

Apr 01 2022 11:48 am

WELCOME TO THE FITCHBURG CITY COUNCIL

April 5, 2022

**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 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 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!

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.

II. REPORT OF THE APPOINTMENTS COMMITTEE

There is no report of the Appointments Committee at this time.

III. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATION

Council President Anthony Zarrella
Appointment of the City Clerk

V. COMMUNICATION

Pension Reserves Investment Management Board

VI. SPECIAL PRESENTATIONS

Presentation of trophies from Fitchburg Police Department to the winners of the Dog License Awareness Poster Contest

Tom Skwierawski, Director
Community Development & Planning
RE: Multi-Family Zoning requirement for MBTA Communities

VII. REPORTS OF COMMITTEES

City Property Committee **Meeting of March 28, 2022**

[City Property Meeting Packet](#)

[City Property Committee Minutes of March 28, 2022](#)

- 195-21. Tom Skwierawski, Exe. Director of Community Development and Planning, to Declare 0 Daniels Street (Parcel 77 41 0) surplus property and designate the property for sale through the Side Yard Sales Program.
(Be Granted)
- 008-22. Tom Skwierawski, Executive Director of Community Development & Planning Department, to declare the following parcels as surplus property:
0 Taft Street, Assessor's Map 20/4/3
0 Taft Street, Assessor's Map 20/4/2
(Be Granted)
- 033-22. Tom Skwierawski, Exe. Director of Community Planning & Development, to request City Council declare the following parcel as surplus property:
50 Granite Street, Assessor's Map 82/6/0
(Be Granted)

- 034-22. Tom Skwierawski, Exe. Director of Community Planning & Development, to request City Council declare the following parcel as surplus property:
0 Sawmill Pond Road, Assessor's Map S53/6/0
(Be Held)
- 057-22. Tom Skwierawski, Executive Director of Community Development & Planning, to request the City Council to declare the following Parcel as surplus property:
491 Main Street, Assessor's Map 43/8/0
(Be Granted)
- 175-21. Councilors Fleming and Hughes, to rename Union Street, located in Ward 5B to Adrian Ford Way.
(Public Works Committee recommended to amend petition to read "Co-Name Union Street to include Adrian Ford Way" and grant as amended.)
(Be Granted as Amended)

Economic Development Committee Oral Report
Meeting of April 5, 2022

- 009-22. The Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by making several corrections & clarifications, as described in the enclosed Petition.
[Planning Board Recommendation](#)
(Public Hearing May 3, 2022)
- 032-22. ORDERED THAT: Authorizing the Mayor to execute a Memorandum of Agreement between the City of Fitchburg and the Twin Cities Rail Trail Association regarding the roles and responsibilities of each party to maintain the new trail as outlined in the attached Order.

Finance Committee
Meeting of March 22, 2022

[Finance Committee Meeting Minutes of March 22, 2022](#)

- 035-22. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive office of Public Safety and Security, SAFE grant in the approximate amount of \$3,255.00 (THREE THOUSAND, TWO HUNDRED FIFTY-FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to educate seniors in the community regarding fire and life safety topics.
(Be Adopted)
- 036-22. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive office of Public Safety and Security, SAFE grant in the approximate amount of \$6,275.00 (SIX THOUSAND, TWO HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS)) for the purpose of said grant, which is to continue to teach fire safety to students.
(Be Adopted)

- 037-22. ORDERED THAT: There be and hereby is transferred from within the sum of FIFTEEN THOUSAND, FIVE HUNDRED FIFTY-TWO AND 00/100 DOLLARS (\$15,552.00) same to be transferred from VETERANS PERSONAL SERVICES, CLERICAL and credited to VETERANS EXPENSES, TEMPORARY PERSONAL SERVICES.
(Be Adopted)

Legislative Affairs Committee Oral Report
Meeting of March 30, 2022

[Legislative Affairs Committee Meeting Packet](#)

- 009-22. The Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by making several corrections & clarifications, as described in the enclosed Petition.
[Planning Board Recommendation](#)
(Public Hearing May 3, 2022)
- 028-22. Councilor Sam Squailia, to increase available resident off-street parking during a snow emergency as outlined in the enclosed petition.
- 054-22. WHEREAS, a third amendment is necessary in order to allow the Town of Westminster to transfer discharge from the Route 31 sewer line to the Route 2A sewer line and the Parties entered into the Agreement and wish to continue into good faith negotiations relative to the terms of a new Intermunicipal Agreement after receipt of certain studies that remain outstanding and input from the Department of Environmental Protection and the Environmental Protection Agency so as to best accommodate increased flow from Westminster.
[Third Amendment to Intermunicipal Agreement](#)

Public Works Committee
Meeting of March 29, 2022

[Public Works Committee Minutes of March 29, 2022](#)

- 017-22. Councilor Bernard Schultz and Mari Barroso of 155 Milk Street, owner of adjacent property, to repair a retaining wall at rear of 155 Milk Street extending onto Maple Street.
(Be Granted)
- 018-22. Sgt. Daniel Boudreau, Fitchburg Police Traffic Unit, to petition for the installation of “no parking at all times” on both sides of Game On way, from Industrial Road/Victoria Lane intersection to Game on Soccer Facility entrance.
(Also referred to the Public Safety Committee)
(Be Granted)
- 061-22. Councilors Marcus DiNatale and Paul Beauchemin, on behalf of Elmer Eubanks, to repair a damaged berm in front of 427 Oak Hill Road that is now causing water runoff onto the property.
(Be Granted)

062-22. Councilor Paul Beauchemin, to install a berm from the corner of Stanley Street to 80 Pershing Street on both sides of the road to mitigate water runoff.
(Amended to read: Install a berm 10 feet on either side of 60 Pershing Street)
(Be granted as amended)

089-20. Councillor Bernie Schultz, and resident Alex Freeman of 70 Rainville Avenue, to remove the “No Turn on Red” sign at the intersection of John T. Cetrino Memorial Drive and Water Street.
(Be Held)

Water/Wastewater Commission
Meeting of March 16, 2022

054-22. WHEREAS, a third amendment is necessary in order to allow the Town of Westminster to transfer discharge from the Route 31 sewer line to the Route 2A sewer line and the Parties entered into the Agreement and wish to continue into good faith negotiations relative to the terms of a new Intermunicipal Agreement after receipt of certain studies that remain outstanding and input from the Department of Environmental Protection and the Environmental Protection Agency so as to best accommodate increased flow from Westminster.

(Be Adopted)

[Third Amendment to Intermunicipal Agreement](#)

VIII. ORDERS – FINANCE

064-22. LOAN ORDER: Approp. \$2,750,000.000 to pay the cost of demolishing the existing and constructing a new Oak Hill Water Storage Tank in the City and construction a new Oak Hill Water Storage Tank in the City as outlined in the enclosed Order.

065-22. ORDERED THAT: There be and hereby is appropriated the sum of ONE MILLION, FOUR HUNDRED THOUSAND AND 00/100 (\$1,400,00.00) same to be charged against AVAILABLE FUNDS and credited to FIRE DEPARTMENT CAPITAL, VEHICLE REPLACEMENT for the purchase of a new ladder truck

066-22 ORDERED 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 \$50,000 (FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to cover the additional hours spent by the Community Development Department on ARPA Compliance and administration.

067-22. ORDERED THAT: There be and hereby is appropriated the sum of FIFTY-FIVE THOUSAND (\$55,000) same to be charged against AVAILABLE FUNDS and credited to BUILDING DEPARTMENT-VEHICLE REPLACEMENT for the purpose of replace and inspection vehicle.

IX. ORDERS – CDBG Year 48

- 068-22. ORDERED THAT: The sum of SIXTY THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to Parkhill Improvements Phase II and charged against the CDBG Year 48.
- 069-22. ORDERED THAT: The sum of EIGHTY THOUSAND DOLLARS (\$80,000), same to be credited to the Play Equipment & Site Work-Parkhill Park and Mama Fitz project and charged against the CDBG Year 48.
- 070-22. ORDERED THAT: The sum of FORTY-THREE THOUSAND DOLLARS (\$43,000) be appropriated, same to be credited to the Fitchburg disability Commission: Sidewalk Accessibility project and charged against CDBG Year 48.
- 071-22. ORDERED THAT: The sum of ONE HUNDRED SIXTY-SEVEN FOUR HUNDRED NINETY-NINE THOUSAND DOLLARS (\$167,499) be appropriated, same to be credited to Streetscape Improvements and charged against the CDBG Year 48.
- 072-22. ORDERED THAT: The sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to the Friends of Fitchburg Abolitionist Park Phase III project and charged against the CDBG Year 48.
- 073-22. ORDERED THAT: The sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to the NCM Association of Realtors, Summer St. Art Improvements and charged against the CDBG Year 48.
- 074-22. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Public Art Project and charged against the CDBG Year 48.
- 075-22. ORDERED THAT: The sum of TWENTY-EIGHT THOUSAND DOLLARS (\$28,000) be appropriated, same to be credited to the Fitchburg Health Department: Street Outreach program and charged against the CDBG Year 48.
- 076-22. ORDERED THAT: The sum of SEVEN THOUSAND EIGHT HUNDRED EIGHTY-SEVEN DOLLARS (\$7,887) be appropriated, same to be credited to Growing Places Fitchburg Farmers Market and charged against the CDBG Year 48.
- 077-22. ORDERED THAT: The sum of TWELVE THOUSAND DOLLARS (\$12,000) be appropriated, same to be credited to the Montachusett Regional YMCA Spartacus Program and charged against the CDBG Year 48.
- 078-22. ORDERED THAT: The sum of SIXTY-FIVE THOUSAND DOLLARS (\$65,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol program and charged against the CDBG Year 48.
- 079-22. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the North Star Family Homeless Shelter and charged against the CDBG Year 48.

