



FITCHBURG CITY CLERK

**City of Fitchburg
Massachusetts 01420**

Sep 10 2021 11:49 am

CITY COUNCIL

Councillors at Large

**Marcus L. DiNatale
Amy Green
Thomas C. Hughes
Samantha M. Squailia
Anthony M. Zarrella**

President

Anthony M. Zarrella

Vice President

Elizabeth R. Walsh

Ward Councillors

**Ward 1 – Bernard J. Schultz III
Ward 2 – Paul R. Beauchemin
Ward 3 – Andrew J. Couture
Ward 4 – Andrew J. Van Hazinga
Ward 5 – Marisa R. Fleming
Ward 6 – Elizabeth R. Walsh**

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on September 7, 2021. The meeting was called to order by President Anthony Zarrella at 7:06 P.M. The Clerk called the roll and 11 Councilors were present (Fleming and Squailia via remote access). The meeting opened with a salute to the Flag led by Councillor Van Hazinga.

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.

Motion to remove masks while speaking was not taken up due to the current indoor mask Order by the Board of Health.

II. REPORT OF THE APPOINTMENTS COMMITTEE

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

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Special City Council Meeting of July 27, 2021 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

His Honor the Mayor
Appointment Letters

1. Mr. Mark F. Piermarini, P.E., as a member of the Water/Waste Water Commission, term to expire September 1, 2025.

Appointment read and referred to the Appointments Committee by unanimous consent 11/0.

V. COMMUNICATION

Meagen Donoghue, Director
Re: FRA Renewal Plan Update

President Zarrella noted that Ms. Donoghue had requested that this item not be taken up at this time and asked that it be held. As no objection was raised, item held until a later date.

VI. COMMUNICATION

Pension Reserves Management Board

Reading waived. Report placed on file in the City Clerk's Office by unanimous consent 11/0. 11 members present. Board consists of 11 members.

VII. SPECIAL PRESENTATION

City Hall Building Committee/Project Team
Final Report

President Zarrella noted that the Presentation would be moved, if there were no objection, to the end of the meeting. No objection was noted and the item was taken after all other reports.

Mary Delaney, Chief Procurement Officer and AJ Tourigny, former Chief of Staff, were present. Ms. Delaney made the following remarks:

“Good Evening Councilors. As Chair of the City Hall Building Committee, I would like to thank you for this opportunity to present the final report of the Building Committee.

“I'd like to begin by recognizing fellow committee members: A.J. Tourigny, Tom Skwierawski, Bill McSheehy, Ellen DiGeronimo, Jay Bry, Thomas Donnelly, Michael Kushmerek, Phil Esposito, Lenny Laakso, and Mark Barbadoro.

“In January of 2018, the City Council voted to fund the renovation of City Hall and the former Bank Building, now our legislative building. Under the careful guidance of the Owner's Project Managers, Colliers Project Leaders, the city embarked on designing what would become a City Hall for All, with our architects, Icon Architecture. And by the end of 2018, the project team was complete when we added Bond Building as CM at Risk. The City broke ground in April of 2019 with an aggressive schedule and a promise to be back on Main Street by the end of 2020.

“In March of 2020 the team found themselves working through a situation completely unanticipated – the covid 19 pandemic. I would like to recognize our OPM, Tony DiLuzio, and the on-site team from Bond, Pam Bailey and Jerry Hammersly, for keeping the City Hall project moving during the pandemic, when many other public and private projects shut down. The Bond team literally invented protocols and procedures to respond to the ever changing early days of covid, and many of those protocols have become industry standards. In addition, the team worked hard to minimize the financial impact of new covid protocol and to maintain the schedule, all while keeping workers safe on site. The Council supported additional funds to the project as well. In true Fitchburg style, everyone toughed it out, and on December 14, 2020, just 2 weeks shy of year end, staff moved from Boulder Drive into the administrative building at 718 Main Street.

“It seems like yesterday that the Building Committee met for the first time, having no meeting room and working in a borrowed space, to begin this journey. I’m happy to say that the Building Committee took our final votes in the East Meeting Room at 718 Main Street, and that is why I am here this evening.

“In a unanimous vote on August 19th, the Building Committee accepted the final budget report to bring the project to its conclusion in the coming months. With this action, the Building Committee recognized an excess balance achieved by careful use of contingencies and a commitment to strong financial oversight, and voted unanimously to recommend that \$450,000 be returned to the City as excess to the project. This action reflects the commitment of the Building Committee and the project team to see this project through, on schedule and on budget, even while working through a global pandemic and unforeseen circumstances during demolition.

“The Building Committee is pleased to offer this good news to the Council and to the taxpayers of Fitchburg. We are proud to have been a part of making the vision a reality, and to contribute to the rich history of City Hall. On behalf of the Building Committee, I thank Mayor DiNatale for putting his trust in us and giving us the opportunity to serve, and express our appreciation to the City Council for your support throughout the process, and for allowing me to present our report this evening.”

Councilors congratulated Ms. Delaney and the team on the outcome of their hard work and thanked them for their efforts in the rebuilding of City Hall and the Legislative Building.

VIII. ANNUAL REPORT

151-21. ANNUAL REPORT: Fitchburg Police Department for the year 2020.

Link to the report: <https://www.fitchburgma.gov/DocumentCenter/View/8235/Police-Annual-Report-Final-2020>

Chief Martineau was present to discuss the Annual Report.

He stated the following:

“Good evening Councilors and Mayor DiNatale,

“Tonight I present to you the 2020 Annual Report from the Fitchburg Police Department. I would like to begin by publicly thanking and recognizing the men and woman of the Fitchburg Police Department for their unwavering commitment to public safety in our city. Also I would be remiss

not to acknowledge the hard work and dedication to duty from our emergency dispatchers and civilian staff. Many challenges were presented this past year and half and the members of the Fitchburg Police Department never skipped a beat and rose to each challenge.

