



Nov 16 2023 4:24 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

November 21, 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. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATIONS

His Honor the Mayor

1. Re-Appointment letter:

Mr. Michael McLaughlin, as a member of the Zoning Board of Appeals, for a term to expire January 1, 2029.

V. REPORT OF COMMITTEES

City Property Committee

Oral Report

Meeting of October 30, 2023

- 181-23. After receiving surplus needs survey from the City Clerk, declare as excess the following property and designate it to the Side Yard Sales Program.
12 Park Street 18-93-0
This parcel is a city tax possession, acquired through foreclosure in Land Court. Because it is owned by the city, it is currently exempt from taxation and the city is responsible for any maintenance. Sale of the property through the Side Yard Sales Program will return the property to the tax rolls and shift the maintenance responsibility to the new owner.
(Be Held)
- 243-23. To authorize the City to transfer property located at 130 Academy Street (Assessors Map 31, Block 12, Lot 0) owned by the City of Fitchburg Treasurer's Office which was conveyed via tax taxing, to the Fitchburg School Department. The School Department intends to use this parcel as parking and/or open space for Longsjo Middle School.
(Be Adopted)
- 245-23. The Community Development & Planning Department is requesting that City Council declare the following parcel as surplus property:
•84 Elm Street,
Assessor's Map 42/27/0
(Be Adopted)
- 244-23. After receiving a surplus need survey from the City Clerk, declare as excess the following property and refer them to the Chief Procurement Officer for advertising and long term lease:
1. Portions of 567 Crawford Street, more specifically identified in the attached Plan entitled Non-Aviation Use.

The Airport Master Plan was recently revised and approved by the Planning Board and the long-term leasing of this area is in the best interest of the City of Fitchburg and the Fitchburg Municipal Airport.
(Be Adopted)

Finance Committee

Meeting of November 9, 2023

Finance Committee Meeting Minutes

- 247-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Mass DEP FY24 Sustainable Material Recovery Recycling Program, Recycling Dividends Fund, in the approximate amount of \$30,000 (THIRTY THOUSAND DOLLARS) for the purpose of said grant, which is to implement specific programs and policies to maximize reuse, recycling, and waste reduction of curbside and drop-off disposal in Fitchburg.
(Be Adopted)
- 248-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Massachusetts Department of Environmental Protection Sewage Notification Assistance Grant Program, in the approximate amount of \$71,800.02 (SEVENTY-ONE THOUSAND EIGHT HUNDRED AND 02/100 DOLLARS), the purpose of which is to support municipalities in meeting the requirement to promote public awareness of sewage pollution during overflow events.
(Be Adopted)
- 249-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Massachusetts Executive Office of Energy and Environmental Affairs Dam & Seawall Repair or Removal Grant Program, in the approximate amount of \$76,800 (SEVENTY-SIX THOUSAND EIGHT HUNDRED DOLLARS), the purpose of which is to complete an evaluation of the Scott Reservoir dam's stability and ongoing seepage issues, which will yield critical design information for future design and permitting phases.
(Be Adopted)
- 250-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipality Vulnerability Preparedness Program Action Grant for the Blue/Green Downtown Fitchburg – Climate Adaptation Plan project in the approximate amount of \$365,000 (THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS) for the purpose of said grant, which is to define causes of flooding, and will result in mitigation recommendations while also addressing heat impacts, and ensuring that development and infrastructure improvements will be climate smart.
(Be Adopted)
- 251-23. ORDER THAT: the City of Fitchburg hereby appropriates \$550,000 (FIVE HUNDRED FIFTY THOUSAND DOLLARS) from the following accounts to acquire the parcel of land at 580 John Fitch Highway, Fitchburg. This property has strategic importance to the redesign of the intersection of John Fitch Highway and Lunenburg Street, and the reconfiguration of the adjacent portion of John Fitch Highway.

RESERVE FOR OTHER MUNICIPAL PURPOSES:

Capital Expenses \$245,550

RECEIPTS RESERVED FOR APPROPRIATION:

Bond Premiums Reserved \$245,000

City Property Sold \$ 59,450

(Be Adopted)

- 252-23. ORDER THAT: the City of Fitchburg hereby appropriates \$75,245 (SEVENTY-FIVE THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS) from RESERVE FOR OTHER MUNICIPAL PURPOSES – CAPITAL EXPENSES to begin an architectural assessment of existing conditions at the Forest Hill Abbey mausoleum at Forest Hill Cemetery. The assessment will facilitate a more thorough and complete design of repairs on the part of the selected design firm.
(Be Adopted)

