



*Sep 30 2022 11:45 am*

WELCOME TO THE FITCHBURG CITY COUNCIL

**October 4, 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](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 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 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

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

## III. REPORT OF COMMITTEE ON RECORDS

### IV. COMMUNICATIONS

His Honor the Mayor

#### 1. Re-Appointment letter:

#### Re-Appointment to the Fitchburg Housing Authority Board of Directors

(Term to expire September 2, 2027)

David Basilio

## V. REPORTS OF COMMITTEES

### City Property Oral Report Meeting of October 3, 2022

- 235-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the following parcel as a gift as outlined in the attached letter:
- 7 Third Street, Assessor's Map 82/77/0  
[Phase I Environmental Site Assessment 7 Third St.](#)
- 236-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council declare the following property surplus, and Dispose of it through RFP
- 0 Maverick Street (Parcel 83-50-A)
- 245-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the proposal listed below:
- Habitat for Humanity of North Central MA to purchase 0 Taft St, (two parcels) for the purpose of creating one affordable single family home for sale to a homebuyer. Proposal is attached.  
[22-104-P-Habitat for Humanity Sale 0 Taft Street](#)
- 246-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the proposal listed below:
- Habitat for Humanity of North Central MA to purchase 50 Taft St, for the purpose of creating one single family home for sale to a homebuyer. Proposal is attached.  
[22-103-P-Habitat for Humanity Sale 50 Granite Street](#)

**Finance Committee**  
**Meeting of September 28, 2022**

- 239-22           ORDER THAT: there be and hereby is transferred from within the sum of SIX THOUSAND, EIGHT HUNDRED TWO AND 00/100 DOLLARS (\$6,802.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to LIBRARY, EXPENSES, BUILDING MAINTENANCE for the purpose of supplementing repair costs for the HVAC system.  
(Be Adopted)
- 240-22           ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Association of County and City Health Officials (NACCHO) grant in the approximate amount of \$150,000.00 (ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to address issues of vaccine equity.  
(Be Adopted)
- 241-22           ORDER 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 \$76,426.15 (SEVENTY-SIX THOUSAND, FOUR HUNDRED TWENTY-SIX AND 15/100 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)
- 242-22           ORDER 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)

**Legislative Affairs Committee**  
**Oral Report**  
**Meeting of September 28, 2022**

- 106-22.           City Councilor Andy Van Hazinga on behalf of Almousa, Basemah Trustee, Owner of 339 River Street, to amend the Zoning Ordinance, Section 181.643 of the City Code, to include the following uses: Marijuana Courier and Marijuana Delivery Operator, and to allow same in the Commercial District, as outlined in the enclosed Petition.  
(Be Adopted, Refer to Public Hearing 10-18-22)

**Public Safety Oral Report**  
**Meeting of October 4, 2022**

- 199-21. Councilor Marisa Fleming, on behalf of Fisher Road residents Yarisbeth Guzman, Lloyd Wentzall, and Christine Fagone, to request new signs and public lighting for Fisher Road as outlined in the enclosed Petition.
- 199-22 Tom Skwierawski, Exe. Director of Community Development and Planning, and Amy Leblanc, Senior Project Manager, Amending Chapter 169-24 entitled “parking prohibited at all times”. (Relating to Boulder Dr. as in the enclosed order)
- 201-22 Residents of Bella Vista I Condominiums located at 875 John Fitch Highway, to request support for our neighborhood improvement petition as outlined in the enclosed document.
- 203-22 Residents of Bella Vista II Condominiums located at 855 John Fitch Highway, to request support for our neighborhood improvement petition as outlined in the enclosed document.
- 229-22 To amend Section 169.25 of the city code, Parking Prohibited Certain Hours, to change the current restriction on Pleasant Street of "8:00 a.m. to 6:00 p.m." to "7:00 a.m. to 5:00 p.m." to reflect changes in the school schedule at Longsjö Middle School.
- 231-22 Install rapid flash beacons at the crosswalk on Main Street at Wallace Avenue to preserve safe pedestrian access between the library and institutions including the Senior Center, YMCA, Wallace Tower, and Longsjö Middle School.
- 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.
- 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.

