

HEARING BEFORE THE CITY COUNCIL, JULY 24, 2017

Hearing opened at 7:00 P.M. with Councillor Freda, Chair of the PUBLIC SERVICE COMMITTEE, presiding. All members were present.

The following PETITION was the subject of the hearing:

2-18 National Grid and Verizon New England, Inc.: Central Street/Route 12 – Install four Jointly owned poles on Central Street/Route 12 beginning at a point approximately 360 feet north of the centerline of the intersection of Research Drive & Central Street/Route 12 and continuing approximately 90 feet in a northern direction.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:01 P.M.

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

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The following PETITION was the subject of the hearing:

3-18 National Grid: Research Drive & Central Street – Install underground electric conduits beginning at a point approximately 360 feet north of the centerline of Research Drive and Central Street/Route 12 and continuing approximately 2500 feet in a westerly direction; also approximately 400 feet of concrete encased conduits and 1 manhole on west side of Central St/Route 12 from pole 150-5. National Grid to petition for approximately 2500 feet of concrete encased conduits and 9 manholes currently in Research Drive that were installed when the road was private as well as three new road crossing from manholes 4,7 & 8.

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

No Councillors spoke.

HEARING ADJOURNED AT 7:02 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 24, 2017

Hearing opened at 7:03 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

Present at the hearing were Jamie Rheault from Whitman & Bingham Associates; Mickey Higgins, representing NJLJ; and Heather Monica.

The following PETITION was the subject of the hearing:

82-17 Carolyn A. Parker for NJLJ Properties, LLC: Grant a license to store a total of 35,000 gallons of which 26,000 gallons is gasoline and 9,000 gallons is diesel fuel at 180 Central Street.

Mr. Jamie Rheault said they have been before the Council recently with regards to this location. They are proposing a convenient store/gas station and fast food drive thru. They came before the Council some time ago and requested that the property be rezoned to commercial, which was done. Since then they have received site plan approval from the Planning Board and a Special Permit for the project. They are fully permitted absent this permit. They are now seeking permission to grant a license to store 35,000 gallons of which 26,000 is gasoline and 9,000 is diesel fuel located at 180 Central Street.

Councillor Freda said she noticed that a couple of the property transfers have taken place. She was curious how the reception was from the other surrounding abutters.

Mr. Rheault said that three transfers have taken place, the one on Graham Street and the two on Central Street. The one at the corner at Central Court is still under agreement and is moving forward.

Councillor Freda asked whether any environmental testing had been done yet.

Mr. Mickey Higgins said yes, they did a full environmental site assessment with four observation wells, soil samples and water samples and everything there is clean. The last piece of property they haven't closed on yet is the McCarthy's which is scheduled to close this Wednesday.

Councillor Freda asked for the square footage of the property.

Mr. Rheault said the property itself is approximately 45,000 square feet.

Mr. Higgins said the building is just under 4,000 square feet.

Councillor Freda asked if the storage they are seeking is comparable with this size of a facility.

Mr. Higgins said the tanks vary from site to site. Typically everyone puts in 20,000 gallons unleaded. In this case there will be a 20,000 tank and a 15,000 gallon tank that is split into two compartments, 9,000 being diesel fuel and 6,000 super unleaded.

Councillor Marchand asked for the location of the tanks and what the delivery times will be.

Mr. Rheault said if you come in off the curb cut from Central Street, directly to the left is where the storage tanks will be located.

Mr. Higgins said the vast majority of delivery are first shift or second shift for drivers which means 6:00 am to 6:00 pm. In cases with bad storms or traffic issues, you can get them afterhours. Delivery of gasoline all comes out of Boston so it can differ depending on the circumstances.

Councillor Marchand asked if they anticipate needing to come before them for larger storage tanks in the future.

HEARING BEFORE THE CITY COUNCIL, JULY 24, 2017, Cont.

Mr. Higgins said it would be very unlikely they would come back and ask for additional storage; they would increase the amount of deliveries.

Councillor Chalifoux Zephir asked if the storage is the same as the Cumberland Farms over on the far side of Orchard Hill Park in Lunenburg.

Mr. Higgins said he believes they are the exact same size.

Councillor Dombrowski read letters of recommendation from the Health Director and the Fire Department.

