



REVISED
11:48 am, Jul 18, 2023

WELCOME TO THE FITCHBURG CITY COUNCIL

July 18, 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 by 12:00 PM (noon) on the day of meeting.

II. ANNOUNCEMENTS

III. APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of July 18, 2023

Permanent Full Time Firefighters

For the City of Fitchburg

Francis J. Leblanc

Brendan V. Byrne

New Appointments:

Poll Workers

For the period of September 1, 2023, through August 31, 2024.

(To be sworn in during training sessions)

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATIONS

His Honor the Mayor

213-23. RESOLUTION: WHEREAS, on July 16, 2023, the City of Fitchburg experienced significant rain, including up to six (6) inches of rain within a three-hour period;

WHEREAS, extensive damage was caused throughout the City by flooding and erosion, stemming from the aforementioned rainfall;

WHEREAS, there has been and continues to be an immediate threat to the health and safety of persons and property within the City;

THEREFORE, pursuant to M.G.L. c. 44 §31, the City Council hereby declares the existence of a local emergency effecting the health and safety of the residents of the City of Fitchburg and enters an order to permit the Department of Public Works, the Fire Department, and the Police Department to engage in emergency deficit spending in order to meet the emergency caused by said rainfall and to take all necessary and relevant steps to mitigate against anticipated future rains forecasted for July 2023.

VI. REPORT OF COMMITTEES

Finance Committee Oral Report Meeting of July 12, 2023

- 184-23. ORDER THAT: there be and hereby is transferred from within the sum of TWENTY-SIX THOUSAND, SIX HUNDRED EIGHTY-FOUR AND 40/100 DOLLARS (\$26,684.40) same to be transferred from COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, FOOD INSECURITY ASSISTANCE (\$3,620.40) and from COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, BUSINESS LOANS & GRANTS (\$23,064.00) and credited to COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, RENTAL AND UTILITY ASSISTANCE.
(Be Adopted)
- 185-23. ORDER THAT: there be and hereby is transferred from within the sum of FIFTY-SEVEN THOUSAND, SIX HUNDRED FIFTY-ONE AND 72/100 DOLLARS (\$57,651.72) same to be transferred from CDBG YEAR 47 STREETSCAPES PROJECT and credited to CDBG YEAR 48 PARKS AND PLAYGROUNDS.
(Be Adopted)
- 196-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs FY24 Greening the Gateway Cities Program Implementation Grant Award in the approximate amount of \$88,650.00 (EIGHTY-EIGHT THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS) for the purpose of said grant, which is to achieve tree planting, promote stewardship and appreciation of Fitchburg's trees for the environmental benefits and energy savings that a healthy tree canopy brings to the residents of the City.
(Be Adopted)
- 197-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs FY24 Greening the Gateway Cities Program Partnership Grant Award in the approximate amount of \$12,944.00 (TWELVE THOUSAND NINE HUNDRED FORTY-FOUR AND 00/100 DOLLARS) for the purpose of said grant, which is to assist DCR Urban and Community Forestry as they plant trees in target neighborhoods in Fitchburg to increase tree canopy cover for environmental and energy efficiency benefits.
(Be Adopted)

VII. PUBLIC HEARINGS

- 201-23. Unutil, to petition for a new pole #22A on Beech St., approx. 260' North of Pratt Street and approx. 43' South of LaFlamme Pl., as outlined in the enclosed Petition.
- 202-23. Unutil, to install conduit from existing pole #6, approximately 245.3' South along Old Princeton Rd., and approximately 155.6' West to the Flagg Pond Substation. This is for the purpose of installing a fiber optic service line as outlined in the enclosed Petition.