- 080-22. ORDERED THAT: The sum of ELEVEN THOUSAND DOLLARS (\$11,000) be appropriated, same to be credited to the Community Legal Aid Homelessness Prevention Project and charged against the CDBG Year 48.
- 081-22. ORDERED THAT: The sum of SIXTEEN THOUSAND DOLLARS (\$16,000) be appropriated, same to be credited to the Boys & Girls Club Transportation to Project Learn STEM and charged against the CDBG Year 48.
- 082-22. ORDERED THAT: The sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) be appropriated, same to be credited to NewVue Communities Small Business Technical Assistance Program and charged against the CDBG Year 48.
- 083-22. ORDERED THAT: The sum of FIFTY-FIVE THOUSAND DOLLARS (\$55,000) be appropriated, same to be credited to Small Business Technical Assistance program and charged against the CDBG Year 48.
- 084-22. ORDERED THAT: The sum of SIXTY-THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to the Sign and Façade Program and charged against the CDBG Year 48.
- 085-22. ORDERED THAT: The sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) be appropriated, same to be credited to Fitchburg State University for the Fitchburg Downtown Coordinator Position and charged against the CDBG Year 48.
- 086-22. 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 48.
- 087-22. ORDERED THAT: The sum of ONE HUNDRED THREE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS (\$103,456) be appropriated, same to be credited to the Fitchburg Board of Health Code Enforcement program and charged against the CDBG Year 48.
- 088-22. ORDERED THAT: The sum of TWO HUNDRED THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$200,225) be appropriated, same to be credited to CDBG Administration and charged against CDBG Year 48.

X. RESOLUTION

- 089-22. RESOLUTION: A Resolution pertaining to a grant from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, Drinking Water Supply Protection (DWSP) Grant Program as outlined in the enclosed Resolution.

XI. ORDINANCE

- 055-22. AN ORDINANCE: Amending Section 169-25 of the City Code, re: No Parking, Ellis Street, Kingsbury Street, Drury Street as outlined in the enclosed Ordinance. (Reference Petition 166-21)

(Final Reading)

[Ordinance](#)

XII. PETITIONS

- 090-22. Marc Dohan, Exe. Director, NewVue Communities, property owner of 62 Academy Street, to amend the 40R Smart Growth District (181.84) by adding the following properties: 0 Elm Street (19-2-A0 - Ref. Petition #192-20, granted October 13, 2020). and 49 Snow Street.
(Public Hearing May 3, 2022)
- 091-22. Tom Skwierawski, Exe. Director, Community Development and Planning, to declare 0 Lancaster Street (109 11 0) as surplus property, and dispose of it through the RFP Process.
(City Property Committee)
- 092-22. Chief Ernest Martineau, Fitchburg Police Department, to add to Chapter 40, relative to the Fitchburg Police Department, re: Civilian Traffic Control Specialists.
(Legislative Affairs Committee)
- 093-22. Councilor Sam Squailia on behalf of resident Nick Hains, to add a 4-way controlled stop at the intersection of Victoria Lane, Industrial Drive and Game-On Way. During times of heavy traffic flow in or out of the Game-On facility, residents of Victoria Lane do not have the right of way to cross, and thus must wait for long periods while the traffic lines go through. If a 4-way stop sign is not feasible, an alternate solution shall be investigated by the city.
(Public Safety Committee)
- 094-22. Councilor Marisa Fleming, on behalf of Tom Siart, to install a berm on the backside of 280 Arn How Farm Road to mitigate flooding in his yard from water running down Billings Road.
(Public Works Committee)
- 095-22. Councilor Marisa Fleming, on behalf of Cindy Cote, to install well-constructed asphalt, stone or granite berm at 161 Marshall Road to reduce any further erosion to the front of property due to increased traffic during the summer months as well as winter plowing during the snowy months.
(Public Works Committee)
- 096-22. Councilor Andrew Van Hazinga, to install a berm on the western side of Longwood Avenue approximately 86 feet north of its intersection with Pearl Street to prevent storm-water runoff from washing out the area along the street.
(Public Works Committee)
- 097-22. Councilor Sam Squailia to petition the city to repair and/or replace existing trash barrels, and add new trash barrels as required on Main Street between Moran Square and Academy Street. Trash cans should be placed one at each block and strategically located at busy pedestrian transition points.
(Public Works Committee)

XIII. ANNOUNCEMENTS

XIV. OTHER BUSINESS

Next Regular Meeting
Tuesday, April 19, 2022 - 7:00 PM