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

HEARING ADJOURNED AT 7:14 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 24, 2017

Meeting was called to order at 7:32 P.M.

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

The Committee on Records reported that there were no records to approve.

A recess was called at 7:33 P.M. to hold a public forum.

Meeting reconvened at 8:12 P.M.

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

C-4 Relative to the appropriation of \$2,000.00 to the Police Department Overtime Account; same to be transferred from the Disability Commission Fines Reserved for Appropriation Account.

The following COMMUNICATION was received under SUSPENSION OF THE RULES with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt 9/0. Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt "9 yeas". Councillor Marchand disclosed that he was recusing himself from any portion related to salary and wages.

C-5 Relative to the appropriation of \$895,000.00 to the School Department Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Eight Hundred and Ninety-five Thousand Dollars (\$895,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Stabilization Fund.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for August 14, 2017 at 7:05 P.M. Vt 8/0. Councillor David Cormier abstained due to a possible conflict of interest.

4-18 Comcast of Massachusetts III: Harvard Street – Starting at Utility Pole No. 31-50, place one (1) 3” PVC Conduit 187’± to a proposed 24”x36” vault; continuing from vault 22’± onto private property to service 391 Harvard Street.

Upon request of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt 9/0

C-3 Dean J. Mazzarella, Mayor: Approve the CDBG Budget/Action Plan for Year 43.

A request by the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE to deny the PETITION was denied. Vt. 4/5. Councillors Freda, Dombrowski, Chalifoux Zephir, Pauline Cormier, and Marchand opposed. A motion by Councillor Marchand to GRANT the PETITION was passed. Vt. 5/4. Councillors Feckley, Bodanza, Lanciani and David Cormier opposed.

1-18 Claire Freda: Eliminate Rule #34 entitled “Legal Opinions” regarding the City Council Rule that applies to Council access to the City Solicitor.

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

69-17 Michael J. King: Grant an Easement for an existing driveway for the property located at 767 Willard Street.

REGULAR MEETING OF THE CITY COUNCIL, July 24, 2017, Cont.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt 8/1. Councillor Chalifoux Zephir opposed.

82-17 Carolyn A. Parker for NJLJ Properties, LLC: Grant a license to store a total of 35,000 gallons of which 26,000 gallons is gasoline and 9,000 gallons is diesel fuel at 180 Central Street.

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

Stabilization Account \$14,517,854.57

Councillor Pauline Cormier left the meeting at 9:16 P.M.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 8/0.

C-110 Relative to the appropriation of \$1,085,399.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State and Receipts Reserved for Appropriation Account.

ORDERED: - that the sum of One Million Eighty-five Thousand Three Hundred and Ninety-nine Dollars (\$1,085,399.00) be appropriated to the Street Resurfacing Expense Account; same to be transferred from the Highway State and Receipts Reserved for Appropriation Account.

RE: FY 2018 Allocation not to be appropriated until state adopts their budgets.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 9/0. Councillor Marchand disclosed that he was recusing himself from any portion related to salary and wages.

C-1 Relative to the appropriation of \$1,300,000.00 to the School Department Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) be appropriated to the School Department Expense Account; same to be transferred from the Stabilization Fund.

Note: To be replenished.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 8/0.

C-2 Relative to the appropriation of \$55,000.00 to the School Transportation Expense Account; same to be raised by Fiscal Year 2018 Revenues.

ORDERED: - that the sum of Fifty-five Thousand Dollars (\$55,000.00) be appropriated to the School Transportation Expense Account; same to be raised by Fiscal Year 2018 Revenues.

RE: McKinney-Vento Transportation Aid-State (Homeless).

Upon request of the petitioner, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt 7/0. Councillor David Cormier abstained due to a possible conflict of interest.

2-18 National Grid and Verizon New England, Inc.: Central Street/Route 12 – Install four Jointly owned poles on Central Street/Route 12 beginning at a point approximately 360 feet north of the centerline of the intersection of Research Drive & Central Street/Route 12 and continuing approximately 90 feet in a northern direction.

Upon request of the petitioner, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt 8/0.

3-18 National Grid: Research Drive & Central Street – Install underground electric conduits beginning at a point approximately 360 feet north of the centerline of Research Drive and Central Street/Route 12 and continuing approximately 2500 feet in a westerly direction; also approximately 400 feet of concrete encased conduits and 1 manhole on west side of Central St/Route 12 from pole 150-5. National Grid to petition for approximately 2500 feet of concrete encased conduits and 9 manholes currently in Research Drive that were installed when the road was private as well as three new road crossing from manholes 4,7 & 8.

