



FITCHBURG CITY CLERK

May 05 2023 10:22 am

**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 April 18, 2023.

The meeting was called to order by President Zarrella at 7:42 P.M. The meeting opened with a salute to the Flag led by Councilor Van Hazinga. The City Clerk called the roll and 10 Councillors were present, Councilor Cruz was absent. Board consists of 11 members.

I. PUBLIC FORUM

Jacquelyn Wehtje, Fitchburg MA, spoke on against agenda item 087-23 and 100-23.

II. ANNOUNCEMENTS

Councilor Schultz Submitted: The next meeting of the Widowed Helping Widowed Support Group will take place on Thursday, April 20, 2023 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.

Councilor Schultz Submitted: Reverend Annie Belmer and City Councilor Bernie Schultz are co-facilitating a Wrestling with Racism discussion this coming Thursday night, April 20, 2023 from 6:30 to 7:30 over the Zoom platform. The discussion topic is “Recruiting and Retaining Black Teachers and Administrators.” For your free ticket to the Zoom discussion, please visit the Eventbrite website.

Councilor Cragin Submitted: A group of students are researching our city parks for the purpose of adding supplemental material for the City's website. They are working with James Bunnell, Director of Parks and Rec, Department of Public Works, and focusing their studies on Fitchburg Historical Society archives. However, they welcome information from the public on the following topics:

Name of Park:

- Activities that have taken place at the Park (for example, Cogshall Park has had wedding showers; Coolidge Park hosts area athletic groups)

- Any personal stories you or your family has about a Fitchburg City Park.
- We would love to see photos -- online only, no paper.

Councilor Cragin Submitted: Wednesday, April 19, 2023, 6:30PM to 8:00 PM, Civic Ambassador Stewards training by NewVue Communities and Fitchburg Civic Forum, Main Street Studios, 675 Main Street. Join Francisco Ramos and City Councilors Sally Cragin and Derrick Cruz, moderators. The Stewards program presents a Special Municipal Election Year series of FREE workshops with the Fitchburg Civic Forum.

These Workshops are for anyone interested in learning how to run for office, or the protocols for applying to serve on boards and Commissions in Fitchburg. April 19th event will focus on: “The importance of Functional Local Democracy”, with Joanna Bilotta, Fitchburg City Clerk and City Council President Anthony Zarrella.

Saturday, April 22, 2023, 8:00AM – 10:00AM Pannukakku Breakfast: Finnish oven pancake, bacon sausage, fruit, juice, Finnish coffee bread, and coffee/tea/coca, for \$10.00 Loaves of Finnish Coffee bread for sale.

And from 8:30AM until noon, Saima Flea Market: All proceeds to benefit our scholarship fund. Finnish Center at Saima Park, 67 Scott Road, saima-park.org, Facebook: Friends of Saima Park.

Sunday, April 23rd, 2:00PM, Armenian Genocide Remembrance Day Commemoration: Leominster Public Library, 30 West Street, Sponsored by Swan Hope Press. April 24th is the traditional Remembrance Day – join us for conversation about Armenia’s ancient history, economics family histories, and arts and culture. We will read some poems aloud- light refreshments (Armenian-style baklava) and home-made Armenian Mountain tea, FREE Contact sallycragin@gmail.com.

III. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of April 18, 2023

New Appointment:

Fitchburg Council on Aging

(Term to expire April 1, 2026)

Annie L. Belmer

New Appointment:

Special Police Officers

Fitchburg Police Department

Philip Kearns

New Appointments:

Full-Time Student Police Officers

Fitchburg Police Department

Matthew Pawson

Zachary Saldana

Shawn Burns
Sotheavy Kay – **Withdrew**
Ramon Viches
Conor Monaghan
Brandon Bento

New Appointment:
Permanent Full Time Firefighter
For the City of Fitchburg
Alec M. Dymant

New Appointment:
Board of Health
(Term to expire January 1, 2026)
Dianne F. Evans Tousignant RN

Re-Appointment:
City Treasurer and Tax Collector
For the City of Fitchburg
(Term to expire May 1, 2026)
Anne M. Cervantes

Re-Appointment:
City Auditor and Finance Director
For the City of Fitchburg
(Term to expire May 1, 2026)
Mr. Calvin D. Brooks

Report accepted. Appointments confirmed by unanimous consent 10/0. 10 members present. Board consists of 11 members.

IV. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of April 4, 2023 were correctly recorded. Report accepted and minutes adopted.

V. COMMUNICATION

His Honor the Mayor

1. Re-Appointment letter:

Annie DeMartino, as a member of the Fitchburg Council on Aging, for a term to expire November 1, 2025.

