

HEARING BEFORE THE CITY COUNCIL, MAY 22, 2017

Hearing opened at 6:57 P.M. with Councillor Freda, Chair of the PUBLIC SERVICE COMMITTEE, presiding. All members were present.

James Verney from National Grid was present at the hearing.

The following PETITION was the subject of the hearing:

71-17 National Grid and Verizon New England, Inc.: Eighth Street – Install one jointly owned pole on Eighth Street beginning at a point approximately 180 feet south of the centerline of the intersection of Water Street and Eighth Street.

Mr. Verney said that this pole will feed 110 which is currently being fed off of pole 2, but there is an aerial trespass over property 106, so to get rid of the aerial trespass, they need to install a pole.

Councillor Freda asked if he saw any issues with this pole.

Mr. Verney said no.

No one in the audience spoke in favor or opposition of the petition.

HEARING ADJOURNED AT 6:58 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

Hearing opened at 6:58 P.M. with Councillor Freda, Chair of the PUBLIC SERVICE COMMITTEE, presiding. All members were present.

James Verney from National Grid was present at the hearing.

The following PETITION was the subject of the hearing:

72-17 National Grid and Verizon New England, Inc.: Lanides Lane – Install one jointly owned pole on Lanides Lane beginning at a point approximately 360 feet north of the centerline of the intersection of Hamilton Street and Lanides Lane.

James Verney said that there is a new commercial facility going in-between lot 16 and 12 that requires three phase power and explained why there was no way to do this using the existing poles onsite.

Councillor Freda asked if this building was going behind High Country Work Wear and where the location of the pole would be.

Mr. Verney said yes and that the pole would be about eighty feet from existing poles on Lanides and wouldn't be in the public way.

No one in the audience spoke in favor or opposition of the petition.

HEARING ADJOURNED AT 7:02 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, MAY 22, 2017

Hearing opened at 7:02 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following PETITION was the subject of the hearing:

67-17 Elisabeth Ricci (and 10 registered voters): Amend the Leominster Zoning Ordinance by adding Article XVIII entitled "Recreational Marijuana Facilities" to allow and regulate recreational marijuana facilities within the City.

Councillor Dombrowski read letters of recommendation from the Building Commissioner and City Solicitor. He then asked the City Clerk what date the Planning Board set for their hearing.

The City Clerk replied June 5, 2017.

Councillor Dombrowski said that the Council could not make a decision without input from the Planning Board so their recommendation would be to continue the hearing until June 12, 2017 at 6:45 P.M.

Councillor Freda said that she thought it was important to understand what a moratorium is since it seems to be misleading to some. She said they did a moratorium for medical marijuana which gave them time to do the process in the right vein. Although she didn't agree with the final step, she certainly agreed with the way they did it, and that a moratorium would give them time to look at the whole situation. She said if you look at the daily reports coming out of the State House, they are changing it on a daily level. There is no continuity and there is not going to be anything done for a while. Today, Mayor Walsh in Boston was expressing a great concern because he wants to try to stop communities from the ability of opting out which was in the original bill. He's worried that too many people will ban it and they will be a magnet if they approve it. She said the whole point of the moratorium is not to delay the discussion but to give time for discussion. Other communities are doing it because they are all concerned as well. As of today's date, there are 74 approved moratoriums, 21 bans and 134 cities and towns considering some type of action. She said she spent over a year and half on this topic on a State committee and assured that a moratorium would be the right way to go.

Councillor David Cormier stated for the record that there wasn't a moratorium on medical marijuana. The petition for the moratorium was before the Council; at the same time a petition from a resident and ten registered voters was submitted to zone it. Both petitions went to the Planning Board and the Planning Board redid a petition to the Council to zone it which the Council approved.

Speaking in favor of the petition were Elizabeth Ricci of 581 Pleasant Street, Lauren Soucy of 507 Merriam Avenue, and Peter Haigis of 333 Elm Street. No one in the audience spoke in opposition of the petition.

HEARING ADJOURNED AT 7:23 P.M. AND CONTINUED TO JUNE 12, 2017 AT 6:45 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

Hearing opened at 7:23 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

John Souza, Chairman of Planning Board and Kristen Kelly, Director of Planning, were present at the hearing.

The following PETITION was the subject of the hearing:

35-17 Kristen Kelly on behalf of the Planning Board: Modify Section 22-50.4.1 of the Leominster Zoning Ordinance to remove the words "shall service no more than two (2) lots" and replace with "are not permitted".

