

**Council President**

David R. Cormier

**Council Vice President**

Pauline M. Cormier



**Councillors-at-Large**

Thomas F. Ardinger  
Susan Chalifoux-Zephir  
Todd M. Deacon  
Claire M. Freda

**Ward Councillors**

Ward 1 – William A. Brady  
Ward 2 – Pauline M. Cormier  
Ward 3 – David R. Cormier  
Ward 4 – Mark C. Bodanza  
Ward 5 – Peter A. Angelini

**AGENDA**

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**OCTOBER 10, 2023**

**APPLESEED RESTAURANT**

**122 GRANITE STREET, LEOMINSTER, MA 01453**

**PUBLIC HEARING, 6:25 P.M.**

- 6-24 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Maple Ave - National Grid to install 1 JO Pole on Maple Ave beginning at a point approximately 200' feet north of the centerline of the intersection of Maple Ave and West St. Install new Pole # 1-84 on Maple Ave.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Maple Ave - Leominster - Massachusetts. No. 30786056 July 18, 2023

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. *(Public Service Committee; Regular Course 08/28/203; Public Hearing 09/18/2023 at 6:51 PM; Continued Public Hearing 10/10/2023 at 6:25 PM; Majority Vote)*

2023 OCT -5 PM 12:22  
RECEIVED, CLERK

**PUBLIC HEARING, 6:30 P.M.**

- 9-24 Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: West St - National Grid to install 1 SO Pole on West St beginning at a point approximately 50' feet NNW of the centerline of the intersection of West St and University St. Install 1 SO Stub Pole # 50-84 to replace tree guy. Location approximately as shown on plan attached.  
Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - West St - Leominster -Massachusetts. No.# 30844056 September 6, 2023.  
Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.  
*(Public Service Committee; Regular Course 09/11/2023; Public Hearing 09/25/2023 At 6:47 PM; Continued Public Hearing 10/10/2023 at 6:30PM; Majority Vote)*

**PUBLIC HEARING, 6:35 P.M.**

- 5-24 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:  
  
Mechanic St - National Grid to install 1 JO Pole on Mechanic St beginning at a point approximately 130' feet east of the centerline of the intersection of Johnny Appleseed Lane and continuing approximately 45 feet in a north direction. Install midspan pole approximately 40' west of Pole # 89-50 for new service from DOT traffic cameras on I-190. Location approximately as shown on plan attached.  
Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked- Mechanic St – Leominster - Massachusetts. No. 30611455 July 28, 2023.  
  
Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.  
*(Public Service Committee; Regular Course 08/28/2023; Public Hearing; 09/18/2023, at 6:50 PM; Continued Public Hearing 10/10/2023 at 6:35 PM; Majority Vote)*

**PUBLIC HEARING, 6:39 P.M.**

- 7-24 Sgt. Greg Robichaud: Respectfully request that the ordinance governing the parking garage between Merriam Avenue and Colburn Court be revised. This is due to the fact that the existing ordinance references making payments to parking meters that are no longer in service. The current system used at the parking garage is one of free parking in all areas except where posted "Permit Parking Only" with the permits being issued by the Leominster City Hall. *(Legal Affairs; Regular Course 09/18/2023; Public Hearing 9/25/2023, at 6:35 PM; Continued Public Hearing 10/10/23 at 6:39 PM; Majority Vote)*

**PUBLIC HEARING, 6:40 P.M.**

- 13-24 Mark C. Bodanza, Ward 4 Councillor; Request to amend Chapter 13 of the revised ordinance section 13-75 entitled "Speed limits – Specific Streets" by inserting: "Lowe Street in its entirety, at twenty-five miles per hour" *(Legal Affairs; Regular Course 9/25/2023; Public Hearing 10/10/2023 at 6:40 PM; Majority Vote)*

**PUBLIC HEARING, 6:45 P.M.**

- 10-24 Susan Chalifoux-Zephir; Councillor At Large; Request to amend Chapter 7 entitled "Electricity", Section 7-5 "Placement of street lights over public ways", Paragraph (a) as follows: "(a) Any person or company desiring to construct a line, wire, pole or conduit utilized for the transmission of electricity shall, in writing, petition the city council to install said apparatus and wire dedicated to the illumination of a public way. A public hearing shall be held on the petition, and written notice of the time and place of the hearing along with a copy of the proposed plan shall be mailed at least seven days prior thereto by the clerk of the city to all owners of real estate abutting the part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation. After said public hearing, the city council may, by order grant to the petitioner a location for such line specifying therein where the poles, piers, abutments or conduits may be placed, and in respect to overhead lines may also specify the kind of poles, piers or abutments which may be used, the number of wires or cables which may be attached thereto and the height to which the wires or cable may run. *(Legal Affairs Committee; Regular Course 09/18/2023; Public Hearing; October 10, 2023, at 6:45 PM; Majority Vote)*

