



REVISED
8:11 am, May 01, 2023

WELCOME TO THE FITCHBURG CITY COUNCIL

May 2, 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 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.

II. ANNOUNCEMENTS

III. APPOINTMENTS COMMITTEE

Appointments Committee Withdrawal

Oral Report

Meeting of May 2, 2023

Re-Appointment:

Council on Aging

For the City of Fitchburg

(Term to expire November 1, 2025)

Annie DeMartino - **Withdrew**

IV. REPORT OF COMMITTEE ON RECORDS

V. ANNUAL REPORT

- 109-23. ANNUAL REPORT: Independent Auditor's report for the year ended June 30, 2022. (See Full Document that is posted on the City's website) On file with the City Clerk.

VI. REPORT OF COMMITTEES

Council as a Whole Committee

Oral Report

Meeting of April 26, 2023

- 085-23. Councilor Marcus DiNatale, on behalf of multiple residents, to end the use of fluoride in Fitchburg's public water treatment. (Given Leave to Withdraw)

Finance Committee

Meeting of April 26, 2023

[Finance Committee Meeting Minutes](#)

- 100-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Best Value grant in the approximate amount of \$135,000.00 (ONE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue providing staffing for various vaccine clinics and to continue providing outreach and collaborate with key stakeholders. (Be Adopted)

- 101-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration, Bi-partisan Infrastructure Law grant in the approximate amount of \$256,491.00 (TWO HUNDRED FIFTY-SIX THOUSAND, FOUR HUNDRED NINETY-ONE AND 00/100 DOLLARS) for the purpose of said grant, which is to perform an environmental assessment and wildlife hazard assessment on the airport property.
(Be Adopted)

Public Works Committee
Oral Report
Meeting of April 25, 2023

- 037-23. City Councilor Bernie Schultz and Anthony Velardi of 229 Rollstone Street to request continuation of sidewalk paving on Rollstone Street from the corner of Charles Street and Rollstone Street to Kimball Street.
(Be Granted)
- 038-23. Councilor Andy Van Hazinga to repair approx. 6 feet of plow-damaged berm at 201 Scott Rd.
(Be Granted)
- 084-23. Councilor Cruz and President Zarrella, on behalf of the residents of Eleanor Street, Tibbett Circle, Watts Way, and Brittany Lane, for sidewalk repairs and improvements to be made throughout the neighborhood.
(Be Granted)
- 093-23. City Councilors Bernie Schultz and Amy Green, on behalf of Barry Watson petition for a sidewalk repair located at 24 Spruce St. (see enclosed photo)
(Be Granted)
- 094-23. City Councilor Andrew Van Hazinga on behalf of 138 Mount Vernon Street, to repair the asphalt berm, which was extensively damaged by snow plows during the winter.
(Be Granted)
- 095-23. City Councilor Andrew Van Hazinga on behalf of Jeff Jollimore, to petition for repairs to the asphalt berm at 131 Longwood Avenue along Caswell Street, which was damaged by snow plows during last winter.
(Be Granted)
- 105-23. City Councilor Bernie Schultz and Gina Teixeira of 40 Nashua Street to request repair of sidewalk asphalt in front of 40 Nashua Street.
(Be Granted)
- 106-23. Councilors Marcus DiNatale and Andrew Couture, on behalf of Leo and Debra Bousquet, to replace damaged berm at 580 Shea Street.
(Be Granted)
- 089-20. Councilor Bernie Schultz and resident Alex Freeman to remove the “No Turn on Red” sign at the intersection of John T. Cetrino Memorial Drive and Water Street.
(Given Leave to Withdraw)

- 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.
(Given Leave to Withdraw)
- 243-22. City Councilor Bernie Schultz and Judy Perla of 236 Walton Street to install a yield sign on Pole 1615 facing out on Munroe Street at the intersection of Fairbanks and Munroe Streets to improve traffic safety when motorists depart from South Street Elementary School.
(Given Leave to Withdraw)
- 244-22. City Councilor Derrick Cruz on behalf of Tyrone and Sheila Tines, residents of Clyde Street. I request that the City of Fitchburg implement either “No Parking from Here to the Corner” or “No Parking Signs” at the corner of Hancock and Summer Street, an appropriate distance on both sides. As residents exiting Hancock Street cannot see past the row of cars parked there, it has become a public safety concern for them.
(Given Leave to Withdraw)

VII. ORDERS – FINANCE

- 110-23. ORDER THAT: there be and hereby is transferred from within the sum of EIGHTY-FIVE THOUSAND 00/100 DOLLARS (\$85,000.00) same to be transferred from POLICE, PERSONAL SERVICES, PATROLMAN and credited to the following POLICE DEPARTMENT accounts:
- | | |
|-----------------------------------|-------------|
| EQUIPMENT & REPAIR, AUTO REPAIR | \$35,000.00 |
| EQUIPMENT & REPAIR, TRAINING | \$20,000.00 |
| MAINT. OF BUILDING, REPAIR & CARE | \$15,000.00 |
| MAINT. OF BUILDING, ELECTRICITY | \$15,000.00 |
- 111-23. ORDER THAT: there be and hereby is transferred from within the sum of SEVENTY-FIVE THOUSAND 00/100 DOLLARS (\$75,000.00) same to be transferred from FIRE, PERSONAL SERVICES, FIREFIGHTERS and credited to FIRE, PERSONAL SERVICES, OVERTIME.
- 112-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Massachusetts Cultural Council grant in the approximate amount of \$2,500.00 (TWO THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to support Concerts in the Common during the summer months.
- 113-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Fitness Campaign grant in the approximate amount of \$50,000.00 (FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to support the construction of the National Fitness Campaign Fitness Park and Outdoor Fitness Studio.

- 114-23. ORDER THAT: there be and hereby is transferred from within the sum of THREE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$335,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to PUBLIC WORKS CAPITAL EXPENSE, EQUIPMENT for the purpose of acquiring a loader and a 1-ton pickup truck.
- 115-23. ORDER THAT: there be and hereby is transferred from within the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to PARKS CAPITAL EXPENSE, PARK & PLAYGROUND IMPROVEMENTS for purpose of making improvements to the playgrounds.
- 116-23. ORDER THAT: there be and hereby is transferred the sum of TWO HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$275,000.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- | | |
|------------------|---------------|
| OVERTIME | \$ 26,973.00 |
| EQUIPMENT RENTAL | \$ 84,249.00 |
| SALT | \$163,778.00. |
- 117-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY-FOUR THOUSAND, SEVEN HUNDRED NINETY-ONE AND 00/100 DOLLARS (\$54,791.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- | | |
|------|--------------|
| SALT | \$54,791.00. |
|------|--------------|
- 118-23. 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 CITY AUDITOR, PERSONAL SERVICES, DEPUTY AUDITOR.
- 119-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$175,000.00) same to be charged against AVAILABLE FUNDS and credited to LAW OTHER EXPENSES, DAMAGES PERSONS & PROPERTY to settle two claims.
- 120-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) same to be charged against AVAILABLE FUNDS and credited to FACILTIES DEPARTMENT, EXPENSES.
- 121-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$120,000.00) same to be charged against AVAILABLE FUNDS and credited to the following AIRPORT EXPENSE accounts:
- | | |
|-----------------------|--------------|
| AVIATION FUEL AND OIL | \$100,000.00 |
| ELECTRICITY | \$ 20,000.00 |

VIII. ORDINANCES

- 122-23. BE IT ORDAINED THAT: §147-10.1 entitled “Sewer use rates” shall be struck in its entirety and the following shall be inserted in its place as enclosed in the link.
[Waste Water Increase](#)
- 123-23. BE IT ORDAINED THAT: §177-15 of the Fitchburg City Code shall be revised as reflected in the chart attached hereto. Specifically, §177-15 shall be revised as enclosed in the link.
[Revised Water Fee Increase](#)

IX. PETITIONS

- 124-23. City Councilor Bernie Schultz and Shawn Tisdale of 476 Milk Street to repair fence next to the Tisdale home at 476 Milk Street.
(Public Works)
- 125-23. Councilors Marcus DiNatale and Andrew Couture, on behalf of Clint Godin, to install a berm at 11 Stickney Road.
(Public Works)
- 126-23. A & R Automotive Group to petition for a Class II Dealer’s License located at: 19 Dwight St. Fitchburg, MA 01420
(Public Safety)
- 127-23. City Councilor Bernie Schultz and Police Sgt. Dan Boudreau request that the Department of Public Works and the School Department work collaboratively to ensure the widening of Munroe Street to accommodate increased vehicular traffic from South Street School.
(Public Works)
- 128-23. TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG:

The undersigned Petitions your Honorable Body pursuant to Chapter 157 § 157-6 of the City Code to layout and accept as gift or donation, as a public way, a certain parcel of land known as Ethier Street Extension also known as Ethier Street. This parcel is more completely described on the attached Plan entitled “Street Acceptance Plan for Ethier Street” and the proposed deed.

In support of the petition attached are, the Street Acceptance Plan, the Proposed Deed, the Agreements received from abutters regarding damages, and the list of people who have refused to sign the same pursuant City Code 157-6.

In further support, please reference petition # 46-20.

In final support, should this petition be granted an order will be prepared confirming the same.

(Refer to Public Works, City Property and Planning Board)

- 129-23. City Councilor Sally Cragin on behalf of Cap Corduan, Dr. Joseph Cronin, Helen Donlan, Cheryl Hirst, Noel Plouffe, Hal Smith, Christopher T.C. Warner request to have the Rainbow Pride Flag flown in front of City Hall during the week of Pride beginning July 22, 2023.
(City Council)

X. OTHER BUSINESS

Review of April 23, 2023 Open Meeting Law Complaint

Next Regular Meeting
Tuesday, May 16, 2023, at 7:00 PM