Councillor Dombrowski said there has been some controversy over this petition. He asked for summary of what they are trying to do and why.

Kristen Kelly said that currently in the Zoning Ordinance it states that "common driveways shall service no more than two lots". That's the extent to the reference for common driveways. It can be interpreted in different ways such as perhaps to access a lot that has inadequate frontage. She pointed out the case on Pleasant and Lowe Street in which the parcels have frontage on Pleasant Street but they are inaccessible. A shared driveway was put in the back, and due to the way the regulation was written, it was allowed. The Planning Board has petitioned to have the words "shall service no more than two lots" removed and replaced with "are not permitted" and recommend this change.

Councillor Dombrowski asked about the concerns from some that this is just a knee jerk reaction to the one incident.

John Souza said back in the 80's the original subdivision regulations made no mention about driveways. In the early 80's, the Director at that time, thought it would be a good idea to have shared driveways and the zoning was put in around 1984 or 1986. Shared driveways were put in at a number of properties on Legate Hill and Brown Avenue and many other locations around the City. After some time, the Planning Board started to get a lot of petitions and questions about shared driveways. It didn't work out for the people that had them due to personality differences. They also had what they called "pork chop lots" where in some cases the lot went right to the front of the house. It turned out to be a real horror show. There was a lot of acrimony between common tenants of the driveways and who is going to be responsible for plowing, etc. When Pleasant Street originally came to them in the

mid to late 90's, the Planning Board turned it down because they couldn't have a common driveway and the frontage on Pleasant Street was deemed to be a usury frontage because of the cliff. Then they went through the new zoning and things have changed and it is now allowed. Their experience is that shared driveways haven't worked at all with exception to the developers because they could get more houses into properties that they normally wouldn't fit. With this experience the Planning Board felt that they shouldn't be allowed.

Councillor Chalifoux Zephir asked if instead of eliminating shared driveways from the Zoning Ordinance altogether, whether they considered approving them by Special Permit by the Planning Board.

Mr. Souza said it's a possibility, but there are a lot of other requirements to meet on the property in order for a Special Permit to be granted. They thought shared driveways would work, it failed in their experience, and that's why they want them eliminated. The Pleasant Street project has only added to the idea that this hasn't worked. This property would not be there today if a Special Permit was required because of the property frontage since topography is one of the requirements for a Special Permit.

Councillor Chalifoux Zephir said that a Special Permit would force a developer to evaluate whether it makes sense and gives them the authority to turn it down.

Mr. Souza said that it's still a possibility. They just assumed eliminating it made it cleaner.

Councillor Bodanza asked if Mr. Souza was aware that he drafted an amended petition along the lines of what Councillor Chalifoux Zephir spoke about. This draft has thirteen design standards and would not have permitted what happened on Pleasant Street because the common driveway has to go through the street frontage and not just legal access. He agrees they could have had a tighter Ordinance at the time, but he is a little conflicted by this petition. The simple thing to do is just eliminate them; on the other hand there are many communities that have a more detailed Ordinance along the lines of what he drafted because there is an understanding or interest in protecting the environment through an application of a common driveway to a two lot subdivision as opposed to a city street. He hears what they are saying, and is cognizant of the fact that there are a lot of issues from the residents that arise. He said it may just be simpler to go forward with the petition that they have presented and take a longer view of this down the road with respect to a petition that might involve a Special Permit granting authority.

Mr. Souza said he agrees and he thinks what they have right now is insufficient. He thinks it's a good idea to go forward with what they have now as a stop gap, and then taking a look at driveways as a whole and what other towns are doing and create a new section that deals with this specifically and determine the criteria they want. As an example, he has two subdivisions that are coming to him now that the developers are proposing private ways. In years to come, the residents are going to be knocking on the City's door wondering why their road can't be fixed.

Councillor Bodanza said what he drafted would discourage developers because it would require sureties, covenants, etc.

Councillor Dombrowski said he was concerned that there are a lot of properties that are serviced by a common driveway and if they are outlawed, those properties become prior non-conforming. Then, if they want to do any alterations, they will run into the problem that they are increasing a prior non-conforming use and that's not allowed.

Councillor Bodanza said he doesn't believe this would cause the property to be considered non-conforming because it's an access issue alone.

Mr. Souza agreed.

Councillor Marchand commended Mr. Souza and Ms. Kelly for bringing the question forward. His fear is that it's a very powerful piece of legislation before them and that it may change the opportunity for healthy entrances going into complexes in the future to actually be built. In addition, he is concerned about ongoing projects that may be affected by this legislation. He said he reviewed the proposal that Councillor Bodanza provided. He also provided Ms. Kelly with a proposal from a local engineer and he thinks they need to be worked because he feels there are a lot of solutions to the concerns Mr. Souza has in both documents. He also likes the idea of the Special Permit because at the end of the day they will have the authority to accept, deny, or modify. If everyone has to deal with the common law it may not be flexible enough to be able to address a project that does have credibility.

Mr. Souza said that all of the easy properties are pretty much gone in the City. There are probably only one or two spots with a fair amount of acreage, so to build anything you're getting into the more difficult lots.

Councillor Marchand said it's going to be that way from now on and that it's his suggestion, as a member of Legal Affairs, to table the petition for study in order to allow the Planning Board and Director to go back to the drawing board and take the suggestions and see if they can come to a common ground on the issue.

Councillor Chalifoux Zephir said that this was discussed at one of the Ordinance Subcommittee meetings and she has ordinances from Walpole and Harvard that are very detailed that she would provide to them that address common driveways.

No one in the audience spoke in favor or opposition of the petition.

HEARING ADJOURNED AT 7:49 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, MAY 22, 2017

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present.

The Committee on Records reported that the records from May 8, 2017 were examined and found to be in order. The records were accepted.

A recess was called at 7:31 P.M. to conduct a hearing, hold a public forum, and interview appointees.

Meeting reconvened at 8:18 P.M.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

- C-82 Relative to the appropriation of \$24,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.
- C-83 Relative to the appropriation of \$260,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-84 Relative to the appropriation of \$50,000.00 to the Worker's Compensation Expense Account; same to be transferred from the Excess and Deficiency Account.

The following PETITIONS were received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer/Collector and the Police Department.

- 75-17 ecoATM, LLC: Renew the Second Hand Dealer License for the location at 100 Commercial Road.
- 76-17 Albert Mason: Renew the license for twenty-four bowling alleys at Mason's Bowling Center located 640 R. North Main Street.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Traffic Division and Planning Department.

- 77-17 David R. Cormier: Place a stop sign on Montrose Street at the intersection of Grant Street.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works.

- 78-17 Claire Freda: Accept Jay Ave. and Barry Lane as public streets.

The following APPOINTMENTS were received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Thomas Thelin – Disability Commission – term to expire April 15, 2020

Elizabeth Raymond, Nancy King – Cultural Commission – terms to expire April 15, 2020

Lisa LaJiness – Emergency Management, Admin Unit

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt 7/2. Councillors Freda and Bodanza opposed.

- 68-17 Nellye Molina: Renew the Second Hand Dealers License for J&J Consignment located at 232 Central Street.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt 9 "yeas"

- C-74 Dean J. Mazarella, Mayor: Consider acquiring, by eminent domain, permanent and temporary easements on certain properties located on or near North Street in connection with the reconstruction on North Street. The properties affected by the taking are set forth more particularly in Schedule A, and shown on a plan entitled "Plan of Road in the City of Leominster Mass Worcester County", dated April 18, 2017, prepared by VHB.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt 9/0

- 67-17 Elisabeth Ricci (and 10 registered voters): Amend the Leominster Zoning Ordinance by adding Article XVIII entitled "Recreational Marijuana Facilities" to allow and regulate recreational marijuana facilities within the City.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt 9/0

69-17 Michael J. King: Grant an Easement for an existing driveway for the property located at 767 Willard Street.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt 8/1 Councillor Chalifoux Zephir opposed.

70-17 Interim Chief Michael Goldman: Add a Section 13-25.1 to the City Ordinances prohibiting the sale or offering of vehicles, food, beverages, goods, wares or merchandise on City Property excluding City events in which the Chief of Police has authorized the closing of roads or parking lots.

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$14,440,784.75
Free Cash	\$2,559,330.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt 9/0

C-75 Relative to the appropriation of \$5,000.00 to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an emergency preamble on May 8, 2017)

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8/0. Councillor David Cormier abstained due to a possible conflict of interest.

C-76 Relative to the appropriation of \$200,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred Thousand Dollars (\$200,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9/0

C-77 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9/0

C-78 Relative to the appropriation of \$70,000.00 to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Seventy Thousand Dollars (\$70,000.00) be appropriated to the Police Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Expenses related to training 9 recruits.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 8/1. Councillor David Cormier opposed.

C-79 Relative to the appropriation of \$21,486.00 to the Police Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty-one Thousand Four Hundred and Eighty Six Dollars (\$21,486.00) be appropriated to the Police Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Retrofitting of cell bunks.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9/0

C-81 Relative to the appropriation of \$130,000.00 to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Hundred and Thirty Thousand Dollars (\$130,000.00) be appropriated to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Library debt payment.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED. Vt 7/2. Councillors Cormier and Bodanza opposed. Upon reconsideration, the PETITION was TABLED. Vt 5/4. Councillors David Cormier, Marchand, Chalifoux Zephir and Bodanza opposed.

52-17 Jorge Andrew Syiek et al: Accept Constitution Drive and Federal Circle as accepted streets.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt 8/0. Councillor David Cormier abstained due to a possible conflict of interest.

71-17 National Grid and Verizon New England, Inc.: Eighth Street – Install one jointly owned pole on Eighth Street beginning at a point approximately 180 feet south of the centerline of the intersection of Water Street and Eighth Street.

Upon recommendation of the PUBLIC SERVICE COMMITTEE, the following PETITION was GRANTED. Vt 8/0. Councillor David Cormier abstained due to a possible conflict of interest.

72-17 National Grid and Verizon New England, Inc.: Lanides Lane – Install one jointly owned pole on Lanides Lane beginning at a point approximately 360 feet north of the centerline of the intersection of Hamilton Street and Lanides Lane.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED. Vt 6/3. Councillors David Cormier, Chalifoux Zephir, and Bodanza opposed.

73-17 Kenneth R. Hanson et al: Accept Duggan Drive as an accepted City street.

A motion to amend the following PETITION was GRANTED. Vt. 7/2. Councillors Freda and Dombrowski opposed. A request by the PUBLIC SERVICE COMMITTEE to give the PETITION FURTHER TIME was denied. Vt. 2/7. Councillors Chalifoux Zephir, Feckley, Bodanza, Lanciani, David Cormier, Marchand and Pauline Cormier opposed. A motion by Councillor Bodanza to GRANT as AMENDED was passed. Vt. 9/0

74-17 David D. Watts: Request a dead end sign at the beginning of Montrose Street connecting to Grant Street.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 “yeas”

William Connor – Assessor – Term to expire April 15, 2018

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 9 “yeas”

William Mitchell – Chief Assessor – Term to Expire April 15, 2020

Robert Fitzpatrick – Board of Appeals – Term to expire April 15, 2020

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCES were given FURTHER TIME. Vt. 9/0

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new section, Article II, Section 22-16.12 entitled “Recreational Marijuana Establishment Moratorium”. (Legal Affairs – Petition 39-17)

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new Section 22-104 relative to Solar Energy Installations. (Legal Affairs – Petition 21-17)

2nd Reading Ordinance – Amend Chapter 22, Section 22-17 of the Revised Ordinances entitled “Zoning” by amending “Energy System, Renewable” in the Table of Uses and inserting “Onsite Solar System” and “Offsite Solar System”. (Legal Affairs – Petition 22-17)

2nd Reading Ordinance – Amend Chapter 22, Section 22-4 of the Revised Ordinances entitled “Zoning” by deleting and replacing the definition for “Energy System Renewable” and inserting two new definitions “Solar Energy System for Onsite” and “Solar Energy System for Offsite”. (Legal Affairs – Petition 23-17)

The following ORDINANCE was read once, ADOPTED as presented, and ordered published. Vt. 8 “yeas” and 1 “nay”. Councillor Chalifoux Zephir opposed.

1st Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by amending the Leominster Zoning Map, so that three parcels at the northeast corner of Central Street and Graham Street and the adjacent portion of Graham Street, shall be situated in the Commercial Zoning District.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDER OF TAKING was ADOPTED. Vt. 9 “yeas”

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

CITY OF LEOMINSTER

ORDER OF TAKING

At a regularly convened meeting of the City Council of the City of Leominster (the “City”) held on this 22nd day of May, 2017, it was voted and ordered as follows:

The City Council of the City of Leominster duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 and Chapter 82, Sections 21-14 of the General Laws, and any and every other power and authority hereunto enabling it in any way, hereby takes, for all purposes for which public ways are used, the following interests over, in, through, under and upon certain lands lying within, abutting or near North Street in the City of Leominster, Massachusetts, and shown more particularly on a plan entitled: “Plan of Road in the City of Leominster, Mass Worcester County,” dated April 18, 2017, prepared by VHB, recorded with the Worcester (North) District Registry of Deeds herewith in Plan Book _____, Plan ____ (the “Plan”), as set forth more particularly below:

