The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Library, 615 Rollstone St., Fitchburg, on February 19, 2019. The meeting was called to order by Vice President Amy Green at 7:00 P.M. The Clerk called the roll and nine (9) Councillors were present. Councillor Kushmerek and Councillor Walsh were absent. The meeting opened with a salute to the Flag led by Councillor Fleming.

Noted for the record:
FATV was recording the audio and video of the meeting.
Others recording the meeting were:
Charlie Moore, 14 Nashua Street, Fitchburg
Robert Pooier, 167 Blossom Street, Fitchburg,
Santo Viola, New Hampshire

REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of February 5, 2019, and the Special Meeting of February 6, 2019, were correctly recorded. Report accepted and minutes adopted.

COMMUNICATION FROM HIS HONOR THE MAYOR

Re-Appointment Letters:

1. Mr. Nicholas J. Carbone, as a member of the Fitchburg Disability Commission, term to expire February 1, 2022.

February 12, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councillors,

I hereby reappoint and ask for your confirmation of Mr. Nicholas J. Carbone of 245 River St., Fitchburg as a member of the Fitchburg Disability Commission for a term scheduled to expire on February 1, 2022.

Please feel free to contact me with any questions.

Sincerely,

Stephen L. DiNatale
Mayor
February 1, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Ms. Mary Ann Guichard of 245 River St., Fitchburg as a member of the Fitchburg Disability Commission for a term scheduled to expire on February 1, 2022.

Please feel free to contact me with any questions.

Sincerely,

Stephen L. DiNatale
Mayor
February 1, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Ms. Doris Matte of 83 High St., Fitchburg as a member of the Fitchburg Disability Commission for a term scheduled to expire on February 1, 2022.

Please feel free to contact me with any questions.

Sincerely,

[Signature]

Stephen L. DiNatale
Mayor
February 1, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Ms. Carolyn Quirk of 384 Pearl Hill Road, Fitchburg as a member of the Fitchburg Disability Commission for a term scheduled to expire on February 1, 2022.

Please feel free to contact me with any questions.

Sincerely,

[Signature]

Stephen L. DiNatale
Mayor
Appointment Letters:

1. Mr. Leandro Lopez, as a member of the Fitchburg Cultural Council, term to expire March 1, 2022.

February 12, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Mr. Leandro Lopez of 19 Lawrence Street, Fitchburg, MA as a member of the Fitchburg Cultural Council for a term to expire on March 1, 2022.

Mr. Lopez will be filling a vacancy on the Cultural Council.

Sincerely,

[Signature]

Stephen L. DiNatale
Mayor
February 12, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councillors,

I hereby appoint and ask for your confirmation of Ms. Casandra Taylor of 19 Lawrence Street, Fitchburg, MA as a member of the Fitchburg Cultural Council for a term to expire on March 1, 2022.

Ms. Taylor will be filling a vacancy on the Cultural Council.

Sincerely,

[Signature]
Stephen L. DiNatale
Mayor
3. Ms. Tamar Russell Brown, as a member of the Fitchburg Cultural Council, term to expire March 1, 2022.

February 12, 2019

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Ms. Tamar Russell Brown of 15 James Street, Greenfield, MA, 01301 as a member of the Fitchburg Cultural Council for a term to expire on March 1, 2022.

Ms. Russell Brown will be filling a vacancy on the Cultural Council.

Sincerely,

Stephen L. DiNatale
Mayor
4. Mr. Matthew Bruun, as a member of the Fitchburg Cultural Council, term to expire March 1, 2022.
SPECIAL PRESENTATION

Fitchburg Municipal Airport

Mr. Scott Ellis conducted a presentation for the Fitchburg Municipal Airport. The presentation included the following slides:
Fitchburg Pilots Association

- Santa fly-in/Toy for Tots
- Young Eagles
- Open house/August
- Ford Tri-motor
- STEM Education
- Display Model

FITCHBURG PILOTS ASSOC
AVIATION CENTER

2/22/2019
Federal and State Agency’s

- Department of Defense
- Massachusetts State Police
- Massachusetts National Guard
- Civil Air Patrol
- Massachusetts State Forest
- American Red Cross
- Bureau of Health

Civilian Aircraft

- Utz Quality Foods
- Dicks Sporting Goods
- Greatly Athletic
### Airport Improvement

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**Special Presentation**

Fitchburg Municipal Airport

2/22/2019
Mr. Ellis reported that the Airport hopes to lease land in the near future for the development of a solar farm. This is allowed by the FAA and would provide a revenue stream from the lease and production of energy. Mr. Ellis reported that the former restaurant space remains in the building and that, while the Airport administration does not wish to be in the food business, they would welcome a tenant wishing to take over the space for such purpose.
REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of February 19, 2019

The Appointments Committee recommended the following Appointments be confirmed:

New Appointments:
Permanent Full Time Firefighter
Fitchburg Fire Department
Mr. John F. Viola

Special Police Officers
Fitchburg Police Department
Sergeant John E. Maki
Officer Ronald R. L’Ecuyer

Report accepted. Appointments confirmed by unanimous vote. 9 members present. Board consists of 11 members. Upon confirmation, Appointees were sworn in by the City Clerk.

City Property Committee Meeting
Meeting of February 11, 2019

The City Property Committee recommended the following Petition be given leave to withdraw:

007-18. Councillor Paul Beauchemin, to look at the possibility of putting in a roadway that connects the Crawford/Airport Road area to the Summer Street area (via land or right of way to be acquired). This would be to alleviate traffic backups that occur in the Bevis Street area.

