



Oct 18 2022 12:26 pm

City of Fitchburg Massachusetts 01420

CITY COUNCIL

Councillors at Large

Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthony M. Zarrella

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

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 – Derrick J. Cruz

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 July 19, 2022.

The meeting was called to order by President Anthony Zarrella at 7:08 P.M. The meeting opened with a salute to the Flag led by Councilor Squailia. The Auditor called the roll and 9 Councillors were present. Councilor DiNatale and Councilor Van Hazinga were remote. Councilor Cragin and Councilor Fleming were absent.

I. PUBLIC FORUM

No one spoke at the Public Forum.

II. REPORT OF THE APPOINTMENTS COMMITTEE

The Appointments Committee recommended the following Appointment be confirmed:

Appointments Committee Oral Report Meeting of July 19, 2022

New Appointments: Fitchburg Historical Commission

(Term to expire July 1, 2025)
Andrew Lipasti

Zoning Board of Appeals

(Term to expire January 1, 2025)
Eric Chartrand

Zoning Board of Appeals

(Term to expire October 1, 2023)
James Reynolds

Conservation Commission

(Term to expire August 1, 2025)

Joyce Jacobs

Full-Time Student Police Officers

Fitchburg Police Department

Kyle R. Batallas

Sean D. McCue

Florencia J. Rivas

Krish J. Kulka

Travis E. Morcaldi

Report read and accepted. Appointment confirmed by unanimous consent. 9 members present. Board consists of 11 members.

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of July 5, 2022 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATIONS

His Honor the Mayor

1. Re-Appointment letter:

Re-Appointment to the Fitchburg Council on Aging

(Term to expire March 2, 2025)

George J. Bourque II

2. Poll workers for the period of September 1, 2022, through August 31, 2023.

(To be sworn in during training sessions)

Appointments read and referred to the Appointments Committee.

3. Letter from his Honor the Mayor

Regarding Final Financial Report of the City Hall Project

Reading waived and report placed on file in the City Clerk's Office by unanimous consent 9/0. 9 members present. Board consists of 11 members.

V. COMMUNICATIONS

1. Joanna Bilotta, City Clerk

Re: the "VOTES Act" Assignment of Police Officers and Permanent in-person early voting

Chief Martineau spoke with the City Clerk over this change, it is something that Fitchburg has been doing over the last thirty years. Agree with the City Clerk on the number of 8 officers for every state and municipal election.

Approved by unanimous consent 9/0. 9 members present. Board consists of 11 members.

VI. REPORTS OF COMMITTEES

Finance Committee Meeting of July 13, 2022

The Finance Committee recommended the following Orders be adopted:

- 206-22 ORDER THAT: There be and hereby is transferred from within the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to POLICE, CAPITAL EXPENDITURES, BUILDING RENOVATION for the purpose of contracting for designer services.
(Adopted)
- 207-22 ORDER THAT: The City of Fitchburg approves the expenditure of additional funds from the Massachusetts Collaborative for Action, Leadership, and Learning 3 Substance Misuse Prevention grant in the approximate amount of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00) for the purpose of said grant, which is to prevent and reduce misuse of substances of first use (alcohol, nicotine, cannabis) among youth. This order is in addition to the amount approved in Council Order #077-21.
(Adopted)
- 208-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of additional funds from the Massachusetts Public Health Excellence grant in the approximate amount of \$300,000.00 (THREE HUNDRED THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is expand on shared services between municipalities in the Montachusett Public Health Network (MPHN). This order is in addition to the amount approved in Council Order #170-22.
(Adopted)
- 209-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of additional funds from the Massachusetts Department of Public Health, Bureau of Substance Addiction Services grant in the approximate amount of \$16,666.00 (SIXTEEN THOUSAND, SIX HUNDRED SIXTY-SIX AND 00/100 DOLLARS) for the purpose of said grant, which is to assist individuals living in Fitchburg who are experiencing homelessness or who are at risk of overdose and to collaborate with other agencies to assess other city needs. This order is in addition to the amount approved in Council Order #013-20.
(Adopted)
- 210-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$4,400.00 (FOUR THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade cameras located on the property.
(Adopted)

- 211-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$114,400.00 (ONE HUNDRED FOURTEEN THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to repair roofs on Hangars 2 and 3.
(Adopted)
- 212-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$48,400.00 (FORTY-EIGHT THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to repair doors on Hangars 2 and 3.
(Adopted)
- 213-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$8,160.00 (EIGHT THOUSAND, ONE HUNDRED SIXTY AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade the fuel farm.
(Adopted)

Orders adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members.
Orders signed by the Mayor July 21, 2022.

Public Safety Oral Report
Meeting of July 19, 2022

- 214-22 Desilets Auto Inc., to petition for a Class II Dealer's License located at 650 John Fitch Highway, Fitchburg, MA.

Petition was granted by roll call vote, 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

VII. ORDERS – FINANCE

- 216-22 ORDER THAT: There be and hereby is transferred from within the FY2022 Budget the sum of THREE HUNDRED NINETY-SEVEN THOUSAND AND 00/100 DOLLARS (\$397,000.00) same to be credited to EMPLOYEE BENEFITS, HEALTH INSURANCE and transferred from the following accounts:
- | | |
|---|---------------|
| MONT. REG. VOC. TECH. SCHOOL ASSESSMENT | \$205,000.00 |
| VETERANS BENEFITS, CASH BENEFITS | \$140,000.00 |
| RESERVE FOR SNOW & ICE REMOVAL | \$ 17,000.00 |
| RESERVE FOR CAPITAL EXPENSES | \$ 35,000.00. |
- 217-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Fire Service grant in the approximate amount of \$1,806.74 (ONE THOUSAND, EIGHT HUNDRED SIX AND 74/100

DOLLARS) for the purpose of said grant, which is to maintain the SAFE trailer which is used in teaching fire safety.

