

Sep 20 2021 8:52 am



WELCOME TO THE FITCHBURG CITY COUNCIL

September 23, 2021

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

7:00 PM

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 prior to NOON on the day of the meeting.

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee Oral Report **Meeting of September 23, 2021**

New Appointment:

Water/Wastewater Commission

(Term to expire September 1, 2025)

Mr. Mark F. Piermarini, P.E.

III. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATION

His Honor the Mayor
Appointment Letters

1. Amanda K. Alford, Assistant City Clerk for the City of Fitchburg, as Provisional City Clerk effective October 9, 2021. Term to fulfill the unexpired term of the current City Clerk Mary de Alderete until January 2023, or until a suitable replacement may be found.
2. Mr. Daniel J. Cunningham, as a member of the Fitchburg Disability Commission, term to expire on October 1, 2024.

V. SPECIAL PRESENTATION

Calvin Brooks, City Auditor
Re: Funding from the American Rescue Plan Act

VI. REPORTS OF COMMITTEES

Economic Development Committee **Meeting of September 14, 2021**

- 161-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the MassDevelopment TDI Challenge Grant Program in the approximate amount of \$45,000.00 (FORTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to target technological enhancements in the City's downtown parking system and implement accompanying signage changes.

Parking Study Memo:

https://ma-fitchburg.civicplus.com/DocumentCenter/View/8292/Parking-Study-Memo_063020

Parking Study Final Report:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8293/Fitchburg-Parking-Study-Final-Report-121119>

Parking Study and Phasing Plan:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8294/Parking-Study-and-Phasing-Plan>

Further Information for Parking Grant Orders 160-21 and 161-21 Provided by Community Development and Planning:

<https://www.fitchburgma.gov/DocumentCenter/View/8325/Parking-Grant-Information>

EDC Meeting Minutes:

http://www.ci.fitchburg.ma.us/AgendaCenter/ViewFile/Minutes/_09142021-2549

Finance Committee

Meeting of September 14, 2021

- 144-21. RESOLUTION: To Fund Improvements to Lowe Park.
(Be Adopted)
- 152-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, State 911 Department grant in the approximate amount of \$174,594.00 (ONE HUNDRED SEVENTY-FOUR THOUSAND, FIVE HUNDRED NINETY-FOUR AND 00/100 DOLLARS) for the purpose of said grant, which is to support salaries and provide repair and enhancement to the E911 service system in the Police Department.
(Be Adopted)
- 153-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, State 911 Department Training Grant in the approximate amount of \$44,690.39 (FORTY-FOUR THOUSAND, SIX HUNDRED NINETY AND 39/100 DOLLARS) for the purpose of said grant, which is to train both Fire and Police Department dispatchers in medical and 911 emergency procedures.
(Be Adopted)
- 154-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, Highway Safety Division grant in the approximate amount of \$3,300.00 (THREE THOUSAND, THREE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to purchase federally approved child passenger safety seats.
(Be Adopted)
- 155-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Digital Federal Credit Union gift in the approximate amount of \$7,500.00 (SEVEN THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said gift, which is to support the Police Department efforts in providing quality programs to our city's youth.
(Be Adopted)
- 156-21. ORDERED THAT: There be and hereby is transferred from within the sum of FIFTEEN THOUSAND, SEVEN HUNDRED SIXTY-EIGHT AND 00/100 DOLLARS (\$15,768.00) same to be transferred from HEALTH, PERSONAL SERVICES, FOOD & MILK INSPECTOR and credited to HEALTH, EXPENSES, FOOD CONSULTANT EXPENSES.
(Be Adopted)

- 157-21. ORDERED THAT: There be and hereby is transferred from within the sum of TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to COMMUNITY DEVELOPMENT EXPENSES, DOWNTOWN CLEANUP.
(Be Adopted)
- 158-21. ORDERED THAT: there be and hereby is transferred from within the sum of TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) same to be transferred from CDBG YEAR 47 DOWNTOWN CLEANUP PROGRAM and credited to CDBG YEAR 47 STREETS CAPES PROJECT.
(Be Adopted)
- 159-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Shared Streets and Spaces Program grant in the approximate amount of \$197,950.00 (ONE HUNDRED NINETY-SEVEN THOUSAND, NINE HUNDRED FIFTY AND 00/100 DOLLARS) for the purpose of said grant, which is to convert Cushing Street into a pedestrian plaza.
(Be Adopted)
- 160-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Housing and Community Development, 40R Zoning Incentive Payment in the approximate amount of \$75,000.00 (SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS) ~~for the purpose of said grant~~, which is to target technological enhancements in the City's downtown parking system and implement accompanying signage changes.
(Amend to striking the words "for the purpose of said grant" and Adopt as amended)
- 162-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts Community Compact Best Practices Program in the approximate amount of \$40,000.00 (FORTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is for a review and analysis of the city's staffing levels in all departments, excluding public safety and school departments.
(Be Held)