Report read and accepted. Petition given leave to withdraw by unanimous vote. 9 members present. Board consists of 11 members.
The City Property Committee recommended the petition be amended approve proposed changes to the Side-Yard Sales Program, with changes to the ordinance and approval of future adjustment to ordinance for Chief Assessor to Side Yard Sales Committee, and be granted as amended:

243-18. Vincent P. Pusateri II, City Solicitor, to review the provisions of the Side Yard Sales Program and determine whether an amendment should be made to the Side Yard Sales Program so that merger of the Side Yard Sales lot with the abutting parcel of the purchaser is not required, or not required in all cases.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Review the provisions of the Side Yard Sales Program and determine whether an amendment should be made to the Side Yard Sales Program so that merger of the Side Yard Sales lot with the abutting parcel of the purchaser is not required, or not required in all cases.

Parcels of land sold through the Side Yard Sales Program are merged with the main parcel of the abutting purchaser by a condition of the Release Deed from the City. Where a parcel of land has been taken by the City for unpaid taxes under the abbreviated land of low value procedure set forth in M.G.L. c. 60 §§79 and 80, title to that parcel is not clear until the title has been affirmed through a Land Court procedure under M.G.L. c. 60 §80B, or twenty years have passed. Land of low value taken by the City and disposed of through the Side Yard Sales Program, subject to the merger condition, will cloud the title of the primary lot as well. This may prohibit or substantially delay City property owners from selling their homes and businesses.

Respectfully submitted,

Vincent P. Pusateri, II
City Solicitor

Petition granted as amended by vote of 9 in favor and 1 opposed (Donnelly). 9 members present. Board consists of 11 members. Petition forwarded to the City Solicitor for Ordinance preparation.
The City Property recommended the following Petition be granted:

272-18. Anne M. Cervantes, City Treasurer, to declare 116 Day Street, Parcel 32-3-0, as surplus property and designate to the Side Yard Sales program.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

After receiving surplus needs surveys from the City Clerk, declare as excess the following property and designate it to the Side Yard Sales Program.

116 Day Street       Parcel 32-3-0

This parcel had a tax lien placed on it for non-payment of 2016 taxes. The City accepted a deed to the property in lieu of taxes and foreclosure in 2018. The deed is recorded at the Worcester Northern Registry of Deed, Book 9056, Page 152.

Respectfully submitted,

Anne M. Cervantes
Treasurer

Report read and accepted. Petition granted by unanimous vote. 9 members present. Board consists of 11 members.
The City Property Committee recommended the following Petition granted:

281-18. Tom Skwierawski, Executive Director of Planning and Community Development, to request the City Council declare the following parcels as surplus property:

- 617 Water Street, Assessor’s map 109/32/0
- 80 Lunenburg Street, Assessor’s map 45/39/0
- 130 Lunenburg Street, Assessor’s map 46/6/0
- 104 Daniels Street, Assessor’s map 51/45/0
- 190 River Street, Assessor’s map 27/18/0
- 40 King Street, Assessor’s map 65/3/0

City of Fitchburg, Massachusetts
DEPARTMENT OF COMMUNITY DEVELOPMENT
HOUSING & DEVELOPMENT • PLANNING • ECONOMIC DEVELOPMENT

October 25, 2018

Councilor Kushmered,

The Department of Community Development is requesting that City Council declare the following parcels as surplus property:

- 617 Water Street, Assessor’s Map 109/32/0
- 80 Lunenburg Street, Assessor’s Map 45/39/0
- 130 Lunenburg Street, Assessor’s Map 46/6/0
- 104 Daniels Street, Assessor’s Map 51/45/0
- 190 River Street, Assessor’s Map 27/18/0
- 40 King Street, Assessor’s Map 65/3/0

These six (6) properties were acquired by the City through foreclosure for non-payment of taxes.

When property is acquired through foreclosure for non-payment of taxes, it is held under the control of the tax title custodian pursuant to M.G.L. c. 60, § 77B, who may dispose of the property through public auction. If Council were to declare these properties surplus, they would then be eligible for the Request for Proposal (RFP) process, pursuant to M.G.L. c. 30B.

If declared surplus, the Community Development Department intends to dispose of these properties through the RFP process. This process provides the City with added flexibility in disposing of the site, as opposed to the tax-lien auction process, which is based solely on highest-bid. This process allows the City to set criteria for a beneficial end-use, and to reject any bid that is deemed insufficient in meeting the criteria outlined in the RFP.

We hope you consider this request, which will provide the Community Development Department with a tool by which it can more effectively manage and dispose of City-owned properties.

Sincerely,

Tom Skwierawski
Executive Director of Planning and Community Development
City of Fitchburg

Report read and accepted. Petition granted by unanimous vote. 9 members present. Board consists of 11 members.
The Finance Committee recommended the following Petition be as amended:

028-19. Anna M. Farrell, City Clerk, to establish an Ordinance in the appropriate section of the City Code for wages for City of Fitchburg poll workers, according to the attached table, to be in compliance with minimum wage laws.

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<th>Position</th>
<th>2018 Hours</th>
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Reports of Committees
Finance Committee
Oral Report

AMENDED TO:

AS AMENDED & APPROVED

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<th>Hours</th>
<th>Rate</th>
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Report accepted. Petition granted as amended by unanimous vote. 9 members present. Board consists of 11 members. Petition forwarded to the City Solicitor for Ordinance Preparation.
The Finance Committee recommended the following Orders be adopted:

030-19. ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED THOUSAND AND 00/100 DOLLARS ($300,000.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:

- PERSONAL SERVICES, OVERTIME: $70,000.00
- EQUIPMENT RENTAL: $90,000.00
- PLOWS AND BLADES: $50,000.00
- SALT: $90,000.00

031-19. ORDERED THAT: There be and hereby is appropriated the sum of FOUR HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS ($450,000.00) same to be charged against AVAILABLE FUNDS and credited to DPW, CAPITAL EXPENDITURES, EQUIPMENT for the purpose of acquiring various vehicles in DPW fleet.

