

Mar 03 2023 3:17 pm



**REVISED**

3:18 pm, Mar 03, 2023

## WELCOME TO THE FITCHBURG CITY COUNCIL

**March 7, 2023**

**Fitchburg Legislative Building  
700 Main Street  
Fitchburg MA 01420**

**7:00 PM**

This meeting can also be viewed live on FATV. Go to [www.fatv.org/watch-fatv](http://www.fatv.org/watch-fatv) for more information on accessing this meeting.

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 city of residence.
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 Councilor would be happy to assist you.

Thank you for your interest!

## I. PUBLIC FORUM

This meeting will be open to the public. Persons who wish to participate remotely in the Public Forum portion of the meeting may request a remote attendance link by contacting the City Clerk at [cityclerk@fitchburgma.gov](mailto:cityclerk@fitchburgma.gov).

## II. REPORT OF THE APPOINTMENTS COMMITTEE

### **Appointments Committee**

#### **Oral Report**

#### **Meeting of March 7, 2023**

#### **Re-Appointment:**

#### **Airport Commission**

(Term to expire July 1, 2025)

Richard Liberatore - Duplicate, was previously Appointed on 11/15/2022

#### **Re-Appointment:**

#### **Council on Aging**

(Term to expire January 1, 2026)

Deborah Dion

#### **Re-Appointment:**

#### **Council on Aging**

(Term to expire December 31, 2025)

Joseph Byrne

#### **Re-Appointment:**

#### **Council on Aging**

(Term to expire December 31, 2025)

Bonnie Hautala

#### **New Appointment:**

#### **Agricultural Commission**

(Term to expire April 1, 2026)

Ingrid Wheeler

#### **New Appointment:**

#### **Agricultural Commission**

(Term to expire April 1, 2026)

Yonna Coon

#### **New Appointment:**

#### **Agricultural Commission**

(Term to expire April 1, 2025)

Jen Barlow

#### **New Appointment:**

#### **Agricultural Commission**

(Term to expire April 1, 2025)

James K. Momanyi

**New Appointment:**  
**Agricultural Commission**  
(Term to expire April 1, 2024)  
Evan Halstead

**New Appointment:**  
**Board of Park Commissioners**  
(Term to expire May 1, 2028)  
Mary Cringan

### III. REPORT OF COMMITTEE ON RECORDS

#### IV. COMMUNICATION

His Honor the Mayor

Atty. Vincent Pusateri, II, to the position of City Solicitor for a one year term set to expire January 1, 2024.

**1. Re-Appointment letter:**

Margaret Padovano, as a member of the Council on Aging, term to expire March 1, 2026.

**2. Appointment letter:**

George M. Mirijanian, as a members of the Trustees of Public Burial Grounds, term to expire April 1, 2026.

**3. Appointment letter:**

Amy Leblanc, as a member of the Fitchburg Disability Commission, term to expire April 1, 2026.

#### V. REPORTS OF COMMITTEES

**Finance Committee**  
**Meeting of February 22, 2023**

**Finance Committee Minutes**

041-23. ORDER THAT: there be and hereby is appropriated the sum of FOUR HUNDRED FIFTY-THREE THOUSAND, THREE HUNDRED AND 00/100 DOLLARS (\$453,300.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:

HIGHWAY, PERSONAL SERVICES	\$291,900.00
HIGHWAY, PERSONAL SERVICES, OVERTIME	\$ 39,400.00
HIGHWAY, SNOW & ICE, OVERTIME	\$ 41,900.00
CEMETERY, PERSONAL SERVICES	\$ 42,000.00
CEMETERY, PERSONAL SERVICES, OVERTIME	\$ 5,700.00
PARKS, PERSONAL SERVICES	\$ 25,200.00
PARKS, PERSONAL SERVICES, OVERTIME	\$ 3,200.00
EMPLOYEE BENEFITS, OTHER BENEFITS	\$ 4,000.00

(Be Adopted)

- 042-23. ORDER THAT: there be and hereby is appropriated the sum of TWO HUNDRED ELEVEN THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS (\$211,400.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to the following accounts:
- |                                   |              |
|-----------------------------------|--------------|
| WATER PERSONAL SERVICES           | \$158,900.00 |
| WATER PERSONAL SERVICES, OVERTIME | \$ 52,500.00 |
- (Be Adopted)
- 043-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED THOUSAND, TWO HUNDRED AND 00/100 DOLLARS (\$100,200.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited to the following accounts:
- |  |              |
|--|--------------|
| WASTEWATER PERSONAL SERVICES           | \$ 93,300.00 |
| WASTEWATER PERSONAL SERVICES, OVERTIME | \$ 6,900.00  |
- (Be Adopted)
- 044-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the MassDevelopment, Brownfields Site Remediation Grant in the approximate amount of \$250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to remediate soil contamination at 80 Lunenburg Street.  
(Be Adopted)

