



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

AGENDA

CITY OF LEOMINSTER

CITY COUNCIL

NOVEMBER 13, 2023

APPLESEED RESTAURANT

122 GRANITE STREET, LEOMINSTER, MA 01453

RECEIVED
LEOMINSTER CITY CLERK
2023 NOV - 8 PM 3: 48

INFORMATION SESSION WITH THE MAYOR, 6:00 P.M.

- **DISCUSS OPIOID FUND AND LEOMINSTER FLOOD RELIEF UPDATE**

PUBLIC HEARING, 6:48 P.M.

- 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; Continued Public Hearing 11/13/23 at 6:48 PM; Majority Vote)*

PUBLIC HEARING, 6:49 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; Continued Public Hearing 10/23/23 @ 6:36 PM; Continued Public Hearing 11/13/23 at 6:49 PM; Majority Vote)*

PUBLIC HEARING, 6:50 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; Continued Public Hearing 10/23/2023 @ 6:35 PM; Continued Public Hearing 11/13/23 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 ATTENDENCE

IV. APPROVAL OF RECORDS

- September 18, 2023, Special Meeting
- October 10, 2023
- October 23, 2023

V. COMMUNICATIONS FROM THE MAYOR

C-23 Dean J. Mazzearella, Mayor; Request that an appropriation of \$28,352.00 be made to the Department of Public Works Highway Expense Account; the same amount to be transferred from the Capital Stabilization Fund. (*Finance Committee; Regular Course 11/13/2023; 2/3 Vote*)

C-24 Dean J. Mazzearella, Mayor; Request that the confirmation of the appointment of Rena Gagne to the position of Chief Assessor for the City of Leominster for a term of three years; effective December 11, 2023. (*Ways and Means Committee; Regular Course 11/13/2023; Majority Vote*)

C-25 Dean J. Mazzearella, Mayor; Request your vote of support, by resolution, for Cougar Capital Management, to be located at 34 Tremaine Street, Leominster, MA. (*Ways and Means Committee; Regular Course 11/13/2023; Majority Vote*)

PETITIONS FIRST TIME ON THE AGENDA

- 19-24 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:

Whitney St - National Grid to install 1 SO Pole on Whitney St beginning at a point approximately 205' feet south of the centerline of the intersection of Water St and continuing approximately 20 feet in a west direction. Install 1x pole to provide service for parking lot Chargers.

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 - Whitney St – Leominster Massachusetts.

No.# 30741527 October 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. (*Public Service Committee; Regular Course 11/13/2023; Public Hearing November 27, 2023; @ 6:50 PM; Majority Vote*)

- 22-24 Bovenzi & Donovan, Attorneys-At Law and ten registered voters; Request a zoning change at 435 Lancaster Street, Parcel 433-1. (*Legal Affairs Committee; Regular Course 11/13/2023; Public Hearing 12/11/2023; at 6:45 PM; 2/3 Vote*)

PETITIONS FIRST TIME ON THE AGENDA, CONTINUED

23-24 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:

Hamilton St - National Grid to install I JO Pole on Hamilton St beginning at a point approximately 90' feet east of the centerline of the intersection of N Main St and continuing approximately 35 feet in a south direction. Install 1x Pole on Hamilton St to accommodate Mass Dot intersection project.

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 - Hamilton St - Leominster - Massachusetts.

No. 30805209 October 17, 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 11/13/2023; Public Hearing 12/11/2023 at 6:50 PM; Majority Vote)

PETITIONS FIRST TIME ON THE AGENDA, CONTINUED

20-24 Aaron Kennedy, Chief of Police, City of Leominster; Request Section 8G. A city or town which accepts this section may enter into an agreement with another city or town, or other cities and towns including cities and towns in states contiguous to the commonwealth, to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement. Said agreement may include the furnishing of personal services, supplies, materials, contractual services, and equipment when the resources normally available to any municipality in the agreement are not sufficient to cope with a situation which requires police action. When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities that employ them, including, but not limited to, powers of arrest. While in transit to, returning from, and during a mutual aid response for another city or town, a participating police officer shall maintain the right of indemnification granted by law, or by his home city or town, or both, for all claims arising out of any action within the scope of his employment in accordance with a valid mutual aid agreement. A mutual aid agreement may provide for methods of activation or requesting and responding to mutual aid requests. The agreement may also address issues such as pay and benefits for officers, insurance, indemnification, injury compensation and other operational matters related to police services provided for a mutual aid response. Nothing in this paragraph shall be construed to expand or otherwise modify existing police powers as provided by law or any existing mutual aid agreement or both. *(Legal Affairs Committee; Regular Course 11/13/2023; Majority Vote)*

21-24 Mark C. Bodanza, Ward 4 Councillor; Request to amend the City of Leominster revised ordinance Chapter 13, Section 13-77 entitled “Stop Signs” by inserting: Fairfield Street, against westbound drivers at the intersection of Cumberland Road. *(Legal Affairs Committee; Regular Course 11/13/2023; Public Hearing 11/27/2023 at 6:45 PM; Majority Vote)*

VI. MATTERS BEFORE THE CITY COUNCIL

VII. FINANCIAL REPORT

VIII. FINANCE

- C-20 Dean J. Mazzearella, Mayor; Request that an appropriation of \$682,432.80 be made to the School Department Expenses Account; the same amount to be funded by Fiscal FY24 E-Rate Revenue. This year there was an opportunity for the school to request additional funds under the category 2 E-Rate grant. *(Finance Committee; Regular Course 10/23/2023; Majority Vote)*
- C-21 Dean J. Mazzearella, Mayor; Request that an appropriation of \$220,534.00 be made to the School Department Expenses Account; the same amount to be funded by Fiscal FY24 E-Rate Revenue. *(Finance Committee; Regular Course 10/23/2023; Majority Vote)*
- C-22 Dean J. Mazzearella, Mayor; Request that an appropriation of \$50,000.00 be made to Montachusett Recovery Center; the same amount to be transferred from the Opioid Stabilization Fund. . *(Finance Committee; Regular Course 10/23/2023; 2/3 Vote)*

IX. PUBLIC SERVICE

- 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; Continued Public Hearing 10/23/23 @ 6:36 PM; Continued Public Hearing 11/13/23 at 6:49 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.

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No.# 30552208 September 11, 2023

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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 Committee; Regular Course 09/18/2023; Public Hearing 09/25/2023; at 6:51 PM; Continued Public Hearing 10/23/2023 @ 6:35 PM; Continued Public Hearing 11/13/23 at 6:50 PM; Majority Vote*)

X. LEGAL AFFAIRS

- 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; Continued Public Hearing 11/13/23 at 6:48 PM; Majority Vote*)

XI. NEW BUSINESS

First Reading of an Ordinance

- 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; Continued Public Hearing 10/23/23 @ 6:37 PM; Majority Vote)*
- 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 and abutters to the abutting real estate that are within 100 feet of 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; Amended language approved 10/10/2023; Majority Vote)*

XII. OLD BUSINESS

Second 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; First Reading Adopted 10/23/23; Majority Vote)*

XIII. COMMUNITY CALENDAR

XIV. ADJOURNMENT

- Katelyn Huffman, City Clerk