

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2017

Hearing opened at 7:21 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 13-77 of the Revised Ordinance entitled "Stop Signs" by inserting Kendall Hill Road, against northeast bound drivers at West Street.

Councillor Bodanza reminded the Council that for both this hearing and the next involved the purpose is to make the stop signs legal since they are both about twenty years old.

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

HEARING ADJOURNED AT 7:22 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2017

Hearing opened at 7:22 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 13-77 of the Revised Ordinances entitled "Stop Signs" by inserting Kendall Hill Road, against westbound drivers at Olde Tavern Road.

No one in the audience spoke in favor or in opposition of the ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:23 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2017

Hearing opened at 7:23 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 14, Section 14-8 of the Revised Ordinances entitled "Noise – Generally" by deleting said section in its entirety and inserting a new section.

No one in the audience spoke in favor or in opposition of the ordinance

No Councillors spoke.

HEARING ADJOURNED AT 7:24 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2017

Hearing opened at 7:24 P.M. with Councillor Freda, Clerk of the PUBLIC SERVICE COMMITTEE, presiding. All members were present.

The following PETITION was the subject of the hearing:

41-17 National Grid and Verizon New England, Inc.: Smith Street – Remove and install one jointly owned pole in the same place of P7 on Smith Street.

Steven Soucy of National Grid said they would have to legally withdraw the petition under legal grounds because there is already an existing pole at this location and the City Council previously approved the replacement of it which includes maintenance. They also have an easement from the customer to allow National Grid to install an anchor.

Councillor Freda asked if he wanted to give this petition leave to withdraw.

Mr. Soucy said yes.

HEARING ADJOURNED AT 7:25 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 27, 2017

Hearing opened at 7:31 P.M. with Councillor Freda, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Dombrowski.

This hearing is continued from January 23, 2017.

Present at the hearing was Agent-Pat Scorzelli and CEO-John Glowik.

The following PETITION was the subject of the hearing:

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.

Mr. Scorzelli said that since their last meeting, a lot has happened. They now have recommendations from each department for which the Council requested input. He has met with the Mayor four times and they have agreed on everything in principle, now they are just waiting for KP Law to put into an executable document. He reiterated what Councillor Bodanza said which was that everything that was presenting during the vetting process was used as a floor. They Mayor has changed some of the categories, but as he said, we are not to dispute, that's within his discretion. As far as amounts and percentages, etc. our offer to the Council has not changed and the Mayor has tweaked it in a few places.

Councillor Freda and Mr. Scorzelli had a discussion regarding the Host Agreement.

Councillor Freda asked if he had filed the plans he received just before the last meeting with the City Clerk's Office.

Mr. Scorzelli said the plans were submitted to Planning for their recommendation to the Council. He said everything has been submitted to the Boards for recommendations.

Councillor Freda said she was under the impression that a plan was going to go to the Clerk's Office for the Council to review. Mr. Scorzelli said he wasn't clear on that otherwise he would have submitted it at the same time he submitted to Planning.

Mr. Glowik said everything that the Council asked for including meeting with the Police Chief and the Fire Chief with our director of security made sure that their wishes would be taken into consideration at the appropriate time of the building of the building. He said it was his understanding that both chiefs were very happy to be included and if they come up with any other plan or item it will be directed to their security director and security people that are going to be building.

Councillor Chalifoux Zephir said at the last meeting there were two items that she was concerned about: 1) there was still some information that the Planning Board did not have and needed in order to give you Site Plan Approval, which they received and gave us a positive recommendation; 2) the Conservation Commission's Order of Conditions which they have a letter from the Conservation Commission saying the Order of Conditions were approved and applicant has met all the conditions required by the Commission for the release of the Order. They are complete.

Councillor Marchand said now that the Commonwealth has passed the opportunity for recreational marijuana how does that play into this project?

Mr. Scorzelli said it doesn't. He said the legislation is clear.

Councillor Marchand asked if they close up shop as a pharmaceutical distributor and go strictly recreational.

Mr. Scorzelli said no.

Mr. Glowik said we will stay with medical marijuana.

Councillor Freda said if the State does not come out with the regulation by January you have the authority to go recreational.

Mr. Glowik and Mr. Scorzelli said they have not heard that.