032-19. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-SIX THOUSAND, NINETY FOUR AND 00/100 DOLLARS ($36,094.00) same to be charged against AVAILABLE FUNDS and credited to DPW STREETLIGHTS, STREET LIGHT MAINTENANCE ($23,883.00) and DPW TRAFFIC SIGNAL EXPENSES, TRAFFIC SIGNAL MAINTENANCE ($12,211.00) for the purpose of repairing fixtures and poles damaged by hit-and-run drivers.

033-19. ORDERED THAT: There be and hereby is appropriated the sum of EIGHTEEN THOUSAND, FOUR HUNDRED EIGHTY-EIGHT AND 00/100 ($18,488.00) same to be charged against AVAILABLE FUNDS and credited to PARKS EXPENSES, BUILDING & GROUNDS REPAIRS, for the purpose of asbestos abatement at Coolidge Park.

034-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED FORTY-FOUR THOUSAND, EIGHT HUNDRED SEVENTY- NINE AND 00/100 ($144,879.00) same to be charged against AVAILABLE FUNDS and credited to POLICE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing three police vehicles.

035-19. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS ($35,000.00) same to be charged against AVAILABLE FUNDS and credited COMMUNITY DEVELOPMENT EXPENSES, RAIL TRAIL account, for the purpose of purchasing a parcel of land required for the development of the Twin Cities Rail Trail.

036-19. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS ($35,000.00) same to be charged against AVAILABLE FUNDS and credited to COUNCIL ON AGING, BUILDING MAINTENANCE for the purpose of constructing an interior French drain, sump pump, gutters, and connection to an existing discharge line, and for providing support for a timber beam in the basement.

Report accepted. Orders adopted by unanimous vote. 9 members present. Board consists of 11 members.

Orders signed by the Mayor February 20, 2019.
PUBLIC HEARING

026-19. MA Electric Company, and Verizon New England, Inc., to petition the City of Fitchburg to grant an easement for the right to construct and maintain an "OVERHEAD SYSTEM" (Telephone poles) installed on the easterly side of South Street, on property known as Mare Meadow Reservoir, Westminster, MA, as outlined in the enclosed petition.

GRANT OF EASEMENT

CITY OF FITCHBURG, a municipal corporation having an address at 1200 Rindge Road, Fitchburg, Massachusetts 01420 (hereinafter referred to as the Grantor), for consideration of One ($1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and VERIZON NEW ENGLAND, INC, a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quittance covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") over, across, under and upon the Grantor's land in Westminster, Worcester County, Massachusetts, to serve Grantor's property and others.

Said "OVERHEAD SYSTEM" is to be installed on Grantor’s property, known as Mare Meadow Reservoir, which is located on the easterly side of South Street, to originate from Pole P.75, which is located on the easterly side of South Street, then proceed in an easterly direction over, across and upon land of the Grantor to new Pole P.75-64, to become established by and upon the final installation thereof by the Grantees.

Also with the further perpetual right and easement from time to time without further payment therefor to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change said "OVERHEAD SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM".

Property Address: Mare Meadow Reservoir, South Street, Westminster, MA (Worcester North)

Address of Grantor:

Merrill, 40 Sylvan Road, Waltham, Massachusetts 02451

Verizon, 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110

After recording return to:

Christine P. Klep

National Grid USA

Service Company, Inc.

40 Sylvan Road

Waltham, MA 02451
It is agreed that the “OVERHEAD SYSTEM” shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easements herein granted are for the purpose of providing service to Grantee’s property and the further right to service others from said “OVERHEAD SYSTEM”. The Grantor, for itself, its successors and assigns, covenants and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the Overhead System may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon those parcels of land being more particularly described in an Order of Taking dated July 15, 1954, recorded with the Worcester North District Registry of Deeds in Book 742, Page 261.

And further, said “OVERHEAD SYSTEM” (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantee) is approximately shown on a sketch entitled: “Designer: Prasad Nair W#: 26273303; Easement Sketch; national grid; CONSTRUCTION DETAILS: Install 35ft class 3 pole, down guy and anchor with 8ft lead across from pole 75 South St. Pole will be located on private property at Marie Meadow Reservoir.; Exhibit A - Not to Scale”, a reduced copy of said sketch is attached hereto as “Exhibit A”, copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said “OVERHEAD SYSTEM” shall become established by and upon the installation and erection thereof by the Grantees.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within a portion of the Grantor’s land an “OVERHEAD SYSTEM” for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said “OVERHEAD SYSTEM”.

For Grantor’s title, see Order of Taking dated July 15, 1954, recorded with the Worcester North District Registry of Deeds in Book 742, Page 261.
IN WITNESS WHEREOF, the City of Fitchburg has caused its corporate seal to be hereeto affixed and these presents to be signed in its name and behalf by John M. DeLine, Jr., its Deputy Commissioner of Water Supply, and by Stephen L. DiNatale, its Mayor, being thereto duly authorized this _____ day of __________, 2018.

RECOMMENDED:
Department of Public Works
Division of Water Supply

John M. DeLine, Jr.
Deputy Commissioner

Stephen L. DiNatale
Mayor

APPROVED AS TO LEGAL FORM:

By:
Its:

The provisions of Massachusetts General Laws, Chapter 183, Section 48, are not applicable.
Commonwealth of Massachusetts

County of ____________________________ as.

On this the __________ day of __________, 2018, before me, __________ the undersigned Notary Public,

__________________________________
Name of Notary Public

personally appeared John M. DeLine, Jr. and Stephen L. DiNatale, proved to me through satisfactory evidence of identity, which were

__________________________________
Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement and acknowledged to me that they signed it voluntarily for its stated purpose, as Deputy Commissioner of Water Supply, and as Mayor, respectively, of the city of Fitchburg.