Finance Committee Minutes:

http://www.ci.fitchburg.ma.us/AgendaCenter/ViewFile/Minutes/_09142021-2550

Public Safety Committee Oral Report
Meeting of September 23, 2021

- 166-21. Councilor Bernard Schultz III and Amy Green, to amend the Code of the City of Fitchburg, Section 169, No Parking on Ellis Street as outlined in the enclosed Petition.

VII. ORDERS-FINANCE

- 170-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Fire Service grant in the approximate amount of \$1800.00 (ONE THOUSAND, EIGHT HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to maintain the SAFE trailer which is used in teaching fire safety.

VIII. ORDERS-OTHER

- 171-21. ORDERED THAT: WHEREAS the City and the City of Leominster, have entered into an Easement Agreement to facilitate the development of the Leominster wastewater disposal system in exchange for the consideration of \$8,680.00.

WHEREAS the amount of consideration is considered to be the fair market values of the interest conveyed.

NOW THEREFORE, IT IS ORDERED that the City of Fitchburg shall, through its Mayor Stephen L. DiNatale, approve and authorize the execution and delivery of the Grant of Easement attached here to, between the City and the City of Leominster and to authorize all other acts and documents which will be necessary, helpful or convenient, to effectuate and ensure the completion of the Easement Deed.

Grant of Easement:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8307/Mooreland-Avenue-Land-Leominster-002>

Map:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8308/Easement-Plan-of-Land---Off-Mooreland-Avenue>

- 172-21. ORDERED THAT: Approving the filing of Special Legislation which authorized the use of certain portion of the parcel of lands described in the enclosed Order, for the purposes of construction a water or wastewater system, Town of Westminster.

Easement Documentation:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8319/special-Legislation-for-easement-in-the-town-of-Westminster-waterwastewater>

- 173-21. ORDERED THAT: Authorizing the Mayor to approve the attached Easement Deed, to convey Easements to the Town of Westminster as outlined in the enclosed Order.

Easement Agreement

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8320/Route-140-Westminster-Easement>

174-21. ORDERED THAT: WHEREAS the City and Clearwater Real Estate Investment Group LLC, a Massachusetts Limited Liability Company, having a principal address of 1118 Water Street, Fitchburg, Massachusetts 01420 have entered into an Agreement for the City to sell property known as 130 Lunenburg Street Lot authorized by the City Council pursuant to Petition 281-18, approved on February 5, 2019.

NOW THEREFORE, IT IS ORDERED that the City of Fitchburg shall, through its Mayor Stephen L. DiNatale, approve and authorize the execution and delivery of the Deed for 130 Lunenburg Street, between the City and Real Estate Investment Group LLC and to authorize all other acts and documents including all closing document and agreements which will be necessary, helpful or convenient, to effectuate and ensure the completion of the Easement Deed.

RFP Information Provided by Community Development and Planning:

<https://www.fitchburgma.gov/DocumentCenter/Index/883>

IX. ORDINANCE

164-21. AN ORDINANCE: Amending the City of Fitchburg Zoning By-Law in accordance with its provisions as outlined in the enclosed Ordinance.
(Final Reading)

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8295/20210902-Zoning-corrections>

https://ma-fitchburg.civicplus.com/DocumentCenter/View/8296/062221-Working-Draft-for-June-Planning-Board_track-changes

X. PETITIONS

175-21. Councilors Fleming and Hughes, to rename Union Street, located in Ward 5B to Adrian Ford Way.
(City Property Committee, Legislative Affairs Committee, Public Works Committee)

176-21. Aurelio & Lovely Lacombe, dba Aurelove Motors, to petition for a Class II Dealer's License located at 71 John Fitch Highway, Fitchburg, MA.

XI. ANNOUNCEMENTS

Next Regular Meeting
Tuesday, October 5, 2021 - 7:00 PM