

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2009

Hearing opened at 6:45 P.M. with Councillor Salvatelli, Chair of the Finance Committee presiding.

All members were present. Councillor Rosa arrived late.

The following COMMUNICATIONS were the subject of the hearing.

- C-110 Relative to the appropriation of \$96,200,000.00 to the General Fund Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Revenue.
- C-111 Relative to the appropriation of \$4,175,000.00 to the Water Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-112 Relative to the appropriation of \$3,300,000.00 to the Sewer Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Sewer Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

Frank Montolio, 168 Stuart Avenue, said he is opposed to the current budget for the Fiscal Year 2010. He said he has spoken to the body before and tries to represent the interest of the taxpayers and the families in this community and they are overburdened by an ever growing and increasing cost in government. He said there are five recent increases that have impacted the taxpayers and families of our community. He said on the top of the list is the just recently passed increase in the State sales tax which represents a 25% increase. He said it also provides the opportunity for communities throughout the Commonwealth to raise additional money for the local communities, so that increase can grow. He said last year, in this community, we passed an approximate 25% plus increase in the water user rate. This year there is currently proposed a 33% over two year increase in the sewer user rate in the City of Leominster. He said the building permit fees that is on the agenda tonight has received the endorsement of this Council is going up \$500.00 and in addition to that there is a proposal to increase the sewer connection fee. He said all of this in the worse economy we've had in this country since the great depression. He said the unemployment rate in this state is 10% and if you go to the industrial states in the Midwest and Michigan it is in the teens and here we are with 25% and 33% increases in the cost of government to the families that live in our community. He said he thinks that is significant and on top of that the inflation rate this year is the lowest it has been since the fifties. He said we have the lowest inflation rate in fifty years and the cost of living daily, we have the highest unemployment rate since the great depression and we are looking at increases to the families throughout this Commonwealth in the neighborhood of 25% to 33%. Does that make any kind of sense?

Mr. Montolio said when he spoke last year he talked about the tax free day which is that day in the year when taxpayer satisfies his total tax obligation. He said we have to work for four months to pay our taxes; state, county, federal and city. Is that not a burden on taxpayers and families? He said the Finance Committee in a meeting with the School Superintendant last week asked why the staff numbers increased from 671 to 742. He said the last he knew the student population was about 6,000, maybe 6,500. If you do that quick math we are talking about a student to staff ration of 8 to 1. Can we afford that? He said when his kids when to Johnny Appleseed and the Ward 4 Councillor was Principal, the average class size as 28 to 30. The goal was to get to 25. Today we must be below 20 and the real tragic part of the story is that while the class size has gone down so has the quality of education.

Mr. Montolio said you can't vote for a tax increase because you are fearful of harm to our children in the quality of their education. That has already happened, and we have thrown lots of money at it and it hasn't worked. We need to take a new directive.

Mr. Montolio said as a business person he went to the local banker and said he has a \$3,000,000.00 business and needs to borrow \$28,000,000 because his business is affecting the atmosphere and environment to such an extent that there are toads 20 miles downstream that are not surviving and he needs to correct that problem. Do you think that banker would endorse that kind of loan to me? He said as he understands it that is what we are doing. The affluent from the treatment plant is sending out phosphorus in a level that is not tolerable by the environment and 20 miles downstream there are some toads being affected by that. It seems to me \$28,000,000.00 is a lot of money to spend on the survival of a toad family. Wouldn't we be better off to relocate them?

Mr. Montolio said with regarding the Water and Sewer Department, he obtained the 2008 Financial Statements from the Comptroller office and operating expense in your water and sewer were \$358,000.00 below budget. He said when the 2009 budget was proposed you would have thought that would have reflected the efficient operation for 2008 but it didn't. When they built the 2009 budget they built it on top of the 2008 budget so was there excess there? Yes. Was there an opportunity to cut back on the budget? Yes. So for those of you who might be prone to vote for this increase because you don't want to affect layoffs, you don't want to harm our children, I suggest to you that in the school department situation he eluded to a while ago, there is lots of room there to reduce the staff. If you look at the 2008 actual expenses for the sewer department and go back to that number he is sure we can reduce the numbers for that department. He said bottom line we can accomplish some savings to the families and taxpayers without any harm to our children, without any layoffs and with benefit to all.