__________________________________
Signature of Notary Public

__________________________________
Printed Name of Notary

My Commission Expires ____________

Place Notary Seal and/or Any Stamp Above

The provisions of Massachusetts General Laws, Chapter 183, Section 68, are not applicable.
The hearing was declared open. Mr. Diego Villareal of National Grid was present on behalf of the petition. An email from John Deline, DPW Deputy Commissioner for Water Supply was read for the record.

Good afternoon Councilor,

I will not be able to attend (I am away on a previously scheduled vacation) next week’s Council meeting, which will include a hearing for a utility pole on watershed property that the City owns on South Street in Westminster. A representative (Diego Villareal) of National Grid will be in attendance. I have reviewed the proposed location and am completely in favor of granting this easement. The electric lines in this area supply power to the City’s pump stations at Mare Meadow and Bickford Reservoirs and, therefore, are critical to our operation. Any improvements in the "strength" of this infrastructure will benefit the City and we are pleased that National Grid is making improvements in this area.

If there are any questions, please do not hesitate to contact me.

Thank you,

John M. Deline, Jr.
Deputy Commissioner of Water Supply
Fitchburg DPW – Division of Water Supply
1200 Rindge Road
Fitchburg, MA 01420
978-345-9616 ext. 109

No one spoke in favor or opposition to the petition. Hearing closed.
Motion to approve the petition was granted by vote of 9 in favor and 0 opposed.
# ORDINANCES

**037-19.** AN ORDINANCE: Six (6) two-hour parking spaces, all being twenty (20) feet by eight (8) feet, shall be installed by amending Section 169-26, entitled "Time limit parking" as follows: (Oliver Street).

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## CITY OF FITCHBURG

IN THE YEAR 2019

### AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

Six (6) two-hour parking spaces, all being twenty (20) feet by eight (8) feet, shall be installed by amending Section 169-26, entitled "Time limit parking" as follows:

A new line shall be inserted below the line beginning "Nursery Lane" and the following words shall be inserted thereon:

The words "Oliver Street" shall be inserted under the “Name of Street or Parking Lot” column;

The words “Easterly” shall be inserted under the “Side” column;

The words “2hr; 8:00 a.m. to 8:00 p.m./except Sunday and legal holidays” shall be inserted under the “Time Limit; Hours/Days” column;

The words “From a point of 187 feet southwest from the intersection of Oliver and Elm to the stop line at the intersection of Oliver and Main Streets.”

The resulting inserted line shall read as follows:

<table>
<thead>
<tr>
<th>Name of Street or Parking Lot</th>
<th>Side</th>
<th>Time Limit; Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oliver Street</td>
<td>Easterly</td>
<td>2hr; 8:00 a.m. to 8:00 p.m./except Sundays and legal holidays</td>
<td>From a point of 187 feet southwest from the intersection of Oliver and Elm to the stop line at the intersection of Oliver and Main Streets.</td>
</tr>
</tbody>
</table>

(Reference Petition #248-18)

Ordinance was sent to a third and final reading and ordered adopted to be enrolled and ordained by unanimous vote. 9 members present. Board consists of 11 members.
038-19. AN ORDINANCE: Section 169-59, entitled “One-way streets” at the line which references in the first column “Putnam Street” shall be amended as follows:

CITY OF FITCHBURG
IN THE YEAR
2019

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

Section 169-59, entitled “One-way streets” at the line which references in the first column “Putnam Street” shall be amended as follows:

In the third column of said line by striking the words “From Main Street to Elm Street” and inserting “From Main Street to Boulder Drive” in its place.

The resulting amended line will read as follows:

Upon the following streets or parts of streets, vehicular traffic shall move only in the direction indicated below:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction of Travel</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oliver Street</td>
<td>South</td>
<td>From Prichard Street to Main Street</td>
</tr>
</tbody>
</table>

(Reference Petition #248-18)

Ordinance was sent to a third and final reading and ordered adopted to be enrolled and ordained by unanimous vote. 9 members present. Board consists of 11 members.
039-19. AN ORDINANCE: Section 169-59, entitled "One-way streets" shall be amended as follows: (Putnam Street)

CITY OF FITCHBURG
IN THE YEAR
2019

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

Section 169-59, entitled “One-way streets” shall be amended as follows:

A new line shall be inserted below the line beginning "Prichard Street" and the following words shall be inserted thereon:

The words “Putnam Street” shall be inserted under the “Name of Street” column;

The word “South” shall be inserted under the “Direction of Travel” column; and

The words “From Main Street to Boulder Drive” shall be inserted under the “Limits” column.

The resulting amended line will read as follows:

Upon the following streets or parts of streets, vehicular traffic shall move only in the direction indicated below:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction of Travel</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putnam Street</td>
<td>South</td>
<td>From Main Street to Boulder Drive</td>
</tr>
</tbody>
</table>

(Reference Petition #255-18

Ordinance was sent to a third and final reading and ordered adopted to be enrolled and ordained by unanimous vote. 9 members present. Board consists of 11 members.

Ordinances
040-19. AN ORDINANCE: Six (6) two-hour parking spaces shall be installed between Main Street and Boulder Drive, by amending Section 169-26, entitled "Time limit parking" as follows: (Putnam Street)

CITY OF FITCHBURG
IN THE YEAR
2019

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

Six (6) two-hour parking spaces shall be installed between Main Street and Boulder Drive, by amending Section 169-26, entitled "Time limit parking" as follows:

A new line shall be inserted directly below the line beginning "Prichard Street" and the following words shall be inserted thereon:

The words "Putnam Street" shall be inserted under the “Name of Street or Parking Lot” column;

The words "East" shall be inserted under the “Side” column;

The words "2hr; 8:00 a.m. to 8:00 p.m./except Sunday and legal holidays" shall be inserted under the "Time Limit; Hours/Days" column;

The words “From Main Street to Boulder Drive with a ten-foot safety zone on each side of the fire hydrant.”

