those instances.

MEETING ADJOURNED AT 7:40 P.M. AND CONTINUED TO JANUARY 23, 2017 AT 6:50 P.M.

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

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016

Hearing opened at 7:40 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

Present at the hearing was Planning Director Kristen Kelly and Planning Board Chairman John Souza.

The following PETITION was the subject of the hearing:

22-17 Kristen Kelly on behalf of the Planning Board: Update the Zoning Ordinance Table of Uses to modify the applicability of Energy Systems, Renewable and to add two new uses, On Site Solar System and Off Site Solar System.

No one in the audience spoke in favor or in opposition regarding this petition.

MEETING ADJOURNED AT 7:41 P.M. AND CONTINUED TO JANUARY 23, 2017 AT 6:55 P.M.

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

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016

Hearing opened at 7:41 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:

23-17 Kristen Kelly on behalf of the Planning Board: Update the definition of "Energy System, Renewable" and create definitions for "Solar Energy System for On Site Use" and "Solar Energy System for Off Site Use".

HEARING BEFORE THE CITY COUNCIL, DECEMBER 12, 2016, continued

Ms. Kelly said all we are trying to do is align the definitions.

No one in the audience spoke in favor or in opposition of this petition.

MEETING ADJOURNED AT 7:40 P.M. AND CONTINUED TO JANUARY 23, 2017 AT 7:00 P.M.

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

Hearing opened at 7:43 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:

24-17 Kristen Kelly on behalf of the Planning Board: Amend Section 22-62.3.7 of the Leominster Zoning Ordinances by removing the words “and always within the right-of-way”.

Ms. Kelly said recently they have become aware of some inconsistencies in the subdivision regulations as adopted by the Planning Board and some with the zoning ordinance regarding the placement of trees either on the right of way or on private property. They met with DPW staff and talked about the feasibility and the preference of where trees should be. If the trees are in the right of way they are City property and are maintained by the City staff. The Board voted to make changes to the subdivision regulations to make them consistent. They had a public hearing.

Mr. Souza said what happened was that the subdivision regulations take care of the roads and the actual layout of the subdivision where the ordinance is the width of the road, size of the lot and things like that. He said we are finding that if you have trees and a two foot grass strip on Residential A or Rural Residential where you have a sidewalk, you plant a tree there and once that tree starts to grow it buckles the sidewalks and it is too close to the road. That is why the DPW wants them out of right-of-way and into approximately 5 feet off of the sidewalk onto the private property and done by the contractor when the project is being built.

Councillor Freda said that the Zoning Board of Appeals feels they don't have enough information to submit a recommendation and would like to have Ms. Kelly down to their January 11th meeting.

No one in the audience spoke in favor or in opposition of this petition.

MEETING ADJOURNED AT 7:51 P.M. AND CONTINUED TO JANUARY 23, 2017 AT 7:05P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 12, 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 November 28, 2016 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to conduct hearings, hold a public forum and interview new appointees.

Meeting reconvened at 8:04 P.M.

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

- C-39 Relative to the appropriation of \$11,315.00 to the City Clerk Salary & Wages Account; same to be transferred from the Stabilization Fund.
- C-40 Relative to the appropriation of \$54,000.00 to the Fire Department Salary & Wages Account; same to be transferred from the Stabilization Fund.
- C-41 Relative to the appropriation of \$10,000.00 to the Fire Department Expense Account; same to be transferred from the Stabilization Fund.

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 12, 2016, continued

- C-42 Relative to the appropriation of \$109,000.00 to the Highway Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.
- C-43 Relative to the appropriation of \$10,000.00 to the Police Department Expense Account; same to be transferred from the Stabilization Fund.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED. Vt. 8/1, Councillor Freda opposed. Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the PETITION was given FURTHER TIME. Vt. 9/0 Amended to delete Section 8 (e) and change the work “will” to “shall” under motorcycles.

- 1-17 President’s Committee on City Ordinance Review: Request that Chapter 14, Section 14-8 be deleted and replaced with a new section 14-8 entitled “Noise Control Ordinance.”