218-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Health and Human Services, Department of Mental Health grant in the approximate amount of \$65,000.00 (SIXTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to support a police based Jail Diversion Program for individuals with mental illnesses or emotional disturbances.

219-22 ORDER THAT: The City of Fitchburg hereby approves the expenditure of funds from the Federal Railroad Administration, Office of Railroad Policy and Development grant in the approximate amount of \$42,892.00 (FORTY-TWO THOUSAND, EIGHT HUNDRED NINETY-TWO AND 00/100 DOLLARS) for the purpose of said grant, which is to support mobilizations that will enforce trespass prevention on railroad property.

Orders adopted under Suspension of the Rules by roll call vote and approved by unanimous consent of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members. Order signed by the Mayor July 21, 2022.

VIII. LOAN ORDER

198-22 LOAN ORDER: The City appropriate the amount of Four Million, Eight Hundred Thousand Dollars (\$4,800,000.00) for the purpose of paying costs of an Accelerated Repair Project at the Arthur M. Longsjo Middle School, located at 98 Academy Street, Fitchburg, Massachusetts, to replace windows and doors, as outlined in the enclosed order.
(Adopted, Final Reading)

Loan Order was sent to a final reading, adopted, and ordered advertised by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members. Order signed by the Mayor July 21, 2022.

IX. ORDERS – OTHER

220-22 ORDER THAT: Authorizing the City Clerk to notify the voters of the Primary Election to be held on Tuesday, September 6, 2022.

Motion to Suspend the Rules by roll call vote of 9 in favor and 0 opposed. Order adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members. Order signed by the Mayor July 21, 2022.

188-22. ORDERED THAT: WHEREAS, the Commonwealth of Massachusetts has permitted the legal cultivation, processing, sale and use of marijuana for non-medical purposes through M.G.L. c. 94G and implementing regulations of the Cannabis Control Commission (the “CCC”) at 935 CMR 500.000 et seq. (the “CCC Regulations”); and

WHEREAS, SPEEDY CANNABIS, (the “Company”) proposes to locate and operate a Non-Medical manufacturing facility at 339 River Street, Fitchburg, MA 01420, Fitchburg, Massachusetts (the “Facility”) in accordance with the Regulations issued by the CCC; the Parties agree that the site 339 River Street, Fitchburg, MA 01420, shall be considered the “area” in which the Facility is located and shall extend no further than the property boundaries of the premises leased or owned by the Company as outlined in the enclosed order. (Reference Petition #106-22)

Attorney Pusateri requested 188-22 be brought back from Legislative Affairs (4.8 of Council Rules), reviewed and voted at this Council meeting.

Attorney Silverman, Vicente Sederberg LLP, on behalf of Speedy Cannabis is requesting authorization from the City Council to authorize the Mayor to enter into negotiations for a standard host agreement.

*President Zarrella recused himself from this discussion.
Councilor Green, will chair the meeting.*

Attorney Silverman, is requesting the Council to authorize the Mayor to negotiate a host agreement to create a Marijuana Delivery service. The State has created a new license for delivery services, for a three year term. Speedy Cannabis is seeking to provide this delivery service business. Fitchburg will receive a 3% sale tax on every sale whether in Fitchburg or any other community, as well as a community impact fee 1.25% of those revenues. The state is currently reviewing at State, one of the suggestions is that if a community hosts a social equity agreement, will receive an additional 1% from the company if this amended law is passed.

Attorney Pusateri informed the council that 188-22 is coupled with a zoning amendment that is required for the site of this location. This will be going to the planning board for the site review, tonight you are not approving the site of the company. The Council is authorizing the Mayor to enter into a standard host agreement. The request tonight is allow the applicant to get started with the State Cannabis Control Commission.

Councilor Green confirmed the council is being asked for Petition 188-22 only be to allow the host the agreement.

The State legislation is stating the delivery service is not a retail service, there needs to be a zoning change.

Councilor Schultz asked if the cannabis can be bought outside of Fitchburg?
Attorney Silverman explained there are two types of services:

- Delivery Carrier, picks up at retailer and delivers to customer
- Delivery Operator, buys product wholesale, stores the product in their facility, takes its own orders and delivers the product themselves.

This host agreement is for a Delivery Operator. The revenues include all sales within Massachusetts.

Attorney Pusateri reaffirmed that tonight is only approving the host agreement, moving forward on Petition 106-22 will have to go through the planning board before it comes to City Council. Once the zoning passes, you will be able to discuss all of the zoning concerns. There is pending legislation that is going to change the landscape of the community host agreement, Attorney Pusateri encourages the board to authorize the negotiation of the agreement.

Police Chief Martineau stated this is step one in the process, allowing the Mayor to enter into the host agreement. Step two would be going through planning and zoning, which we will participate in the discussions and concerns on security matters etc.

Motion to Suspend the Rules by roll call vote of 9 in favor and 0 opposed.

Order 188-22 adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members. Order signed by the Mayor July 21, 2022.

The council discussed status of petition 92-22, moved to hold to next special City Council meeting. Moved 92-22 to next City Council meeting by unanimous consent 9/0. 9 members present. Board consists of 11 members.

XI. ANNOUNCEMENTS

From Councilor Schultz: The first in-person meeting of the Widowed Helping Widowed Support Group will take place on Thursday, August 25, 2022 from 4 until 5:30 p.m. in Room 203 at the Fitchburg State University Recreation Center, 130 North Street. Kelley Lynn and Bernie Schultz will co-facilitate the meeting.

Next Regular Meeting
Thursday, September 8, 2022 - 7:00 PM

The meeting adjourned at 8:42 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk