

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

FEBRUARY 28, 2022

JOHN P. MAHAN CITY COUNCIL CHAMBERS

PUBLIC HEARING 6:45 PM

37-22 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:

Lancaster Street – National Grid to relocate 1 JO Pole on Lancaster St. beginning at a point approximately 530 feet north of the centerline of the intersection of Saga Ave and continuing approximately 20 feet in an east direction. Relocate Pole #81-84, 25 feet in southern direction from its current location. Homeowner of #644 has requested pole relocation to proposed new driveway.

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 Lancaster Street – Leominster – Massachusetts.

Also seeking 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; 02/14/2022; Public Hearing 02/28/2022 at 6:45 PM; Majority Vote)

The public hearing was opened at 6:45 PM.

Councillor David Cormier did not participate in the public hearing due to a possible conflict of interest.

Matt Viera was the representative for National Grid and he explained the need for the movement of the existing pole.

Steven Allain, 644 Lancaster Street, is the resident that requested the relocation of the pole. He spoke about an \$11,000 bill that he received from National Grid.

Mr. Viera said that he would have the engineer contact Mr. Allain regarding the \$11,000 cost for the movement of the pole.

Councillor Freda asked if Mr. Allain was the one to request the pole to be relocated.

Mr. Allain answered yes, but he did not anticipate the cost to be \$11,000. He also requested this last June when he received an estimate for his driveway. He received the \$11,000 bill in January of 2022.

The public hearing was closed at 6:53 PM.

INTERVIEW 6:52 PM

C-49 Dean J. Mazarella, Mayor: Requests the confirmation of the permanent appointment of Arthur Elbthal to the position of Director of Emergency Management.

RE: Three-year term, beginning March 1, 2022.

(Ways and Means; Regular Course 2/14/2022; Interview 02/28/2022 at 6:52 PM; Majority Vote)

The interview began at 6:55 PM.

Councillor Pauline Cormier introduced Mr. Elbthal and asked him about himself.

Arthur Elbthal spoke about his experience and his desire to do this work for his native community. He teaches leadership and history at WPI and spent 33 years in the US Army, retiring as a Colonel in 2018. He is interested in emergency response, as he has experience in most areas of emergency response.

Councillor Ardinger thanked Mr. Elbthal for his 33 years of service for our country. He added that it will be hard to fill the shoes of Jim LeBlanc and asked what he feels he will bring that is missing currently?

Mr. Elbthal answered that he is not sure anything is missing, however, he is hoping to enhance the programs that are already set in motion. He is looking to develop the volunteers. He added that the best operations occur with the best prior planning. Volunteers need to be recognized, retained, and rewarded.

Councillor Deacon thanked Mr. Elbthal for his service to the country and added that his resume is quite impressive. He looks forward to watching him lead the agency and asked if he has ideas for attracting volunteers.

Mr. Elbthal spoke on the many walks of life that the volunteers come from. He would like to meet the volunteers where we think they will be.

Councillor Pauline Cormier asked if he has met with any of the volunteers.

Mr. Elbthal replied not all of them, but some of them.

Councillor Pauline Cormier asked how he will deal with civilians rather than military personnel.

Mr. Elbthal said that all organizations have their mission. It is his purpose to understand this organization and its purpose.

Councillor Freda explained the importance of the role for the Office of Emergency Management. She acknowledged his support in attendance this evening.

Councillor Bodanza welcomed him and thanked him for his service to the country. He added that Mr. Elbthal's experience is very well serviced in Emergency Management. He asked if he familiarized himself with the history of this organization.

Mr. Elbthal answered that yes, he has become acquainted with the history and education of the Office of Emergency Management as well as the City of Leominster.

Councillor Angelini thanked him for his service and spoke on how impressive his resume is. He added that Mr. Elbthal brings much experience to the role of Director.

Councillor Brady echoed the sentiments of the Council in his thanks and his welcome to this office.

Councillor David Cormier stated that he will have big shoes to fill for Jim LeBlanc's service to this office. He added that Jim worked with MEMA and had institutional knowledge, but Mr. Elbthal has the background to motivate volunteers. He wished him luck.