**PUBLIC HEARING, 6:50 P.M.**

11-24 Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named. Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked - Church St & West St Leominster - Massachusetts. The following are the streets and highways referred to: Plan number# 30552233. Church St & West St - National Grid to install +/- 650' of conduit from Manhole# 19 West St to Manhole #17 Church St. (*Public Service Committee; Regular Course 09/18/2023; Public Hearing 09/25/2023; at 6:47 PM; Majority Vote*)

**PUBLIC HEARING, 6:51 P.M.**

12-24 Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: West St National Grid to install 1 SO Pole on West St beginning at a point approximately 145' feet east of the centerline of the intersection of School St and continuing approximately 18 feet in a north direction. Install 1x new pole approximately 18'. Install new duct bank approximately 120' from MI-122 to Pole # 1 and new Pole # 2-1. Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - West St - Leominster - Massachusetts.

No.# 30552208 September 11, 2023

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes. (*Public Service Committee; Regular Course 09/18/2023; Public Hearing 09/25/2023; at 6:51 PM; Majority Vote*)

**PUBLIC FORUM, 6:55 P.M.**

The public forum is an opportunity for any member of the audience to speak on a matter specifically listed on the Council Agenda. Speakers will be asked to come to the microphone and state their formal name and address along with identifying the specific item(s) they wish to address. Each speaker is respectfully asked to keep their comments within a two (2) minute time frame. The Council will not be responding or answering any questions; however, at the discretion of the Council President, clarification may be given.

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**I. REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL OF COUNCILLORS IN ATTENDANCE**

**IV. APPROVAL OF RECORDS**

- September 18, 2023, Special Meeting
- September 25, 2023

**V. COMMUNICATIONS FROM THE MAYOR**

- C-15 Dean J. Mazzearella, Mayor; Request that an appropriation of \$15,000.00 be made to the Johnny Appleseed 250<sup>th</sup> Account; the same amount to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 10/10/2023; 2/3 Vote)*
- C-16 Dean J. Mazzearella, Mayor; Request that an appropriation of \$17,150.00 be made to the Information Technology Expense Account; the same to be transferred from Capital Stabilization. *(Finance Committee; Regular Course 10/10/2023; 2/3 Vote)*
- C-17 Dean J. Mazzearella, Mayor; Request that an appropriation of \$2,500.00 be made to the Cemetery Capital Account; the same amount to be transferred from the Cemetery Perpetual Care Account. *(Finance Committee; Regular Course 10/10/2023; 2/3 Vote)*
- C-18 Dean J. Mazzearella, Mayor; Request that an appropriation of \$500,000.00 be made to the Flood Fund; the same amount to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 10/10/2023; 2/3 Vote)*

## COMMUNICATIONS FROM THE MAYOR, continued

### Appointment

- C-19 Dean J. Mazzarella, Mayor; Request the appointment of the following individual to the Conservation Commission. Nicholas Venti, 838 Wachusett St., Leominster, MA.  
Term to expire April 15, 2026.

*(Ways and Means Committee; Regular Course 10/10/2023; Majority Vote)*

## VI. PETITIONS FIRST TIME ON THE AGENDA

- 14-24 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Adams St - National Grid to install 1 JO Pole on Adams St beginning at a point approximately 50' feet south of the centerline of the intersection of Bowen Place and continuing approximately 20 feet in an east direction. National Grid to remove stub pole from private property and relocated to public right of way.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Adams St- Leominster - Massachusetts.  
**No. 30784328** September 21, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively. for municipal purposes. *(Public Service Committee; Regular Course 10/10/2023; Public Hearing; 10/23/2023; at 6:50 PM; Majority Vote)*

