



City of Fitchburg Massachusetts 01420

CITY COUNCIL

Councilors at Large

David Clark
Marcus L. DiNatale
Samantha M. Squailia
Anthony M. Zarrella
E. Thomas Donnelly

President

Michael P. Kushmerek

Vice President

Amy L. Green

Ward Councilors

Ward 1 – Amy L. Green
Ward 2 – Paul R. Beauchemin
Ward 3 – Joel R. Kaddy
Ward 4 – Michael P. Kushmerek
Ward 5 – Marisa R. Fleming
Ward 6 – Elizabeth R. Walsh

Finance Committee

A meeting of the Finance Committee was called to order by Chairman DiNatale on Tuesday, February 27, 2018 at 6:01 p.m. in the Memorial Middle School Library, 615 Rollstone Street, Fitchburg, MA.

Committee Members present: Councilors Paul Beauchemin, Marcus DiNatale, Michael Kushmerek, Elizabeth Walsh, and Anthony Zarrella.

Other Councilors present: Councilor Thomas Donnelly. Councilor Samantha Squailia arrived late.

Others present: City Auditor Calvin Brooks, Mayor Stephen DiNatale, Assistant City Solicitor Christine Tree, City Treasurer Anne Cervantes, Chief of Staff A. J. Tourigny, Director of Public Health Stephen Curry, former Councilor Angelo Bisol, and RRG representatives David Manzello and George Bourgault.

030-18 ORDER: that the City of Fitchburg accepts a deed in lieu of foreclosure for municipal charges and taxes for the real property located at 116-118 Day Street.

Discussion: City Treasurer Anne Cervantes reported that Bank of New York had approached the city about taking possession of the property in lieu of foreclosure. There had been a two family dwelling on the site. The owner walked away, the city demolished the dwelling, and the bank foreclosed on the mortgage. The city is owed about \$65,000 on the property which now sits as a small vacant lot and would be a good candidate for the Side Yard Sales Program. City Council approved a petition last fall to accept a deed in lieu of foreclosure and this order would complete the process. Councilors expressed unhappiness with allowing the owner to avoid paying the amounts due, but recognized that doing nothing would cause the site to sit unused for years until the city finally does take it.

Action: Be adopted (5-0)

018-18 ORDER: that there be and hereby is transferred from within the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be transferred from ASSESSOR, PERSONAL SERVICES, DEPARTMENT HEAD and credited to ASSESSOR EXPENSES, CONTRACTED SERVICES

Discussion: Chief of Staff A. J. Tourigny stated that after the retirement of Chief Assessor Ken Wilson, the city began conversations with RRG about providing chief assessor services. The City Solicitor's office is currently reviewing the contract. The contract would begin in mid-March and run to June 30th. The city has received good references from neighboring communities. There may be a later request for additional funds, due to the added costs of Mr. Wilson's retirement. Although assessor services are exempt from the procurement rules in Chapter 30B, the city does intend to send out an RFQ for services beginning in FY2019.

Councilors noted that this arrangement is only for FY2018, which will give the administration time to review the current contractor and this model of assessing. They suggested that any long term contract start with a one year term with extensions. Councilors also expressed concern about customer service. Mr. Tourigny informed the committee that RRG will be assigning a local resident to the city office and to the valuation work that needs to be done, some of which will be done behind the scenes when the assigned person is not on duty at city hall. The city did not advertise for the position, because many communities are looking for assessors and the positions are not being filled. Councilors pointed out that the arrangement is short term, that current personnel are staying in place, that the department will continue to operate, and that the Council will have a say on the long term considerations during the budget process.

Mr. Tourigny, on behalf of the mayor, thanked Mr. Wilson for his many years with the city and wished him well on his retirement.

Action: Be adopted (5-0)

028-18 ORDER: that the City Council, by majority vote pursuant to G.L. c. 4, s. 4, adopt the provisions of G.L. c. 64N, s. 3 to impose a local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at the rate of up to three (3%) percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, the rate to be specified by City Ordinance.

Discussion: Assistant City Solicitor Christine Tree said that recreational marijuana will be available for sale beginning June 1st. Acceptance of the statute would permit the city to set a tax rate; this order does not set the rate, which can be up to 3%. Acceptance becomes effective 30 days after enrollment, and the tax would be charged beginning with the next calendar quarter, which would be July 1st. Councilors noted that this order is just for acceptance of the statute and should be done before discussion of the actual rate, which could be from 0% to 3%

Action: Be adopted (5-0)

029-18 ORDER: 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 Atlantic Medical Partners located at 774 Crawford Street, Fitchburg, MA.

Discussion: Councilor Paul Beauchemin made a motion to hold this matter in committee. He stated that he was not trying to stop the opening of the plant, but was concerned about zoning of the retail sale of marijuana. He is concerned about manufacturing and selling at the same location.

Christine Tree stated that the proposed ordinances sent to Committee as a Whole include language that there must be a full wall between different types of marijuana facilities. This host agreement is running parallel to discussions with the Zoning Board and Planning Board on this particular business and on marijuana business in general. Medical marijuana is currently regulated at the state level by the Department of Public Health, but will soon be moving to the Cannabis Control Commission. There will soon be no distinction between medical and recreational marijuana. This host agreement is the first that encompasses both medical and recreational marijuana.

Ms. Tree added that the host fee has to be related to the impact on the community, but be no greater than 3%. (This 3% host fee is different from the 3% sales tax.) The rate would apply to gross sales price, but the rate structure would make a distinction among different kinds of sales—wholesale, retail, internal, and external.

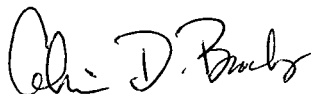
Councilors pointed out that the host agreement requires that the business meet all other legal issues. The city does not give up regulatory authority, and the Planning Board still has a lot of discretion on site approval. Medical marijuana is already zoned and regulated; zoning and regulation of recreational marijuana will be taken up by Committee as a Whole.

Action on motion to hold: Not adopted (1-4)

Action: Be adopted (4-1)

The meeting adjourned at 7:02 PM.

Respectfully submitted,



Calvin D. Brooks, Clerk

**City of Fitchburg
Available Funds Summary
Fiscal Year 2018**

Available Funds Certified as of July 1, 2017			4,948,341
Less Approved Appropriations:			
11/21/17	258-17	School Expenses	-632,438
11/21/17	259-17	Stabilization Fund	-300,000
11/21/17	260-17	OPEB Fund	-250,000
11/21/17	261-17	Supplemental Appropriation to Several Departments	-123,433
11/21/17	262-17	Building - BOA building maintenance & additional electrical	-18,000
11/21/17	263-17	Election & Registration - Special Elections	-9,934
11/21/17	264-17	DPW - Oak Hill Road Bridge (\$85,000 - \$25,000 Host Money)	-60,000
11/21/17	266-17	Community Development - DEP Compliance	-9,825
12/07/17	289-17	Fire - "Jaws of Life"	-165,000
12/07/17	290-17	Fire - North Street Station Driveway	-20,000
12/07/17	291-17	Fire - Support Vehicle	-36,000
12/07/17	292-17	Police - Vehicle Replacement (5 vehicles)	-154,532
12/07/17	293-17	General Insurance - Insurance Advisor	-30,000
01/16/18	003-18	City Hall Renovation	-1,000,000
02/06/18	010-18	Snow & Ice	-300,000
02/20/18	027-18	Snow & Ice	-200,000
Subtotal - Approved Appropriations			-3,309,162
Balance Available			1,639,179
Less Proposed Appropriations:			
Subtotal - Proposed Appropriations			0
Balance Available if Proposed Appropriations are Approved			1,639,179
Possible Appropriations:			
		Snow & Ice	
		Old City Hall - Preservation and Asbestos Clean-Up	
		Labor Contracts	
		Veterans - Cash Benefits	
		Assessors - Contracted Services	
		Demolition	
		Building - Organizing Files	
		Fire - Replace Engine 2	
		Police - Carpeting & Flooring	
		Marketing City	
		Crocker Field Lighting	
		DPW - Oak Hill Road Bridge	
		DPW - Street Paving	
		Schools - Phone System	
		Schools - Longsjo Compressor	
		Schools - Complete FHS Auditorium project	
		Schools - South Street School - West Building Façade and Roof	