



# CITY OF FITCHBURG

Filed in the City Clerk's Office:

## NOTICE OF PUBLIC MEETING

### CITY COUNCIL REGULAR MEETING

**MEETING DATE:** Tuesday, April 02, 2019

**MEETING TIME:** 7:00 AM PM

**MEETING PLACE:** MEMORIAL MIDDLE SCHOOL LIBRARY

Name of building (if applicable) \_\_\_\_\_

Room number (if applicable) \_\_\_\_\_

Address 615 ROLLSTONE STREET

City FITCHBURG, MA 01420

**AGENDA ITEMS:\*** **SEE ATTACHED**

2019 MAR 28 PM 2:13  
FITCHBURG CITY CLERK

ANNA M. FARRELL, CITY CLERK

*Name and title of person submitting this notice*

*\*Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.*



## WELCOME TO THE FITCHBURG CITY COUNCIL!

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

### Executive Session

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

## OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:

### Public Forum

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

### Public Hearings

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
  2. You need not refer to the petition number.
- If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

2019 MAR 28 PM 2:13

FITCHBURG CITY CLERK

I. PUBLIC FORUM

II. REPORT OF COMMITTEE ON RECORDS

III. COMMUNICATIONS FROM HIS HONOR THE MAYOR

Appointment Letter:

1. Mr. Daniel J. Cunningham, as a member of the Airport Commission, term to expire April 1, 2022.

Re-Appointment Letter:

1. Mr. Andrew J. Van Hazinga, as a member of the Fitchburg Redevelopment Authority, term to expire April 1, 2024.

IV. COMMUNICATION

Council President Michael Kushmerek  
Re: Reappointment of Anna M. Farrell as the City Clerk

V. COMMUNICATION

Retirement Board  
Re: COLA Meeting

VI. REPORTS OF COMMITTEES

Appointments Committee Oral Report

Meeting of April 2, 2019, 6:45 PM

New Appointment:

Board of Parks Commission

(Term to expire April 1, 2024)

Mr. David C. Brooks

Legislative Affairs Committee Oral Report

Meeting of April 2, 2019, 6:00 pm

- 043-19. Councillor Marisa Fleming, on behalf of Mary Rohrback, 125 Pacific Street, to request a noise control Ordinance, specifically for loud music that can be heard in one's house or on the street.
- 044-19. Vincent Pusateri, II, Esq., City Solicitor, to revise the City's Sewer and Stormwater ordinances, Chapter 147, in compliance with EPA and MS4 permit requirements as outlined in the enclosed Petition.
- 045-19. Vincent Pusateri, II, Esq., City Solicitor, to revise the City's Sewer and Stormwater ordinances, Chapter 154, in compliance with EPA and MS4 permit requirements as outlined in the enclosed Petition.

- 075-19. Anna M. Farrell, City Clerk, to discuss the options and vote to designate the Ward 5A and 5B polling locations.

**Public Works Committee**

**Meeting of March 26, 2019**

- 131-18. Councillors Marisa Fleming and Marcus DiNatale, on behalf of Raul and Yeydi Jimenez, to investigate and implement remedies to mitigate and/or prevent property damage to 162 Townsend Street resulting from motor vehicle incidents that frequently damage the property's fencing.  
(Be Granted)
- 132-18. Councillor Paul Beauchemin, to establish a height limit for utility poles in the City of Fitchburg.  
(Be Given leave to withdraw)
- 209-18. Multiple citizens, to repair McTaggart's Dam to refill pond and restore wildlife population.  
(Be Held) (The Committee went on a tour of McTaggart's Dam and Moran Playground after the formal meeting.)
- 286-18. Councillor Marisa Fleming, to have the City place bales of hay at the top of High Rock Road where it meets the paper road portion of High Rock Road. During heavy rain the water runs down into the back yards of 1191 and 1179 Ashby State Road causing flooding and debris.  
(Be Held pending a review by the Engineering Division)
- 307-18. Councillors Green and DiNatale, on behalf of resident Timothy St. Jean, to inspect and find a remedy to a water run-off issue beginning at 113 Payson Street that is causing a recurring ice beds to form during cold weather on remainder of the street.  
(Be Granted and recommend the sewer separation designer continue to pursue a solution via the new storm drain system on Payson Street)
- 062-19. Councilor Amy Green, on behalf of Martha Lalancette, 389 South Street, to request that the City of Fitchburg turn Colburn Street into a public way.  
(Be given leave to withdraw, see attached letter in minutes)

- 064-19. Councilors Sam Squailia & Joel Kaddy with David Siefert, 96 Alpine Road, to request the DPW find remedy for drainage of Alpine Road between 96 and 142 Alpine Rd. Water flowing down from 142 is eroding the street and embankment and causing dangerous ice buildup in the cold weather, and additionally, blocked culverts under the roadway are causing the water levels to rise to the level of the roadway during heavy rain.  
(Be Granted)
- 065-19. Councilors Sam Squailia & Joel Kaddy on behalf of Paul Agnese to install a berm from his asphalt driveway down as required to mitigate washout from street water runoff.  
(Amended to 273 Theresa Street, and hold as amended)
- 284-18. Councillor Marisa Fleming, to turn private street Eastlin Way into a public way. This street connects East Street to Lincoln Street and cannot be blocked so that the FPD and FFD have access to emergencies.  
(Be given leave to withdraw)
- 077-19. Councilor Paul Beachemin, to request that the Department of Public Works submit annually on or about February 1<sup>st</sup> to the City Council a prioritized list of streets to be paved.  
(Be given leave to withdraw)

Councillor Joel Kaddy, to give a tour of Moran's Field, Phillip's Brook, Moran's Playground, Boy's Beach, and McTaggart's Pond after addressing petitions.

#### VII. PUBLIC HEARING

- 029-19. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by amending the Table of Principle Uses concerning Medical Offices and to further define different medical and medical office uses, per vote of the Fitchburg Planning Board January 8, 2019.

#### VII. ORDERS-CDBG YEAR 45

- 080-19. ORDERED THAT: The sum of SIXTY THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to Parks & Playgrounds Improvement and charged against the CDBG Year 45.
- 081-19. ORDERED THAT: The sum of NINE THOUSAND DOLLARS (\$9,000) be appropriated, same to be credited to the Crocker Field Grandstand Wall Restoration project and charged against the CDBG Year 45.

- 082-19. ORDERED THAT: The sum of THIRTY-THREE THOUSAND DOLLARS (\$33,000) be appropriated, same to be credited to the Crocker Field House Roof project and charged against the CDBG Year 45.
- 083-19. ORDERED THAT: The sum of NINE THOUSAND DOLLARS (\$9,000) be appropriated, same to be credited to the Crocker Field Grandstand Bench Restoration project and charged against the CDBG Year 45.
- 084-19. ORDERED THAT: The sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) be appropriated, same to be credited to the Streetscape Improvements project and charged against the CDBG Year 45.
- 085-19. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Centro High speed Internet Project and charged against the CDBG Year 45.
- 086-19. ORDERED THAT: The sum of TWENTY-EIGHT THOUSAND DOLLARS (\$28,000) be appropriated, same to be credited to Our Father's House Street Homeless Intervention Program and charged against the CDBG Year 45.
- 087-19. ORDERED THAT: The sum of FIFTEEN THOUSAND DOLLARS (\$15,000) be appropriated, same to be credited to MOC, Inc. as Management Company of the Cleghorn Center Youth Services programming and charged against the CDBG Year 45.
- 088-19. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the YMCA Spartacus Program and charged against the CDBG Year 45.
- 089-19. ORDERED THAT: The sum of SIXTY THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol project and charged against the CDBG Year 45.
- 090-19. ORDERED THAT: The sum of SIXTEEN THOUSAND DOLLARS (\$16,000) be appropriated, same to be credited to the Boys and Girls Club of Fitchburg and Leominster Afterschool Transportation Program and charged against the CDBG Year 45.
- 091-19. ORDERED THAT: The sum of EIGHT THOUSAND DOLLARS (\$8,000) be appropriated, same to be credited to the MIHN Family Housing/Pathways Program and charged against the CDBG Year 45.

- 092-19. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the Community Legal Aid Family Pathways Project and charged against the CDBG Year 45.
- 093-19. ORDERED THAT: The sum of TWENTY-ONE THOUSAND DOLLARS (\$21,000) be appropriated, same to be credited to New Vue Communities Small Business Technical Assistance Program and charged against the CDBG Year 45.
- 094-19. ORDERED THAT: The sum of TWENTY-FOUR THOUSAND DOLLARS (\$24,000) be appropriated, same to be credited to the Downtown Murals Project and charged against the CDBG Year 45.
- 095-19. ORDERED THAT: The sum of THIRTY THOUSAND DOLLARS (\$30,000) be appropriated, same to be credited to Fitchburg State University for the Fitchburg Downtown Coordinator Position and charged against the CDBG Year 45.
- 096-19. ORDERED THAT: The sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) be appropriated, same to be credited to the Fitchburg Board of Health code Enforcement program and charged against the CDBG Year 45.
- 097-19. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Habitat for Humanity Critical Home Repair Project and charged against the CDBG Year 45.
- 098-19. ORDERED THAT: The sum of TWO HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS (\$229,476) be appropriated, same to be credited to the Demolition of Abandoned Properties and charged against the CDBG Year 45.
- 099-19. ORDERED THAT: The sum of ONE HUNDRED NINETY-SIX THOUSAND AND EIGHTY-FIVE DOLLARS (\$196,085) be appropriated, same to be credited to CDBG Planning and Administration and charged against the CDBG Year 45.