Councillor Bodanza said there is no zoning for recreational but there is for medical.

Mr. Scorzelli said the kids that are looking for recreational are looking for high THC level; they want the high and the buzz. People that are looking at medical marijuana are looking for pain management and for something to relieve a condition or issue like people with MS.

Council President Cormier said at the last meeting his concerns were based on security. He said at the next hearing he would like the Police Chief and Fire Chief to come down to have a discussion regarding conditions if this petition was approved.

Councillor Bodanza said when you come next time you should have the Host Agreement reduced to writing and executed because as he reads the ordinance it is needed before the Council can act.

Councillor Freda read the recommendations of support from the Planning Board, Planning and Development, Conservation Commission, which are on file in the City Clerk's office.

Speaking in favor of the petition was Alberta Johnson of 28 Aloe Drive.

HEARING ADJOURNED AT 7:59 P.M. AND CONTINUED TO MARCH 13, 2017 AT 6:30 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 27, 2017

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 February 13, 2017 were examined and found to be in order. The records were accepted.

A recess was called at 7:31 P.M. to continue with the public hearing, conduct interview with Conservation Commission Appointee and to hold a public forum.

Meeting reconvened at 8:26 P.M.

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

C-53 Relative to the appropriation of \$75,000.00 to the Police and Fire Indemnification Expense Account; same to be transferred from the Stabilization Fund.

The following PETITION was received, referred to the PUBLIC SAFETY AND TRAFFIC COMMITTEE, given REGULAR COURSE and referred to the Police Department.

42-17 David R. Cormier: Request that signs be placed on Jungle Road indicating that no vehicle over 1 ton can take a right-hand turn on the Old Mill Road.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 6/2, Councillors Freda and Dombrowski opposed.

36-17 David R. Cormier: Add a rule #34 to the City Council's Rules and Procedures entitled "Legal Opinions".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing continued to March 27, 2017 at 6:30 P.M.)

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

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing continued to March 27, 2017 at 6:35 P.M.)

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing continued to March 27, 2017 at 6:40 P.M.)

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".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0 Councillor Dombrowski abstained due to a possible conflict of interest. (Hearing continued to March 13, 2017 at 6:30 P.M.)

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.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 6/0 Councillors Dombrowski and Chalifoux Zephir abstained due to a possible conflict of interest. (Hearing continued to March 13, 2017 at 6:45 P.M.)

29-17 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3 and 503-3-4 from Industrial to Mixed Use (MU1) at the entryway of the Southgate Business Park.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 5/3, Councillors Chalifoux-Zephir, Freda and Lanciani opposed.

34-17 Claire Freda: Raise the current room occupancy tax to 6% from the present 4% as allowed by M.G.L. Chapter 64G, Section 3A.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing scheduled for March 13, 2017 at 7:00 P.M.)

35-17 Kristen Kelly on behalf of the Planning Board: Modify section 22-50.4.1 of the Leominster Zoning Ordinance to remove the words "shall service no more than two (2) lots" and replace with "are not permitted".

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing scheduled for March 27, 2017 at 7:00 P.M.)

38-17 South Coast Development, LLC: Change the zoning of the three contiguous lots of land at the northeast corner of Central Street and Graham Street, and also the adjacent portion of Graham Street, a public way, from the Residence C and Business B to the Commercial zoning district.

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

39-17 Claire Freda: Consider a proposed moratorium on recreational marijuana.

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

Stabilization Account	\$12,222,784.75
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Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt. 7/0 Councillor Cormier abstained due to a possible conflict of interest.

- 32-17 National Grid and Verizon New England: McKinley Street – Install one jointly owned pole on McKinley Street beginning at a point approximately 150 feet north of the centerline of the intersection of Starr Street and McKinley Street.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 7/0 Councillor Cormier abstained due to a possible conflict of interest.

- 41-17 National Grid and Verizon New England, Inc.: Smith Street – Remove and install one jointly owned pole in the same place of P7 on Smith Street.

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

- C-51 Relative to the appropriation of \$5,150.00 to the Police Department Expense Account; the same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Thousand, One Hundred and Fifty Dollars (\$5,150.00) be appropriated to the Police Department Expense Account; the same to be transferred from the Stabilization Fund.

RE: Coplogic reporting system.

- C-52 Relative to the appropriation of \$5,000.00 to the Building Inspector Salary and Wages Account; the same amount to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Building Inspector Salary and Wages Account; the same amount to be transferred from the Stabilization Fund.

RE: Sick leave coverage for clerical.

Upon recommendation of the FINANCE COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

- 40-17 Gregory C. Chapdelaine, Purchasing Agent and David Laplante, Treasurer/Collector: Allow the Purchasing Agent to award a contract for the City’s Banking Services for a six (6) year period.

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

Bradford C. Stone – Conservation Commission – Term to expire 4/15/2020

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 “yeas”.

The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 14 of the Revised Ordinances entitled "Offenses Miscellaneous."
Be it ordained by the City Council of Leominster, as follows:

Section 14-8 OF THE REVISED ORDINANCES ENTITLED "NOISE-GENERALLY" IS HEREBY AMENED BY DELETING SAID SECTION IN ITS ENTIRETY AND INSERTING IN ITS PLACE THE FOLLOWING:

Section 14-8 NOISE CONTROL ORDINANCE

It has been scientifically established that excessive and unnecessary noise is a significant hazard to the public health, welfare, safety, and the quality of life; excessive and unnecessary noise over an extended period of time leads to hearing loss; excessive and unnecessary noise may interfere with personal communication, cause sleep disturbances, and create anxiety, distress and aggressive behavior. Whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health, welfare, safety or degrade the quality of life; therefore it is the policy of the City of Leominster to prevent excessive sound which may jeopardize the health, welfare or safety of its citizens or degrade the quality of life.

Definitions: For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

“A” level: the total sound level of all noise as measured with a sound meter using the “A” weighting network. The unit of measurement is dB(a).

Ambient: the background level of sound immediately preceding the sound produced by the object or person under scrutiny and, when measured mechanically or electronically, is the A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.

Chief: Chief of the Leominster Police Department.

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Device: any mechanism that actually produces sound when operated or handled.

Director: Director of Public Health for the City of Leominster

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, dirt bikes, minibikes, and mopeds. This ordinance shall apply to all motorcycles, motorized bicycles and/or motorized scooters as such terms are defined in General Laws Chapter 90.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution. Sound levels shall be measured at the lot lines of the property containing the noise source and or at the property line of the nearest occupied residence or other sensitive receptor.

Person: means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.

Plainly Audible - means any sound that can be detected by a person using his or her unaided hearing faculties.

Public Place - shall include any public way, any private way open to public use and on the official map of the city or any way for vehicular travel in any city park, playground, public school property or land under the control of any city department.

Scope: This ordinance shall apply to the control of all sound within the limits of the City of Leominster except as noted in Section (9) Exemptions

Sound Level Meter - means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner.

Sound Reproduction Device - means any device, electronic or otherwise, which is capable of producing, reproducing or amplifying sound, including but not limited to any musical instrument, radio, television, tape recorder, compact disc or DVD player, public address ("P.A.") or other sound amplifying system.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

Scope: This ordinance shall apply to the control of all sound within the limits of the City of Leominster except as follows: (a) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work (including emergency vehicles or electrical generators) or in training exercises related to emergency activities; and (b) all snow clearance activities.

(1) Subject to the provisions of this section, disturbance of the peace or the creation of any loud, disturbing and unnecessary noise pollution as to be detrimental to the life or health of any individual in the city shall be prohibited.

(2) Noise Pollution prohibited.

(a) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source owned, leased, kept, or controlled by such person, or caused by any activity of such person.

(b) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations shall be made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations shall be made in relation to, the boundary line of the property within which the offending source is located or perceived from, or as close thereto as feasible.

(c) In such cases where the Director of Public Health or Chief of Police deems it necessary, the City shall have the authority to require persons responsible for any subject noise or tone to hire a third party professional consultant that is competent in the measurement of noise to make determinations.

(d) All noise level measurements made shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(3) Time Restrictions.

(a) The generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods: (1) Between 7:00 a.m. and 8:00 p.m. on weekdays; or (2) Between 8:00 a.m. and 8:00 p.m. on Saturdays, (3) Sundays Between 1:00 p.m. and 5:00 p.m.