The resulting inserted line shall read as follows:

<table>
<thead>
<tr>
<th>Name of Street or Parking Lot</th>
<th>Side</th>
<th>Time Limit; Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putnam Street</td>
<td>Easterly</td>
<td>2hr; 8:00 a.m. to 8:00 p.m./except Sundays and legal holidays</td>
<td>From Main Street to Boulder Drive with a ten-foot safety zone on each side of the fire hydrant.</td>
</tr>
</tbody>
</table>

(Reference Petition #255-18)

Ordinance was sent to a third and final reading and ordered adopted to be enrolled and ordained by unanimous vote. 9 members present. Board consists of 11 members.
PETITIONS

The following Petitions were referred to the Legislative Affairs by vote of 8 in favor and 1 opposed (Squailia):

043-19. Councillor Marisa Fleming, on behalf of Mary Rohrback, 125 Pacific Street, to request a noise control Ordinance, specifically for loud music that can be heard in one's house or on the street.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

An ordinance for noise control in the city of Fitchburg. Specifically for loud music that can be heard in one's house or on the street.

An example is a street where several neighbors had to complain about one house and now another house next to it is the same. This kind of situation interferes with the peace & quality of life. There is not a lot of buffer zone to protect us as is in a less populated area. We're entitled to the same, so we may enjoy a more peaceful life.

There needs to be some consequence when this is inflicted on us. Simply put, it's not fair.

Mary Rohrback
125 Pacific St.
Petitions

044-19. Vincent Pusateri, Esq., City Solicitor, to revise the City’s Sewer and Stormwater ordinances, Chapter 147, in compliance with EPA and MS4 permit requirements as outlined in the enclosed Petition.

FITCHBURG CITY CLERK

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

2019 FEB 14

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

WHEREAS the City of Fitchburg sewer ordinance, Chapter 147 of the City Code, entitled “Sewers”, requires updating, including the implementation of Sewer Use Rules and Regulations; and

WHEREAS the City of Fitchburg through its Department of Public Works has undertaken to update and streamline Chapter 147 of the City Code, entitled “Sewers”, and to develop Sewer Use Rules and Regulations; and

WHEREAS any changes in fee amounts charged to sewer rate payers, or adoption of any new fees charged to sewer rate payers must be presented to and approved by City Council, and

WHEREAS the City’s Consent Decree with the EPA requires the City to understand, monitor and certify proper use of the municipal sewer system and any discharges into it, and

WHEREAS the City’s Consent Decree with the EPA requires the City to enact ordinance(s) and regulation(s) establishing the legal authority to prohibit, investigate and eliminate illicit discharges to the municipal sewer system, and

WHEREAS the City’s ordinances must grant the authority to require permits for the installation and proper connection of certain sewers, and for the Water/Wastewater Commission to set specific discharge limitations, and

WHEREAS the use of Sewer Use Rules and Regulations largely takes the technical language, reference to design standards, details of the Industrial Pretreatment Program, and specifics of the sewer connection permitting process, which are best implemented and updated by the Water/Wastewater Commission, outside the main text of the ordinance, and

WHEREAS a streamlined ordinance accompanied by rules and regulations provides flexibility for the City as planning priorities and the development landscape within the City change, and

WHEREAS the City of Fitchburg’s Water/Wastewater Commission is best situated to promulgate said Sewer Use Rules and Regulations, and

WHEREAS an update to the general powers of the Water/Wastewater Commission are required to clarify its ability to promulgate said regulations and rules regarding municipal sewer system users, and

WHEREAS there will be no changes in the amounts of the charges or fees associated with the sewer and stormwater system, and

WHEREAS there is a need to provide more certainty in enforcement and penalties,
NOW, THEREFORE, the undersigned Petition your Honourable Body to approve the adoption of a sewer ordinance amending Chapter 147 of the City Code, entitled "Sewers", consistent with the terms of the executive summary attached hereto, that would facilitate the purposes more clearly set forth therein.

Vincent P. Pusateri, II, Esq.
City Solicitor
EXECUTIVE SUMMARY: SEWER ORDINANCE UPDATES & DEVELOPMENT OF SEWER RULES AND REGULATIONS

Prepared for:
City of Fitchburg City Council Meeting

BACKGROUND
The City of Fitchburg (City) Department of Public Works (DPW) has updated City Code Chapter 147: Sewers and Chapter 154: Stormwater Management. The purpose of this Executive Summary is to provide an overview of the updates to Chapter 147: Sewers (Ordinance) and development of the Sewer Rules and Regulations (Regulations).

The objectives of the project are to review and update the content in the Sewer Ordinance.

City department stakeholders attended and participated in workshops held on October 30th. The workshops solicited feedback and input from workshop participants on the language and outlined processes.

There has not been a change in any financial component of the Ordinance.

SEWER ORDINANCE ORGANIZATION
A streamlined Ordinance, with accompanying Rules and Regulations, provides flexibility for municipalities as planning priorities and the development landscape within the City change. To that end, the Ordinance has been updated to contain the basic legal authority language and definitions while the Rules and Regulations contain the technical requirements, design standards and procedural language.

Updates to the Ordinance include a general reorganization of the Articles within the existing Chapter to help clarify and enhance the Ordinance’s efficacy. Articles IV and VII, along with all sections therein, have moved forward in the Chapter behind Article I, and Articles V and VI have been combined into one Article. The Articles have been renumbered accordingly.

Headings and text shown in bold highlight changes to the outline structure.

Article I: General Provisions
Article II (formerly Article IV): Administration
Article III (formerly Article VII): Charges and Fees (There are no changes in Fees)
Article IV (formerly Article II): Building Sewers and Connections
Article V (formerly Article III): Discharge Regulations
Article VI (formerly Articles V and VI): Enforcement and Penalties
Article VII (formerly Article VIII): Validity

Changes Within Individual Articles
Changes within individual articles are summarized below.

