



0

# CITY OF FITCHBURG

*Filed in the City Clerk's Office:*

## NOTICE OF PUBLIC MEETING

### CITY COUNCIL REGULAR MEETING

**MEETING DATE:** Tuesday, May 07, 2019

**MEETING TIME:** 7:00 AM PM

**MEETING PLACE:** MEMORIAL MIDDLE SCHOOL LIBRARY

Name of building (if applicable) \_\_\_\_\_

Room number (if applicable) \_\_\_\_\_

Address 615 ROLLSTONE STREET

City FITCHBURG, MA 01420

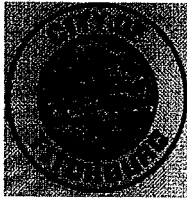
**AGENDA ITEMS:\*** **SEE ATTACHED**

2019 MAY -2 PM 2:17  
FITCHBURG CITY CLERK

ANNA M. FARRELL, CITY CLERK

*Name and title of person submitting this notice*

*\*Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.*



## WELCOME TO THE FITCHBURG CITY COUNCIL!

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 Councillor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

II. REPORT OF COMMITTEE ON RECORDS

III. COMMUNICATIONS FROM HIS HONOR THE MAYOR

Promotion Letter

1. Lieutenant Patrick J. Roy to permanent Fire Captain.
2. Firefighter Andrew R. Doughty to permanent Fire Lieutenant.

IV. COMMUNICATION

Independent Auditor's Report  
Year ending June 30, 2018

V. COMMUNICATION

Fitchburg Retirement System  
RE: Fiscal Year 2020 Budget

VI. REPORTS OF COMMITTEES

Appointments Committee Oral Report  
Meeting of May 7, 2019, 6:45 PM

New Appointment:

Full Time Firefighter

(To fill the vacancy created by the retirement of Captain Brian D. Murchie)

Mr. Troy R. Worthley

City Property Committee

Meeting of April 23, 2019

- 062-19. Councilor Amy Green, on behalf of Martha Lalancette, 389 South Street, to request that the City of Fitchburg turn Colburn Street into a public way.  
(Be Given leave to withdraw)
- 074-19. Councilor Amy Green, on behalf of resident Janice Kenefick-Perez, 11 Washington Street, to petition that the easement placed on 11 Washington Street be removed subjecting it to the side yard sales program & deem it as surplus property.  
(Be amended to reflect this property is not part of the side yard sales program and be granted as amended; the easement owned by 40 Nashua Street be sold to 11 Washington Street by the City for the sum of \$300.00)
- 119-19. ORDERED THAT: The Executive Director of Planning and Community Development has requested that the City exercise its power of eminent domain for the Twin City Rail Trail Project as outlined in the enclosed Order.  
(Be Adopted)

Finance Committee  
Meeting of April 23, 2019

- 113-19. ORDERED THAT: There be and hereby is transferred from within the sum of EIGHTEEN THOUSAND, NINE HUNDRED SEVENTY-TWO AND 00/100 DOLLARS (\$18,972.00) same to be transferred from YEAR 43 MOC/UNITED NEIGHBORS OF FITCHBURG, BUILDING EMPOWERED YOUTH AND FAMILIES PROGRAM to year 44 MOC/UNITED NEIGHBORS OF FITCHBURG, BUILDING EMPOWERED YOUTH AND FAMILIES PROGRAM.  
(Be Adopted)
- 114-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED THREE THOUSAND, SIX HUNDRED AND 00/100 DOLLARS (\$103,600.00) same to be charged against RESERVED FOR APPROPRIATION, INSURANCE RECOVERIES OVER \$150,000 and credited to SCHOOL EXPENSES.  
(Be Adopted)
- 115-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE MILLION DOLLARS (\$1,000,000.00) same to be charged against AVAILABLE FUNDS and credited to TREASURER DEBT SERVICE, MATURING DEBT, for the purpose of paying part of the Longsjo School Roof loan.  
(Be Adopted)
- 116-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) same to be charged against AVAILABLE FUNDS and credited to SCHOOL DEPARTMENT, CAPITOL IMPROVEMENTS for the purpose of abating asbestos in the basement of Longsjo Middle School in anticipation of replacing a main water pipe.  
(Be Adopted)
- 117-19. ORDERED THAT: There be and hereby is appropriated the sum of TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000) same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY EXPENSES, LEGAL COSTS AND EXPENSES.  
(Be Adopted)