(b) The generation of any noise from construction and demolition, including but not limited to: powered construction equipment, building, erection, demolishing, altering, repairing, excavation or hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, delivery of construction equipment and/or supplies to the site on any building, road, tower, parking

lot, machine, pipe, sewer, sidewalk, or any other construction project. Activity is prohibited except during the following time periods: (1) Between 7:00 a.m. and 8:00 p.m. on weekdays; or (2) Between: 8:00 a.m. and 5:00 p.m. on Saturdays; (3) Generation of any noise

from construction and demolition activity on Sunday is limited to between 1:00 p.m. and 5:00 p.m. The only exemption allowed is for work performed by a public service or municipal utility department or "emergency work" performed with the express written permission of the Building Inspector or the Director of Public Works. Emergency work shall be limited to such work that is clearly essential to response to a sudden and unexpected threat to public health or public safety. Emergency work permission may be granted for not more than one week at a time, and may be renewed for additional one week periods at the discretion of the authority who granted the initial permission.

(c) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 10:00 p.m. until 7:00 a.m. the following morning.

(d) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic for a period of greater than five (5) minutes.

(e) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling. Municipal trash collection is exempt from this provision.

(f) Between the hours of 9:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 10dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(5) No person shall keep any animal or bird that creates frequent loud screeching or noise that disturbs the quiet comfortable repose of any person. This specifically includes but is not limited to Roosters and Pea Fowl.

(6) Sound Levels for Motor Vehicles

(a) No person shall operate any motor vehicle or any sound reproduction device within any motor vehicle in such a manner that the vehicle or sound reproduction device is plainly audible in a public place at a distance of 50 feet or more in any direction from the vehicle.

(b) Except where necessary to avoid a collision with another motor vehicle or with a pedestrian, no person shall operate a horn or warning device from any motor vehicle or motorcycle such that the sound emanating from such act is plainly audible in a public place at a distance of 100 feet or more from said vehicle or motorcycle.

(c) No person shall operate any siren in any public place except authorized employees of public entities providing law enforcement, fire suppression, first responder or advanced life support services in the immediate act of responding to an emergency or engaged in a training exercise.

(7) Sound Levels for Motorcycles

(a) No person shall operate a motorcycle intended for use on the highways of the Commonwealth and registered under the provisions of MGL Chapter 90 Section 2 in such a manner as to exceed eighty-two decibels when operated within a speed zone of forty-five miles per hour or less, or in such a manner as to exceed eighty-six decibels when operated within a speed zone of over forty-five miles per hour measured at fifty feet using the prescribed highway vehicle sound level measurement procedure.

(b) No person shall operate a motorcycle whose exhaust system, muffler or any other equipment or element of design incorporated into the motorcycle in compliance with federal or state laws or regulations pertaining to motorcycle noise or air pollution emissions has been removed or rendered inoperative by any person. After market performance or competition exhaust systems are not allowed for off road vehicles operating in residential areas.

(8) Sound Levels Generally

(a) No person shall operate any electronic sound reproduction device so as to create sound which is plainly audible in a public place at a distance of 50 feet or more in any direction from the device or the premises containing the device, whichever is greater.

(b) No person shall operate any self-contained, portable, hand-held sound reproduction device in such a manner as to be plainly audible in a public place at a distance of 50 feet or more in any direction from the operator.

(c) No person shall create any sound on any street adjacent to a hospital or medical treatment facility at any time which is plainly audible at any place within 25 feet of the property of such hospital or facility or which unreasonably disturbs the comfort or repose of any person of normal sensitivities in such hospital provided a plainly visible sign has been displayed on such street indicating the presence of such hospital or medical treatment facility.

(d) No person shall create any sound on any street adjacent to any public or private school, institution of higher learning or court whenever the same is in session which is plainly audible at any place within 25 feet of the property of such hospital or facility or which disturbs the operation of any such school or the proceedings in any such court provided a plainly visible sign has been displayed on such street indicating the presence of such school or court.

(e) No person shall make or cause or permit to be made or caused any music or sound originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound increases the broad band sound level, when measured at the property line of the establishment, by more than 10 dB(A) above ambient, or produces a pure tone condition (a condition is created when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more).