Lawrence Morris, 71 Sacramento Drive, said he isn't sure if he is in favor or against the budget. He said he was reading the budget and the Wire Inspector, on line 838, has an overtime stipend of \$16,380.00 but the Plumbing Inspector doesn't have any overtime and doesn't know why there is a difference. He said in reference to the total budget, when you round the numbers up it's almost \$100,000,000.00 and believes the stabilization fund figures tonight will come in under \$6,000,000.00. He said a few years ago they added \$3,000,000.00 to the total budget for the stabilization fund to bring it up to \$8.5M and the Comptroller and Treasurer said it would give a favorable bond rating if you have 10% of the total budget in the stabilization fund. He said we have to start paying ourselves first. He said if we took 10% of the money each year and put it in the stabilization fund up front and paid ourselves first, he thinks that we would be able to continue getting this closer to the total 10% budget as time goes on.

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2009, continued

Mr. Morris said the sewer use rates started back in the 70's or 80's and that was to be for the design and construction and continued ongoing working expenses of the wastewater treatment plant. He said he was sure there was a bond involved in that. He asked if the bond was paid off or are we still paying on it. If it's been retired then he doesn't remember anyone coming into the Council asking for the sewer use rate to be reduced because the bond is paid off. He said if it hasn't been paid off, in the future when it does get paid off that money will be able to go to the expenses that are coming up. He asked if the \$28,000,000. will be covered by the increase or will they be coming back looking for more money?

Councillor Rosa asked if they received the information from the School Committee regarding the unemployment cost for the cafeteria workers. He said he didn't receive anything in his packet. He said it was an important question because they are raising their unemployment cost by 25% and they couldn't tell him if it was included in their projection. He said in the last three years he has brought this up as an issue as well as other Councillors that their unemployment costs are out of control. He said they haven't given us a good explanation about this except to say through the hiring process sometimes the performance of certain personnel was not up to standards. Mr. Rosa asked how long is this going to go on. He said we're spending well over a quarter of a million dollars in unemployment yet you hire 71-72 additional personnel, this isn't adding up. He said he is concerned that there is some actual questionable spending here and if we are putting these people on unemployment.

Councillor Salvatelli said he also asked the School Committee during a hearing how many were on medical insurance. He said he has never received an answer. We will have to ask for the responses to those questions.

Councillor Marchand asked if C-112 reflected the rate projection increase or are those the existing numbers.

Councillor Rowlands said he does not believe that includes the rate increase. He said the rate increase will go into the following year. He said the importance of the rate increase is to establish that we have a rate structure in place that would finance the debt services on the 20 year loan.

Councillor Marchand said the rate structure proposed does not affect C-111.

Councillor Salvatelli said no, not this year.

HEARING ADJOURNED AT 7:08 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JUNE 8, 2009

Hearing opened at 7:10 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 4, Section 4-2 and Sections 4-2.1 through 4-2.9 of the Revised Ordinances entitled "Buildings" to change the fees charged by the Building Department.

Councillor Rowlands said the initial ordinance form that was sent to us from the City Solicitor had a typing error and has been corrected. The change is on the fourth page, section 4-2.6 Electrical Permit Fees. The correction is an addition under Alarm Systems: 6 units and above each add an additional \$15.00. He said we were assured by the City Solicitor that we are all set this evening to have the hearing and vote on it.

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

Councillor Dombrowski asked Councillor Rowlands if he was expecting anyone from the Building Department to come down?

Councillor Rowlands said no, he was not.

HEARING ADJOURNED AT 7:12 P.M.