VI. ORDERS – FINANCE

- 258-23. ORDER THAT: the City of Fitchburg hereby approves the transfer of \$65,000 (SIXTY-FIVE THOUSAND DOLLARS) from BUILDING DEPT PERSONAL SERVICES - Department Head, to BUILDING DEPARTMENT EXPENSES - Contracted Services, to cover the cost of contracted building inspection and zoning enforcement services.
(Suspension of Rules)
- 259-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds by the Board of Health, from the Community Foundation of North Central Massachusetts, in the amount of \$10,000 (TEN THOUSAND DOLLARS) to support an overnight Winter Warming Shelter.
(Refer to Finance Committee)
- 260-23. ORDER THAT: the City of Fitchburg hereby approves the transfer of \$67,500 (SIXTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS) from POLICE PERSONAL SERVICES - Professional Standards Stipend, to be credited as follows:
- | | |
|---|----------|
| POLICE PERSONAL SERVICES - Dispatcher Overtime | \$40,000 |
| POLICE EQUIPMENT & REPAIR - Training | \$20,000 |
| POLICE EQUIPMENT & REPAIR - Contracted Services | \$7,500 |
- (Refer to Finance Committee)
- 261-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of supplemental funds from the Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department Support and Incentive Grant in the approximate amount of \$14,842 (FOURTEEN THOUSAND, EIGHT HUNDRED FORTY-TWO DOLLARS) for the purpose of purchasing a new recorder for the Police Department.
(Refer to Finance Committee)
- 262-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Department of Justice Office of Community Oriented Policing Services (COPS) Grant in the approximate amount of \$114,816 for the purpose of advancing the

practice of community policing through support of the Police Department accreditation program.

(Refer to Finance Committee)

263-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Commonwealth of Massachusetts Executive Office of Public Safety and Security Office of Grants and Research in the approximate amount of \$30,470 (THIRTY THOUSAND FOUR HUNDRED SEVENTY DOLLARS) for a Municipal Road Safety Program to enhance traffic and pedestrian safety through high-visibility police patrols and occupant protection mobilizations.
(Refer to Finance Committee)

264-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts DOT Aeronautics Grant for Environmental & Wildlife Hazard Assessments in the approximate amount of \$10,956.75 (TEN THOUSAND NINE HUNDRED FIFTY-SIX AND 75/100 DOLLARS). This grant will complement the \$256,491 previously awarded, and is in line with the Airport Master Plan and in conjunction with FAA requirements.
(Refer to Finance Committee)

265-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds awarded by the Stanton Foundation in the amount of \$33,501 (THIRTY-THREE THOUSAND FIVE HUNDRED ONE DOLLARS) for capital improvements and upgrades to the City of Fitchburg Dog Park. This capital improvement grant will cover the cost of new exercise equipment, signage, storage, and other materials for the park.
(Refer to Finance Committee)

VII. ORDERS – OTHER

266-23. ORDERED THAT: that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:

1. Shall be kept free of garbage and debris, and
2. Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and
3. Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and execute the Agreement for Right of First Refusal and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

- 267-23. ORDERED THAT: that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:
1. Shall be kept free of garbage and debris, and
 2. Shall, be combined for purposes of future conveyances with the abutting property owned by said purchasers, namely those located at 162 Daniels Street, Fitchburg, Massachusetts and described in Quitclaim from Louis L. Martineau and Patricia A. Martineau to Rose-Vanie Monique Casimir, dated and recorded on February 18, 2020 in the Worcester North Registry of Deeds at Book 9552, Page 30; and
 3. Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and in behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

- 268-23. ORDERED THAT: that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:
1. Shall be kept free of garbage and debris, and
 2. Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and
 3. Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and execute the Agreement for Right of First Refusal and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

VIII. PETITIONS

- 269-23. Jaquelyn Poirier, Cemetery Superintendent, to approve the enclosed price increases as approved by the Cemetery Trustees at the October 19, 2023 Board meeting.

Enclosed: Present price list and proposed list.
(Refer to Finance Committee)

- 270-23. Marisa Fleming on behalf of Ward 5 residents to relocate the election polling site either back to Saima Park or any other suitable location where traffic is not so dense.
(Refer to Legislative Affairs)

- 271-23. Liz Murphy, Executive Director Community Development & Planning Board, to establish, order and designate members of the Planning Board as special municipal employees under M.G.L. c. 268A §1(n), also known as the Conflict of Interest Law. (Refer to Legislative Affairs)
- 272-23. Councilor Andrew J. Couture and Councilor Marisa Fleming, on behalf of all rural residential residents to initiate a solar change in zoning by introducing additional zoning to protect the rural residential neighborhoods. In addition, exclude solar on any watershed overlay district nor shall solar abut any RA or R2 districts. (Refer to Planning Board)
- 273-23. Comcast, to request a grant of location for the purpose of installing a new conduit to provide Comcast service to 100 Main Street in Fitchburg. (Refer Public Hearing December 5, 2023)
- 274-23. Intercar Motors Group Corp., to petition for a Class II Dealer's License located at: 556 River Street - Fitchburg - Ma – 01420 (Refer to Public Safety)

IX. OTHER BUSINESS

- 128-23. City Solicitor Vincent Pusateri 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 as described in the attached plan. (City Property)

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