

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

MAY 08, 2023

JOHN P. MAHAN CITY COUNCIL CHAMBERS

RECEIVED
LEOMINSTER CITY CLERK
2023 MAY -4 PM 1:29

PUBLIC HEARING, 6:45 P.M.

40-23

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:

Spruce St - National Grid to install 1 SO Pole on Spruce St beginning at a point approximately 450' feet west of the centerline of the intersection of Whitney St and continuing approximately 20' feet in a south direction.

Install Pole # 4-5 approximately 50' west of Pole # 4 for new transformer bank to temporarily feed 31 Spruce 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 - Spruce St - Leominster - Massachusetts.

No.# 30707914 April 14, 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 04/24/2023; Public Hearing 05/08/2023 at 6:45 PM; Majority Vote)

PUBLIC HEARING, 6:50 P.M.

- 38-23 North Central MA Launch, LLC D/B/A Launch Leominster: Request a bowling alley license for Launch Leominster, 118 Commercial Road, Leominster, MA. (*Ways and Means; Regular Course 04/24/2023; Public Hearing May 8, 2023, at 6:50 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.

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

- April 24, 2023

V. COMMUNICATIONS FROM THE MAYOR

Money Orders

- C-66 Dean J. Mazarella, Mayor: Request to Authorize the City of Leominster to pursue \$253,000.00 through the state Department of Environmental Protection.
(*Finance Committee; Regular Course 05/08/2023; Majority Vote*)

COMMUNICATIONS FROM THE MAYOR, continued

Discontinuance of Pioneer Drive Extension (Portion)

- C-67 Dean J. Mazzarella, Mayor: Request that the City Council of the City of Leominster, on behalf of the City and by virtue of and acting pursuant to Chapter 82, Section 21 of the Massachusetts General Laws, hereby discontinues a portion of Pioneer Drive Extension as a public way. The portion discontinued by this vote is shown as “Proposed Lot 2”, containing approximately 5,474 square feet, on the plan entitled “Plan of Land Orchard Hill Park Drive Extension”, dated February 13, 2023, prepared by Control Point Associates, Inc. (3 sheets), recorded in the Worcester Northern District Registry of Deeds in Plan Book 536, Page 18, which discontinuance does not release the sewer line easement that the City has in Proposed Lot 2; and, further, to transfer said Proposed Lot 2 from the City Council for public way purposes to the Mayor for general municipal purposes and for the purpose of conveyance and to authorize the Mayor to convey said Proposed Lot 2 on such terms and conditions and for such consideration as the Mayor deems appropriate. *(Legal Affairs Committee; Regular Course 05/08/2023; 2/3 Vote)*
- C-68 Dean J. Mazzarella, Mayor: Request that an appropriation of \$17,406.50 be made to the Police Department Bullet Proof Vests Account; the same amount to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-69 Dean J. Mazzarella, Mayor: Request that an appropriation of \$250,000.00 be made to the Fire Department Public Safety Overtime Account; the same to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-70 Dean J. Mazzarella, Mayor: Request that an appropriation of \$30,000.00 be transferred to the Library’s Operating Account from the following Accounts:
- | | |
|-------------|--------------------|
| Clerk’s: | \$14,000.00 |
| Part Time: | \$12,000.00 |
| Librarians: | <u>\$ 4,000.00</u> |
| Total: | \$30,000.00 |
- (Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-71 Dean J. Mazzarella, Mayor: Request that an appropriation of \$118,572.05 be transferred from the Snow and Ice Overtime Account to the Snow and Ice Expense Account. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*

COMMUNICATIONS FROM THE MAYOR, continued

- C-72 Dean J. Mazzearella, Mayor: that an appropriation of \$97,079.62 be made to the Snow and Ice Account; the same to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-73 Dean J. Mazzearella, Mayor: Request that an appropriation of \$23,075.00 be made to the Street Signs & Fences Account; the same amount to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-74 Dean J. Mazzearella, Mayor: Request that an appropriation of \$349,430.37 be made to the OPIOID Stabilization Fund: the same amount to be transferred from the Excess and Deficiency Account (Undesignated Fund Balance). *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-75 Dean J. Mazzearella, Mayor: Request that the City dedicate all of the Opioid settlement receipts to the OPIOID Stabilization Fund established under MGL CH.40 S. 5B, effective for fiscal year 2023 beginning on May 3, 2023). *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-76 Dean J. Mazzearella, Mayor: Request that an OPIOID Stabilization fund be established to account for the Opioid settlement receipts that the City is receiving, under MGL. CH.40 S5B. *(Finance Committee; Regular Course 05/08/2023; Majority Vote)*
- C-77 Dean J. Mazzearella, Mayor: Request that Joan Kelly be exempt from the provisions of M.G.L. Chapter 268A, (20B) Conflict of Interest. *(Ways & Means Committee; Regular Course 05/08/2023; Majority Vote)*
- C-78 Dean J. Mazzearella, Mayor: Request that a total appropriation of \$6,613,919.00 be made to the FY 2024 Water Department Budget; the same amount to be raised/offset by Fiscal Year 2024 Receipts as authorized by Massachusetts General Law Chapter 44 Section 53E. *(Finance Committee; Regular Course 05/08/2023; Public Hearing 05/22/2023 @ 6:40 PM; Majority Vote)*
- C-79 Dean J. Mazzearella, Mayor: Request that a total appropriation of \$6,501,996.00 be made to the FY 2024 Sewer Department Budget; the same amount to be raised/offset by Fiscal Year 2024 Receipts as authorized by Massachusetts General Law Chapter 44 Section 53E. *(Finance Committee; Regular Course 05/08/2023; Public Hearing 05/22/2023 @ 6:30 PM; Majority Vote)*

COMMUNICATIONS FROM THE MAYOR, continued

C-80 Dean J. Mazzearella, Mayor: Request that the Fiscal Year 2024 Budget which totals \$161,872,478.00 be adopted: \$161,426,478 to be raised by Fiscal 2024 Revenues, \$136,000 to be transferred from the Gallagher building special revenue fund, \$60,000 to be transferred from the Cemetery Trust Fund and \$250,000 from overlay.