The Appointment was read and referred to the Appointments Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

VI. REPORT OF COMMITTEES

Council as a Whole Committee

Oral Report

Meeting of April 12, 2023

098-23. To approve the following increases in water rates, minimum monthly charges, and miscellaneous charges in Article VI, Section 177-15 of the City Code. The fee increase which are proposed by the City of Fitchburg, Division of Water Supply as enclosed.

(Be granted by unanimous consent)

099-23. To approve the following increases in wastewater rates and minimum monthly charges in Article III, Section 147-10.1 of the City Code. The fee increases which are proposed by the City of Fitchburg, Division of Wastewater as enclosed in the Petition.

(Be granted by unanimous consent)

Report read and accepted. 098-23 through 099-23 were adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Finance Committee

Meeting of April 12, 2023

Finance Committee Meeting Minutes

087-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Council on Aging (NCOA) grant in the approximate amount of \$149,848.73 (ONE HUNDRED FORTY-NINE THOUSAND, EIGHT HUNDRED FORTY-EIGHT AND 73/100 DOLLARS) for the purpose of said grant, which is to increase COVID-19 vaccination rates in MPH community and to ensure older adults and people with disabilities get the latest COVID and flu vaccines.

(Be Adopted)

Councilor DiNatale requested to vote on 087-23.

Report read and accepted. Order 087-23 was adopted by eight in favor two opposed (DiNatale and Fleming). 10 members present. Board consists of 11 members.

Orders signed by the Mayor April 19, 2023

088-23. ORDER THAT: there be and hereby is appropriated the sum of ONE MILLION, FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,400,000.00) same to be charged against AVAILABLE FUNDS and credited to LONGSJO SCHOOL WINDOWS & DOORS CAPITAL PROJECT.

(Be Adopted)

089-23. ORDER THAT: there be and hereby is appropriated the sum of FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00) same to be charged against AVAILABLE FUNDS and credited to DPW ADMIN. EXPENSES, STORMWATER CONTRACT SERVICES.
(Be Adopted)

Report read and accepted. Orders 088-23 through 089-23 were adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Orders signed by the Mayor April 19, 2023

VII. ORDERS – FINANCE

The following Orders were referred to the Finance Committee:

100-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Best Value grant in the approximate amount of \$135,000.00 (ONE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue providing staffing for various vaccine clinics and to continue providing outreach and collaborate with key stakeholders.

101-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration, Bi-partisan Infrastructure Law grant in the approximate amount of \$256,491.00 (TWO HUNDRED FIFTY-SIX THOUSAND, FOUR HUNDRED NINETY-ONE AND 00/100 DOLLARS) for the purpose of said grant, which is to perform an environmental assessment and wildlife hazard assessment on the airport property.

Wave the reading and refer the following orders 100-23 through 101-23 to the Finance Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

VIII. ORDERS - OTHER

102-23. ORDER THAT: WHEREAS, the City has issued a Request for Proposals regarding 260 Rollstone Street;

WHEREAS, 260 Rollstone Street contains the vacant Laurel Street School building and the former site of the Rollstone Street School, now vacant land, conveyed by the Fitchburg School Department to the City of Fitchburg;

WHEREAS, the second request for proposal was responded to by Seney, Inc.;

WHEREAS, the proposal indicates Seney, Inc. will purchase the property for \$1,000 and redevelop the property into 20 units of housing;

Now WHEREFORE IT IS ORDERED and voted that the Honorable Mayor Stephen L. DiNatale is hereby authorized on behalf of the City of Fitchburg to execute and accept the response to the Request for Proposal and to sign any and all documents and to take any and all other acts necessary, convenient, and helpful to

facilitate the transfer of the property to Seney, Inc. on terms consistent with or substantially similar to that of the response to the Request for Proposal.

[260 Rollstone Street Council Package](#)

103-23. ORDER THAT: WHEREAS, the City has issued Request for Proposals regarding 491 Main Street;

WHEREAS, 491 Main Street is a long vacant commercial structure taken by the City through a tax taking;

WHEREAS, the second request for proposal was responded to by Leslie Colon and partner Roberto Colon;

WHEREAS, the proposal indicates they would purchase the property for \$1,000 and redevelop the property as a restaurant, function room, and 2-3 residential units;

Now WHEREFORE IT IS ORDERED and voted that the Honorable Mayor Stephen L. DiNatale is hereby authorized on behalf of the City of Fitchburg to execute and accept the response to the response to the Request for Proposal and to sign any and all documents and to take any and all other acts necessary, convenient and helpful to facilitate the transfer of the property to Leslie Colon, on terms consistent with or substantially similar to that of the response to the Request for Proposal.