Article I. General Provisions

The Objectives of the ordinance have not changed.
Definitions were updated or added regarding public and private sewers, sanitary, combined sewers, building drain and building sewer, Fats, Wax, Oils, and Grease (FOG) to better contextualize the nature of the combined system in the City, and to coordinate with the Stormwater Ordinance (Chapter 154). A definition for Significant Industrial User has also been added.

Article II. Administration

Minor revisions were made to the general powers of the Commission section to clarify its applicability to all wastewaters and users.

The City’s right to enter property and right to inspect the facilities of any sewer user have been clarified.

Several sections detailing the specifics of the City’s Industrial Pretreatment Program (IPP) have been merged into one section, named Industrial Pretreatment Program. The skeleton of the former IPP section remains in the Ordinance. The detailed specifics of the IPP were moved to the Regulations, as well as placeholders for the specific local limits recommended in the City’s recent local limits study, which require approval from EPA.

Language has been added to better define and address ownership and maintenance responsibilities. Private property owners are responsible for installation, operation, maintenance, and repair of their sewer laterals, including any modifications required to remove sources of infiltration and inflow (I/I).

For compliance with 314 CMR 12.04, the language has been included requiring new connections and extensions to provide I/I mitigation in accordance with the Regulations. The Regulations include language requiring I/I mitigation for new connections and extensions where proposed
flows exceed 15,000 gallons per day (based on Title 5). Such mitigation shall require that four gallons of infiltration and/or inflow is removed for each gallon of new flow to be generated by the new sewer connection or extension.

Article III: Charges and Fees
The Article has been updated to define the powers of the City in setting sewer user rates and references the rate setting procedures (Chapter 3, Section 137).
Language relating to late fees levied on industrial users has been moved to Article VI: Enforcement and Penalties.
Permit fees have been moved to the Regulations.

Article IV: Building Sewers and Connections
Language has been streamlined in this Article to give the City the authority to require permits and to require that installation of building sewers be completed in accordance with the Regulations (design and construction standards and testing).
Language has been added in this Article to ensure that there is a separation of storm and sewer services during development and redevelopment.
Provisions for ensuring new building sewers are properly connected to the sewer through conformance testing, as well as the authority to test existing building sewers have been included.
The City can require the owner to eliminate UI.

Article V: Discharge Regulations
The section titled Specific limitations has been renamed to Specific local limitations and includes the authority for the Commission to set specific discharge limitations. The specific local limitations will be included in the Regulations once approved by EPA.
The section titled Interceptors has been renamed to Fats, Oils, Grease and Wax and includes the authority for the Commission to regulate discharge of FOG. Specific language will be included in the Regulations, once it has been appropriately vetted through the various relevant City departments.

Article VI: Enforcement and Penalties
Enforcement and penalties articles have been combined into one article and many of the subsections detailing enforcement remedies available to the City (suspension of service, revocation
of permit, administrative orders, etc.) were moved to the Regulations. There has been no change in the amount of penalties.

SEWER REGULATIONS

The sewer regulations largely take the technical language, reference to design standards, and details of the IPP and consolidate them into a regulatory document which is more flexible for the City.

The Commission has the authority to promulgate and amend the regulations. The Commissioner of Public Works (and his/her designees) have authority over design reviews, inspections, enforcement and day to day processes.

IMPACTS TO RATEPAYERS

In general, ratepayers will not see much impact if any from the Ordinance changes or creation of the Sewer Regulations.

Industrial users will see some changes based on local limitations (discharge limits), once approved by EPA. In order to protect the wastewater collection system and treatment plant infrastructure, the City, through City Council, may choose to add future provisions to the Regulations which would establish an additional fee (surcharge) charged to users who discharge concentrations or flow above and beyond the established local limitations.

It has now been made clear in the Ordinance that private property owners are responsible for their own sewer service laterals including installation, testing, maintenance, repairs, and removal of I/I.

In the future, the City, through City Council, may choose to add future provisions to the Regulations establishing additional fees related to CCTV inspections and cleaning, site plan reviews, third party or peer reviews, I/I mitigation, etc.

SEQUITUR

Overall, the drafted Ordinance updates and the newly drafted Rules and Regulations provide the City with updated and flexible regulatory documents for operating and maintaining the sewers and treatment plant in a manner compliant with the City’s permits and Consent Decree.
045-19. Vincent Pusateri, II, Esq., City Solicitor, to revise the City's Sewer and Stormwater ordinances, Chapter 154, in compliance with EPA and MS4 permit requirements as outlined in the enclosed Petition.

THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

WHEREAS the City of Fitchburg stormwater ordinance, Chapter 154 of the City Code, entitled "Stormwater Management and Erosion Control", requires updating, including the implementation of Stormwater Rules and Regulations; and

WHEREAS the City of Fitchburg through its Department of Public Works has undertaken to update and streamline Chapter 154 of the City Code, entitled "Stormwater Management and Erosion Control", and to develop Stormwater Rules and Regulations; and

WHEREAS any changes in fee amounts charged to constituents, or adoption of any new fees charged to constituents must be presented to and approved by City Council, and

WHEREAS the EPA's Municipal Separate Storm Sewer System (MS4) permit requires the inclusion of certain definitions in the City's stormwater ordinance(s), and

WHEREAS the EPA's MS4 permit requires the City to understand, monitor and certify proper use of the municipal storm drainage system and any discharges into it, and

WHEREAS the EPA's MS4 permit requires communities that are covered under the permit to enact ordinance(s) and regulation(s) establishing the legal authority to prohibit, investigate and eliminate illicit discharges, and

WHEREAS the EPA requires MS4 communities to enact an ordinance or regulations that require the use of sediment and erosion control practices at construction sites, and provide for permanent stormwater management controls to be installed for new development and redevelopment projects, and