1. Permanent easements in, on, over, under and along the parcels of land shown on the Plan as: “Parcel No. W-2” and “Parcel No. W-3”, “Parcel No. PUE-2” through and including “Parcel No. PUE-4”, “Parcel No. PUE-7” through and including “Parcel No. PUE-10”, and “Parcel No. D-10” and “Parcel No. D-11” (collectively, the “Permanent Easement Premises”) for the purpose of undertaking the North Street Reconstruction Project and for all purposes for which public ways are used in the City of Leominster, including but not limited to, constructing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing rights of ways, sidewalks, driveways, walkways, wheelchair ramps, guardrails, pavement markings, slopes of excavation and/or embankment, retaining walls, stone walls, drainage structures and facilities and other utilities, traffic signals, bicycle racks, and landscaping, and for any and all purposes and uses incidental thereto (the “Project”); and

2. Temporary construction easements in, on, over, under and along the parcels of land shown on the Plan as: “Parcel TE-66” through and including “Parcel No. TE-73”, “Parcel TE-75” through and including “Parcel No. TE-82”, “Parcel No. TE-84” through and including “Parcel TE-117”, “Parcel No. TE-119”, “Parcel No. TE-120”, “Parcel No. TE-124” through and including “Parcel No. TE-127”, “Parcel No. TE-129”, “Parcel No. TE-145”, “Parcel No. TE-147”, “Parcel No. TE-150”; and “Parcel No. TE-153” (collectively, the “Temporary Construction Premises”), for the purpose of undertaking the Project, including, without limitation, grading land, constructing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing slopes of excavation and/or embankment and/or driveway aprons, sidewalks, retaining walls, stone walls, landscaping, loaming, planting trees, seeding, paving, and/or erosion control, which temporary construction easements shall terminate automatically five (5) years from the date on which this Order of Taking is recorded with the Worcester North District Registry of Deeds without the necessity of recording any instrument with said Deeds. Nothing in this paragraph shall affect the permanent easements acquired by the City hereunder.

The City shall have the right of entry upon and passage over the Permanent Easement Premises and the Temporary Easement Premises (collectively, the “Easement Premises”) from time to time by foot and motor vehicles, including heavy equipment, for the purposes set forth herein and all uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items in, on, under, and upon the Easement Premises for the proper construction of the Project. The City shall have the right to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder. Utilities and related facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The City shall, upon the completion of the Project, restore any portion of the Easement Premises damaged as a result of the City’s exercise of the rights acquired herein to the condition existing prior to such disturbance, as closely as reasonably practicable.

The parcels of land subject to said easements are owned or supposed to be owned and/or formerly owned by the parties listed in Exhibit A, which parties are hereinafter collectively referred to as Owners. If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

REGULAR MEETING OF THE CITY COUNCIL, MAY 22, 2017, Continued

The amount awarded as damages sustained by the Owner or Owners of said parcels in accordance with the provisions of G.L. c.79, §6, as amended, and to any other person having an interest therein is set forth on Exhibit B attached hereto and incorporated herein, but which shall not be recorded with said Deeds. No damages are awarded to those Owners who have waived the right to damages.

Betterments are not to be assessed under this taking.

IN WITNESS WHEREOF, I, the duly elected and qualified President of the City Council of the City of Leominster have hereunto set my hand this 22nd day of May, 2017.

CITY OF LEOMINSTER,
City Council

/S/ David R. Cormier, President

APPROVED: May 23, 2017

/S/ Dean J. Mazzarella, Mayor

Under old business: Councillor Freda requested clarification on Petition 70-17 with regards to Sholan Farms. A recess was taken at 9:39 P.M. to allow John Sousa, Board of Director for Sholan Farms to discuss his concerns as it relates to this petition. Meeting was reconvened at 9:42 P.M.

Under new business:

The following reorganization of the Council Committees was established:

- Councillor Pauline Cormier was assigned Chairperson of the Small Business and Economic Development Committee.
- Councillor Pauline Cormier was assigned Clerk of Public Safety and Traffic.
- Councillor Pauline Cormier was assigned Third Member of the Public Service Committee.

A committee meeting was established for the President's Committee on Street Acceptance on Tuesday, May 30, 2017 at 5:30 P.M.

Councillor Bodanza scheduled the Fiscal Year 2018 Budget Hearings for the Library and School Department on June 21, 2017 and the Mayor, Department of Public Works, Recreation Department, Fire Department, and Police Department on June 15, 2017.

MEETING ADJOURNED AT 10:16 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council