VIII. ORDERS – FINANCE

- 205-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the FY24 Infectious Disease Investigation and Response grant in the approximate amount of TWO HUNDRED FORTY THOUSAND (\$240,000) for the purpose of said grant, which is to support Disease Investigators, a portion of the Disease Investigator Supervisor and Disease Resource Coordinator, to provide infectious disease investigation and response in all thirteen communities of the Montachusett Public Health Network (MPHN).
(Suspension of Rules)
- 206-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTY-THREE THOUSAND EIGHTY AND 00/100 DOLLARS (\$63,080.00) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of paying FATV for 2022 PEG Grant proceeds received from Verizon.
(Suspension of Rules)
- 207-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts, the sum of TWO HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$228,000) same to be transferred from:
- | | |
|---|-----------|
| EMPLOYEE BENEFITS, WORKERS COMPENSATION | \$ 35,000 |
| EMPLOYEE BENEFITS, UNEMPLOYMENT | \$100,000 |
| EMPLOYEE BENEFITS, LIFE INSURANCE | \$ 18,000 |
| EMPLOYEE BENEFITS, OTHER BENEFITS | \$ 45,000 |
| EMPLOYEE BENEFITS, CH 41 FIRE | \$ 30,000 |
- and credited to:
- | | |
|-------------------------------------|-----------|
| EMPLOYEE BENEFITS, MEDICARE | \$ 85,000 |
| EMPLOYEE BENEFITS, HEALTH INSURANCE | \$143,000 |
- (Suspension of Rules)
- 208-23. ORDER THAT: there be and hereby is transferred within Fiscal 2023 accounts, the sum of THIRTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$36,500) same to be transferred from MISCELLANEOUS, GENERAL INSURANCE and credited to: MISCELLANEOUS, MEDICARE BILLING COMMISSIONS (\$4,500) and EMPLOYEE BENEFITS, HEALTH INSURANCE (\$32,000).
(Suspension of Rules)
- 209-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts the sum of NINE THOUSAND DOLLARS (\$9,000) same to be transferred from ELECTION & REGISTRATION, PERSONAL SERVICES, ELECTION WORKERS and credited to the following accounts:
- | | |
|----------------------------------|----------|
| CITY COUNCIL EXPENSES | \$2,500 |
| CITY CLERK EXPENSES | \$ 500 |
| ELECTION & REGISTRATION EXPENSES | \$ 6,000 |
- (Suspension of Rules)

- 210-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts the sum of THREE HUNDRED FIFTY DOLLARS (\$350) same to be transferred from VETERANS BENEFITS GENERAL and credited to VETERANS EXPENSES – TEMPORARY PERSONAL SERVICES.
(Suspension of Rules)

IX. LOAN ORDERS-ROLL CALL VOTE

- 211-23. LOAN ORDER: That the City appropriate the amount of Two Million One Hundred Forty Nine Thousand One Hundred Forty Nine Dollars (\$2,149,149.00) for the purpose of paying costs of the boiler replacement at the Arthur Longsjø Middle School located at 98 Academy Street, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Fitchburg Public Schools. To meet this appropriation the Fitchburg City Council is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. The Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

X. ORDINANCES

- 198-23. AN ORDINANCE: Article IV, §169-24 of the Fitchburg City Code entitled “Parking prohibited at all times” as most recently amended, shall be amended as follows:

A new line shall be inserted directly below the line beginning “Holt Street” and the following words shall be inserted therein:

The words “Industrial Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “Entire Length” shall be inserted under the “Location” column.

A new line shall be inserted directly below the line beginning “Spruce Street” and the following words shall be inserted therein:

The words “Stevens Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “Entire Length” shall be inserted under the “Location” column.

A new line shall be inserted directly below the line beginning “Fulton Street” and the following words shall be inserted therein:

The words “Game On Way” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “From the intersection of Industrial Road and Victoria Lane to the entrance of the Game On Facility Entrance” shall be inserted under the “Location” column.

(Final Reading)

199-23. AN ORDINANCE: Article VII, §169-99 of the Fitchburg City Code, entitled “Specific towing zones designated” as most recently amended, shall be amended as follows:

A new line shall be inserted directly below the line beginning “Richardson Street” and the following words shall be inserted therein:

The words “Roper Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “From Industrial Road to the Westminster Town Line” shall be inserted under the “Location” column.

A new line shall be inserted directly below the line beginning “Scripture Road” and the following words shall be inserted therein:

The words “Victoria Lane” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “Entire Length of Street During Game On Functions” shall be inserted under the “Location” column.

(Final Reading)

200-23. AN ORDINANCE: Article IV, §169-24 of the Fitchburg City Code entitled “Parking prohibited at all times” as most recently amended, shall be amended as follows:
A new line shall be inserted directly below the line beginning “Chapel Street” and the following words shall be inserted therein:

The words “Charles Street” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “From a point of 50 feet from all four corners of the intersection of Charles and Forest Streets” shall be inserted under the “Location” column.
(Final Reading)

XI. PETITION

- 212-23. City Councilor Bernie Schultz on behalf of Jimmy Cordero of 58 Forest Street and Carrie Harris of 70 Forest Street to request an improved berm at 70 Forest Street to prevent rainwater from running down the Forest Street hill and damaging property at both the 58 Forest Street and 70 Forest Street addresses. There is also a sidewalk repair needed in front of 58 Forest Street. (Photos for each address are attached.)
(Public Works)

XII. OTHER BUSINESS

To set a date to invite Waste Management for discussion on Resolution 046-23.

- 046-23. RESOLUTION: A resolution by Councilor Marcus DiNatale seeking a vote of no confidence in curbside collection service provider Waste Management. The resolution states as follows as outlined in the enclosed Resolution.

XII. EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION, under MGL c.30A, §21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, to review for release May 4, 2022 and July 15, 2023 Executive Session Meeting Minutes.

Next Regular Meeting
Tuesday, September 5, 2023, at 7:00 PM