



City of Fitchburg Massachusetts 01420

CITY COUNCIL

Councillors at Large

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

President

Anthony M. Zarrella

Vice President

Elizabeth R. Walsh

Ward Councillors

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

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on June 15, 2021. The meeting was called to order by President Anthony Zarrella at 7:07 P.M. The Clerk called the roll and 11 Councilors were. The meeting opened with a salute to the Flag led by Councillor Green.

President Zarrella stated that he would like to take a moment to welcome to public to the Council Chambers and noted that it was nice to have everyone in-person at the meeting.

I. PUBLIC FORUM

Please note that the Legislative Building will be open to the public for this meeting. For any member of the public that might not be ready to return to a public setting, they are invited to participate in meeting via the Zoom webinar of June 15, 2021 07:00 PM Eastern Time
Topic: Fitchburg City Council Meeting

Register in advance for the Public Comment/Hearing portion of the Agenda by going to:
https://us02web.zoom.us/webinar/register/WN_IRCHgRdHS8CU4Kp330iQ5A

After registering, you will receive a confirmation email containing information about logging in to join the webinar.

II. REPORT OF THE APPOINTMENTS COMMITTEE

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

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of June 1, 2021 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

His Honor the Mayor Re-Appointment Letters

1. David Roth, as a member of the Human Rights Commission, term to expire May 1, 2024.
2. Basil Tolos, as a member of the Fitchburg Disability Commission, term to expire February 1, 2024.

Appointment Letters

1. Chris Bujold, as a member of the Fitchburg Redevelopment Authority, term to expire July 1, 2026.
2. Muna Kangsen, as a member of the Trustees of the Public Library, term to expire July 1, 2023.
3. Dennis Pierce, as a member of the Trustees of the Public Library, term to expire July 1, 2023.

Appointments read and referred to the Appointments Committee by unanimous consent 10/0.

4. Robert Raboin, to be promoted to the position of Permanent Police Sergeant for the City of Fitchburg.

Chief Ernest Martineau introduced Officer Raboin to the Council and spoke highly of his qualifications and stated that he couldn't ask for a better person take on the responsibilities as Sergeant.

Sergeant Raboin was sworn in by the Clerk to the faithful performance of his duties.

V. CONTINUED PUBLIC HEARING

- 024-21. ORDER OF NOTICE: Setting the date of a public hearing for the Laying out of a portion of Tibbett Circle as a public street or way.
(Public Hearing March 16, 2021)
(Reference Petition #227-19)

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/7811/Order-24-2021>

President Zarrella declared the Continued Public Hearing open. Mr. Nicolas Bosonetto, Commissioner of Public Works and Mr. Nicholas Erickson, Assistant City Engineer, were present for the Hearing.

Mr. Erickson stated that as requested by Council, a report had been done regarding concerns on the adoption of Tibbett Circle including flooding, street lights, concrete sidewalk patches, and uneven pavement.

Mr. Erickson explained that those issues appeared to be a portion of Tibbett Circle that had already been accepted in December of 2005 (Order 352-05). He noted that the section being considered was just the eastern most portion of the road. This section was much newer than the prior accepted portion and was in fairly good condition considering the age of the development, and that none of the issues that were brought up at the prior meeting were applicable to this portion of the road.

Mr. Erickson noted that a streetlight had been struck by an automobile and was leaning, but that this was not a fault of the developer, just damage that occurred. Patchwork had been done on the sidewalk, most notably in the area of two driveways which looked as if they had been paved recently.

Councilor Green asked what the cost to fix the repairs that were mentioned in his report to bring them up to the as-built standard they were requesting.

Mr. Erickson stated that while he did not have a total figure, he estimated that fixing the street light would cost approximately \$5,000.00. He did not believe that any repairs to the sidewalk were necessary. Most of the issues noted were in the previously adopted portion of Tibbett Circle, including the failure of pavement at the asphalt joins between old and new portions. They were now issues for the DPW, so approximately \$5,000-10,000 to fix the streetlight and crack sealing on the roadway, in order to prevent water issues.

Councilor Green asked whether the DPW and Waste Management had maintained both portions of the road in their entirety. Mr. Erickson stated that they had. He also noted that repairs could not be done until the street was adopted as a public way, and thought that it was in the best interest of the residents there that this was done.