Councillor Chalifoux Zephir thanked him for coming this evening. She said the good news for him is that he has experienced and dedicated volunteers.

The interview ended at 7:27 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.

The public forum was opened at 7:27 PM.

Susan Chalifoux Zephir, 900 West Street, spoke on #32-22 – Mechanic Street crosswalk. She spoke on the public safety of patrons for some establishments and the need for this crosswalk.

Andrea Freeman, 431 Pleasant Street, spoke on #32-22 - Mechanic Street crosswalk. She spoke of the danger of crossing Mechanic Street at 52-54 Mechanic Street. She also added there are two infrastructure projects (Monoosnock Greenway and the Rail Trail) that will impact this area.

Pauline Himlan, 72 Lincoln Drive, spoke on #32-22 – Mechanic Street crosswalk. She is a volunteer at Ginny’s and it’s dangerous to cross the street every day.

Dean J. Mazarella, Mayor, addressed the Council and stated that he was a volunteer at the Office of Emergency Management and has also worked with the incredible directors. He added that all candidates were great. The search committee narrowed it down to someone who has an interest in the City.

Mr. Mazarella also spoke on 32-22 – Mechanic Street crosswalk. He added the conditions that should be added for this petition. He spoke on the parking that belongs to the building that isn’t marked private properly. He is in favor of the safety of this crosswalk with these conditions: 1) DPW/Police need to work together to engineer safe crosswalks; 2) Parking lot next to Ginny’s needs to be clearly marked as patron parking; and 3) A handicapped parking spot should be created.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COUNCILLORS IN ATTENDANCE

Members Present: Councillor Bodanza; Council Vice-President Pauline Cormier; Councillor Ardinger; Councillor Angelini; Councillor Brady; Councillor Chalifoux Zephir; Councillor Deacon; Councillor Freda; Council President David Cormier; City Clerk Katelyn Huffman; Assistant City Clerk, Dianne Reardon.

IV. APPROVAL OF RECORDS

- February 14, 2022

Council Vice-President Pauline Cormier presented the minutes and recommended placing them on file.

Councillor Chalifoux Zephir had a few non-binding changes and will email the Assistant City Clerk.

Councillor Angelini asked that at the bottom of page 5, when dealing with the oil spill, he would like added “Licensee was given 30 days to comply with the permit modification”

Councillor Brady noted that on petition 27-22 it is printed that it was passed with a vote of 9-0, however he abstained from that vote.

Councillor Freda requested that the Vice-Chair not approve these minutes tonight without discussion. Her vote on the hearing for 645 Lancaster Street was recorded as a “nay” vote and was, indeed, an “abstention”. She wants an explanation as to why her abstention was denied. She added that she has never seen a member’s abstention be challenged in all her time on the Council. She noted other times abstentions were not challenged.

City Clerk, Katelyn Huffman, spoke to Councillor Freda and read the finding/decision from the city solicitor.

Council President David Cormier explained that Councillor Freda did not participate in the discussion. As long as minutes stated that Councillor Freda did not participate, her vote could be recorded as a “nay” vote. He explained Rule 18.

Councillor Freda insisted her vote should not be “nay” and should be an abstention.

Council President David Cormier said that he did not accept it without a reason.

Councillor Freda asked if he read the wording from the city solicitor stating that the President can jeopardize another Councillor’s vote. She respectfully requests not voting on these minutes. She stated that the clerk’s obligation is to take the vote as it was voted.

Council Vice-President Pauline Cormier stated that, in light of what’s gone on, she will ask for more time. The other noted corrections can be made in the meanwhile.

Councillor Bodanza made a motion, seconded by Councillor Chalifoux Zephir, to recess the meeting at 7:15 PM.

The meeting re-adjourned at 7:40 PM.

V. COMMUNICATIONS FROM THE MAYOR

C-50 Dean J. Mazzarella, Mayor: Requests an appropriation of \$50,000.00 be made to the Gallagher Building Maintenance Account; the same amount to be transferred from the Gallagher Building Revolving Account.