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

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 June 8, 2009 were examined and found to be in order. The records were accepted.

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

C-123 Relative to the appropriation of \$985,000.00 to the Street Resurfacing Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

C-124 Relative to the appropriation of \$600,000.00 to the Storm Expense Account; same to be transferred from the Stabilization Account.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A vote was taken to reconsider, SUSPEND THE RULES and take action. Vt. 9/0. The following COMMUNICATION was GRANTED. Vt. 5/4, Councillors Rowlands, Marchand, Dombrowski and Rosa opposed.

C-125 Dean J. Mazarella, Mayor: Request the sum of \$28,000,000 be and hereby is appropriated to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore; provided, however, that not more than \$20,000,000 shall be borrowed pursuant to this Order unless and until the City shall have received either (i) a commitment from the Massachusetts Water Pollution Abatement Trust for a loan for this project in the amount of at least \$28,000,000 at an effective rate of zero percent, or (ii) a commitment of federal stimulus funds or any other grants, gifts or financial assistance for this project in the amount of at least \$8,000,000.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works.

73-09 David E. Rowlands: Waive the sewer connection fee for those homes that are in an exiting residential neighborhood which is at least two years old, without sewer and have contributed \$30,000.00 or more in the sewer infrastructure in the public way.

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

Election Officers – 2009-2010

Registrar of Voters – David L. Higgins – term to expire April 15, 2012

Councillor Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record.

Free Cash:	\$772,405.58
Stabilization Account:	\$5,756,771.17
Interest Earned:	\$177,301.20
Emergency Reserve:	\$3,450,000.00

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt.9 “yeas”

C-106 Relative to the appropriation of \$71,740.00 to the Assessor’s Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seventy One Thousand Seven Hundred Forty Dollars (\$71,740.00) be appropriated to the Assessor’s Revaluation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-107 Relative to the appropriation of \$33,555.00 to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Thirty Three Thousand Five Hundred Fifty Five Dollars (\$33,555.00) be appropriated to the Cemetery Salary & Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-108 Relative to the appropriation of \$35,000.00 to the Economic Development Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - That the sum of Thirty Five Thousand Dollars (\$35,000.00) be appropriated to the Economic Development Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: The money is requested for assistance in the operation and maintenance of the Johnny Appleseed Visitors Center, located on Route 2.

C-109 Relative to the appropriation of \$10,000.00 to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.

ORDERED: - That the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.

RE: These funds are to be used to purchase a new copy machine.

A motion was made by Councillor Rosa to cut the budget by \$100,000.00. The motion was not seconded.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED.

Vt. 6 "yeas" and 3 "nays"; Councillors Rowlands, Dombrowski and Rosa opposed. Councillor Tocci disclosed that her brother is on the Police Department, Councillor Marchand disclosed that he has family that works for the School Department and Councillor Nickel disclosed that he has a son on the Fire Department. They will be voting on the budget as a whole and not on the individual line items. Entire budget on page _____.

C-110 Relative to the appropriation of \$96,200,000.00 to the General Fund Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Revenue.

ORDERED: - that the sum of Ninety Six Million Two Hundred Thousand Dollars (\$96,200,000.00) be appropriated to the General Fund Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Revenue.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 "yeas" and 3 "nays"; Councillors Rowlands, Dombrowski and Marchand opposed.

C-111 Relative to the appropriation of \$4,175,000.00 to the Water Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Water Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

ORDERED: - that the sum of Four Million One Hundred Seventy Five Thousand Dollars (\$4,175,000.00) be appropriated to the Water Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Water Department estimated receipts.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt.5 "yeas" and 4 "nays"; Councillors Rowlands, Dombrowski, Marchand and Rosa opposed. Upon reconsideration the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 "yeas" and 3 "nays"; Councillor Rowlands, Marchand and Dombrowski opposed.

C-112 Relative to the appropriation of \$3,300,000.00 to the Sewer Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Sewer Department Estimated Receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.

