



City of Fitchburg Massachusetts 01420

CITY COUNCIL

Councilors at Large

Marcus L. DiNatale
Sally H. Cragin
Amy L. Green
Elizabeth R. Walsh
Anthony M. Zarrella

President
Anthony M. Zarrella

Vice President
Andrew J. Van Hazinga

Finance Committee

Ward Councilors

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

A meeting of the Finance Committee was called to order by Councilor DiNatale on Thursday, February 15, 2024 at 6:04 PM in the Legislative Building, 700 Main Street, Fitchburg, MA.

Committee Members present: Councilors Anthony Zarrella, Paul Beauchemin, Derrick Cruz, and Elizabeth Walsh Committee Members absent: None

Others Present: Mayor Samantha Squailia, City Solicitor Lisa Mead, Police Captain Steven Giannini, Public Works Commissioner Nick Erickson, Human Resources Director Susan Davis, Treasurer/Collector Anne Cervantes, Airport Manager Peter Kettle, Executive Director of Community Development Liz Murphy

013-24 ORDER: the City of Fitchburg hereby approves the expenditure of funds from the Executive Office of Public Safety & Security Violence Against Women Act (VAWA) federal grant program in the approximate amount of \$74,155.78 (SEVENTY-FOUR THOUSAND ONE HUNDRED FIFTY-FIVE AND 78/100 DOLLARS) for the purpose of retaining the Police Department's Domestic Violence Advocate position, as well as to support training and provide supplies during DV awareness month.

Discussion: Captain Giannini informed the Councilors that the city has been awarded the VAWA grant since 2009. It has funded the full-time position of the Domestic Violence Advocate since 2016. He also affirmed that the Advocate is accompanied by a Police Officer on visits.

Action: (5-0) Be Adopted

014-24 ORDER: the City of Fitchburg hereby approves the expenditure of funds from the Executive Office of Public Safety & Security Justice Assistance Grant (JAG) allocation in the approximate amount of \$45,702.51 (FORTY-FIVE THOUSAND SEVEN HUNDRED TWO AND

51/100 DOLLARS) to address unmet criminal justice and officer safety needs in the form of new radios and accessories.

Discussion: Captain Giannini stated that this grant will replace older radios by funding the purchase of 14 new radios at approximately \$3,200 each, including programming costs.

Action: (5-0) Be Adopted

026-24 ORDER: the City of Fitchburg hereby approves the expenditure of funds from the Shannon Community Safety Initiative Grant awarded by the Executive Office of Public Safety & Security in the approximate amount of \$450,250.50 (FOUR HUNDRED FIFTY THOUSAND TWO HUNDRED FIFTY AND 50/100 DOLLARS) for the purpose of partnering with multiple agencies to reduce gang and youth related violence.

Discussion: Captain Giannini explained that the grant has been awarded for over ten years to Fitchburg, Leominster, and Gardner. It allows the three cities to fund the Jr. Police Academy, address school truancy, support after-school and weekend events, promote summer jobs, keep drugs and guns off the street, as well as shape the desire for young people to become Police Officers. Sub-recipients of the grant include the YMCA, MOC, and Shining Light Industries Inc. He also commended the department Grant Writer for her efforts.

Action: (5-0) Be Adopted

The following three orders were taken together for discussion and vote.

019-24 ORDER: the City of Fitchburg hereby appropriates and transfers the sum of \$350,000 (THREE HUNDRED FIFTY THOUSAND DOLLARS) from Available Funds to the Stabilization Fund.

020-24 ORDER: the City of Fitchburg hereby appropriates and transfers the sum of \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) from Available Funds to the Other Post-Employment Benefits (OPEB) Trust Fund.

021-24 ORDER: the City of Fitchburg hereby appropriates and transfers the sum of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) from Available Funds to the Stabilization Fund.

Discussion: Councilor DiNatale explained that ORDER 019-24 is the FY24 tranche of an annual appropriation that allows the city to keep pace with the recommended Stabilization Fund balance of at least 5% of the annual operating budget. Similarly, ORDER 020-24 is the annual tranche funding the OPEB Trust Fund, in an amount that the city can manage. Finally, ORDER 021-24 represents the commitment made by the city to deposit an annual amount into the Stabilization Fund in anticipation of funding future debt service related to the Crocker Elementary School building project and the Fitchburg Public Library renovation/construction.

Action: (5-0) Be Adopted

022-24 ORDER: the City of Fitchburg hereby appropriates the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) same to be charged against Available funds and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts: EQUIPMENT RENTAL \$100,000; SALT \$400,000.

Discussion: Commissioner Erickson stated that this appropriation will get the snow & ice budget to its average spending rate. In response to Councilor Beauchemin's inquiries, the Commissioner explained that the usage rate of salt is up due to more thawing in the day/cold nights, extended duration storms, and pre-treatment of roads. The salt shed has a capacity of 8,000 tons, and needs replenishment.

Action: (5-0) Be Adopted

023-24 ORDER: there be and hereby is appropriated the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) same to be charged against AVAILABLE FUNDS and credited to DPW ADMIN/ENGINEERING EXPENSES – Stormwater Contract Services.

Discussion: Commissioner Erickson reiterated the need to establish a better funding mechanism for compliance with the MS-4 permit in the form of a fee, or a line item in the annual budget. The funds are used to hire consultants to perform inspection, maintenance, and reporting requirements, including GIS mapping.

Action: (5-0) Be Adopted

024-24 ORDER: there be and hereby is appropriated the sum of ONE HUNDRED FIFTY-TWO THOUSAND AND 00/100 DOLLARS (\$152,000) same to be charged against AVAILABLE FUNDS and credited to the following accounts: LIBRARY - PERSONAL SERVICES \$150,000; EMPLOYEE BENEFITS – OTHER \$2,000.