The following ORDINANCE was read once, ADOPTED as presented and ordered to be published. Vt 8 “yeas”. A hearing was set for August 14, 2017 at 7:10 P.M.

1st Reading Ordinance – Amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” by amending Section 13-34 entitled “No Parking on Certain Streets” by inserting Wachusett Street (south side), from intersection with Pleasant Street for four hundred and fifty feet west.

The following letter was read into the record:

Leominster City Council
25 West Street
Leominster, MA 01453

RE: DOR Review

Members of the City Council:

Following the passage of the Leominster City Council resolution regarding the Department of Revenue, I met with the DOR on Thursday July 20, 2017. This was a preliminary meeting to discuss their range of services and which ones may be of benefit to Leominster.

Immediately, however, the priority is to bring the Leominster School Department up to the same high fiscal management standards as the other departments in the City of Leominster and continue the upgrading and conversion to the MUNIS accounting system. Both of these will be labor intensive and time-consuming.

Here are some of the steps I plan to follow in the upcoming months:

(1) Complete a comprehensive audit of the School Department.

Each year we have an annual audit for both the School Department and City. We will be following that process as usual, but with a more comprehensive audit for the School Department this year to determine how to move toward fiscal accountability and better management.

(2) Continue the upgrading and conversion to the MUNIS accounting system.

City and school employees work very hard to embrace new technology, comply with ever increasing state and federal regulations, and meet high expectations in all aspects of local government. Again, this has and will continue to take a significant amount of staff time to complete this process.

(3) Institute municipal finance and best practices training for the Leominster School Department and Leominster School Committee.

All aforementioned members and employees must have knowledge on how to: develop a budget based on anticipated revenue, establish a priority budget, and set long term goals. It is imperative that they are to create and manage a budget based on the principles of good municipal finance. We cannot formulate a city budget again without a line item budget from the School Department.

(4) Review the list of technical services the DOR offers and look at what is most applicable to the City of Leominster.

Once the City and School Department audits and MUNIS conversion are complete, then the finance team and I will meet with the DOR and review the list of technical services DOR offers and match where they might be able to assist the City. I have learned that one of the challenges DOR faces is, upon completion of the review, communities choose to simply not implement the recommended changes. For example, on several occasions, the DOR has found that too many people report directly to the Mayor. They recommend creating a hierarchy amongst departments where, for instance, five department heads would report to one department head who would then in turn report to the Mayor. Time and again communities have attempted to implement this only to find increased animosity in a system that employees felt was working well before the DOR recommended changes. Or some simply don't like the recommendations and they don't follow through. Another example would be moving the Elections Division out of the City Clerk's Office to address concerns over City employees working for the City Council and the elections department simultaneously.

Again, the purpose of my letter is to update you on my plan for working toward strong fiscal management of the School Department and to address where the DOR may be able to assist us. If you have any questions, please do not hesitate to contact me.

Sincerely,
/S/ Dean J. Mazzarella
Mayor

Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. Vt 8/0. The request from the LEGAL AFFAIRS COMMITTEE to give the petition LEAVE TO WITHDRAW was defeated. Vt 4/4. Councillors Chalifoux Zephir, Feckley, Bodanza and David Cormier opposed. A motion made by Councillor Marchand to give the petition LEAVE TO WITHDRAW WITHOUT PREJUDICE was withdrawn. A motion made by Councillor Freda for FURTHER TIME was passed. Vt 8/0.

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”.

Under Old Business, the following reorganization of the Council Committees was established: Councillor Chalifoux Zephir was removed as the third member of the Street Acceptance Subcommittee and Councillor Pauline Cormier was assigned third member of the Street Acceptance Subcommittee.

REGULAR MEETING OF THE CITY COUNCIL, JULY 24, 2017, Cont.

Under New Business, A committee meeting was established for the President's Committee on Street Acceptance on Monday, August 7, 2017 at 6:00 P.M.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to bring down the Director of Planning to discuss Petition 35-17. Vt 8/0.

MEETING ADJOURNED AT 9:48 P.M.

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