WHEREAS the City's ordinance must grant the authority to require permits for discharges to the municipal storm drainage system, and

WHEREAS the use of Stormwater Rules and Regulations largely takes the technical language, reference to design standards, and specifics of the stormwater management permitting process, which are best implemented and updated by the Department of Public Works, outside the main text of the ordinance, and

WHEREAS a streamlined ordinance accompanied by rules and regulations provides flexibility for the City as planning priorities and the development landscape within the City change, and

WHEREAS the City of Fitchburg's Department of Public Works is best situated to promulgate said Stormwater Rules and Regulations, and
WHEREAS an update to the responsibilities and authority of the Department of Public Works is required to clarify its ability to promulgate said rules and regulation regarding municipal storm drainage system users, and

WHEREAS there will be no changes in the amounts of the charges or fees associated with the municipal storm drainage system, and

WHEREAS there is a need to provide more certainty in enforcement and penalties,

NOW, THEREFORE, the undersigned Petition your Honourable Body to approve the adoption of a stormwater management ordinance amending Chapter 154 of the City Code, entitled “Stormwater Management and Erosion Control”, consistent with the terms of the executive summary attached hereto, that would facilitate the purposes more clearly set forth therein.

Vincent P. Pusateri, II, Esq.
City Solicitor
EXECUTIVE SUMMARY: STORMWATER MANAGEMENT ORDINANCE UPDATES & DEVELOPMENT OF STORMWATER RULES AND REGULATIONS

Prepared for:
City of Fitchburg City Council Meeting

BACKGROUND

The City of Fitchburg (City) Department of Public Works (DPW) has updated City Code Chapter 147: Sewers and Chapter 154: Stormwater Management and Erosion Control. The purpose of this Executive Summary is to provide an overview of the updates to Chapter 154: Stormwater Management (Ordinance) and development of the Sewer Rules and Regulations (Regulations).

The objectives of the project are to review and update the content in the Stormwater Ordinance, to ensure compliance with the City's renewed General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems (MS4) issued by the EPA and MassDEP, pursuant to the Clean Water Act, and effective July 1, 2018.

City department stakeholders attended and participated in workshops held on October 30th. The workshops solicited feedback and input from workshop participants on the language and outlined processes.

There has not been a change in any financial component of the Ordinance.

STORMWATER MANAGEMENT ORDINANCE ORGANIZATION

A streamlined Ordinance, with accompanying Rules and Regulations, provides flexibility for municipalities as planning priorities and the development landscape within the City change. To that end, the Ordinance has been updated to contain the basic legal authority language and definitions while the Rules and Regulations contain the technical requirements, design standards and procedural language.

Updates to the Ordinance include a general reorganization of sections into Articles within the existing Chapter to help clarify and enhance the Ordinance's efficacy. The former sections 154-4 through 154-8 have been moved to the Stormwater Rules and Regulations, and additional sections have been added to address MS4 permit requirements. Sections have been renumbered accordingly.

Headings and text shown in bold highlight changes to the outline structure.

Article 1: General Provisions
154-1 Purpose
154-2 Definitions
154-3 Applicability
154-4 Administration
154-5 Regulations
154-6 Enforcement
154-7 Severability
154-8 Transitional Provisions

Article II: Non-Stormwater Discharges, Connections, and Obstructions
154-9 Prohibited Activities
154-10 Allowable Discharges (exemptions)
154-11 Emergency Suspension of Municipal Storm Drainage Access
154-12 Notification of Spills

Article III: Construction and Post Construction Stormwater Management of New Developments and Redevelopments
154-13 Permit required
154-14 Permits and procedures
154-15 Fee structure
154-16 Waivers

CHANGES WITHIN INDIVIDUAL ARTICLES
Changes within individual articles are summarized below.

Article I. General Provisions

Definitions were updated or added including critical area, illicit connection, impervious area, land disturbance, municipal storm drainage system, pollutant, stormwater, and wetlands.

In particular, the critical areas definition has been updated to better support the purpose of the ordinance and compliance with the MS4 permit. Critical areas are now defined as:

A. Disturbed areas 2,000 square feet or greater within the surface water supply protection area of any of the City’s drinking water supplies; or
B. Disturbed areas of 500 square feet or greater on slopes greater than 15%.

The applicability language was updated to comply with the MS4 permit requirements for discharges to the municipal stormwater system. The revised ordinance applies to all users of the stormwater drainage system as it pertains to discharges to the system. The ordinance, and supporting regulations and permit process, also apply to new and redevelopment projects which disturb certain areas of land. The land disturbance thresholds have been updated to support compliance with the MS4 permit and further protect the City’s receiving waters:

Any land disturbance activity, including clearing, grading, and excavation in which any one or more of the following criteria are met:

1. The total cumulative disturbed area exceeds 20,000 square feet;
2. The proposed disturbed area constitutes a critical area as defined in § 154-2 of this chapter.
3. The proposed disturbed area is located on a parcel of land having more than 5,000 square feet of existing impervious area and the project will result in a net increase of 36 percent or more of impervious area.
Petitions

(4) Exemptions.

a) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
b) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.
c) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 110 CMR 10.04;
d) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
e) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
f) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
g) Emergency work to protect life, limb, or property.

The MS4 permit requires the City to understand, monitor, and certify (signature on annual reports) proper use of and discharges into and from the municipal storm drainage system for compliance with the permit. This includes a program to manage direct and indirect connections to the drainage infrastructure, discharges of street and private property runoff to the City’s system, as well as erosion and sediment control from construction and development. As such, the Administration section has been added to clarify the entity responsible (Authorized Enforcement Agency) for administration, implementation, and enforcement of the updated Stormwater Management ordinance. Previously, the Stormwater Management and Erosion Control Ordinance was administered by the Conservation Commission. Under the updated Ordinance, the Commissioner of DPW is established as the Authorized Enforcement Agency and can designate duties in writing pertaining to the Ordinance.