**PETITIONS FIRST TIME ON THE AGENDA, continued**

15-24 Richard M. Marchand: Request to close Monument Square as well as the following. *“The use of downtown Leominster to host the 31<sup>st</sup> Annual Johnny Appleseed Arts and Cultural Festival in collaboration with the anticipated events in the City of Leominster celebrating “Johnny Appleseeds” 250<sup>th</sup> birthday. If the event needs to be postponed, the rescheduling requested is Saturday, September 21<sup>st</sup>, 2024.”*

The areas downtown that I ask to be closed off for limited access such as public safety and main stage access only include the following:

1. From the intersection of School Street and West Street down West Street to the intersection of Main Street.
2. The entire distance of Park Street to the intersection of Main Street.
3. Main Street from the intersection of Mechanic Street and Merriam Avenue.
4. The use of the City Hall parking lot as well as the parking lot adjacent to the City Hall. Said area shall be used for providing space for youth groups and the parking lot party for children.
5. The parking lot between the First Baptist Church and the First Church Unitarian. All abutters shall be notified pending the decision by the City Council. *(Public Service committee, Regular Course, 10/10/2023; Majority Vote)*

16-24 Pauline Cormier, Ward 2 Councillor; Request to create a crosswalk at the intersection of Mechanic Street and Johnny Appleseed Lane. See Attached. *(City Property, Regular Course 10/10/2023; Majority Vote)*

17-24 Mark C. Bodanza, Ward 4 Councillor: Request to amend the revised ordinance Chapter 13 Section 13-34 entitled "No parking on certain streets" by inserting: Adams Street 30 feet east of the driveway at 98 Adams Street and 30 ft west of the driveway at 98 Adams street. *(Legal Affairs Committee; Regular Course 10/10/2023; Public Hearing 10/23/2023 at 6:45PM; Majority Vote)*

## **PETITIONS FIRST TIME ON THE AGENDA, continued**

- 18-24 The Sterling Municipal Light Department (SMLD) requests permission to locate telecommunication conduits, wires, and fixtures along and across the following public way: Research Drive, Leominster, MA - The SMLD to install fiber telecommunication cables in existing conduit and manholes along existing utility right of way, beginning at a point approximately 60' feet SSW of the centerline of the intersection of Research Drive and Central Street (Route 12) continuing approximately 2,460' NNE along Research Drive. Location approximately as shown on plans attached. Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain wires, together with such sustaining and protecting fixtures as it may find necessary, said wire to be installed substantially in accordance with the plans filed herewith marked -Research Drive, Leominster, Massachusetts WO# 23-33, Sheets I through 8, dated September 28, 2023. Additionally, permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections in such manholes and buildings as each of said petitioners may desire for telecommunication purposes. Your petitioner agrees to reserve space for the fire and police signal wires belonging to the municipality and used exclusively for municipal communication purposes. *(Public Service; Regular Course 10/10/2023; Public Hearing 10/23/2023 at 6:40 PM; Majority Vote)*

## **VII. MATTERS BEFORE THE CITY COUNCIL**

## **VIII. FINANCIAL REPORT**

## **IX. FINANCE**

- 3-24 Claire Freda, Councillor At-large, prohibit the City of Leominster from retaining any equity remaining on a taxpayer's property after all Municipal tax liability, incurred fees and charges have been satisfied after a foreclosure auction. If a property is sold after the city's liability has been met, all equity shall be returned to the property owner. Also, that the City shall not engage with any third party that would participate in the practice of "equity theft". *(Finance Committee; Regular Course 08/14/2023; Majority Vote)*



**X. PUBLIC SERVICE**

- 5-24 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Mechanic St - National Grid to install 1 JO Pole on Mechanic St beginning at a point approximately 130' feet east of the centerline of the intersection of Johnny Appleseed Lane and continuing approximately 45 feet in a north direction. Install midspan pole approximately 40' west of Pole # 89-50 for new service from DOT traffic cameras on I-190. Location approximately as shown on plan attached.