Councilor Walsh noted that she had received a phone call from Mr. Morrison at 172 Tibbett Circle, and he and some neighboring properties had been the last three residences to be built, but had not received ornamental trees. She asked whether that would be forthcoming.

Mr. Erickson said that it was a possibility as he had performed a site walk with the developer responsible for this section, and he was amenable to planting the trees if the road was adopted as a public way.

Councilor Beauchemin asked whether the joint in the road would be fixed, or left to slow down traffic. Mr. Erickson stated that they did plan to address this issue as water could seep down into the pavement and cause further a fail in the roadway subgrade, so the goal would be to patch it.

Councilor Beauchemin questioned whether the manhole cover would be repaired as well. Mr. Erickson noted that this was outside of the portion being considered for adoption, but that it was in poor condition, and he did hope that the issue could be addressed.

Councilor Green asked whether planting trees, which could lift the pavement with their roots, was ever a consideration as they planned their sidewalk maintenance.

Mr. Erickson said that they do cause problems when they are in close proximity to the sidewalk, but that the ones that were planned for planting would be on the opposite side of the road, where there was not a sidewalk. He noted that in the future, as they consider this type of subdivisions, the DPW would be keeping an eye on and making sure trees are planted away from the sidewalk, or within an approved tree box so that the roots so this doesn't take place.

Councilor Green questioned whether it was the responsibility of the DPW to keep the trees maintained. Mr. Erickson that it would become the DPW's responsibility if the trees were inside of the City layout, but if they were outside of it, it would be the private property owner's responsibility. He noted that in this instance, the trees planted and planned were within the layout.

No one spoke in favor or opposition of the Petition.

The Hearing was closed and a vote taken.

Motion to approve 024-21 was approved by unanimous roll-call vote 11/0. 11 members present. Board consists of 11 members.

Order signed by the Mayor June 17, 2021.

025-21. ORDER: Laying out a portion of Tibbett Circle as a public way as outlined in the enclosed Order.

<https://ma-fitchburg.civicplus.com/DocumentCenter/View/7812/Order-25-2021-Tibbet-Circle>

Motion to approve 025-21 was approved by unanimous roll-call vote 11/0. 11 members present. Board consists of 11 members.

Order signed by the Mayor June 17, 2021.

VI. REPORTS OF COMMITTEES

Finance Committee Meeting of June 8, 2021

The Finance Committee recommended the following Orders be adopted:

- 110-21. ORDERED THAT: There be and hereby is transferred the sum of SEVEN THOUSAND, TWO HUNDRED TWO AND 00/100 DOLLARS (\$7,202.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- PERSONAL SERVICES, OVERTIME
 - EQUIPMENT RENTAL \$7,202.00
 - PLOWS & BLADES
 - SALT
- 111-21. ORDERED THAT: There be and hereby is appropriated the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be charged against AVAILABLE FUNDS and credited to OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND.
- 112-21. ORDERED THAT: There be and hereby is appropriated the sum of FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00) same to be charged against AVAILABLE FUNDS and credited to BUILDING-CONTRACTED SERVICES for the purpose of digitizing Building Department paper documents.

- 113-21. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$280,000.00) same to be charged against AVAILABLE FUNDS and credited to LIBRARY CAPITAL, BUILDING RENOVATION for construction of new heating and cooling systems.
- 114-21. ORDERED THAT: There be and hereby is transferred from within the sum of TWO HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$220,000.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to LIBRARY CAPITAL, BUILDING RENOVATION for construction of new heating and cooling systems.
- 115-21. ORDERED THAT: There be and hereby is transferred from within the sum of ONE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$135,000.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to AIRPORT EXPENSES, REPAIR & MAINTENANCE OF BUILDINGS for reconditioning of the hangar roofs and replacement of the hangar doors.
- 116-21. ORDERED THAT: There be and hereby is transferred from within the sum of TWO THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS (\$2,500.00) same to be transferred from AIRPORT, PERSONAL SERVICES, LABOR and credited to AIRPORT, PERSONAL SERVICES, OVERTIME.
- 117-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration, Airport Coronavirus Response Program grant in the approximate amount of \$23,000.00 (TWENTY-THREE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to cover airport expenses.
- 118-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration grant in the approximate amount of \$333,333.00 (THREE HUNDRED THIRTY-THREE THOUSAND, THREE HUNDRED THIRTY-THREE AND 00/100 DOLLARS) for the purpose of said grant, which is to develop an Airport Master Plan.
- 119-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the CARES Act, U.S. Department of Housing and Urban Development, CDBG-CV Program in the approximate amount of \$9,000.00 (NINE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant which is for Pandemic Related Legal Assistance.
- 120-21. ORDERED THAT: The sum of NINE THOUSAND, NINE HUNDRED NINETY-NINE AND NO/100 DOLLARS (\$9,999.00) be appropriated, same to be credited to the Pawlak Playground Project and charged against the CDBG Year 47.
- 121-21. ORDERED THAT: The sum of ONE THOUSAND, EIGHT HUNDRED FIFTY-SEVEN AND 20/100 DOLLARS (\$1,857.20) be appropriated, same to be credited to the Small Business Financial Assistance Program and charged against the CDBG Year 47.

122-21. ORDERED THAT: The sum of TWO THOUSAND, SIX HUNDRED EIGHTY-TWO AND 80/100 DOLLARS (\$2,682.80) be appropriated, same to be credited to CDBG Administration and charged against the CDBG Year 47.

Finance Committee Meeting Minutes of June 8, 2021

<http://www.ci.fitchburg.ma.us/AgendaCenter/ViewFile/Minutes/06082021-2427>

Reading waived. Orders adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Orders signed by the Mayor June 16, 2021.

**Council as a Whole Committee and Special City Council Report
Meeting of June 10, 2021**

109-21. Mary de Alderete, City Clerk, to review the Mayor's salary and the City Councilors' salary, as required by Chapter 3-43 of the Code of the City of Fitchburg.

Councilor DiNatale briefly recused himself from the meeting.

Motion to forward 109-21 to a Council as a Whole meeting to be called on a future date was approved by unanimous roll call vote 10/0. 10 members present. Board consists of 11 members.

Councilor DiNatale rejoined the meeting.

VII. LOAN ORDER

094-21 **LOAN ORDER:** Appropriate FOUR MILLION DOLLARS (\$4,000,000) to pay costs of various Wastewater Infrastructure Projects as outlined in the enclosed Loan Order.

Loan Order was sent to a final reading and ordered ordained advertised by unanimous roll call vote. 11 members present. Board consists of 11 members.

Order signed by the Mayor June 16, 2021.

VIII. ORDERS-FINANCE

Reading waived. The following Orders were referred to the Finance Committee:

124-21. ORDERED THAT: The City of Fitchburg approves the expenditure of funds from the Worcester County District Attorney's Office grant in the approximate amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) for the purpose of said grant, which is to assist with funding for the Social Host Liability Billboards Program.

125-21. ORDERED THAT: There be and hereby is transferred from within the sum of ONE HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$160,000.00) same to be credited to DPW CAPITAL, EQUIPMENT and charged against the following accounts:

DPW HIGHWAY EXPENSES, GAS & OIL	\$30,000.00
DPW, HIGHWAY PERSONAL SERVICES, SUPERINTENDENT	\$10,000.00
DPW, HIGHWAY PERSONAL SERVICES, LABOR	\$90,000.00
DPW, HIGHWAY PERSONAL SERVICES, SUMMER HELP	\$15,000.00
DPW, HIGHWAY PERSONAL SERVICES, OVERTIME	\$15,000.00

126-21. ORDERED THAT: There be and hereby is transferred from within the sum of ONE HUNDRED FOURTEEN THOUSAND AND 00/100 DOLLARS (\$114,000.00) same to be credited to DPW CAPITAL, BUILDING RENOVATION and charged against the following accounts:

DPW ADMIN. PERSONAL SERVICES, CLERICAL	\$20,000.00
DPW ADMIN. PERSONAL SERVICES, CIVIL ENGINEER	\$83,000.00
DPW ADMIN. PERSONAL SERVICES, MS4 TEMP. LABOR	\$11,000.00

127-21. ORDERED THAT: There be and hereby is transferred from within the sum of SIX THOUSAND AND 00/100 DOLLARS (\$6,000.00) same to be transferred from CEMETERY PERSONAL SERVICES, SUMMER HELP and credited to CEMETERY PERSONAL SERVICES, OVERTIME.