RE: Attached Fiscal Year 2024 Budget document. (*Finance Committee; Regular Course 05/08/2023; Public Hearing 05/22/2023 @ 6:35 PM; Majority Vote*)

C-81 Dean J. Mazzearella, Mayor: Request that an appropriation of \$103,590.00 be made to the Police Department Replacement Equipment Account; the same amount to be transferred from the Excess and Deficiency Account. (*Finance Committee; Regular Course 05/08/2023; 2/3 Vote*)

I. PETITIONS FIRST TIME ON THE AGENDA

42-23 David R. Cormier, Ward 3 Councillor, Request to rename the most northerly portion of Montrose Street (between Richard Road and Sawtelle Road) to Kurasowicz Lane. (*Legal Affairs; Regular Course 05/08/2023; Majority Vote*)

43-23 Paul's Tools: Request to renew license to deal secondhand articles, 345 Central Street, Leominster, MA. (*Ways & Means; Regular course 05/08/2023; Majority Vote*)

44-23 ECOATM, LLC: Request to renew license to deal secondhand articles, 11 Jungle Road, Leominster, MA. (*Ways & Means; Regular Course 05/08/2023; Majority Vote*)

II. MATTERS BEFORE THE CITY COUNCIL

III. FINANCIAL REPORT

IV. FINANCE

C-63 Dean J. Mazzearella, Mayor: Request that an appropriation of \$60,000.00 be made to the Police Indemnification Accounts and the same to be transferred from the Excess and Deficiency Account. (*Finance Committee: Regular Course 04/24/2023; Majority Vote*)

FINANCE, continued

- C-64 Dean J. Mazzarella, Mayor: Request that an appropriation of \$1,000,000.00 be made to the Street Resurfacing Expense Account; the same to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 04/24/2023; Majority Vote)*
- C-65 Dean J. Mazzarella, Mayor: Request that an appropriation of \$250,000.00 be made to the Police Department Overtime Account; the same amount to be transferred from the Excess and Deficiency Account. *(Finance Committee; Regular Course 04/24/2023; Majority Vote)*

V. PUBLIC SERVICE

- 40-23 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:

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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 04/24/2023; Public Hearing 05/08/2023 at 6:45 PM; Majority Vote)*

VI. WAYS & MEANS

- 37-23 Christopher Rivard: Request to renew transient vendor license. (*Ways and Means; Regular Course 04/24/2023; Majority Vote*)
- 38-23 North Central MA Launch, LLC D/B/A Launch Leominster: Request a bowling alley license for Launch Leominster, 118 Commercial Road, Leominster, MA. (*Ways and Means; Regular Course 04/24/2023; Public Hearing May 8, 2023, at 6:50 PM; Majority Vote*)
- 39-23 Sterling Jewelers Inc. D/B/A Kay Jewelers #1285: Request to renew license to deal second hand articles, 100 Commercial Road, Leominster, MA. (*Ways and Means; Regular Course 04/24/2023; Majority Vote*)
- 41-23 Entertainment Cinemas Leominster, LLC: Request to renew theater license located at 45 Sack Blvd, Leominster, MA. (*Ways & Means; Regular Course 04/24/2023; Majority Vote*)

Appointments

Dean J. Mazzarella, Mayor: request the reappointment of the following individual:

Historical Commission: term to expire 04/15/2026

Rocco Palmieri 20 Haynes Court Leominster, MA

(*Ways & Means Committee; Regular Course 04/24/2023; Majority Vote*)

VII. NEW BUSINESS

First Reading of an Ordinance

- C-60 Dean J. Mazzarella Mayor: Request an amendment to the Non-Union employee's salary and wage scale for FY2024 with the attached scale. Also, please amend the ordinance to Non-Union positions and classifications based on the support attached.
(*Legal Affairs; Regular Course 03/27/2023; Majority Vote*)

NEW BUSINESS, continued

First Reading of an Ordinance

- 35-23 John Fraher, Captain Leominster Police Department: Accept a new section of the City of Leominster Revised Ordinances Chapter 14 Section 22. Regarding prohibitions and requirements for the commercial sale of firearms & ammunition (gun shops) within the City of Leominster. See attached proposed ordinance. *(Legal Affairs; Regular Course 04/10/2023; Public Hearing 04/24/2023 at 6:40 PM; Majority Vote)*
- 36-23 John Fraher, Captain Leominster Police Department: Accept a new section of the City of Leominster Revised Ordinances Chapter 11 Section 7.1. Regarding the sale of firearms & ammunition by pawnshops within the City of Leominster. See attached proposed ordinance. *(Legal Affairs; Regular Course 04/10/2023; Public Hearing 04/24/2023 at 6:45 PM; Majority Vote)*

VIII. OLD BUSINESS

IX. COMMUNITY CALENDAR

- **MEDAL OF FIDELITY – MAY 11, 2023**
- **MEMORIAL DAY CEREMONY**

X. ADJOURNMENT

- Katelyn Huffman, City Clerk