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 9/0

- 21-17 Kristen Kelly on behalf of the Planning Board: Adopt a new Zoning Ordinance regarding the installation of Solar Energy.
- 22-17 Kristen Kelly on behalf of the Planning Board: Update the Zoning Ordinance Table of Uses to modify the applicability of Energy Systems, Renewable and to add two new uses, On Site Solar System and Off Site Solar System.
- 23-17 Kristen Kelly on behalf of the Planning Board: Update the definition of “Energy System, Renewable” and create definitions for “Solar Energy System for On Site Use” and “Solar Energy System for Off Site Use”.
- 24-17 Kristen Kelly on behalf of the Planning Board: Amend Section 22-62.3.7 of the Leominster Zoning Ordinances by removing the words “and always within the right-of-way”.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8/0, Councillor Chalifoux Zephir abstained due to a possible conflict of interest.

- 26-17 Roger Brooks, Jr.: Amend Section 21-11.1 Water User Rate Schedule as follows: Effective 12/1/16 raise the intown water rate from \$3.48 per unit to \$3.67 per unit. Effective 4/1/18 raise the intown water rate from \$3.67 per unit to \$3.78 per unit. Effective 12/1/16 raise the outside the city rate from \$4.48 per unit to \$4.75 per unit. Effective 4/1/18 raise the outside the city rate from \$4.75 per unit to \$4.89 per unit.
- 27-17 Roger Brooks, Jr.: Amend Section 21-22.3 Sewer User Rate Schedule as follows: Effective 12/1/16 raise the intown sewer rate from \$3.97 per unit to \$4.09 per unit. Effective 4/1/18 raise the intown sewer rate from \$4.09 per unit to \$4.21 per unit. Effective 12/1/16 raise the outside city rate from \$8.12 per unit to \$8.36 per unit. Effective 4/1/18 raise the outside city rate from \$8.36 per unit to \$8.61 per unit. Effective 12/1/16 raise the intermunicipal rate from \$4.57 per unit to \$4.71 per unit. Effective 4/1/18 raise the intermunicipal rate from \$4.71 per unit to \$4.85 per unit.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0, Councillor Dombrowski abstained due to a possible conflict of interest.

- 28-17 Prime Wellness Centers, Inc.: Grant a Special Permit for the use of a new building for the purpose of a Medical Marijuana Dispensary on Lock Drive. (Hearing set for January 9, 2017 at 7:00 P.M.)

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

Stabilization Account \$12,440,534.70

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED to adopt a factor of 1. Vt. 9 “yeas”

- C-33 Dean J. Mazzarella, Mayor: Relative to determining the factor to be used in setting the FY17 tax rate.

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

- C-34 Relative to the appropriation of \$28,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Twenty Eight Thousand Dollars (\$28,000.00) be appropriated to the Fire Department Capital Outlay Expense Account; same to be transferred from the stabilization Fund.

RE: Chest Compression System

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 12, 2016, continued

Upon a majority recommendation of the FINANCE COMMITTEE to give FURTHER TIME, the following COMMUNICATION FAILED. Vt. 3 “yeas” and 6 “nays”, Councillors Bodanza, Lanciani, Marchand, Cormier, Freda and Dombrowski opposed. A motion was made to GRANT the following COMMUNICATION. It was GRANTED and ORDERED. Vt. 7 “yeas”, 2 “nays”, Councillors Feckely and Chalifoux Zephir opposed.

C-35 Relative to the appropriation of \$588,000.00 to the Doyle Field Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Hundred Eighty Eight Thousand Dollars (\$588,000.00) be appropriated to the Doyle Field Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

RE: Doyle Field Improvements

Upon a majority recommendation of the FINANCE COMMITTEE to DENY, the following COMMUNICATION FAILED. Vt. 4 “yeas” and 5 “nays”, Councillors Freda, Dombrowski, Bodanza, Lanciani, Marchand opposed. (2/3 vote required)

C-36 Relative to the appropriation of \$50,000.00 to the Economic Development Expense Account; same to be transferred from the Stabilization Fund.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas”, Councillor Feckley abstained due to a possible conflict of interest.