ORDERED: - that the sum of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) be appropriated to the Sewer Department Fiscal Year 2010 Budget; same to be raised by Fiscal Year 2010 Sewer Department estimated receipts.

Upon request of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-113 Relative to the appropriation of \$7,281.00 to the Collector Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seven Thousand Two Hundred Eighty One Dollars (\$7,281.00) be appropriated to the Collectors Salary and Wages Account; same to be transferred from the Excess and Deficiency Account.

C-114 Relative to the appropriation of \$61,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

ORDERED: - that the sum of Sixty One Thousand Dollars (\$61,000.00) be appropriated to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

C-115 Relative to the appropriation of \$49,226.00 to the Municipal Buildings Salary & Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

ORDERED: - that the sum of Forty Nine Thousand Two Hundred Twenty Six Dollars (\$49,226.00) be appropriated to the Municipal Buildings Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

RE: This money is requested to fund the Master Craftsman position.

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C-116 Relative to the appropriation of \$307,775.00 to the School Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Hundred Seven Thousand Seven Hundred Seventy Five Dollars (\$307,775.00) be appropriated to the School Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: These funds are to be utilized to fund two projects:

1. Leominster High School Rehab of Science Lab (\$120,000.00)
2. Rehab projects at JA Elementary School (\$187,775.00)

C-117 Relative to the appropriation of \$48,500.00 to the Sewer Expense Account; same to be transferred from the Sewer Capital Outlay Expense Account.

ORDERED: - that the sum of Forty Eight Thousand Five Hundred Dollars (\$48,500.00) be appropriated to the Sewer Expense Account; same to be transferred from the Sewer Capital Outlay Expense Account.

C-118 Relative to the appropriation of \$5,000.00 to the Water Overtime Account; same to be transferred from the Water Capital Outlay Expense Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Water Overtime Account; same to be transferred from the Water Capital Outlay Expense Account.

C-122 Relative to the appropriation of \$100,000.00 to the FY 2010 Worker's Compensation Expense Account; same to be transferred from the following listed previous years Worker's Compensation Loss Funds:

FY 05	\$10,000.00
FY 06	\$ 8,000.00
FY 07	\$ 50,000.00
FY 08	\$ 32,000.00

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the FY 2010 Worker's Compensation Expense Account; same to be transferred from the following listed previous years Worker's Compensation Loss Funds.

FY 05	\$10,000.00
FY 06	\$ 8,000.00
FY 07	\$ 50,000.00
FY 08	\$ 32,000.00

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

36-09 David Rowlands: Accept Wildflower Road as a public way.

37-09 David Rowlands: Accept Farm Hill Road as a public way.

Upon a MINORITY recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 5 "yeas" and 4 "nays"; Councillors Tocci, Rowlands, Dombrowski and Marchand opposed. A MAJORITY recommendation of the LEGAL AFFAIRS COMMITTEE to DENY was defeated. Vt. 4 "yeas" and 5 "nays"; Councillors Salvatelli, Lanciani, Freda, Rosa and Nickel opposed.

70-09 Roger Brooks: Amend Chapter 21, Section 21-22.3 entitled "Sewer user rate schedule" to increase the City unit rate from \$2.30 to \$2.60, the Lunenburg Inter-Municipal Agreement unit rate from \$2.90 to \$3.20 and the out of City unit rate from \$5.40 to \$6.00 effective October 1, 2009 and further increase the City unit rate from \$2.60 to \$3.05, the Lunenburg Inter-Municipal Agreement unit rate from \$3.20 to \$3.65 and the out of City unit rate from \$6.00 to \$6.60 effective October 1, 2010.

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

71-09 Barbara Drury and ten registered voters: Request that the Leominster Zoning Ordinance be changed to add an entry to the Table of Uses under Business Uses that allows a dog kennel with overnight boarding in a Rural Residential zone with a Special Permit from the Planning Board. (A hearing is scheduled for July 13, 2009 at 7:00 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

72-09 Roger Brooks: Amend Chapter 21, Section 21-22.3 entitled "Sewer user rate schedule" to change the rates for users who utilize sewer service only based on the Environmental Protection Title V flow guidelines.