This Article provides the legal authority for the Authorized Enforcement Agency to promulgate and periodically amend rules and regulations pertaining to Stormwater Management.

Responsibility for enforcement was revised to be the Authorized Enforcement Agency and authority to seek remedies for violations can be found in this section. Language regarding specific remedies and penalties language remains largely unchanged but has moved to the Regulations and is referenced from the Ordinance. There has been no change in the amount of penalties.

Article II. Non-Stormwater Discharges, Connections, and Obstructions

The MS4 permit requires municipalities which are covered under the permit to enact ordinances and regulations establishing the legal authority to prohibit, investigate, and eliminate illicit discharges, including illicit discharges originating on private property. This requirement also stipulates that the MS4 community should implement appropriate enforcement procedures and actions. This Article has been added to provide the legal authority for the City to prohibit, investigate, and eliminate illicit discharges, including those originating on private property. This Article also includes a section on allowable discharges (exemptions) which include: uncontaminated groundwater, waterline flushing, diverted stream flow, etc.

Language regarding notification for spills and emergency suspension of storm drainage system access has also been added.
Article III. Construction and Post Construction Stormwater Management of New Development and Redevelopment

The EPA requires MS4 communities to enact an ordinance or regulations that require the use of sediment and erosion control practices at construction sites, as well as requirements for permanent stormwater management controls to be installed for new development and redevelopment projects such that the quantity and quality of stormwater runoff (if any) from these new sites will not have a negative impact on the municipal storm drainage system or the receiving waterbodies.

This Article establishes a new Stormwater Management Permit, issued by the Authorized Enforcement Agency to developers and project proponents who wish to perform land disturbance activities within the City. Projects and activities requiring review have not changed from the existing Ordinance, but a more formal permit procedure has been established in accordance with MS4 requirements. Applicable projects include land disturbance in the following areas:

1. The total cumulative disturbed area exceeds 20,000 square feet;
2. The proposed disturbed area constitutes a critical area as defined in § 156.2 of this chapter.
3. The proposed disturbed area is located on a parcel of land having more than 5,000 square feet of existing impervious area and the project will result in a net increase of 30 percent or more of impervious area.

The exemptions presented in Article 1 apply and are referenced from this section.

The Article references the Regulations for the City’s Stormwater Management Permit procedures and requirements to be compliant with said permit.

STORMWATER REGULATIONS

The Stormwater Rules and Regulations largely take the technical language, reference to design standards, and details of the Stormwater Management Permit (project and site plan reviews) and provide a permit procedure and process which meets the new MS4 permit’s more stringent requirements while also providing more flexibility for the City.

The Commissioner of Public Works has the authority to promulgate and amend the regulations, and authority over design reviews, inspections, enforcement and day to day processes.

The Regulations define proper use of the stormwater drainage system, require written authorization from the DFW to connect to the municipal storm drainage system, and provide technical information for design and construction of such connections.

Standards and requirements for new development and redevelopment have been added or revised to meet the minimum MS4 requirements. These include:
- Erosion and sediment control during construction.
- Use of low impact development and green infrastructure site planning and design strategies.
- Design of stormwater practices in accordance with the Massachusetts Stormwater Handbook.
- Design and installation of stormwater practices to retain runoff on site and remove specified levels of phosphorus and total suspended solids.
- Procedures to ensure proper operation and maintenance of installed stormwater controls.
SEQUITUR

Overall, the Ordinance and Regulations provide the City with updated and flexible regulatory documents for operating and maintaining the stormwater infrastructure in a manner compliant with the City’s MS4 permit and protective of the City’s receiving waterbodies.
The following Petition was referred to the Public Safety Committee by vote of 8 in favor and 1 opposed (Squillia):

046-19. Trevor Burt, Twin City Auto, to request a Class II Dealer’s License located at 1425 Water Street, Fitchburg.

THE COMMONWEALTH OF MASSACHUSETTS

City of Fitchburg

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? TWIN CITY AUTO

2. Business address of concern. No. WATeR STREET. City — Town.

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? USED

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO
7. Give a complete description of all the premises to be used for the purpose of carrying on the business. 1425 Water Street will be used to showcase and sell used motor vehicles.

8. Are you a recognized agent of a motor vehicle manufacturer?  No.  (Yes or No)
If so, state name of manufacturer ____________________________

9. Have you a signed contract as required by Section 56, Class 1?  (Yes or No)
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?  No.  (Yes or No)

   If so, in what city — town ____________________________
Did you receive a license?  (Yes or No)  For what year?  ____________________________

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?  (Yes or No)

  Sign your name in full.  ____________________________
  (Date authorized to remove the concerns hereinafter mentioned)

Residence ____________________________

IMPORTANT
EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HERIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

Note: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar.  (See Sec. 59)
CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license, provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not tax in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodelling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.
Dear Trevor Burt,

I have reviewed your 1/11/2019 form of intent to open a used car dealership at 1425 Water Street Fitchburg, MA. The building is located in the Commercial & Automotive zoning district. Based on Table 181.313 of the Fitchburg Zoning Code a Motor vehicle and equipment sales is permitted by right in this district.

You will need to apply for the following permits/licenses:

☑ Business certificate from the City Clerk.
☑ Building permit from the building department.
☐ Certificate of inspection from the building department.
☑ Approved site plan review from the Planning Board.
☐ A dealer license from the city council.

If you are aggrieved by a Zoning interpretation, order, requirement, direction or failure to act by the Building Commissioner you may file notice of appeal with the Zoning Appeals Board by 2/27/2019. Don’t hesitate to call or email me with any questions. Phone 978-829-1880 email mbubarboro@fitchburgma.gov.

Respectfully,
Mark Barbadoro

Building Commissioner