

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
SEPTEMBER 25, 2023
APPLESEED RESTAURANT
122 GRANITE STREET, LEOMINSTER, MA 01453

RECEIVED
LEOMINSTER CITY CLERK
2023 OCT 11 AM 8:31

PUBLIC HEARING, 6:30 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 09/11/2023; Public Hearing 9/25/2023, at 6:30 PM; Majority Vote)*

The public hearing opened at 6:30 PM. Sgt Robichaud, the petitioner, explained that the proposed ordinance would update the language and keep it in line with the cities plans for the meters and lot. It would create an enforcement option.

Councillor Bodanza asked if employees would need a permit or if only the public would use them. Sgt. Robichaud stated that employees and citizens could have permits. Councillor Bodanza asked if there was a reason for a permit to be revoked, how would it be done. Sgt. Robichaud stated it would be done through City Hall who issues the permits.

Councillor Freda asked if there is a limit on the amount of permits being issued. Sgt. Robichaud stated that if there was, it would be done through City Hall as they issue the permits. Councillor Freda suggested that a limit be imposed on amount of permits being issued. Sgt. Robichaud said he would run it by city hall and report back.

Councillor Angelini asked three times if anyone from the public wished to speak. No one spoke.

The public hearing was continued to October 10, 2023, at 6:40 PM.

PUBLIC HEARING, 6:35 P.M.

- 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 09/11/2023; Public Hearing 9/25/2023, at 6:35 PM; Majority Vote)*

The public hearing opened at 6:47 PM. Sgt. Robichaud provided the Council with an overview of the proposed ordinance amendment. He explained that the current notice of violation on the ticket has the language, but the ordinance is missing it.

Councillor Angelini asked if there have been wheelchair ramp violations. Sgt. Robichaud indicated that tickets have been issued for wheelchair ramp violations.

Councillor Angelini asked three times whether the public wanted to speak. No one spoke. The public hearing closed at 6:52 PM.

PUBLIC HEARING, 6:45 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; 09/11/2023, at 6:45 PM; Rescheduled due to State of Emergency to 9/25/23 at 6:45PM; Majority Vote)

The public hearing opened at 6:52PM. Council President David Cormier recused himself due to a possible conflict of interest. Mike Macieag, the National Grid representative, gave an overview of the proposed project. He explained that MassDOT had requested the infrastructure at this location.

Councillor Pauline Cormier asked where the proposed pole is going in relation to where it is now. Mr. Macieag stated that it would be 35-40 feet west of its current location. He also stated that DPW has been on site and approved the work.

Councillor Pauline Cormier requested that this item be given further time. The JA intersection has been problematic in the past, and before any work is done, it would be best to review the entire plan to make it make the most sense safety wise.

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 was continued to October 10, 2023, at 6:35 PM.

PUBLIC HEARING, 6:47 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; Majority Vote)*

The public hearing opened at 7:04 PM. Mr. Macieag provided the Council with an overview of the proposed project. He explained that the pole is currently anchored to a tree with a guy. This would allow the pole to be anchored into the ground with a guy wire, which is a safer option.

Councillor Chalifoux-Zephir asked if there was any way to buttress the current pole or support it on the same side of the street, instead of adding a new pole. Mr. Macieag informed the City Council that he would bring the question back and discuss it with his team.

Councillor Chalifoux-Zephir asked if anyone from the public wanted to speak regarding the petition.

Bill Hawk, 418 West Street, ask where the pole was going and if it would interrupt his service. Mr. Macieag provided him with a proposed location of the pole and told him it would not effect his service.

The public hearing was continued to October 10, 2023 at 6:30 PM.

PUBLIC HEARING, 6:51 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 09/11/2023 at 6:51 PM; Rescheduled due to State of Emergency to 9/25/23 at 6:51 PM; Majority Vote*)

The public hearing opened at 7:21 PM. Council President David Cormier recused himself due to a possible conflict of interest. Mr. Macieag provided the Council with an overview of the proposed pole and infrastructure.

Councillor Chalifoux-Zephir asked if a new pole that could hold the weight of the infrastructure could be installed in place of the current pole.

Councillor Angelini asked why better poles that could handle more weight were not being utilized to prevent leaning.

Councillor Freda suggested that National Grid meet with neighbors to discuss this project with them and report back, as many had concerns.

Councillor Chalifoux-Zephir opened the public hearing for public comment.

Deborah Curan, 9 Maple Ave, stated that her pole is leaning, and her neighbor's pole is also leaning.

Councillor Ardinger asked how the top guy wires would be situated on the pole.

Councillor Angelini asked for an updated plan showing the proposed direction and attachment for the guy wires at the top and bottom of the pole.

The public hearing was continued to October 10, 2023, at 6:25 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 David Cormier opened the public forum at 7:48 PM. He asked 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 7:49 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 Bodanza seconded the motion. The motion carried by a vote of 9-0. The meeting went into recess at 7:01 PM and reconvened at 7:49 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

- August 14, 2023 – **These meeting minutes were placed on file.**
- August 28, 2023 - **These meeting minutes were placed on file.**
- September 18, 2023, Special Meeting – **These meeting minutes were given further time.**

V. COMMUNICATIONS FROM THE MAYOR

VI. PETITIONS FIRST TIME ON THE AGENDA

- 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*)

This petition was given regular course with a referral to DPW, and Traffic. By a vote of 9-0 the public hearing was set for October 10, 2023 at 6:40 PM.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT -STABILIZATION BALANCE: \$20,898,221

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)*

The Finance Committee recommended that the City Council give the petition FURTHER TIME. By a vote of 9-0 the petition was given FURTHER TIME.

For Ratification

- C-12 Dean J. Mazzarella, 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 09/18/2023; 2/3 Vote)*

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

- C-13 Dean J. Mazzarella, Mayor; Request that an appropriation of \$250,000.00 be made to the Police Department Overtime Account; the same to be transferred from the Stabilization Fund. *(Finance Committee; Regular Course 09/18/2023; 2/3 Vote)*

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

- C-14 Dean J. Mazzarella, Mayor; Request for a vote to approve the adoption of an Emergency Storm Relief Fund. Donations to the Emergency Storm Relief Fund will be accepted in three forms: cash, check and online donation made through an account created on behalf of the City of Leominster by the United Way of North Central Massachusetts. These donations will be distributed to the impacted residents of the City of Leominster on a case by case basis. The list of residents in need continues to grow and the information is being collected by the Mayor's office. *(Finance Committee; Regular Course 09/18/2023; 2/3 Vote)*

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

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.

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)

Council President David Cormier abstained due to a possible conflict of interest. The Public Service Committee recommended that the City Council grant the petition FURHTER TIME and established a continued public hearing for October 10, 2023, at 6:35. By a vote of 8-0-1 the recommendation and motion carried.

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)*

Council President David Cormier abstained due to a possible conflict of interest. The Public Service Committee recommended that the City Council grant the petition FURHTER TIME and establish a continued public hearing for October 10, 2023, at 6:25 PM. By a vote of 8-0-1 the recommendation and motion carried.

- 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; Majority Vote)*

The Public Service Committee recommended that the City Council grant the petition FURHTER TIME and established a continued public hearing for October 10, 2023, at 6:30 PM. By a vote of 9-0 the recommendation and motion carried.

- 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 10/10/2023; at 6:50 PM; Majority Vote)*

The Public Service Committee recommended that the City Council grant the petition FURHTER TIME. By a vote of 9-0 the petition was given FURTHER TIME.

- 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 10/10/2023; at 6:51 PM; Majority Vote)*

The Public Service Committee recommended that the City Council grant the petition FURHTER TIME. By a vote of 9-0 the petition was given FURTHER TIME.

XI. LEGAL AFFAIRS

- 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 09/11/2023; Public Hearing 9/25/2023, at 6:30 PM; Majority Vote)*

The Legal Affairs Committee recommended that the City Council grant the petition FURTHER TIME and continue the public hearing until October 10, 2023 at 6:40 PM. By a vote of 9-0 the petition was given FURTHER TIME and the continued public hearing was scheduled.

- 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 09/11/2023; Public Hearing 9/25/2023, at 6:35 PM; Majority Vote)*

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

- 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)*

The Legal Affairs Committee recommended that the City Council grant the petition FURTHER TIME. By a vote of 9-0 the petition was granted FURTHER TIME.

XII. NEW BUSINESS

Councillor Brady asked if all Legal Opinions could be emailed to the City Council as a whole. The City Clerk replied yes.

XIII. OLD BUSINESS

- Looking for two City Councillors to serve on Housing Committee
 - **Councillor Freda informed the Council that she would serve on the Housing Committee.**

XIV. COMMUNITY CALENDAR

- Oak Hill Solar Field
 - **Councillor Angelini stated that the Conservation Agent was still waiting for the DEP to review the letter that was sent for this project. The Mayor has also got involved with this project and is keeping an eye on it. He will continue to update the Council as more information becomes available.**

XV. ADJOURNMENT

Councillor Chalifoux-Zephir made a motion to adjourn. Councillor Angelini seconded the motion. The motion carried by a vote of 9-0. The meeting adjourned at 8:19 PM.

- Katelyn Huffman, City Clerk