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Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

*(Public Service Committee; Regular Course 08/28/2023; Public Hearing; 09/18/2023, at 6:50 PM; Continued Public Hearing 10/10/2023 at 6:35 PM; Majority Vote)*

- 6-24 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Maple Ave - National Grid to install 1 JO Pole on Maple Ave beginning at a point approximately 200' feet north of the centerline of the intersection of Maple Ave and West St. Install new Pole # 1-84 on Maple Ave.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Maple Ave - Leominster - Massachusetts. No. 30786056 July 18, 2023

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

*(Public Service Committee; Regular Course 08/28/2023; Public Hearing 09/18/2023 at 6:51 PM; Continued Public Hearing 10/10/2023 at 6:25 PM; Majority Vote)*

**PUBLIC SERVICE, continued**

- 9-24 Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: West St - National Grid to install 1 SO Pole on West St beginning at a point approximately 50' feet NNW of the centerline of the intersection of West St and University St. Install 1 SO Stub Pole # 50-84 to replace tree guy. Location approximately as shown on plan attached. Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - West St - Leominster -Massachusetts. No.# 30844056 September 6, 2023. Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. *(Public Service Committee; Regular Course 09/11/2023; Public Hearing 09/25/2023 At 6:47 PM; Continued Public Hearing 10/10/2023 at 6:30PM; Majority Vote)*
- 11-24 Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named. Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked - Church St & West St Leominster - Massachusetts. The following are the streets and highways referred to: Plan number# 30552233. Church St & West St - National Grid to install +/- 650' of conduit from Manhole# 19 West St to Manhole #17 Church St. *(Public Service Committee; Regular Course 09/18/2023; Public Hearing 09/25/2023; at 6:47 PM; Majority Vote)*

## **PUBLIC SERVICE, continued**

12-24 Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: West St National Grid to install 1 SO Pole on West St beginning at a point approximately 145' feet east of the centerline of the intersection of School St and continuing approximately 18 feet in a north direction. Install 1x new pole approximately 18'. Install new duct bank approximately 120' from MI-122 to Pole # 1 and new Pole # 2-1.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - West St - Leominster - Massachusetts.

No.# 30552208 September 11, 2023

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes. *(Public Service Committee; Regular Course 09/18/2023; Public Hearing 09/25/2023; at 6:50 PM; Majority Vote)*

## **XI. LEGAL AFFAIRS**

13-24 Mark C. Bodanza, Ward 4 Councillor; Request to amend Chapter 13 of the revised ordinance section 13-75 entitled "Speed limits – Specific Streets" by inserting: "Low Street in its entirety, at twenty-five miles per hour" *(Legal Affairs; Regular Course 9/25/2023; Public Hearing 10/10/2023 at 6:40 PM; Majority Vote)*

7-24 Sgt. Greg Robichaud: Respectfully request that the ordinance governing the parking garage between Merriam Avenue and Colburn Court be revised. This is due to the fact that the existing ordinance references making payments to parking meters that are no longer in service. The current system used at the parking garage is one of free parking in all areas except where posted "Permit Parking Only" with the permits being issued by the Leominster City Hall. *(Legal Affairs; Regular Course 09/18/2023; Public Hearing 9/25/2023, at 6:35 PM; Continued 10/10/23 at 6:39 PM; Majority Vote)*

## **LEGAL AFFAIRS, continued**

10-24 Susan Chalifoux-Zephir; Councillor At Large; Request to amend Chapter 7 entitled "Electricity", Section 7-5 "Placement of street lights over public ways" , Paragraph (a) as follows: "(a) Any person or company desiring to construct a line, wire, pole or conduit utilized for the transmission of electricity shall, in writing, petition the city council to install said apparatus and wire dedicated to the illumination of a public way. A public hearing shall be held on the petition, and written notice of the time and place of the hearing along with a copy of the proposed plan shall be mailed at least seven days prior thereto by the clerk of the city to all owners of real estate abutting the part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation. After said public hearing, the city council may, by order grant to the petitioner a location for such line specifying therein where the poles, piers, abutments or conduits may be placed, and in respect to overhead lines may also specify the kind of poles, piers or abutments which may be used, the number of wires or cables which may be attached thereto and the height to which the wires or cable may run. *(Legal Affairs Committee; Regular Course 09/18/2023; Public Hearing; October 10, 2023, at 6:45 PM; Majority Vote*

## **XII. NEW BUSINESS**

### First Reading of an Ordinance

8-24 Sgt. Greg Robichaud: Respectfully request that the ordinance governing the schedule of parking fines be revised. This is due to the fact that there are modifications and corrections to the existing ordinance that need to be made to bring it into conformance with existing and proposed ordinances. *(Legal Affairs; Regular Course 09/18/2023; Public Hearing 9/25/2023, at 6:40 PM; Majority Vote)*

## **XIII. OLD BUSINESS**

## **XIV. COMMUNITY CALENDAR**

- Oak Hill Solar Field

## **XV. ADJOURNMENT**

- Katelyn Huffman, City Clerk