Upon recommendation of the SMALL BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 8/1; Councillor Rowlands opposed.

C-121 Dean J. Mazzarella, Mayor and Lisa Vallee, Economic Development Coordinator: Approve Orchard Hill Park as an Economic Opportunity Area under the Economic Development Incentive Program.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATIONS were GRANTED. Vt.9/0

C-119 Dean J. Mazzarella, Mayor: Authorize the Mayor to pursue additional funds in the amount of \$24,947.00 through the Department of Justice JAG Program.

C-120 Dean J. Mazzarella, Mayor: Establish a Storm Expense Donation Account as authorized by M.G.L Chapter 44, Section 53A, to enable the City to accept grants and donations to cover costs related to the December 2008 ice storm.

Under Old Business, Councillor Marchand, Chairman of the President's Drinking Water Oversight Committee said he things a strong statement was made tonight by the three members of this committee. He said there is frustration and some of it is fostered by a lack of caring or communication by one of the vendors that is one of the biggest stakeholders that affects the water quality in the City of Leominster.

Council President Nickel thanked the Finance Committee, particularly the Chairman. He said he appreciates all they have done.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 7 "yeas" and 2 "nays"; Councillor Rosa and Marchand opposed.

City of Leominster
In the year two thousand and nine

AN ORDINANCE

amending Chapter 4 of the Revised Ordinances, entitled "Buildings."

Chapter 4 of the Revised Ordinance, entitled "Buildings," is hereby amended by deleting Section 4-2 in its entirety and inserting in its place the following:

Sec. 4-2. Gas piping installations and appliance fees.

The following fees shall be charged for:

New construction:

Single- and two-family and additions, fifty dollars, plus six dollars per appliance.

Commercial and industrial buildings, seventy-five dollars, plus ten dollars per appliance.

Church and schoolhouse, fifteen dollars, plus three dollars per appliance.

Residential pool heater, fifty dollars.

Commercial pool heater, seventy-five dollars.

Remodeling, repairs, renovations, alterations:

Single- and two-family

Gas Test: twenty dollars.

Plumbing: Basic, thirty-five dollars, plus six dollars per fixture.

Gas: Basic, thirty-five dollars, plus six dollars per appliance.

Residence commercial, three-family, and over:

Gas: thirty dollars.

Gas Test: fifty dollars.

Commercial Buildings:

Plumbing: Basic, fifty-five dollars, plus eight dollars per fixture.

Gas: Basic, fifty-five dollars, plus eight dollars per appliance.

Replacement of Hot Water Heaters: Thirty dollars per heater.

Replacement of Gas Appliances: Thirty dollars per appliance.

Demolished Buildings:

Cap Server: Basic, fifty dollars.

Residential 2nd Water Meter: Fifty dollars, plus six dollars per fixture.

Commercial 2nd Water Meter: Fifty dollars, plus ten dollars per fixture.

Back Flow Preventer

Residential: Thirty-eight dollars.

Commercial: Forty dollars.

Lawn Sprinklers

Residential: Forty-five dollars.

Commercial: Fifty-five dollars.

Re-Inspection: Fifty dollars per inspection.

Interpretation of fees:

All interpretations of the fee structure will be made by the appropriate division of the Division of Code Enforcement. The interpretation of the Director will be final. Inspection fees for designated use groups shall be as set forth in Table 106 of this ordinance. Any fee for an item not specifically listed in the manual will be determined by the division director and will be an official interpretation.

Inspection:

All inspections are by personal appointment only and shall be scheduled by the Director. Chapter 4 of the Revised Ordinances is hereby further amended by deleting Sections 4-2.1 through 4-2.9 in their entirety and inserting in their place the following:

Sec. 4-2.1. Building permit fees.

