

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 28, 2023

JOHN P. MAHAN CITY COUNCIL CHAMBERS

2023 SEP 26 AM 9:09

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.

The public forum began at 6:55 PM. Council President David Cormier asks three times if anyone from the public wanted to speak regarding any item listed on the agenda. No one spoke. The public forum closed at 6:56 PM.

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- I. REGULAR MEETING OF THE CITY COUNCIL, 7:00 P.M.**
The regular meeting of the City Council convened at 7:00 PM.
 - II. PLEDGE OF ALLEGIANCE**
 - III. ROLL CALL OF COUNCILLORS IN ATTENDANCE**

City Council President David Cormier, City 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

- August 14, 2023 – **These minutes were given further time.**

Councillor Freda requested amendments to the August 14, 2023 meeting minutes.

Councillor Chalifoux-Zephir requested the addition of an amendment that was made to a petition on the agenda.

The City Council Vice President noted these requests, as did the City Clerk, and stated that the minutes would be given further time for adjustment.

Councillor Freda requested that the debate with herself and Councillor Bodanza be recorded in the minutes. Councillor Freda reiterated that it was clear what she said before, that she could come back after the DPH meeting. The City Solicitor said that this was not mentioned during the call. Councillor Freda read the legal opinion from Attorney Riley out loud. Councillor Freda stated that her constituents requested that she be at the meeting as it was important.

Councillor Bodanza stated that the legal opinion makes it clear that when there is no motion to recess until a time certain, it is not appropriate. The public needs to know when to expect a return to the meeting.

Councillor Freda stated that she was not disagreeing. She stated that if a Councillor was to call the City Solicitor they must give all the information. She stated she knew OML well and taught it for the MMA.

Councillor Bodanza stated that he requested a legal opinion on this specific instance after the meeting where Bill made the motion with no return time indicated.

V. COMMUNICATIONS FROM THE MAYOR

C-9 Dean J. Mazzarella, Mayor: Request the appointment of the following:

Culture Commission: term to expire 4/15/2026

Joy Majwega 25 Malburn Terrace Leominster, MA
Donna Fiore 27 Castle St Leominster, MA
(*Ways & Means Committee; Regular Course 08/28/2023; Majority Vote*)

This communication was given regular course.

C-10 Dean J. Mazzarella, Mayor; Request that an appropriation of \$52,873.38 be made to the Highway Capital Account; the same amount to be transferred from the Capital Stabilization Fund. (*Finance Committee; Regular Course 08/28/2023; 2/3 Vote*)

This communication was given regular course.

C-11 Dean J. Mazzarella; Mayor: Request that the attached list of Election workers for the 2023-2024 election season be appointed. (*Ways & Means Committee; Regular Course 8/28/203; Majority Vote*)

This communication was given regular course. Councillor Freda asked the City Clerk whether the list as presented was sufficient. The City Clerk stated that it would be sufficient.

VI. PETITIONS FIRST TIME ON THE AGENDA

4-24 Katelyn Huffman, City Clerk; Request that the City Council adopt the Election Order for the November 7, 2023, Municipal General Election. (*Ways and Means Committee; Regular Course 8/28/2023; Majority Vote*)

This communication was given regular course.

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; 09/11/2023, at 6:50 PM. Majority Vote)

This communication was given regular course. A public hearing was set for September 11, 2023, at 6:50 PM by a vote of 8-0-1 (Councillor David Cormier recused himself due to a possible conflict of interest). A referral was requested from the DPW.

- 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 09/11/2023 at 6:51 PM. Majority Vote)

This communication was given regular course. A public hearing was set for September 11, 2023, at 6:51 PM by a vote of 8-0-1 (Councillor David Cormier recused himself due to a possible conflict of interest). A referral was requested from the DPW.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT – STABILIZATION BALANCE: \$21,648,221

IX. FINANCE

- 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*)

The Finance Committee recommended that the City Council GRANT the communication. Councillor Bodanza, Finance Chair, explained that this is a stipend as provided by law. The City's voter population has increased over the years, and as such, the request for additional funds would match the increase. The Clerk currently receives \$1,300 and this would increase it by \$200 per year.