128-21. ORDERED THAT: There be and hereby is transferred from within the sum of FOUR HUNDRED SEVENTEEN AND 00/100 DOLLARS (\$417.00) same to be transferred from LICENSE COMMISSION EXPENSES, OFFICE SUPPLIES and credited to LICENSE COMMISSION PERSONAL SERVICES, LICENSE COMMISSIONER.

129-21. ORDERED THAT: There be and hereby is transferred from within the sum of THREE THOUSAND, THREE HUNDRED AND 00/100 DOLLARS (\$3,300.00) same to be transferred from MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL ASSESSMENT and credited to INFORMATION TECHNOLOGY PERSONAL SERVICES, HELP DESK TECHNICIAN.

130-21. ORDERED THAT: There be and hereby is transferred from within the sum of SEVEN THOUSAND AND 00/100 DOLLARS (\$7,000.00) same to be transferred from MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL ASSESSMENT and credited to TREASURER EXPENSES, POSTAGE.

131-21. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTEEN THOUSAND, SIX HUNDRED AND 00/100 DOLLARS (\$13,600.00) same to be transferred from PURCHASING PERSONAL SERVICES, ASSISTANT TO DEPARTMENT HEAD and credited to COUNCIL ON AGING PERSONAL SERVICES, PROGRAM COORDINATOR.

IX. ORDERS-OTHER

Motion to take up 132-21 and 133-21 under Suspension of the Rules was approved by roll call vote 10/1 (Squailia). 11 members present. Board consists of 11 members.

132-21. ORDERED THAT: Mayor Stephen L. DiNatale be authorized to execute the release deed for Parcel A of 16 Market Street as outlined in the enclosed Order and Release deed.

133-21. ORDERED THAT: Mayor Stephen L. DiNatale be authorized to execute the release deed for Parcel B of 16 Market Street as outlined in the enclosed Order and Release deed.

Orders approved by unanimous consent 11/0. 11 members present. Board consists of 11 members.

X. PETITIONS

The following Petition was referred to the Water/Wastewater Commission:

134-21. Councilors Paul Beauchemin and Samantha Squailia, to petition the City to conduct a study to investigate the possibility of transporting sludge, in-house, by the Wastewater Department, instead of outsourcing this task.

The following Petition was referred to the Public Works Committee:

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

The following Petition was referred to the Legislative Affairs Committee:

136-21. Vincent P. Pusateri, II, City Solicitor, to appoint certain Special Counsel as Special Municipal Employees including Joseph Baldiga and the firm Mirick, O'Connell, DeMallie & Bougee, LLP., as outlined in the enclosed Petition.

The following Petition was referred to the Public Safety and Public Works Committees:

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

XI. ANNOUNCEMENTS

President Zarrella noted the following announcements:

A Ward 1 Meeting will be held this Thursday, June 17, at 6:30 p.m. in the Legislative Building at 700 Main Street. Police Chief Martineau, Police Lt. Howe, and other Community Engagement officers will be there to present and answer questions. In addition, DPW Commissioner Bosonetto, DPW Deputy Commissioner of Wastewater Murawski, and Sewer System Manager Maressa will be there to discuss the ongoing sewer separation project and to answer any questions.

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- Wastewater’s in-progress “Combined Sewer Separation Project” will soon be entering a publicly-impactful portion of the construction schedule.....excavation construction work in Water Street, between First Street and Walnut Street (on the south side of the Nashua River bridge).
 - This work is scheduled to begin Tuesday – July 6th, and to last thru the month of August.
 - This work will involve Water Street road closure and detouring around the street’s closure zone.
 - Wastewater, Wastewater’s Engineer, the Contractor, DPW, Fitchburg Police and Fitchburg Fire have been coordinating and collaborating for the detour plan & traffic management, associated with this Water Street work.

DPW & DPW – Wastewater Division will discuss this in more detail at this Thursday’s “Ward 1 Meeting” which was just mentioned in the prior announcement.

As a result of the active water main break on Westminster Street at Depot Street, the City of Fitchburg is asking residents to conserve water and limit their water usage until midnight tonight. This break is affecting many of the City's customers and crews are on site repairing the break.

The output flow at the water plant just before the break was 2.7 million gallons per minute and jumped to 8.4 million gallons per minute after the break. We are asking for the help from the Citizens of Fitchburg to conserve water for the duration of the day in an attempt to alleviate the stress on the water systems.

The meeting adjourned at 7:34 PM



Mary de Alderete, City Clerk