- (a) For a total estimated cost of up to one thousand dollars, a fee of twenty-two dollars;
- (b) For a total estimated cost of each additional one thousand dollars or a portion thereof, a fee of seven dollars;
- (c) For reinspection (being not ready when called for), a fee of fifty dollars per inspection.

Sec. 4.2.2. Mobile home permit fees.

The following fees shall be charged for each:

- (1) For base fee, including concrete pads, stairs and patio roof, a fee of one hundred sixty-five dollars;
- (2) For reinspection (being not ready when called for) a fee of fifty dollars per inspection.

Sec. 4-2.3. Signs.

The following fees shall be charged:

- (1) For a total estimated cost of up to one thousand dollars, a fee of twenty-two dollars;
- (2) For a total estimated cost of each additional one thousand dollars or portion thereof, a fee of eleven dollars;
- (3) For reinspection (being not ready when called for) a fee of fifty dollars per inspection.

Sec. 4-2.4. Mechanical systems (heating, solar systems, air conditioning, etc.).

The following fees shall be charged:

- (1) For each system, a fee of twenty-two dollars;
- (2) For reinspection (being not ready when called for) a fee of fifty dollars per inspection.

Sec. 4-2.5 Solid fuel stoves, fireplaces and chimneys.

The following fees shall be charged:

- (1) For each system, a fee of forty dollars;
- (2) For reinspection (being not ready when called for) a fee of fifty dollars per inspection.

Sec. 4-2.6. Electrical permit fees.

Minimum fee	\$45.00
Temporary service	45.00

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2009, continued

Alarm systems	
1-5 units	45.00
6 units and above each add	15.00
Service Charge	
100 and 200 amp	45.00
Over 200 amp	80.00
Maintenance permit	155.00
Reinspection fee, second one free, Three or more	65.00

Fees for work done in conjunction with a building permit shall be included with the building permit. Such fees shall be thirty-five percent of the building fee, or forty-five dollars, whichever is greater.

Sec. 4-2.7. Demolition permit fees.

The following fees shall be charged for each individual building;

- (1) For one- and two-family dwellings, a fee of one hundred fifty dollars;
- (2) For multifamily, commercial and industrious buildings, a fee of three hundred dollars.

Sec. 4-2.8 Penalty.

(a) For failure to apply for a permit before construction has started, all fees are doubled.

Sec. 4-2.9 Building department service fees.

The following fees shall be charged:

- (1) For a written opinion, a fee of thirty dollars.
- (2) For inspections relating to a written opinion, a fee of thirty dollars per inspection.

Use Group	Use Group	Use Group Description	Minimum Inspections	Maximum Certification Period	Existing Fee	Proposed Fee
A-1	Assembly-Theaters over 400 capacity	With stage and scenery Movie Theater	Semi-Annual	one year	\$75.00	\$135.00
			Semi-Annual	one year	\$75.00	\$135.00
A-1	Assembly-Theaters 400 or less capacity	With stage and scenery Movie Theater	Annual	one year	\$40.00	\$70.00
			Annual	one year	\$40.00	\$70.00
A-2	Assembly-Night Clubs or similar uses	Over 400 capacity 400 or less capacity	Semi-Annual	one year	\$75.00	\$135.00
			Annual	one year	\$40.00	\$80.00
A-3	Assembly Lecture Halls, recreation centers, terminals, etc	Over 400 capacity 400 or less capacity	Semi-Annual	one year	\$40.00	\$70.00
			Annual	one year	\$40.00	\$70.00 note a
A-4	Assembly	Churches, low density, recreation & similar uses	Prior to issuance of each new certificate	five years	\$40.00	\$100.00
A-5	Assembly	Stadiums, bleachers, places of outdoor assembly	Prior to issuance of each new certificate	one year		note b
"A"	Special Amusement Buildings or portions thereof	Special Amusement Buildings or portions thereof	Annually prior to issuance of a new certificate	one year		\$100.00
E	Educational	Educational	Prior to issuance of each new certificate	one year	\$40.00	\$70.00
E	Day Care	Child day care center	Prior to issuance of each new certificate	one year	\$40.00	\$70.00
I-2	Institutional	Incapacitated-hospitals, nursing homes, mental hospitals, certain day care facilities	Prior to issuance of each new certificate	two years	\$75.00	\$150.00 note d
I-3	Institutional	Restrained-prisons, jails, detention center, etc	Prior to issuance of each new certificate	two years		note c
R-1	Residential	Hotels, motels, lodging houses, dormitories, etc (note g)	Prior to issuance of each new certificate	one year	40	\$70.00 note e
R-2	Residential	Multi family (note g)	Prior to issuance of each new certificate	five years		note f
R-1	Residential Special Occupancy	Detoxification facilities	Prior to issuance of each new certificate	two years	\$75.00	\$150.00
R-2	Residential Special Occupancy	Summer camps for children	Annual	one year	\$15.00	\$50.00 note h
R-3 or R-4	Residential Special Occupancy	Group Residence	Annual	one year	\$15.00	\$50.00 note h
R-5	Residential Special Occupancy	Limited Group Residence	Annual	one year	\$15.00	\$50.00 note h