**Public Works Committee Oral Report**  
**Meeting of September 27, 2022**

- 230-22 Councilor Andrew Van Hazinga, to install a berm at 26 Whittemore Street.
- 231-22 Install rapid flash beacons at the crosswalk on Main Street at Wallace Avenue to preserve safe pedestrian access between the library and institutions including the Senior Center, YMCA, Wallace Tower, and Longsjö Middle School.

- 232-22 Councilor Bernie Schultz and Ron Wihtelin of 25 Saint Paul Street to build up berm at the 25 Saint Paul Street mailbox to stop rain water from flooding driveway. At the same time, berm across the street at 28 Saint Paul Street needs to be replaced after being destroyed completely by snow plows this past winter.  
(A photo for each location is attached.)
- 233-22 Councilors Sam Squailia and Paul Beauchemin to repair the concrete driveway apron / sidewalk in front of 186 Daniels St. Concrete has 'bowed' or 'settled' in such a way as to cause damage to vehicles entering and exiting the driveway.
- 234-22 Councilors Sam Squailia & Marisa Fleming to repair sidewalk as required & install new sidewalk and driveway apron as required at 117 Myrtle Ave. See attached pictures.
- 237-22 Councilor Fleming, on behalf of Amanda Romine-Nelson and Sammy Nelson of 88 Eithier St. to pave or re-surface the roadway between 7 Pearl St and 674 Pearl St.
- 243-22 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.
- 244-22 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.
- 089-20. Councilor Bernie Schultz, and resident Alex Freeman of 70 Rainville Avenue, to remove the “No Turn on Red” sign at the intersection of John T. Centrino Memorial Drive and Water Street.  
(The committee voted 3-0 that the petition be HELD as previously amended until a traffic study is completed)
- 027-22. Councilor Derrick Cruz, on behalf of Bassem Awad, resident at 8 Boylston Street, to install a street light on telephone pole #4 on Boylston Street.  
(The committee voted 3-0 that the petition be HELD)
- 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.

## VI. ORDERS – FINANCE

(247-22 – 249-22 Suspension of Rules)

- 247-22 ORDER THAT: there be and hereby is transferred from within the sum of TWO THOUSAND, TWO HUNDRED FORTY-FOUR AND 00/100 DOLLARS (\$2,244.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to COMMUNITY DEVELOPMENT EXPENSES, CONTRACTED SERVICES for the purpose of covering the commission owed to the realtor for the sale of city properties.
- 248-22 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts earmark in the approximate amount of \$25,000.00 (TWENTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said earmark, which is to support the development of a stage at Riverfront Park.
- 249-22 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts earmark in the approximate amount of \$290,000.00 (TWO HUNDRED NINETY THOUSAND AND 00/100 DOLLARS) for the purpose of said earmark, which is to support the production of market-rate housing on upper stories of Main Street buildings.

(250-22 – 252.22 refer to Finance)

- 250-22 ORDER THAT: there be and hereby is transferred from within the sum of ONE HUNDRED SEVENTY-THREE THOUSAND, THIRTY-FIVE AND 00/100 DOLLARS (\$173,035.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to FIRE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing three fire vehicles.
- 251-22 ORDER THAT: there be and hereby is transferred from within the sum of EIGHTY-SEVEN THOUSAND AND 00/100 DOLLARS (\$87,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to POLICE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing two police vehicles.
- 252-22 ORDER THAT: there be and hereby is appropriated the sum of TWENTY-SEVEN THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS (\$27,500.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES and credited to LAW OTHER EXPENSES, DAMAGES PERSONS & PROPERTY to settle three claims brought by Crossing Over, Inc. et. al.