**Legislative Affairs Committee Meeting Oral Report**  
**Meeting of April 30, 2019**

- 103-19. 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 the Hub Craft, LLC located at 25 Newport Street, Fitchburg, MA.  
(Be Adopted with changes to the Community Host Agreement by removing the "gift" provision and adding a statute of limitations for modifying the contract)
- 105-19. 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 Fresh Connection Boston, LLC, for a Non-medical Marijuana cultivation and processing facility located at 175 Kimball Street, Fitchburg, MA.  
(Be adopted)
- 118-19. 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 Eastern Heirlooms, LLC, ,for a ~~Marijuana Testing Laboratory~~ located at 431 Westminster Street, Fitchburg, MA.  
(Amended to delete "Testing Laboratory" and replace with "Cultivation Facility")  
(Be adopted as amended)

**Public Works Committee**  
**Meeting of April 30, 2019**

- 123-19. David J. Duval, 100 Falulah Street, Fitchburg, to request the grinding and repaving of Falulah Street from Melrose Street to 100 Falulah Street be completed along with the repair of two storm drains as outlined in the enclosed Petition.  
(Be held in Committee pending New Pavement Condition Index)
- 124-19. Councilors Fleming and DiNatale, to clean culvert abutting 429 High Rock Road.  
(Be Granted)
- 125-19. Councilors Fleming and DiNatale, on behalf of Joseph Novelli, to repair or remove city-installed retaining wall at 430 High Rock Road.  
(Be given leave to withdraw)

- 126-19. Councilor Joel Kaddy, to correct water problem at 15 Thurston Place.  
(Be held until the problem can be observed during a rain event)
- 209-18. Multiple citizens, to repair McTaggart's Dam to refill pond and restore wildlife population.  
(Be held until the completion of the ongoing alternatives analysis)
- 286-18. Councillor Marisa Fleming, to have the City place bales of hay at the top of High Rock Road where it meets the paper road portion of High Rock Road. During heavy rain the water runs down into the back yards of 1191 and 1179 Ashby State Road causing flooding and debris.  
(Be held in Committee)
- 065-19. Councilors Sam Squailia & Joel Kaddy on behalf of Paul Agnese to install a berm from his asphalt driveway down as required to mitigate washout from street water runoff.  
**(Amended to read "273 Theresa St.")**  
(Be granted as amended)

#### VII. RECESSED HEARING

- 029-19. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by amending the Table of Principle Uses concerning Medical Offices and to further define different medical and medical office uses, per vote of the Fitchburg Planning Board January 8, 2019.  
(At the April 9<sup>th</sup> Planning Bd. meeting that amendment was discussed further, but there was no final recommendation.  
The Board voted to continue the hearing to their May 14<sup>th</sup> meeting. )

#### VIII. RESOLUTION

- 128-19. RESOLUTION: That the City of Fitchburg hereby accepts the provisions of M.G.L. c. 164, s. 134, and publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers as outlined in the Resolution.

## IX. ORDERS-FINANCE

- 129-19. ORDERED THAT: There be and hereby is transferred from within the sum of ONE HUNDRED SEVENTY-THREE AND 00/100 DOLLARS (\$173.00) same to be transferred from CITY AUDITOR EXPENSES, TRAVEL & MEETINGS and credited to CITY AUDITOR PERSONAL SERVICES, LONGEVITY.
- 130-19. ORDERED THAT: There be and hereby is transferred from within the sum of SIX HUNDRED EIGHTY-NINE AND 00/100 DOLLARS (\$689.00) same to be transferred from PURCHASING, EXPENSES, DUES & SUBSCRIPTIONS (\$600.00) and from PURCHASING, EXPENSES, TRAINING (\$89.00) and credited to PURCHASING, PERSONAL SERVICES, LONGEVITY.
- 131-18. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be transferred from POLICE, PERSONAL SERVICES, PATROLMEN and credited to the following POLICE, EQUIPMENT & REPAIR accounts:
- |                   |             |
|-------------------|-------------|
| Auto Repair:      | \$10,000.00 |
| Gas & Oil:        | \$15,000.00 |
| Tire Replacement: | \$ 5,000.00 |
- 132-19. ORDERED THAT: There be and hereby is transferred from within the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) same to be transferred from POLICE, PERSONAL SERVICES, PATROLMEN and credited to the POLICE, MAINTENANCE OF BUILDING, REPAIR & CARE account.
- 133-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) same to be charged against AVAILABLE FUNDS and credited to DEPARTMENT OF PUBLIC WORKS SNOW & ICE, EQUIPMENT RENTAL.
- 134-19. ORDERED THAT: There be and hereby is appropriated the sum of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) same to be charged against AVAILABLE FUNDS and credited to TREASURER, EXPENSES, POSTAGE account, for the purpose of covering anticipated expenses for the remainder of the year due to a recent postage rate increase.
- 135-19. ORDERED THAT: There be and hereby is appropriated the sum of SEVENTY-EIGHT THOUSAND, TWO HUNDRED NINETY AND 00/100 DOLLARS (\$78,290.00) same to be charged against AVAILABLE FUNDS and credited to VETERANS, CASH BENEFITS (\$65,000.00) and to VETERANS, FUNERAL BENEFITS (\$12,290.00) accounts, for the purpose of covering anticipated expenses for the remainder of the year.

- 136-19. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, RAIL TRAIL account, for the purpose of appraisal and acquisition fees associated with the right-of-way takings along the Twin City Rail Trail.

#### X. ORDERS-OTHER

- 137-19. ORDERED THAT: WHEREAS City Council Property Committee is anticipated to report their approval of the conveyance of the attached easement submitted to City Council through Petition 074-19.

WHEREAS the grantee reports that time is of the essence and that the condition of the property is unsafe.

NOW WHEREFORE IT IS ORDERED that, the City of Fitchburg shall, through its Mayor, Stephen L. DiNatale, approve and authorize the execution and delivery of a Release Deed in form substantially similar to that attached hereto, and to authorize all other documents which will be necessary, helpful or convenient thereto.  
(11 Washington Street)

#### XI. ORDINANCES

- 138-19. AN ORDINANCE: Amend Chapter 14, Article 1, Section 14-2(G) of the City Code by striking the words "the Chief Assessor" and inserting the words "an Assessor" in their place as outlined in the enclosed Ordinance.  
(Reference Petition #243-19)  
**(First Reading)**
- 120-19. AN ORDINANCE: Amending Chapter 147 of the City Code by striking in its entirety and replacing it as outlined in the enclosed Ordinance (Sewers).  
(Reference Petition #44-19)  
**(Final Reading)**
- 121-19. AN ORDINANCE: Amending Chapter 154 of the City Code by striking in its entirety and replacing it as outlined in the enclosed Ordinance (Stormwater Management).  
(Reference Petition #45-19)  
**(Final Reading)**



## XII. MOTION TO RECONSIDER

Councilor Anthony Zarrella

The vote to be reconsidered is as follows:

Motion to designate Rollstone Congregational Church as the Ward 5 polling site passed by vote of 7 in favor (Kushmerek, Donnelly, Green, Clark, Kaddy, Zarrella, Beauchemin) and 4 opposed (DiNatale, Fleming, Squailia, Walsh), which was taken on the following Petition:

- 075-19. Anna M. Farrell, City Clerk, to discuss the options and vote to designate the Ward 5A and 5B polling locations.

## XIII. PETITIONS

- 139-19. Anne M. Cervantes, Treasurer, to declare as excess the properties listed on the enclosed Petition and designate them to the Side Yard Sales Program.  
(City Property Committee)
- 140-19. Councilor Marcus DiNatale, to repair the sidewalk from the Reingold Elementary Exit on Franklin Road to Reingold Avenue.  
(Public Works Committee)
- 141-19. Councilor Michael Kushmerek, to investigate and remedy the water run-off in front of 546 Blossom Street that causes hazardous road conditions during the winter.  
(Public Works Committee)

Next Regular Meeting  
Tuesday, May 21, 2019, 7:00 PM