Notes Applicable to Table 106

- Note a.** For *buildings* or *structures*, or parts thereof, in the A-3 Use Group categories, with capacities over 400, the fee to be charged for the maximum certification period of one year is \$135 for accommodations for up to 5,000 persons, plus \$25 for the accommodations for each additional 1,000 persons or fraction thereof.
- Note b.** For all *buildings* or *structures*, or parts thereof, in A-5 Use Group, the fee to be charged for the maximum certification period of one year is \$70 for seating accommodations for up to 5,000 person, plus \$15 for the accommodations for each additional 1,000 persons or fraction thereof.
- Note c.** For all *buildings* and *structures*, or parts thereof, in the I-3 group, the fee to be charged for the maximum certification period of two years is \$150 for each structure containing up to 100 beds, plus a \$5 charge for each additional bed or fraction thereof over the initial 100 beds.
- Note d.** For hospitals, nursing home, sanitariums and orphanages in the I-2 Use Group, the fee to be charged for the maximum certification period of two years is \$150 for each *structure* containing up to 100 beds, plus a \$5 charge for each additional 10 beds or fraction thereof over the initial 100 beds. All other *buildings* or *structures* or parts thereof in the I-2 Use Group classification shall be charged a fee of \$135 for a two year maximum certificate period.
- Note e.** For all building and structures or parts thereof, in the I-2 Use Group, the fee to be charged for the maximum certification period of one year shall be \$70 for up to 5 units, and \$5 per unit. A unit shall be defined as follows:
- two hotel guest rooms;
two lodging house guest rooms;
two boarding house guest rooms; or
four dormitory beds
- Note f.** For all buildings and structures or parts thereof in the R-2 Use Group, the fee to be charged for the maximum certification period of five years shall be \$135, plus \$5 per dwelling unit except that three family dwelling units shall be exempt from such fees.
- Note g.** For purposed of determining the required number of inspection, the maximum certification period, and the fees, as specified in Table 106, dormitories are included in the R-1 Use Group classification rather than the R-2.
- Note h.** Summer camps, R-3, R-4 and R-5 for children in Use Group R-2 shall be inspected and certified annually prior to the beginning of each season. The annual fee shall be \$50. A fee of \$15 for each additional 25 residential units; and \$15 for each assembly building or use. (A residential unit for this purpose shall be defined as four beds).

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 8 “yeas” and 1 “nay; Councillor Rowlands opposed.

