

**6:30 P.M. Informational Meeting:
with Pat LaPointe, Roger
Brooks and Woodard &
Curran RE: Update on
Water Treatment Facilities.**

CITY OF LEOMINSTER

CITY COUNCIL

NOVEMBER 13, 2006

HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.

30-07 National Grid and Verizon New England, Inc.: First Avenue: Install one jointly owned pole on First Avenue beginning at a point approximately 200 feet south of the centerline of the intersection of Mechanic Street. (Public Service)

HEARING BEFORE THE CITY COUNCIL, 7:05 P.M.

Relative to amending Chapter 16, Section 16-31 of the Revised Ordinances entitled "Method of Step Advances" by adding subsection (e) Officers and employees with positions classified in the "S" classification plan that are promoted or transferred to a different position with the "S" classification plan shall be entitled to advance to the next scheduled step for their new position on the subsequent July 1st, notwithstanding that they may have held their new position for less than twelve months. (Legal Affairs Petition # 16-07)

HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.

32-07 Segundo Gutierrez, Jr., on behalf of Ronald C. Largey: Grant a Special Permit to use an existing building located at 146 Hamilton Street, located in an Industrial zone and shown on Assessor's Map 238 as Lot 6, for an auto repair garage and an additional Special Permit for automobile storage within the Flood Plain. (Legal Affairs)

PUBLIC FORUM, 7:45 P.M.**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.****ROLL CALL****COMMUNICATIONS**

- C-27 EMERGENCY PREAMBLE:
Relative to the appropriation of \$548,893.98 to the Wastewater Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-28 Relative to the appropriation of \$594,918.64 to the School Department Transportation Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-29 Relative to the appropriation of \$316,980.11 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-30 Relative to the appropriation of \$5,000.00 to the Building Inspectors Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-31 Relative to the appropriation of \$130,000.00 to the Debt Service Principle Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-32 Relative to the appropriation of \$400,000.00 to the Interest on Loans Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-33 Relative to the appropriation of \$120,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-34 Relative to the appropriation of \$215,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

REGULAR MEETING OF THE CITY COUNCIL, continued**COMMUNICATIONS, continued**

- C-35 Relative to the appropriation of \$200,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-36 Relative to the appropriation of \$302,000.00 to the School Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-37 Relative to the appropriation of \$120,000.00 to the DPW Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-38 Relative to the appropriation of \$3,000.00 to the Cemetery Overtime Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-39 Relative to the appropriation of \$8,000.00 to the Police Department Anti-Drug Task Force Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-40 Relative to the appropriation of \$12,000.00 to the Emergency Management Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-41 Relative to the appropriation of \$200,000.00 to the School Department Expense Account; same to be raised by FY 2007 Revenue. (Finance)
- C-42 Relative to the appropriation of \$30,000.00 to the Medicare Insurance Expense Account; same to be raised by FY 2007 Revenue. (Finance)
- C-43 Relative to the appropriation of \$20,000.00 to the Unemployment Expense Account; same to be raised by FY 2007 Revenue. (Finance)
- C-44 Relative to the appropriation of \$30,000.00 to the Insurance Expense Account; same to be raised by FY 2007 Revenue. (Finance)
- C-45 Relative to the appropriation of \$2,900.00 to the Planning Department Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)

REGULAR MEETING OF THE CITY COUNCIL, continued

COMMUNICATIONS, continued

- C-46 Relative to the appropriation of \$1,500.00 to the Mayor's Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-47 Relative to the appropriation of \$150,000.00 to the Gallagher Building Capital Outlay Expense Account; same to be transferred from the Gallagher Building Revolving Fund. (Finance)
- C-48 Dean J. Mazzaella, Mayor: Accept the Intermunicipal Agreement between the City of Leominster and the Town of Lancaster which outlines the terms and conditions of providing wastewater treatment services to the Town of Lancaster. (Legal Affairs)
- C-49 Dean J. Mazzaella, Mayor: Request that the following streets be closed to traffic for the first annual Holiday Stroll on December 9, 2006 from 4:00 P.M. to 7:00 P.M. as follows:
- Central Street from approximately Tory's Steak through Monument Square
 - Main Street from the corner of Mechanic Street to Depot Square.
 - Main Street from the corner of Depot Square to Columbia Street.
(Public Safety)

PETITIONS

- 35-07 National Grid: Fourth Street: Install one solely owned pole on Fourth Street beginning at a point approximately 123 feet north of the centerline of the intersection of Ridge Street. (Public Service)
- 36-07 Roger H. Brooks: Increase the water user rate from \$1.75 to \$2.15 effective January 1, 2007 due to declining consumption and pending expenses necessary to comply with the Safe Drinking Water Act. (Legal Affairs)
- 37-07 Claire Freda: Place a street light at nearest pole to 32 Sharimar Drive. (Public Safety)

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REGULAR MEETING OF THE CITY COUNCIL, continued**APPOINTMENTS**

Robert L. Larose – Leominster Council on Aging – term to expire April 15, 2008.

