

*Sep 29 2023 3:12 pm*

## WELCOME TO THE FITCHBURG CITY COUNCIL

**October 3, 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](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 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](mailto: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:**

Ms. Michele Marino, as Veterans Service Commissioner, term to expire October 1, 2026.

Chief Suarez will be presenting a change that is necessary to resolve a “Continuity of Operation” and a “Chain of Command” issue that the Fire Department’s organizational structure is currently experiencing.

## V. REPORT OF COMMITTEE

### **Economic Development Meeting of September 21, 2023**

### **[Economic Development Meeting Minutes](#)**

## VI. ORDERS – FINANCE

- 226-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation 2022 Economic Development Bill Earmark in the approximate amount of \$125,000 (ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS) for the purpose of said grant, which is to establish redevelopment strategies to improve the roadway, flooding concerns, underground infrastructure, and user safety, and to promote private economic development surrounding Moran Square.
- 227-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness Program Action Grant for Nashua River Watershed Natural Solutions, in the approximate amount of \$403,985 (FOUR HUNDRED THREE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS), which was awarded in partnership with the Nashua River Watershed Association and four other municipalities, for the purpose of developing watershed-wide maps and charts to be used to conduct robust public involvement through which nature based solutions projects can be tailored for each municipality.

228-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness Program Action Grant for Generating Resiliency Downtown, in the approximate amount of \$293,800 (TWO HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED DOLLARS) for the purpose of developing nature-based solutions to address Stormwater issues and the urban heat island effect within the area of the City's next combined sewer separation (CSS) project.

## VII. ORDERS – OTHER

229-23. ORDER THAT:       **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 25 First Street, Assessor's Map 69, Block 40, Lot 0, after declaration of an Affidavit of Land of Low Value, and  
**WHEREAS**, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchasers, Nelida E. Guzman and Jose M. Torres, of the abutting property located at 6 Middle Street, Fitchburg, Worcester County, Massachusetts, have a particular use for the same, and  
**WHEREAS**, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 232-16, which petition was approved by the Council on September 20, 2016, and referred for sale under the City's Side Yard Sales program, and  
**WHEREAS**, the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to Nelida E. Guzman and Jose M. Torres, owners of abutting property located at 6 Middle Street.  
**NOW THEREFORE IT IS ORDERED** 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:  
Shall be kept free of garbage and debris, and  
Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and  
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.

230-23.

**ORDER THAT:       WHEREAS,** in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 46 Mt. Vernon Street, Assessor's Map 43, Block 56, Lot 0, after declaration of an Affidavit of Land of Low Value, and  
**WHEREAS,** the City of Fitchburg no longer has any use for the aforesaid parcel and the purchaser, Heriberto Figueroa of 25 Main Street, Greenville, New Hampshire, owner of the abutting property located at 44 Mt. Vernon Street, Fitchburg, Worcester County, Massachusetts, has a particular use for the same, and  
**WHEREAS,** the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 164-22, which petition was approved by the Council on July 5, 2022, and referred for sale under the City's Side Yard Sales program, and  
**WHEREAS,** the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to Heriberto Figueroa, owner of abutting property located at 44 Mt. Vernon Street, and  
**NOW THEREFORE IT IS ORDERED** 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:  
Shall be kept free of garbage and debris, and  
Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and  
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.

231-23.

**ORDER THAT:       WHEREAS,** in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 46 Allen Place, Assessor's Map 51, Block 29, Lot B, after foreclosure of the City's tax lien, and  
**WHEREAS,** the City of Fitchburg no longer has any use for the aforesaid parcel and the purchaser, Sheela Irani Hiremath of 376 Medford Street, Somerville, Middlesex County, Massachusetts, owner of the abutting property located at 50 Allen Place, Fitchburg, Worcester County, Massachusetts, has a particular use for the same, and  
**WHEREAS,** the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 139-19, which petition was approved by the Council on June 4, 2019, and referred for sale under the City's Side Yard Sales program, and  
**WHEREAS,** the Side Yard Sales Committee voted to recommend the sale of said parcel to Sheela Irani Hiremath, owner of abutting property located at 50 Allen Place.  
**NOW THEREFORE IT IS ORDERED** 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:

Shall be kept free of garbage and debris, and

Shall, be combined for purposes of future conveyances with the abutting property owned by said purchasers, namely those located at 50 Allen Place, Fitchburg, Massachusetts and described in Quitclaim Deed from Najma Mahmood, dated and recorded August 2, 2018 in the Worcester North Registry of Deeds at Book 9134, Page 258 (the "abutting lot"), and

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 to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

232-23.

**ORDER THAT:**       **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 35 Davis Street, Assessor's Map 19, Block 59, Lot 0, after foreclosure of the City's tax lien, and

**WHEREAS**, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchasers, James E. Sawyer and Sheryl A. Sawyer, of the abutting property, 2 Highland Court, Fitchburg, Worcester County, Massachusetts, have a particular use for the same, and

**WHEREAS**, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 026-20, which petition was approved by the Council on March 5, 2020, and referred for sale under the City's Side Yard Sales program, and

**WHEREAS**, the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to abutters James E. Sawyer and Sheryl A. Sawyer of 2 Highland Court, Fitchburg, Massachusetts.

**NOW THEREFORE IT IS ORDERED** 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:

Shall be kept free of garbage and debris, and

Shall, be combined for purposes of future conveyances with the abutting property owned by said purchasers, namely those located at 2 Highland Court, Fitchburg, Massachusetts and described in Quitclaim Deed from Arthur H. Sawyer and Joyce A. Sawyer, dated June 11, 1991 and recorded on June 12, 1991 in the Worcester North Registry of Deeds at Book 2084, Page 29 (the "abutting lot"), and

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.

235-23. ORDER THAT: WHEREAS, the City of Fitchburg and N Number Holdings, LLC, a New York Limited Liability Company, registered to do business in Massachusetts, having a principal place of business at 900 Route 146, Clifton Park, NY 12065, have entered into a ground lease, to lease the helipad and an area of 7543.8 sq. ft. pursuant to the terms of the attached ground lease.

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 ground lease, between the City and N Number Holdings, LLC, 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 Ground Lease.

### **VIII. PETITIONS**

233-23. Councilors Sam Squailia & Paul Beauchemin to install a berm at 517 Rollstone St approximately 15ft long in front of Fire Hydrant to mitigate erosion.  
(Public Works)

234-23. Councilors Sam Squailia & Marisa Fleming to install a berm between 29 and 1 High rock Rd., approx 140ft., to direct water on the roadway to the existing catch basin and mitigate erosion.  
(Public Works)

235-23. City Councilor Bernie Schultz, on behalf of Gary Lundy of 15 Brigham Street, to request temporary filling of large holes on Charles Street sidewalk, from Brigham Street to Laurel Street, followed by the complete replacement of the same section of Charles Street sidewalk.

236-23. Councilor Paul Beauchemin to replace the berm at 19 Frankfort Street  
(Public Works)

### **IX. OTHER BUSINESS**

Next Regular Meeting  
Tuesday, October 17, 2023, at 7:00 PM