C-37 Relative to the appropriation of \$2,000.00 to the Police Department Overtime Account; same to be transferred from the Disability Parking Fines Reserved for Appropriation Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Police Department Overtime account; same to be transferred from the Disability Parking Fines Reserved for Appropriation Account.

RE: Parking Enforcement

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. 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 PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 8/0, Councillor Cormier abstained due to a possible conflict of interest.

29-17 National Grid and Verizon New England, Inc.: Country Lane - Install one jointly owned pole on Country Lane in front of house #102.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 9 “yeas” Granted with an Emergency Preamble on November 28, 2016; another vote was required.)

C-38 Dean J. Mazarella, Mayor: Request the City Council transfer the care, custody and control of the Twin Cities Rail Trail Corridor to the Mayor for the purpose of conveyance and authorize the Mayor to convey said property on such terms and conditions and for such consideration as the Mayor may deem appropriate.

Upon request of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was given FURTHER TIME. Vt. 9/0

Office of Emergency Management – Admin Unit – John Carroll

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 “yeas”

Council on Aging - Maria Maldari - term to expire April 15, 2019

Upon request of the WAYS & MEANS COMMITTEE, the following RESOLUTION was AMENDED and GRANTED AS AMENDED. Vt. 9 “yeas” Amended to add Councillors Freda and Chalifoux Zephir in support of Lancaster Street and strike the last paragraph.

RESOLUTION OF THE LEOMINSTER CITY COUNCIL

WHEREAS, the City of Leominster (“City”) is in need of a new or renovated police station;

WHEREAS, the City owns certain real property located off Lancaster Street, Leominster Massachusetts (“Lancaster Street Property”);

REGULAR MEETING OF THE CITY COUNCIL, DECEMBER 12, 2016, continued

WHEREAS, an independent architectural firm has opined that it is feasible to renovate the Lancaster Street Property for use as a police station;

WHEREAS, the Mayor of the City of Leominster (“Mayor”) has reported to the Leominster City Council (“City Council”) that the anticipated cost of constructing a new police station at another site in the city would be marginally more expensive than renovating the Lancaster Street Property;

WHEREAS, said difference in cost between purchasing a site and constructing a new police station vs. renovating the Lancaster Street Property has been reported to the City Council by the Mayor to be approximately \$3,000,000.00;

WHEREAS, the Mayor has requested feedback from the City Council as to which project the Council anticipates it would be willing to support and approve for funding;

WHEREAS, the City Council Police Station Oversight Committee held a subcommittee meeting relative to the Mayor’s request for feedback from the City Council;

- As to the question of whether the City Council would prefer a new police station at another site or a renovated police station at the Lancaster Street Property, the City Council unanimously supports a new police station to be located in the Downtown

Overlay Zoning District or such other suitable location that serves the needs of the Police Department and City residents adequately and efficiently.

- As to the question of whether the City Council in the event a new police station in the Downtown Overlay Zoning District or area is determined not to be feasible within the next year, would support renovating the Lancaster Street Property for use as a police station, the majority of the City Council would **not** support this proposal (Councillors Bodanza, Chalifoux Zephir, Dombrowski and Freda voting they would support the proposal under the circumstances).
- As to the question of the City Council’s preference on what to do with the Lancaster Street Property, the City Council unanimously supports selling the property as surplus in the event an adequate and proper use cannot be made of the property by another city Department.

/s/ John M. Dombrowski, Chairman
President’s Police Station Oversight Committee

Adopted by the Leominster City Council
December 12, 2016

/s/ Lynn A. Bouchard, City Clerk

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

RESOLUTION – Regarding Grants for Improvements to Doyle Field

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for January 9, 2017 at 7:10 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 6, Section 6-4 of the Revised Ordinances entitled “Disposition of Unclaimed Dogs,” by deleting the words “seven days” and inserting in their place the words “fourteen days.”

A meeting was established for the Ways and Means Committee on January 4, 2017 at 7:00 P.M.

MEETING ADJOURNED AT 10:11 P.M.

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