“During a global pandemic calls for service increased by 4% from 2019 were as your officers responded to 55 thousand calls for service. That’s roughly one thousand calls per week. The report breaks down the top and notable call reasons.

“Violent reported crime did increase by 7% between 19 and 20 however I would like to point out we are still 40+% below our 5 year average. In fact in several areas our crime statistic remain well below our 5 year average.

“Much like any urban police department we are seeing increases in calls related to mental health services to include those suffering from substance abuse. There was a 20% reduction to overdose calls which I attribute partly because of increased awareness to those suffering from substance abuse disorder. In 2020 your officers deployed the lifesaving drug Narcan 76 times.

“As you can see from our Annual report policing continues to evolve. Where community engagement is the norm and not the exception. Having a police force which is representative to the community we serve. Being transparent and open to change. This is the Fitchburg Police Department

“For those watching at home, the Annual Report is available for your review on the City of Fitchburg web page.”

Reading waived. Reports placed on file in the City Clerk’s Office by unanimous consent 11/0. 11 members present. Board consists of 11 members.

IX. REPORTS OF COMMITTEES

Public Works Committee **Meeting of July 27, 2021**

The Public Works Committee recommended the following Petition be held:

135-21. Councillor Marisa Fleming, to install a barrier at 113 Summit Street to mitigate property damage caused from driver error at this dangerous corner.

Report read and accepted. Petition held in Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be given leave to withdraw:

137-21. Councillor Marisa Fleming, to assess the sidewalk located in front of (6 Myrtle Ave.), Moran Square Diner, to ensure individuals with a handicap are able to walk, use wheelchairs, walkers and canes on a smooth surface. Currently, private property is being used as the through way.

Report read and accepted. Petition given leave to withdraw by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be granted:

- 146-21. Councillors Sam Squailia and Andrew Couture, to petition the City to replace the broken Guardrail Boards along the street at 97 Appleton Circle as shown in the pictures.

Report read and accepted. Petition granted by unanimous consent. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be held:

- 089-20. Councillor Bernie Schultz, and resident Alex Freeman of 70 Rainville Avenue, to remove the “No Turn on Red” sign at the intersection of John T. Cetrino Memorial Drive and Water Street.
(Be Held)

Report read and accepted. Petition held in Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

X. ORDERS-FINANCE

The following Orders were referred to the Finance Committee by unanimous consent 11/0:

- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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 STREETSCAPES PROJECT.
- 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.
- 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.
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Motion for Suspension of the Rules to send 161-21 to the Economic Development Committee, rather than Finance Committee, was approved by roll call vote 11/0. 11 members present. Board consists of 11 members.

- 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.

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

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

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

Motion to forward 161-21 to Economic Development Committee passed by roll call vote 11/0. 11 members present. Board consists of 11 members.

The following Order was referred to the Finance Committee by unanimous consent 11/0:

- 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.

XI. ORDERS-OTHER

Motion to take up 164-21 under Suspension of the Rules was approved by roll call vote 11/0. 11 members present. Board consists of 11 members.

- 163-21. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Green Meadow Farm LLC located at 50 Whalon Street, Fitchburg, MA.

View full Order:

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/8273/Green-Meadows-Host-Agreement>

Mr. Bob Patton, CEO of Green Meadows, was present at the meeting and expressed his thanks to the Council for their time. He stated that he looked forward to a good working relationship with the City.

President Zarrella noted for the Council that the location and conditions had previously been approved under a different owner.

Order adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members. Order signed by the Mayor September 9, 2021.

XII. ORDINANCE

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

Motion to forward 164-21 to a First Reading was approved by unanimous roll call vote 11/0. 11 members present. Board consists of 11 members.

XIII. PETITIONS

The following Petition was referred to the Legislative Affairs Committee:

- 165-21. Councilors Marcus DiNatale, Marisa Fleming, and Bernard Shultz, to amend City Council rule 3.5 by removing “by unanimous consent” and inserting in its place “by simple majority vote of the City Council which shall be recorded by roll call”.

The reading of the following Petition was waived and referred to the Public Safety Committee:

- 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.

The reading of the following Petitions was waived and referred to the Public Works Committee:

- 167-21. Councilor Bernard Schultz III, for Tom Caputi, 52 Warren Street, to install a berm in order to alleviate water erosion on the road and property.
- 168-21. Councilor Andrew Van Hazinga, on behalf of Kristine Schneider, to repair the sidewalk in front of 99 Pleasant Street.

Motion to Suspend the Rules in order to give 169-21 Leave to Withdraw FAILED as not meeting a 2/3 vote requirement (8 votes) by 7 in favor and 4 opposed (Zarrella, Green, Schultz, Van Hazinga).

Motion to Suspend the Rules in order to send 169-21 to Council as a Whole FAILED as not meeting a 2/3 vote requirement (8 votes) by 6 in favor and 5 opposed (Zarrella, Green, Schultz, Van Hazinga, Walsh).

The following Petition was referred to the Legislative Affairs Committee:

- 169-21 Councilors Anthony Zarrella and Bernard Schultz, to amend the City Council Rules as outlined in the enclosed Petition.

XIV. ANNOUNCEMENTS

President Zarrella noted that the Local Cultural Council Open Studios event would take place on Saturday, September 25th and Sunday, September 26th. Residents are asked to go to Facebook for more information.

The meeting adjourned at 7:39 P.M.



Mary de Alderete, City