Discussion: Human Resources Director Susan Davis noted that the Library Staff Association memorandum of agreement covers fiscal years 2024 through 2026, and places the staff compensation in a competitive range. In response to a councilor's question as to whether individuals were "bumped up", Ms. Davis stated that the restructure did give significant increases to some members. The dual goal was to catch this unit up with all other bargaining units that have experienced significant movement since the 2008 downturn, and to attract and retain committed and credentialed Librarians.

Action: (5-0) Be Adopted

025-24 ORDER: the City of Fitchburg hereby appropriates the sum of \$12,000 (TWELVE THOUSAND DOLLARS) from Available Funds, crediting TREASURER PERSONAL SERVICES – Sick Time Buyback.

Discussion: Treasurer/Collector Anne Cervantes stated that the Payroll & Benefits Manager has announced her retirement effective this fiscal year.

Action: (5-0) Be Adopted

028-24 ORDER: there be and hereby is appropriated the sum of EIGHTY-TWO THOUSAND DOLLARS (\$82,000) same to be charged against AIRPORT RECEIPTS RESERVED and credited to AIRPORT IMPROVEMENTS.

Discussion: Airport Manager Peter Kettle stated that this appropriation from Airport funds represents the city's 20% match to a MassDOT Runway Safety grant for the purpose of grooving the runway for the safety of landing jets.

Action: (5-0) Be Adopted

029-24 ORDER: the City of Fitchburg hereby approves the expenditure of funds in the amount of EIGHTEEN THOUSAND DOLLARS (\$18,000) allocated by Fitchburg State University through Mass Development's Transformative Development Initiative Creative Cities program to support Fitchburg's cultural initiatives including marketing, program activation, pop-up events, and Mill St. venue activation.

Discussion: Executive Director of Community Development Liz Murphy discussed the intended purpose of this grant which is to promote the aspiring Fitchburg "Cultural District". The funds will be used to market events such as First Thursdays and use of the Mill St. venue. In response to councilors' questions, Ms. Murphy stated that this would help fund the Downtown Coordinator position.

Action: (5-0) Be Adopted

027-24 ORDER: the City of Fitchburg hereby appropriates and transfers the sum of \$305,703.81 (THREE HUNDRED FIVE THOUSAND SEVEN HUNDRED THREE AND 81/100 DOLLARS) from Available Funds to Receipts Reserved – Opioid Settlement Funds.

Discussion: City Auditor Jacquelyn Cronin explained that this transfer will move the Opioid Funds, received as part of the nationwide settlement with companies like Johnson & Johnson, to a special revenue account to be expended only for purposes of responding to the opioid crisis. A new municipal law directs these funds to a separate account. The use of these funds will be under the direction of the Board of Health.

Action: (5-0) Be Adopted

The meeting adjourned from 7:30 p.m. to 7:35 p.m.

008-24 ORDER: the City of Fitchburg hereby appropriates and transfers the sum of \$42,240 (FORTY-TWO THOUSAND TWO HUNDRED FORTY DOLLARS) from LAW DEPARTMENT- PERSONAL SERVICES to LAW DEPARTMENT- EXPENSES for the appointment of the City Solicitor.

Discussion: Councilor DiNatale noted that this order was not recommend by the Legislative Affairs Committee by a vote of 3-2 against.

Mayor Squailia addressed the committee on the selection of Attorney Lisa Mead of Mead, Talerman & Costa LLC as City Solicitor. The Mayor stated that the city's legal issues are

complicated and costly, and that the firm's diverse municipal experience will provide sound, efficient, and timely representation, and that its depth will lead to cost savings, as well as the long-term savings of no health insurance, pension, or OPEB obligations. Also, Assistant City Solicitor Attorney Donna Pawlak will continue to handle local matters in her salaried position.

City Solicitor Mead assured Councilors that the law firm of sixteen attorneys would be able to provide cost effective services to the city through expertise and efficiency. She further stated that the firm had never gone over budget, or did not deliver, in service to other communities. It was also acknowledged that Zoom meetings could limit travel time costs, and that the Litigation/Special Counsel line item will probably remain in the budget.

Councilor Zarrella noted that he and Vice President Andrew Van Hazinga met with the Mayor today and although their concerns regarding the hiring arrangement are not gone, there is a willingness on their part to work it out. He recognized that Department Heads need to get on with their work, and has proposed an Ordinance Amendment to accommodate the hiring arrangement.

Councilor Walsh expressed concern that the City Solicitor is paid one way, and the Assistant City Solicitor is paid another way, and she prefers to know the actual cost. She also stated her belief that the City Solicitor contract as signed is invalid.

Councilor Derrick Cruz stated that he is initially in favor of exploring this arrangement, and does not want to be obstructionist, recognizing the need to get to a solution for legal representation for city residents. He further noted that the city will know exactly what it is getting, dollar for dollar.

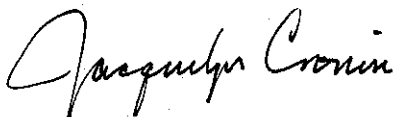
Councilor DiNatale shared an analysis of costs vs. services comparing the previous City Solicitor arrangement with the proposed arrangement. He also shared quotes of current and prior city office holders regarding privatizing law departments. He spoke of the long tradition of an in-house City Solicitor, and his disbelief that the proposed arrangement will buy enough attorney time.

Councilor Beauchemin spoke in favor of the proposal and acknowledged that if the fees end up being too high, the council can reassess the situation.

Action: (2-3) Not Be Adopted (Beauchemin, Cruz in favor; DiNatale, Walsh, Zarrella opposed)

The meeting adjourned at 9:43 PM.

Respectfully submitted,



Jacquelyn Cronin, Clerk