RESOLUTION

**DESIGNATION OF THE ORCHARD HILL PARK
ECONOMIC OPPORTUNITY AREA**

WHEREAS, Chapter 23A, Section 3A through F as amended by Chapter 19 of the Acts of 1993, establishes the Economic Development Incentive Program (EDIP);

WHEREAS, the EDIP is designed to promote increased business development and expansion in Economic Target Areas (ETAs) and Economic Opportunity Areas (EOAs) of the Commonwealth of Massachusetts.

WHEREAS, the City of Leominster is part of the North Worcester County Economic Target Area (ETA);

WHEREAS, the City Council of the City of Leominster strongly supports increased economic development to provide additional jobs for the City residents, and industrial activity within the City to promote and develop a healthy economy and stronger tax base;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leominster that:

1. The City Council hereby authorizes the submission of the City of Leominster Economic Opportunity Area application to the Massachusetts Economic Assistance Coordinating Council;
2. The City authorizes the designation of the following as an Economic Opportunity Area;
 - a. Orchard Hill Park EOA as defined by the City of Leominster’s Assessor’s Map Parcel numbers, 386-4-1C, 386-4-2-F, 369-1-4, 369-1-2, 369-1-3, 369-1-1B, 368-4-5 as further detailed on the attached Leominster Assessor’s Map.
3. The City Council hereby agrees to offer either tax increment financing or special tax assessment to each Certified Project located within the Leominster Business Park Economic Opportunity Area.

ADOPTED BY THE LEOMINSTER CITY COUNCIL.

COMMUNICATION – C-121

DATE: 6-22-2009

Adopted by the Leominster City Council on
June 22, 2009 by a vote of 8/1.
/s/ Lynn A. Bouchard, City Clerk and
Clerk of the City Council.

Approved:
/s/ Mayor Dean J. Mazzarella
June 23, 2009

HEARING BEFORE THE CITY COUNCIL, JUNE 22, 2009, continued

The following ORDINANCE was read once, adopted as presented. A hearing was set for July 13, 2009 at 6:55 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 16-31 (d) of the Revised Ordinances entitled “Method of step advance” to eliminate advancement to the next scheduled step rate for Fiscal Year 2010 for those employees in the “S” classification plan.

The following LOAN ORDER was read once, ADOPTED as presented. A hearing was set for June 29, 2009 at 6:30 P.M. Vt. 6 “yeas” and 3 “nay”; Councillors Dombrowski, Marchand and Rowlands opposed.

1st Reading Loan Order - that the sum of \$28,000,000 be and hereby is appropriated to pay costs of engineering, planning, designing, constructing and equipping wastewater treatment and related facilities in and for the City, including the payment of all costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefor; provided, however, that not more than \$20,000,000 shall be borrowed pursuant to this Order unless and until the City shall have received either (i) a commitment from the Massachusetts Water Pollution Abatement Trust for a loan for this project in the amount of at least \$28,000,000 at an effective rate of zero percent, or (ii) a commitment of federal stimulus funds or any other grants, gifts or financial assistance for this project in the amount of at least \$8,000,000.

Under New Business Councillor Marchand asked the Chairperson of the Ways & Means to speak with the Mayor in regards to getting the Carter School property cleaned up. He said there has to be some type of Board of Health regulations that can fine them to get it cleans up. He said it is not just an eyesore but a huge public safety issue as well.

Councillor Freda asked if there was a foreclosure on that property.

Councillor Marchand said he wasn't sure.

Councillor Lanciani requested that the Clerk call Brian Riley in the morning to confirm that the Council was procedurally correct so they can make any corrections if needed at the next meeting.

Councillors Salvatelli, Marchand, Rosa and Freda had questions on votes necessary to pass and procedure questions.

Council President Nickel said we will have Mr. Riley come the night of the special meeting and he can address the Councillors questions..

Councillor Freda said it was a very sad day at Fallbrook School today. There wasn't a dry eye in the place. She said there was a lot of respect for John Mendez. His departure will surely be missed. She said Westboro is very lucky and she wishes him the best.

MEETING ADJOURNED AT 11:30 P.M.

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