### VIII. ORDERS-FINANCE

- 100-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security Grant in the approximate amount of \$7,521.28 (SEVEN THOUSAND, FIVE HUNDRED TWENTY-ONE AND 28/100 DOLLARS) for the purpose of said grant, which is to enhance effective pedestrian, bicycle, and moped-type enforcement.
- 101-19. ORDERED THAT: There be and hereby is transferred from within the sum of EIGHTEEN THOUSAND, EIGHT HUNDRED EIGHTY-THREE AND 00/100 DOLLARS (\$18,883.00) same to be transferred from ELECTION & REGISTRATION, PERSONAL SERVICES, ELECTION WORKERS and credited to ELECTION & REGISTRATION, EXPENSES, VOTING EQUIPMENT.
- 102-19. ORDERED THAT: There be and hereby is appropriated the sum of SEVEN THOUSAND AND 00/100 DOLLARS (\$7,000.00) same to be charged against AVAILABLE FUNDS and credited to DEPARTMENT OF PUBLIC WORKS, HIGHWAY PERSONAL SERVICES, SUMMER HELP (\$6,000.00) and DEPARTMENT OF PUBLIC WORKS, HIGHWAY EXPENSES, SIDEWALK MAINTENANCE (\$1,000.00) for the purpose of performing outside maintenance duties in the downtown area and along main roads.

### IX. ORDERS-OTHER

- 103-19. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with the Hub Craft, LLC located at 25 Newport Street, Fitchburg, MA.
- 104-19. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Stalk & Beans, LLC, for a Medical and Non-Medical Laboratory located at 143 John Fitch Highway, Fitchburg, MA.
- 105-19. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Fresh Connection Boston, LLC, for a Non-medical Marijuana cultivation and processing facility located at 175 Kimball Street, Fitchburg, MA.



**X. ORDINANCES**

106-19. Chapter 44, Section 10 of the Code of the City of Fitchburg as most recently amended, shall be further amended by inserting a new line where applicable, for City of Fitchburg poll workers, according to the attached table of wage rates, to be in compliance with minimum wage laws of the Commonwealth of Massachusetts. (Reference Petition #28-19)

**FIRST READING**

107-19. Chapter 44, Section 10 of the Code of the City of Fitchburg as most recently amended, shall be amended by striking where applicable the current rates for temporary seasonal employees and inserting in its place the attached table of wage rates to be in compliance with minimum wage laws. (Table is enclosed with the Ordinance.) (Reference Petition #66-19)

**FIRST READING**

071-19. AN ORDINANCE: Section 169-24 of the City Code, entitled "Parking prohibited at all times" shall be amended as follows:

A new line shall be inserted below the line beginning "Wallace Street" and the following words shall be inserted thereon:

The words "Wallace Avenue" shall be inserted under the "Name of Street" column;

The words "Easterly" shall be inserted under the "Side" column;

The word "From a point of 72 feet northerly from the intersection of Elm Street and Wallace Avenue".

The resulting inserted line shall read as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Wallace Avenue	Easterly	From a point of 72 feet northerly from the intersection of Elm Street and Wallace Avenue

(Reference Petition #256-18)

**FINAL READING**

072-19. AN ORDINANCE: Section 169-42.1 of the City Code, entitled "Additional meter zones" at the line which references in the first column "Wallace Avenue" shall be amended as follows:

In the third column of said line, the words "From Elm Street to Prichard Street" shall be struck and insert "From Elm Street to Prichard Street, except for the first four (4) 9' x 18' foot parking spaces on the easterly side beginning at the intersection of Elm Street and Wallace Avenue" in its place.

The resulting amendment shall read as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Wallace Avenue	Both	From Elm Street to Prichard Street, except for the first four (4) 9' x 18' foot parking spaces on the easterly side beginning at the intersection of Elm Street and Wallace Avenue

(Reference Petition #256-18)  
FINAL READING

073-19. AN ORDINANCE: Section 169-42 of the City Code, entitled "Parking meter zones" at the line which references in the first column "Grove Street" shall be amended as follows:

In the third column of said line, the words "From Elm Street north to Prichard Street" shall be struck and insert "From a point of 18 feet northerly from the intersection Grove Street and Elm Street to Prichard Street" in its place.

A "No Parking Prisoner Loading Area" sign shall be erected in its place.

The resulting amended line shall read as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
Grove Street	East	10 hrs.	From a point of 18 feet northerly from the intersection of Grove Street and Elm Street to Prichard Street

(Reference Petition #256-18)  
FINAL READING

## XI. PETITIONS

- 108-19. Jean Fisher, 49 Osgood Street, to petition the City Council to actively respond to Climate Change as outlined in the enclosed petition, including:
1. City-wide plastic reduction
  2. City-Wide education regarding climate change, zero waste solutions
- (Legislative Affairs Committee)
- 109-19. Councilor Michael Kushmerek and resident Rhonda Cutler to convert meters 285-293, located on Grove Street, from metered parking to resident only parking.  
(Public Safety Committee)
- 110-19. Councilors Squailia, Fleming, & Walsh to find remedy to alleviate traffic congestion on John Fitch Highway northbound by adding a right turn only lane as outlined in the petition.  
(Public Safety Committee)
- 111-19. Councilor Paul Beauchemin, on behalf of Roger Ouellette, to alleviate the water problem at 14 Norfolk Street.  
(Public Works Committee)

Next Regular Meeting  
Tuesday, April 16, 2019, 7:00 PM