(f) City Contracts - On any project for the construction, reconstruction, installation, demolition, maintenance or repair of any building, or public work, to be funded in whole or in part by city funds, or funds which, in accordance with a federal or state grant, program, or otherwise, the city expends or administers, or any such project to which the city is a signatory to the contract therefore, the provisions of this section shall apply and the same shall be referenced in every invitation to bid for such project and, the following paragraphs shall be contained in every resulting contract there from:

“It shall be a material breach of this contract if the contractor and each subcontractor shall not at all times adhere to the provisions of Chapter 14-8 of the Revised Ordinances of the city by limiting their on-site, noise producing construction and related work to the hours specified by said ordinance.”

(9) Exemptions

This ordinance shall not apply to:

- (a) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work (including emergency vehicles or electrical generators) or in training exercises related to emergency activities
- (b) Sound from activities in the public parks, playgrounds, playing fields, or public property or buildings of the city used under the written permission of the municipal official or body charged with the care, custody and control of said facility in compliance with the Massachusetts Code of Regulations, 310 CMR 7.10.
- (c) Sound from parades, rallies, public assemblies, demonstrations, special events, sporting events or sound trucks may for brief periods reasonably exceed the sound level limits contained herein as provided in the Massachusetts Code of Regulations 310 CMR Section 7.10. However, all public address loudspeakers, either mobile or stationary, shall be prohibited from operating from 10:00 p.m. until 7:00 a.m. the following morning
- (d) Sound from bells, chimes, or carillons from a structure operated for non-commercial purposes between the hours of 8:00 a.m. and 9:05 p.m., and during special events.
- (e) Sound from snow blowers, snowplows, and other snow removal equipment during or immediately after a snowfall and the use of power equipment necessary for emergency repairs or debris removal due to severe weather.
- (f) Sound from trains, boats and personal watercraft operated in compliance with state law.
- (g) Sound from aircraft landing, taking-off, or taxiing at Fitchburg Regional Airport.
- (h) Sound from lawfully permitted fireworks displays.

(10) Enforcement and Penalties

(a) The Director and all duly appointed Police Officers are hereby authorized to enforce the provisions of this ordinance.

The penalty for each violation of this section shall be as follows:

First offense: \$100.00

Second Offense: \$200

Third and any subsequent offense: \$300

Each day of non-compliance is a new and separate violation.

The provisions of this section may be enforced using the noncriminal disposition process as provided in General Laws, chapter 40, § 21D.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 “yeas”.

The City of Leominster
In the year two thousand and seventeen

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 13-77 of the Revised Ordinances entitled “Stop Signs” is hereby amended by inserting the following:

Kendall Hill Road, against west bound drivers at Olde Tavern Road.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 “yeas”.

The City of Leominster
In the year two thousand and seventeen

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 13-77 of the Revised Ordinances entitled “Stop Signs” is hereby amended by inserting the following:

Kendall Hill Road, against northeast bound drivers at West Street.

Councillor Marchand requested an update on the status of the high school athletic field expansion project including the schedule and timeline of the construction.

Councillor Chalifoux Zephir said she received an email from the Mayor and there was a meeting a couple of months ago and a comment was made at that meeting that there would be subsequent meetings in the spring with the neighbors to address some of the concerns they raised. There has been no further work done on the design.

Councillor Bodanza said he believes the design is not complete and the Mayor's position was there will be an additional opportunity for input from the abutters for the final design.

Councillor Feckley requested a timeline from the Mayor regarding some of his ideas on a location for a police station.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to bring down the Police Chief and the Fire Chief to have a discussion regarding Petition 28-17. Vt 8/0

Council President Cormier said that he and the City Clerk received an email from the Mayor that the School Committee requested a joint meeting with the City Council. The meeting will be scheduled for May 1, 2017. A list for the agenda will be submitted to the School Committee.

Councillor Marchand said on April 29th the American Little League will be sending out invitations for a special dedication for Wayne Nickel during their opening ceremony.

A committee meeting was established for the President's Committee on City Ordinance Review on Wednesday, March 8, 2017 at 5:00 P.M.

MEETING ADJOURNED AT 9:45 P.M.

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