## LOAN ORDERS – ROLL CALL VOTE

226-22

LOAN ORDER: Order No. 143-21 of the City Council passed July 20, 2021 and approved by the Mayor on July 21, 2021 be revised in its entirety to read as follows: That the City of Fitchburg (the “City”) appropriate the amount of Seventy-Six Million Six Hundred Fifty Thousand Dollars (\$76,650,000) for the purpose of paying costs of an MSBA Core Project to construct a new Crocker Elementary School with a grade configuration of 1 to 5, located at 200 Bigelow Road in the City, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, 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 Crocker Elementary School Building Committee. To meet this appropriation the City Treasurer with the approval of the Mayor 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 City 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. (Final Reading) (Roll Call Vote)

227-22

LOAN ORDER: City of Fitchburg appropriate Forty Million Dollars (\$40,000,000) for the renovation of the Fitchburg Public Library including, without limitation, the demolition and reconstruction of the children’s library portion of the building; all fixtures, equipment, furniture, paving, and landscaping for the project; the cost of moving the library to temporary space; and all other costs incidental related thereto; and that to meet this appropriation the City Treasurer with the approval of the Mayor is authorized to borrow up to Forty Million Dollars (\$40,000,000) under M.G.L. c.44, §7(1), as amended, or any other enabling authority; and that the Mayor is authorized to contract for and expend any federal aid, state aid, or other funds available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid and other funds received prior to the issuance of bonds or notes under this order; and that the Mayor is authorized to take any other action necessary to carry out this project. The City 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. (Final Reading) (Roll Call Vote)

**VII. ORDERS - OTHER**

253-22 ORDERED THAT-WHEREAS the City and Nagle Aircraft Inc., a Massachusetts Corporation, having a principal address of 577 Crawford Street, Fitchburg, Massachusetts O 1420 have entered into a Building Lease Agreement to lease 7,200 square feet at Hanger 10 at the Municipal Airport.  
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 Building Lease, between the City and Nagle Aircraft, Inc. and to authorize all other acts and documents which will be necessary, helpful, or convenient, to effectuate and ensure the completion of the Building Lease.  
[Fitchburg Municipal Airport Building Lease](#)  
(Refer to City Property)

**VIII. ORDINANCE**

199-22 An ORDINANCE: To Amend Chapter 169-24 entitled “parking prohibited at all times”. (Relating to Boulder Dr. as in the enclosed order) (See proposed amendments dated 9-29-22)  
(First Reading)

228-22 AN ORDINANCE: To amend the General Ordinances of the City of Fitchburg, Chapter 44, Section 10, by striking the following:

<b>Under Positions Paid Annually</b>	Effective July 1, 2020
City Solicitor	\$101,000
Assistant City Solicitor	\$ <del>67,670</del>

And by inserting in its place:

<b>Under Positions Paid Annually</b>	Effective July 1, 2022
City Solicitor	\$103,525
Assistant City Solicitor	\$ 69,362

(Final Reading)

**IX. PETITIONS**

254-22 Tom Skwierawski, Exe. Director of Community Development and Planning, and Liz Murphy, Director of Housing and Development, to formally approve Mayor DiNatale’s proposed Tax-Increment Exemption (TIE) agreement for 759-769 Main Street, pursuant to the City of Fitchburg’s Housing Development Incentive Program (HDIP) market-rate housing district.  
(Refer to Economic Development)



- 255-22 Councilor Marcus DiNatale, on behalf of Fitchburg resident Jacquelyn Wehjte, to change the method by which members of the Board of Health are chosen from appointive to elective. Members would serve 4 year terms and be chosen by the people of Fitchburg via the November municipal election ballot on odd numbered years. Signature requirements for ballot placement would be 50 valid certified signatures from Fitchburg registered voters across all wards and precincts. If there are more than double the number of candidates (more than 6) for the number of seats (3 seats), a preliminary election will be held on a date subject to City Council approval. (Refer to Legislative Affairs)
- 256-22 PCM Auto Repair and Sales, Inc., to petition for a Class II Dealer's License located At: 33 Prichard St. Fitchburg, MA 01420  
(Refer to Public Safety)

## **X. ANNOUNCEMENTS**

## **XI. OTHER BUSINESS**

Next Regular Meeting  
Tuesday, October 18<sup>th</sup>, 2022 - 7:00 PM