[491 Main Street Proposal](#)

Refer orders 102-23 and 103.23 to City Property by unanimous consent 10/0. 10 members present. Board consists of 11 members

104-23. ORDER THAT: BE IT ORDERED THAT THE CITY OF FITCHBURG SUBMIT THE FOLLOWING PETITION TO THE COMMONWEALTH OF MASSACHUSETTS. A PETITION TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS AUTHORIZING THE PASSING OF A SPECIAL ACT REGARDING THE FITCHBURG RETIREMENT BOARD'S CALCULATION OF BENEFITS.

Whereas, for over thirty years, the City of Fitchburg maintained an employment arrangement with its employees whereby each would be compensated, in part, by the receipt of benefits through the Fitchburg Retirement System. By rule, the Fitchburg Retirement System treated employee vacation and personal leave buyback amounts as regular compensation thereby including it in the calculation of employees' anticipated retirement benefits.

Whereas, in furtherance of this employment arrangement, the City of Fitchburg, by rule, would withhold a portion of the employees' vacation and personal leave buyback amounts and then pay those withholding to the Fitchburg Retirement System.

Whereas, in 2018, the Public Employee Retirement Administration Commission (PERAC) issued a decision causing the Fitchburg Retirement Board to discontinue

treating employee vacation and personal leave buyback amounts as regular compensation, thereby no longer including them in the calculation of employees' anticipated retirement benefits.

Whereas, in 2022, State legislation was enacted to restore the vacation leave buyback component. However, the legislation did not address personal leave.

Whereas, the on April 4, 2023, the City of Fitchburg's City Council unanimously voted to file a Home Rule Petition for a Special Act with the Honorable General Court to include personal leave buyback in the calculation of retirement benefits.

NOW THEREFORE, BE IT ORDERED THAT THE CITY COUNCIL OF THE CITY OF FITCHBURG HEREBY PETITIONS THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS TO ENACT SPECIAL LEGISLATION APPLICABLE TO THE CITY OF FITCHBURG IN SUBSTANTIALLY THE FORMS AS FOLLOWS; PROVIDED THAT THE GENERAL COURT MAY VARY THE FORM AND SUBSTANCE OF THE LEGISLATION CONSISTENT WITH THE PUBLIC OBJECTIVE OF THIS PETITION:

[Home Rule Amendment](#)

Motion to suspend the rules by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Order adopted by roll call vote 10 in favor and 0 opposed. 10 members present. Board consists of 11 members.

Orders signed by the Mayor April 19, 2023

IX. ORDINANCES

090-23. BE IT ORDAINED THAT – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

Under Positions Paid Annually

Mayor	Effective: 1/1/2014 \$83,320.00 (\$1,596.15/week)
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The following shall be added in its place:

Under Positions Paid Annually

Mayor (Pulled from Committee, First Reading)	Effective: 1/1/2024 \$120,000.00 (\$2,307/week)
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091-23. BE IT ORDAINED THAT – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

Under Positions Paid Annually

Effective: 1/1/2014

City Councilor \$10,000.00

The following shall be added in its place:

City Councilor Effective: 1/1/2024
(Pulled from Committee, First Reading) \$13,000.00

Motion to suspend the rules 090-23 and 091-23 by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Ordinance 090-23 and 091-23 were sent to a first and second reading by unanimous Consent 10/0. 10 members present. Board consists of 11 members.

X.PETITIONS

The following Petitions were referred to Public Works Committee:

- 105-23. City Councilor Bernie Schultz and Gina Teixeira of 40 Nashua Street to request repair of sidewalk asphalt in front of 40 Nashua Street.
(Public Works)
- 106-23. Councilors Marcus DiNatale and Andrew Couture, on behalf of Leo and Debra Bousquet, to replace damaged berm at 580 Shea Street.
(Public Works)
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Motion to suspend the rules by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Petition adopted by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members.

- 107-23. The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.

City Council to approve an amendment to make petition 107-23 an ordinance under Chapter 44, §10 of the City of Fitchburg City Code, as most recently amended, shall be amended as an ordinance.

Ordinance 107-23 was sent to first and second reading by unanimous consent 10/0. 10 members present. Board consists of 11 members.

108-23. The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.

To clarify the vote is to approve to have Per Diem Dispatchers as Special Municipal Employees.
Motion to hold to next City Council meeting, once ordinance 107-23 is voted on.
Approve being held by unanimous Consent 10/0. 10 members present. Board consists of 11 members.

XI. OTHER BUSINESS

Next Regular Meeting
Tuesday, May 2, 2023, at 7:00 PM

The meeting adjourned at 8:38 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk