

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

MINUTES
CITY OF LEOMINSTER
CITY COUNCIL
AUGUST 14, 2023

JOHN P. MAHAN CITY COUNCIL CHAMBERS

2023 SEP 26 AM 9:05

INTERVIEW, 6:45 P.M.

- C-4 Dean J. Mazarella, Mayor: Request confirmation of the permanent appointment of Ryan Malatos to the position of Captain for the City of Leominster, effective August 14, 2023. (Ways & Means Committee; Regular Course 07/24/2023; Majority Vote)

The interview began at 6:45 PM. Councillor Pauline Cormier asked Mr. Malatos to provide the City Council with an overview of his experience. Mr. Malatos informed the Council that he has been working as a full-time police officer since 2002. He has volunteered in the community and continued to seek training opportunities to better himself.

Councillor Pauline Cormier asked Mr. Malatos to provide the Council with his opinion of how the future of the police department should look.

Mr. Malatos stated that he wanted to focus on staffing and new officers so that morale can increase. He also expressed that once the new police department opens, that he expects an increase in morale as well.

Councillor Ardinger informed Mr. Malatos that he had an impressive resume. He asked him what he wanted to focus on first.

Mr. Malatos explained that he would focus on advertising to try to acquire more lateral transfers and other interested candidates to become police officers to boost staffing levels.

Councillor Chalifoux-Zephir asked Mr. Malatos what he saw as the biggest day to day change for the new position.

Mr. Malatos expressed that learning the aspects of the job would be the biggest change, but that he was up for the challenge.

Councillor Brady stated that he was impressed with Mr. Malatos resume and background and was glad to see that the Captain positions were being introduced and implemented.

Councillor Freda stated that she has known Mr. Malatos for a long time, and that she was impressed with his character and background.

Councillor David Cormier asked if there was one or two captains currently.

Chief Kennedy, informed the Council that there was one permanent Captain and one Acting Captain. They were working on creating a permanent second Captain position.

Councillor Pauline Cormier stated that Mr. Malatos had over 25 certifications and training on his resume and stated how impressive it was.

Councillor Angelini stated that the answers provided by Mr. Malatos to the interview questions demonstrated a lot about his person and character in a positive manner.

Councillor Bodanza asked the Police Chief if there was a good team atmosphere in the department now. He stated he sensed there might be.

Chief Kennedy stated that all of the department was working well together, especially the administrative team.

Councillor Bodanza stated that it bodes well for the department.

Acting Captain Fraher spoke in support of Mr. Malatos appointment. He stated that he has always had a great relationship with Mr. Malatos and has always admired his work ethic.

Sgt. Robichaud, spoke in support of Mr. Malatos appointment. He echoed the sentiment of Acting Captain Fraher and further stated that Mr. Malatos was great to work with and well deserving of the position.

The interview ended at 7:11 PM.

PUBLIC HEARING, 6:50 P.M.

- 2-24 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:

Manchester St - National Grid to install 1 JO Pole on Prospect St beginning at a point approximately 335 feet southeast of the centerline of the intersection of Main St and Prospect St. Install new Pole# 3-50 on Prospect St.

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 - Prospect St - Leominster - Massachusetts. No. 30785769 June 20, 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; Regular Course 07/24/2023; Public Hearing 08/14/2023 at 6:50 PM; Majority Vote)*

The public hearing began at 7:12 PM. Councillor Chalifoux-Zephir asked the National Grid representative to provide an overview of the project to the Council. Council President David Cormier recused himself due to a possible conflict of interest.

Will Fontaine, the National Grid Representative, informed the Council that a new pole was being proposed so that a new monitoring system could be installed that would further assist crews in determining when an outage occurs, and allowing them to react to the outage in a more timely manner. The new monitor would be a low voltage monitor.

Councillor Brady stated that it appeared that the pole would be placed in between two driveways.

Mr. Fontaine stated that this was the case.

Councillor Brady and Councillor Freda stated their concerns regarding double poles. They asked why these poles were not being handled in a timely manner as per Massachusetts General Laws.

Mr. Fontaine stated that he would go back and research the issue and provide updated information to the City Clerk.

Councillor Chalifoux-Zephir asked three times if anyone from the public wanted to speak for or against the petition. No one spoke. The public hearing closed at 7:28 PM.

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.

Council President Dsviid Cormier asked three times if anyone from the public wanted to speak regarding any matter listed on the agenda. No one spoke. The public forum concluded at 7:29 PM.