RE: To cover expenses related to the Gallagher Building Maintenance.
(*Finance; Regular Course 02/28/2022; Majority Vote*)

This was given REGULAR COURSE.

C-51 Dean J. Mazzarella, Mayor: Requests an appropriation of \$20,000.00 to be made to the Municipal Building Maintenance Account; the same amount to be transferred from the Stabilization Fund.

This was given REGULAR COURSE.

RE: Unexpected repairs to the elevator and heating system
(*Finance; Regular Course 02/28/2022; 2/3 Vote*)

C-52 Dean J. Mazzarella, Mayor: Requests an appropriation of \$7,000.00 be transferred from the Wetland Protection Act Fund to the Conservation Commission Salary Line for Part-Time Clerks.

RE: Funding of two interns
(*Finance; Regular Course 02/28/2022; Majority Vote*)

This was given REGULAR COURSE.

VI. PETITIONS FIRST TIME ON THE AGENDA

39-22 Katelyn Huffman, City Clerk: Requests a new section of the City of Leominster Revised Ordinances Chapter 1, Section 1.12, regarding an electioneering policy for the City of Leominster.
(*Legal Affairs; Regular Course 02/28/2022; Public Hearing 03/14/2022 at 6:40 PM; 2/3 Vote*)

This was given REGULAR COURSE and the public hearing was set for March 14, 2022, at 6:40 PM by a vote of 9-0.

40-22 Katelyn Huffman, City Clerk: Requests to accept a gift of 14 chairs, valued at \$714.00 per chair, from AIS, Inc. of Leominster, MA.
(*Finance; Regular Course 02/28/2022; Majority Vote*)

This was given REGULAR COURSE.

VII. MATTERS BEFORE THE CITY COUNCIL

VIII. FINANCIAL REPORT - \$16,283,226.00 STAB FUND BALANCE

Councillor Bodanza announced that the free cash has been certified in the amount of \$15,248,198. He spoke on the reductions that will be made after the water/sewer adjustments, along with adjustments. He also added that this year the City did not use the full 2.5% levy capacity, increasing at a rate of 1.44%.

IX. FINANCE

C-46 Dean J. Mazzarella, Mayor: Requests an appropriation in the amount of \$50,000 be made to the Highway Capital Account; the same amount to be transferred from the Stabilization Account.

RE: Safe Routes to School appraisal
(Finance; Regular Course 2/14/2022; 2/3 Vote)

Councillor Bodanza spoke on where these sidewalks will be installed.

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

ORDERED: By a roll call vote of 9-0, the communication was ADOPTED.

RATIFICATION:

C-47 Dean J. Mazzarella, Mayor: Requests an appropriation in the amount of \$250,000.00 be made to the Police Department Salary & Wages Account; the same amount to be transferred from the Stabilization Fund.

RE: Overtime funding
(Finance; Regular Course 02/14/2022; 2/3 Vote)

The Finance Committee recommended RATIFICATION of the communication. A roll call vote was taken, and the communication was RATIFIED with a roll call vote of 9-0.

IV. WAYS AND MEANS

- 33-22 Jon Andre Zajon, on behalf of George's Fine Jewelers, Inc.: request to renew license to deal secondhand articles at 255 North Street.
(*Ways & Means; Regular Course; 02/14/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

- 34-22 Fred R. Tousignant, on behalf of Fred's Auction: request to renew license to deal secondhand articles at 92 Pleasant Street.
(*Ways & Means; Regular Course; 02/14/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

- 35-22 Jon Andre Zajon, on behalf of House of Relics: request to renew license to deal secondhand articles at 1292 Main Street.
(*Ways & Means; Regular Course; 02/14/2022; REFERRALS IN: Treasurer, REFERRALS OUT: Police; Majority Vote*)

Councillor Brady noted that there was a small amount of taxes due, per the Treasurer/Collector referral.

The City Clerk explained that a small amount for the current fiscal year is acceptable and the document was signed in good standing by the Treasurer.

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

- 36-22 Joshua Olmeda, on behalf of GameStop #3594: request to renew license to deal secondhand articles at 26 Orchard Hill Park.
(*Ways & Means; Regular Course; 02/14/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

38-22 Joanne L. Atwood, on behalf of The Repair Palace, Inc.: request to renew license to deal secondhand articles at 11 Sack Blvd.
(*Ways & Means; Regular Course; 02/14/2022; REFERRALS IN: Treasurer, Police; Majority Vote*)

The Ways and Means Committee recommended that the City Council GRANT the license to deal secondhand articles. A vote was taken, and it was voted 9-0 in favor to GRANT the license.

C-48 Dean J. Mazzearella, Mayor: Requests City Council vote to accept the Resolution to transfer property located at the corner of Johnson and Carter Streets.
(*Ways and Means; Regular Course 2/14/2022; Majority Vote*)

Councillors Ardinger and Brady recused themselves from this vote due to their children being on the Skatepark committee.

Council Vice-President Pauline Cormier read the resolution, along with all materials related to this petition, into the record.

The RESOLUTION was ADOPTED by a roll call vote of 7-0-2 (two abstentions).

C-49 Dean J. Mazzearella, Mayor: Requests the confirmation of the permanent appointment of Arthur Elbthal to the position of Director of Emergency Management.

RE: Three-year term, beginning March 1, 2022.
(*Ways and Means; Regular Course 2/14/2022; Interview 02/28/2022 at 6:52 PM; Majority Vote*)

The Ways and Means Committee recommended the appointment of Arthur Elbthal to the position of Director of Emergency Management. The appointment was CONFIRMED by a roll call vote of 9-0.

IV. PUBLIC SERVICE

37-22 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 Lancaster Street – Leominster – Massachusetts.

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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; 02/14/2022; Public Hearing 02/28/2022 at 6:45 PM; Majority Vote)

Council President David Cormier recused himself, as he is an employee of the petitioner.

The Public Service Committee recommends LEAVE TO WITHDRAW WITHOUT PREJUDICE.

This petition was granted LEAVE TO WITHDRAW WITHOUT PREJUDICE with a vote of 8-0-1 (one abstention).

V. PUBLIC SAFETY

32-22 Pauline Cormier, Ward 2 Councillor and Susan Chalifoux-Zephir:
Requests that the City Council approve placement of a crosswalk across
Mechanic St. near 52 and 54 Mechanic St. to assist patrons of local
businesses safe transit across Mechanic St.
*(Public Safety and Traffic; Regular Course 02/14/2022; REFERRALS IN:
Traffic; REFERRALS OUT: DPW; 2/3 Vote)*

Councillor Chalifoux-Zephir abstained due to a possible conflict of interest.

Councillor Deacon read the petition as well as the reports from the Police Department and the Department of Public Works.

Councillor Freda asked why it says “2/3 vote”?

The City Clerk answered that this was an error and should say “Majority Vote”.

Councillor Angelini confessed that he was apprehensive about granting this petition, but the Mayor made this easy.

Council Vice-President Pauling Cormier thanked the Council for allowing them to place this petition on the agenda. She thanked the Mayor for his input this evening.

Councillor Bodanza added that he had concerns for public safety, and realizes there are a lot of moving parts in this area with the Monoosnock Greenway and the Rail Trail projects.

The Public Safety and Traffic Committee recommends to GRANT this petition, with conditions set forth. The petition was GRANTED with a vote of 8-0-1 (one abstention).

VI. NEW BUSINESS

Councillor Freda spoke on a constituent calling her regarding a form that was in their excise tax bill, regarding a Tax Aid Committee. She asked if she could find out who the three residents are and can we get a copy of who is on this committee?

Councillor Bodanza said he would investigate and get back to the Council on this.

VII. OLD BUSINESS

VIII. COMMUNITY CALENDAR

IX. ADJOURNMENT

The meeting was adjourned at 8:22 PM after a motion made by Councillor Bodanza and seconded by Councillor Angelini, with a vote of 9-0.

Katelyn Huffman, City Clerk