Councillor Angelini asked the City Clerk if she was requesting retroactive pay. The City Clerk informed the Council that she was not, she was only looking for the increase moving forward.

Councillor Angelini asked the City Clerk if she would have been entitled to these funds last year. The City Clerk informed the City Council that she would have been entitled to the monies last year but did not pursue them at the time.

Councillor Chalifoux-Zephir asked the City Clerk if the stipend was for all the additional hours worked during Elections.

The City Clerk explained that MGL requires a Town or City Clerk to be part of the Board of Registrars. This makes the City Clerk the Clerk of the Board or Fourth member. Each registrar also receives a stipend. The money is only for that role and not for additional hours worked.

By a vote of 9-0 the communication was GRANTED.

- 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*)

The Finance Committee recommended that the City Council give this petition FURTHER TIME. Councillor Bodanza stated that a subcommittee meeting was scheduled for September 19, 2023, at 5:00 PM.

Councillor Freda, the petitioner, informed Councillor Bodanza that she would not be able to make it to the subcommittee date and asked that it be rescheduled so she could attend.

Councillor Bodanza agreed that the petitioner should be able to attend and asked the City Clerk to reschedule the subcommittee meeting.

It was also requested that a legal opinion be requested from the City Solicitor regarding this petition.

By a vote of 9-0 the petition was given FURTHER TIME.

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)*

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

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:

Prospect 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 Service Committee recommended that the City Council GRANT the petition. Councillor David Cormier recused himself due to a possible conflict of interest. Councillor Brady states that his constituent did not receive the abutters notice. The City Clerk requested that Councillor Brady provide the address for said constituent so that she could share the tracking information from USPS with the Council showing the status of the certified mailing. Councillor Brady informed the City Clerk that it was 25 Prospect Street.

By a vote of 8-0-1 (Councillor David Cormier recused himself due to a possible conflict of interest) the petition was GRANTED.

XII. WAYS AND MEANS

Appointments

- C-7 Dean J. Mazzarella, 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)

The Ways and Means Committee recommended that the City Council CONFIRM the reappointments. By a vote of 9-0 the reappointments were CONFIRMED. Councillor Brady asked if the appointments could be staggered so they were more consistent. The City Clerk informed the Council that this was not possible as each appointment was and its term was determined by ordinance.

XIII. NEW BUSINESS

None.

XIV. OLD BUSINESS

Second 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 second reading of the ordinance. By a vote of 9-0 the second reading of the ordinance was ADOPTED.

XV. COMMUNITY CALENDAR

- Future of High School Band – Email that was sent to Superintendent shared with City Council. – **Councillor Freda stated that she read the letter submitted by the band director and that the City was facing similar struggles that are not out of the ordinary. The Veteran’s agent was originally upset about this, she hopes that he has had the chance to speak with the band director in the interim and work it out.**
- Oak Hill Solar Field – **Councillor Angelini explained that the city is working on this project. The Assistant DPW Director and Conservation agent are working hard to keep an eye on this and its effects on Leominster. He suspects a more solid update and plan will be provided at the next City Council meeting.**
- Letter to National Grid – City Clerk drafted and sent to Chair of Public Service for review via email 8/15/2023 at 9:30 AM. – **Councillor Chalifoux-Zephir informed the Council that the letter was drafted and edited. She told the Clerk that it was in good order to be sent. It was requested that the letter also go to Verizon.**
- **It was requested that the City Clerk research the process as to how a double pole is added to the list, who can put it there, how the system works, and who is responsible for enforcing the double poles come down.**
- **Councillor Ardinger asked the City Clerk to try to find a list of double poles in the City.**
- **Councillor Freda informed the City Council that the open house for the new police station occurred. Over 700 people attended.**

XVI. ADJOURNMENT

Councillor Chalifoux-Zephir made a motion to adjourn. Councillor Angelini seconded the vote. The vote carried unanimously 9-0. The meeting adjourned at 8:17 PM.

- Katelyn Huffman, City Clerk

DRAFT