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

The regular meeting of the City Council opened at 7:00 PM. Councillor Chalifoux-Zephir made a motion to recess. Councillor Angelini seconded the motion. By a vote of 9-0 the meeting was recessed to continue the interviews and public hearing as scheduled at 7:06 PM. The regular meeting reconvened at 7:29 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Council President David Cormier, Council Vice President Pauline Cormier, Councillor Bodanza, Councillor Ardinger Councillor Angelini, Councillor Brady, Councillor Chalifoux-Zephir, Councillor Deacon, and Councillor Freda present.

Others present: Katelyn Huffman, City Clerk and Maribel Perez, Assistant City Clerk.

IV. APPROVAL OF RECORDS

- July 24, 2023 – The meeting minutes were approved and placed on file.
- Councillor Freda stated that she was disappointed. She had emailed the clerk and requested that an email be relayed to be read at the meeting stating she was unable to attend because she was at the Public Hearing with the Department of Public Health regarding the closure of the Maternity Ward at HealthAlliance Leominster. It is noted that the City Clerk sent the correspondence to the Council President before the meeting.
- Councillor Chalifoux-Zephir stated that she was also not at the meeting because she was also attending the public hearing with the Department of Public Health.
- Councillor Angelini stated that he was in attendance at the public hearing with the Department of Public Health. He left at 6:45 to get back in time for the City Council public hearing. He submitted his comments in writing to be reviewed by DPH. He felt it was important that he was present for the Council Meeting to address the matters listed on the agenda.
- Councillor Brady stated that he made a motion to recess in order to attend the hearing.
- Council President Cormier stated that this was clearly depicted in the minutes for July 24, 2023.

V. COMMUNICATIONS FROM THE MAYOR

- C-7 Dean J. Mazarella, Mayor; Request the reappointment of the following individuals to Weights and Measures for a three-year term. Terms expire 04/15/2026.

Joseph A. Quinn: Inspector of Weights and Measures (Sealer)

Mark Stiles: Deputy Inspector of Weights and Measures.

William Charpentier: Deputy Inspector of Weights and Measures.

(Ways and Means Committee; Regular Course 08/14/2023; Majority Vote)

This communication was given regular course.

- C-8 Dean J. Mazarella, Mayor; Request the City Clerk receives a stipend for being the City's registrar for elections. It is governed by Chapter 41 Section 19G and is based on the City's population with a max of \$1,500.00. *(Finance Committee; Regular Course 08/14/2023; Majority Vote)*

This communication was given regular course.

VI. PETITIONS FIRST TIME ON THE AGENDA

- 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*)

This communication was given regular course with referrals to the Treasurer, Comptroller and Mayor. A subcommittee meeting will be scheduled at a later date.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT – BALANCE UNCHANGED

IX. FINANCE

- C-6 Dean J. Mazzarella, Mayor: Authorize the City of Leominster to pursue \$23,279.00 through the United States Department of Justice – Justice Assistance Grant (JAG) Program. (*Finance Committee; Regular Course; 07/24/2023; Majority Vote*)

The Finance Committee recommended that the City Council GRANT the communication. By a vote of 9-0 the communication was GRANTED.

X. LEGAL AFFAIRS

- C-5 Dean J. Mazzarella, Mayor: MOVED: That the City Council of the City of Leominster, on behalf of the City and by virtue of and in accordance with the authority granted by Chapter 82, Sections 21-24 and Chapter 79 of the Massachusetts General Laws, as amended, and any and every other power and authority which is hereunto in any way enabling, take by eminent domain, for public way purposes, the fee simple title in and to the roadways shown as "Sawtelle Road", "Richard Road," and "Montrose Street" on a plan entitled "Road Acceptance Plan Leominster, Mass. Prepared for Johnny Appleseed Realty, LLC," dated May, 2019, prepared by David E. Ross Associates, LLC, and recorded with the Worcester North Registry of Deeds in Plan Book 523, Page 25, and to confirm the rights granted to the City by deed recorded with said Deeds in Book 9733, Page 174, which roadways were accepted by the City Council as public ways pursuant to a vote taken by the City Council on January 13, 2020,

and, in connection with the foregoing, adopt and execute the Order of Taking provided this date by counsel, and, having determined that no damages are due for said taking and the owners affected by the taking having waived all damages, hereby award no damages for the taking of said land, and, further, execute any and all other documents and take any and all other action as may be necessary or appropriate to accomplish the foregoing. *(Legal Affairs; Regular Course 07/24/2023; 2/3 Vote)*

Councillor Angelini read the taking out loud. Councillor Bodanza made a motion to amend the taking by adding the language as read, which was provided by KP Law. Councillor Ardinger seconded the motion. The motion carried unanimously by a vote of 9-0.

The Legal Affairs Committee recommended that the City Council give the communication FURTHER TIME due to pending referrals. By a vote of 9-0 the communication was given FURTHER TIME.

XI. PUBLIC SERVICE

- 2-24 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:

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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 - Prospect St - Leominster - Massachusetts. No. 30785769 June 20, 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; Regular Course 07/24/2023; Public Hearing 08/14/2023 at 6:50 PM; Majority Vote)*

Councilor Chalifoux Zephir reiterated that the petition was incorrect and needed to be amended before the vote, to reflect the correct location of the proposed

telephone pole and asked for a motion to amend the petition. Councilor Bodanza made a motion to amend the petition and Councilor Deacon seconded the motion. The petition was amended by a vote of 8-0.

The Public Service Committee recommended that the City Council give the petition FURTHER TIME. Councillor Brady requested further time so that he could speak with his constituents about the pole location.

Councillor Bodanza stated that the pole and petition that is requested would benefit the public. It provides a way to cut down length of power outages. He did not feel it was right to coerce or deny equipment for such a beneficial purpose.

Councillor Angelini agreed with Councillor Bodanza's remarks. He stated that as winter nears the citizens will be in a better position if this infrastructure is in place because it will limit amount of time without power.

It was requested that the chairperson of Public Service and the City Clerk work together to draft a letter regarding the concern of double poles to be sent to the electric company.

By a vote of 6-2 (Councillor Bodanza and Councillor Angelini NAY) the petition was given FURTHER TIME. It is noted that Councillor David Cormier recused himself due to a conflict of interest.

XII. WAYS AND MEANS

Appointments

- C-4 Dean J. Mazarella, Mayor: Request confirmation of the permanent appointment of Ryan Malatos to the position of Captain for the City of Leominster, effective August 14, 2023. (Ways & Means Committee; Regular Course 07/24/2023; Majority Vote)

The Ways and Means Committee recommended that the City Council CONFIRM the appointment. By a roll call vote of 9-0 the appointment was confirmed.

XIII. NEW BUSINESS

First Reading of an Ordinance

- 1-24 Mark C. Bodanza, Ward 4 Councillor; Request to Amend Chapter 13 entitled "Motor Vehicles and Traffic," Section 13-75 "Speed Limits-Specific Streets" by inserting the following: "Manchester Street, at twenty-five miles per hour." (*Legal Affairs Committee; Regular Course 07/10/2023; Public Hearing 07/24/2023 at 6:59 PM; Majority Vote*)

The Legal Affairs Committee recommended that the City Council ADOPT the first reading of the ordinance. By a roll call vote of 9-0 the first reading of the ordinance was ADOPTED.

XIV. OLD BUSINESS

Second Reading of an Ordinance

53-23 Julio Ramos, Officer; Leominster Police Department: Request to Amend Chapter 13 of the Revised Ordinance entitled “Motor Vehicles and Traffic.”

Chapter 13, Section 13-24 of the Revised Ordinance entitled “No Parking on Certain Streets” is hereby amended by inserting the following text:

Blossom Street (east side) beginning at the intersection of Stearns Avenue and Blossom Street (headed south) ending at 100 feet from the intersection, between the hours of 7:30 AM to 3:30 PM, Monday-Friday

Blossom Street (west side) beginning at the intersection of Stearns Avenue and Blossom Street (headed south) ending at 100 feet from the intersection, between the hours of 7:30 AM to 3:30 PM, Monday-Friday (*Legal Affairs; Regular Course 06/12/2023; Public Hearing 06/26/2023 at 6:43 PM; Majority Vote*)

The Legal Affairs Committee recommended that the City Council ADOPT the second reading of the ordinance. By a roll call vote of 9-0 the second reading of the ordinance was ADOPTED.

XV. COMMUNITY CALENDAR

- **Councillor Angelini stated that he attended a meeting regarding the new system being installed at North Monoosnoc. It was amazing engaging work. Much needed improvement.**
- **Councillor Freda recognized that Keith DiPerri is no longer with LATV and thanked him for all his hard work and dedication throughout the years.**
- **Councillor Freda asked about the proposal of a Solar Field Project on Shea St in Fitchburg owned by Oak Hill Country Club. She questioned if the city was notified due to the possible effect to No Town Reservoir.**
- **Councillor Freda asked if the City Clerk sent correspondence to the schools asking about the band’s future looked like. The City Clerk stated that she did send the correspondence but did not hear back. Councillor Freda requested that a copy of the correspondence be provided to Council.**

- **Councillor David Cormier requested that any of this correspondence that receives response be placed on the next agenda.**

XVI. ADJOURNMENT

Councillor Chalifoux-Zephir made a motion to adjourn. Councillor Bodanza seconded the motion. The motion carried unanimously by a vote of 9-0. The meeting adjourned at 8:12 PM.

- Katelyn Huffman, City Clerk