MATTERS BEFORE THE CITY COUNCIL**FINANCE**

- C-21 Relative to determining the factor to be used in setting the Fiscal Year 2007 tax rate. (Hearing scheduled for November 27, 2006 at 6:45 P.M.)
- C-24 Relative to the appropriation of \$2,000.00 to the Conservation Expense Account; same to be transferred from the Wetland Fees Reserved for Appropriation Account.
- C-25 Relative to the appropriation of \$400.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account.

PUBLIC SERVICE

- 25-07 Roger Lucier: Accept and approve the layout of “Harbor Light Road” as a public way.
- 30-07 National Grid and Verizon New England, Inc.: First Avenue: Install one jointly owned pole on First Avenue beginning at a point approximately 200 feet south of the centerline of the intersection of Mechanic Street.
- 31-07 Paul DiGeronimo, Lord Nelson Corporation and Johnny Appleseed Realty, LLC: Accept a deed and approve the layout of Richard Road, a portion of Montrose Street and a portion of Sawtelle Road as public ways.

LEGAL AFFAIRS

- C-17 Dean J. Mazarella, Mayor: Amend Chapter 16, Section 16-34, of the Revised Ordinances to change the classification of Secretary (mayor’s secretary) from an S-3 to an S-4 and amend the job title to Mayoral Aide.

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MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS, continued

- C-26 Dean J. Mazzarella, Mayor: Request that a donation account be established for Traffic/Signal Improvements as authorized by Massachusetts General Laws, Chapter 44, Section 53A.
- 32-07 Segundo Gutierrez, Jr., on behalf of Ronald C. Largey: Grant a Special Permit to use an existing building located at 146 Hamilton Street, located in an Industrial zone and shown on Assessor's Map 238 as Lot 6, for an auto repair garage and an additional Special Permit for automobile storage within the Flood Plain.
- 33-07 William C. (Bud) Taylor II: Adopt an Ordinance requiring all appropriations over one million dollars (\$1,000,000.00) that effect property taxes levied by the City of Leominster be affirmed by vote for a debt exclusion through a ballot put before the entire electorate in the City of Leominster prior to the appropriation legally being place on the City Council agenda for approval and this ordinance shall have no exception to it.
- 34-07 Dennis A. Rosa: Research the feasibility and cost of implementing Local Tax Exemptions for Veterans, Chapter 260 of the Acts of 2006, as amended by Chapter 310, §8, 33 and 34 of the Acts of 2006, which includes a new local option; G.L. c.59, §5L .

OLD BUSINESS

2nd Reading Ordinance – amend Chapter 16, Section 16-31 of the Revised Ordinances entitled “Method of Step Advances” by adding subsection (e) Officers and employees with positions classified in the “S” classification plan that are promoted or transferred to a different position with the “S” classification plan shall be entitled to advance to the next scheduled step for their new position on the subsequent July 1st, notwithstanding that they may have held their new position for less than twelve months. (Legal Affairs Petition # 16-07)

NEW BUSINESS

1st Reading Ordinance – amend Chapter 21, Section 21-13 of the Revised Ordinances entitled “Regulation for use of Water” to reflect the homeowners responsibility for the maintenance of the water and sewer service pipe from the main in the street into the dwelling. (Legal Affairs – Petition #27-07)

1st Reading Ordinance – amend Chapter 14 of the Revised Ordinances entitled “Offenses – Miscellaneous” by adding Section 14-19 prohibiting pets at the Johnny Appleseed Arts and Cultural Festival and allowing the City Council to vote to extend this prohibition to other City events or specific public areas as public safety and convenience may require. (Legal Affairs – Petition #26-07)

TABLED PETITION UPON WHICH ACTION IS PROPOSED

PUBLIC SERVICE

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| 42-03 | Claire M. Freda: Accept Danielle Drive and Evergreen Drive as public ways. |
| 56-04 | Eric Wilhelmsen, Hannigan Engineering for J. Crowley Development: Grant a 20ft wide easement, across two parcels of city owned land, for the purpose of connecting a sewer main to an exiting pump station, shown on Assessors Map 382 as parcel 9, which is the site of the new middle school and a narrow strip of land shown as parcel 9A. |
| 45-06 | Walter A. Fiore: Allow a sewer connection for land in Sterling, MA, owned by NMJ Realty Trust for a residential subdivision for homeownership, condominiums and apartment buildings. |
| 96-06 | Bovenzi and Donovan on behalf of Sky Meadow Realty Trust: Accept the deed to Sky Lane and make Sky Lane a public way. |

TABLED PETITION UPON WHICH ACTION IS PROPOSED, continued**LEGAL AFFAIRS**

- 13-07 Susan Chalifoux-Zephir: Grant a Special Permit to use an existing building located at 307 Whitney Street, located in an Industrial zone and shown on Assessor's Map 569 as Lot 19, for a restaurant.
- 19-07 James S. Whitney: Accept and implement the provisions of the newly enacted Massachusetts General Laws, Chapter 43D in its entirety.

Lynn A. Bouchard
City Clerk
November 9, 2006