**Community Development Block Grant Year 49**

[CDBG Year 49](#)

**VI. ORDERS - FINANCE**

- 047-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTEEN THOUSAND, SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$16,750.00) same to be charged against AVAILABLE FUNDS and credited to HEALTH EXPENSES, WEIGHTS & MEASURES.
- 048-23. ORDER THAT: there be and hereby is appropriated the sum of FORTY-FIVE THOUSAND AND 00/100 DOLLARS (\$45,000.00) same to be charged against AVAILABLE FUNDS and credited to POLICE EQUIPMENT & REPAIR, RADIO REPAIR.
- 049-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY-TWO THOUSAND, SEVEN HUNDRED TWENTY-ONE AND 00/100 DOLLARS (\$32,721.00) same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY EXPENSES, CONTRACTED SERVICES.
- 050-23. ORDER THAT: there be and hereby is appropriated the sum of SEVENTY THOUSAND AND 00/100 DOLLARS (\$70,000.00) same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY EXPENSES, CAPITAL IMPROVEMENTS.

- 051-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED TWENTY-SIX THOUSAND, THREE HUNDRED TEN AND 92/100 DOLLARS (\$126,310.92) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of paying FATV for franchise fees received during the fourth quarter of 2022.
- 052-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT, DOWNTOWN CLEANUP.
- 053-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, CONTRACTED SERVICES.
- 054-23. ORDER THAT: there be and hereby is appropriated the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, MUNICIPAL HEARING OFFICER.
- 055-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the New England Foundation for the Arts grant in the approximate amount of \$10,000.00 (TEN THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to engage an artist in the creation of temporary banner art on the façade of Fitchburg Cultural Alliance’s Main Street Studios.

## **VII. ORDERS – AMERICAN RESCUE PLAN ACT**

- 056-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$5,500,000.00 (FIVE MILLION, FIVE HUNDRED THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to create a 21st century library at the Fitchburg Public Library.
- 057-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$2,000,000.00 (TWO MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to replace the natural grass field at Crocker Field with an artificial turf field.

058-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$3,000,000.00 (THREE MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade all water mains on Boulder Dr., as well as those in the intersecting streets between Boulder Dr. and Main St.

059-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$5,000,000.00 (FIVE MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade all water mains on Main Street, in the Upper Common area.

## VIII. ORDINANCES

040-23. AN ORDINANCE: **AMENDED** 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 ~~to be in compliance with minimum wage laws, wage rates.~~

AN ORDINANCE: 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 remain competitive with the current labor market.

036-23. AN ORDINANCE: The following be added as Chapter 3-19 to the Fitchburg City Code, with following sections of this chapter renumbered accordingly. As enclosed in the Ordinance.

### **3-19 Commemorative Flags**

AN ORDINANCE: The following be added to Chapter 3 of the Fitchburg City Code ~~as the next consecutively numbered section:~~

### **3-~~21??~~ Flags to be Flown**

In addition to the flags of the United States of America, the Commonwealth of Massachusetts, and the City of Fitchburg, other flags shall not be flown on City flagpoles, except as permitted by the subsequent paragraph, unless authorized by a resolution approved by a majority vote of the City Council, affirming that such flag will stand as an expression of the official sentiments of the City of Fitchburg. The City's flagpoles are not designated as a forum for expression by the public.

If, due to unforeseen or sudden circumstances, the expression of official sentiments through the raising of a flag would be unduly hindered by delaying until the next scheduled City Council meeting, the Mayor may communicate a proposed resolution pursuant to the preceding paragraph directly to all members of the City Council and the City Clerk, along with a thorough explanation of the asserted urgency. If, after forty-eight (48) hours no objection is raised by a City Councilor, that flag may be raised and the resolution included as a Communication from the Mayor at the

following meeting of the City Council. If any Councilor raises an objection in writing, the flag in question shall not be flown until the City Council has approved the proposed resolution.

## **IX. ANNOUNCEMENTS**

## **X. OTHER BUSINESS**

Next Regular Meeting  
Tuesday, March 21, 2023, at 7:00 PM