



REVISED
12:36 pm, Nov 03, 2023

WELCOME TO THE FITCHBURG CITY COUNCIL

November 8, 2023

**Fitchburg Legislative Building
700 Main Street
Fitchburg MA 01420**

7:00 PM

This meeting can also be viewed live on FATV. Go to www.fatv.org/watch-fatv for more information on accessing this meeting.

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

Executive Session

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:

Public Forum

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and city of residence.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

Public Hearings

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either “in favor” or “in opposition” when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councilor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

This meeting will be open to the public. Persons who wish to participate remotely in the Public Forum portion of the meeting may request a remote attendance link by contacting the City Clerk at cityclerk@fitchburgma.gov by 12:00 PM (noon) on the day of meeting.

II. ANNOUNCEMENTS

III. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of November 8, 2023

New Appointments:

Full-Time Student Police Officers

Fitchburg Police Department

Joshua M. Loureiro-Nieves

Florencia J. Rivas

Jacob M. Boivin

New Appointment:

Municipal Hearing Officer

(Term to expire November 1, 2026)

Christine G. Hudson

New Appointment:

Council on Aging

(Term to expire November 1, 2026)

Richard Doucette

IV. REPORT OF COMMITTEE ON RECORDS

V. SPECIAL PRESENTATION

Fitchburg Agricultural Commission; Farmland Preservation Project

World Farmers; Fitchburg Community Farm Project

Fitchburg Public Schools; Farm & Nature Education Programs

[Fitchburg Community Farm Land Grant Application](#)

[Fitchburg Community Farm Support Letter](#)

[FY 24 Land Grant Award Letter](#)

VI. REPORT OF COMMITTEES

City Property Committee

Oral Report

Meeting of October 30, 2023

- 181-23. After receiving surplus needs survey from the City Clerk, declare as excess the following property and designate it to the Side Yard Sales Program.
12 Park Street 18-93-0
This parcel is a city tax possession, acquired through foreclosure in Land Court. Because it is owned by the city, it is currently exempt from taxation and the city is responsible for any maintenance. Sale of the property through the Side Yard Sales Program will return the property to the tax rolls and shift the maintenance responsibility to the new owner.
(Be Held)
- 243-23. To authorize the City to transfer property located at 130 Academy Street (Assessors Map 31, Block 12, Lot 0) owned by the City of Fitchburg Treasurer's Office which was conveyed via tax taxing, to the Fitchburg School Department. The School Department intends to use this parcel as parking and/or open space for Longsjø Middle School.
(Be Adopted)
- 245-23. The Community Development & Planning Department is requesting that City Council declare the following parcel as surplus property:

•84 Elm Street,
Assessor's Map 42/27/0
(Be Adopted)
- 244-23. After receiving a surplus need survey from the City Clerk, declare as excess the following property and refer them to the Chief Procurement Officer for advertising and long term lease:
1. Portions of 567 Crawford Street, more specifically identified in the attached Plan entitled Non-Aviation Use.
The Airport Master Plan was recently revised and approved by the Planning Board and the long-term leasing of this area is in the best interest of the City of Fitchburg and the Fitchburg Municipal Airport.
(Be Adopted)

Council as A Whole Committee

Oral Report

Meeting of November 8, 2023

- 046-23. RESOLUTION: A resolution by Councilor Marcus DiNatale seeking a vote of no confidence in curbside collection service provider Waste Management. The resolution states as follows as outlined in the enclosed Resolution.
- 187-23. ORDER THAT: there be and hereby is transferred from within the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be transferred from

HEALTH, SANITARY LANDFILL EXPENSES, CONTRACTED SERVICES and credited to HEALTH, RUBBISH REMOVAL EXPENSES, CONTRACT FEES for the purpose of covering rubbish removal costs for the remainder of the fiscal year.

Economic Development Committee

Oral Report

Meeting of November 2, 2023

Mary Jo Bohart, Economic Development Director, to provide an update on a recently completed Downtown Fitchburg Consumer Market Analysis Report.

[Exploring Market Potential for Businesses in Downtown Fitchburg](#)

[Exploring Market Potential for Businesses in Downtown Fitchburg Summary of Key Findings](#)

Per Order:

Andrew Van Hazinga, Chair, Economic Development Committee

Public Works Committee

Oral Report

Meeting of October 26, 2023

- 221-23. Councilor Beauchemin is requesting a loading area at the Senior Center at Elm Street adjacent to the ramp for loading and unloading food and equipment without receiving a parking ticket.
(Refer to Public Safety)
- 222-23. Councilor Fleming is requesting to repair or replace the guardrail on the North side of Pearl Hill Road just before the Putts Bridge.
(Be Adopted)
- 225-23. Andrew Couture on behalf of Evan Halstead to install more street light on Sheldon Road at and around 455 Sheldon Road on the east side of the road.
(Leave to withdraw)
- 233-23. Councilors Sam Squailia & Paul Beauchemin to install a berm at 517 Rollstone St approximately 15ft long in front of Fire Hydrant to mitigate erosion.
(Be Adopted)
- 234-23. Councilors Sam Squailia & Marisa Fleming to install a berm between 29 and 1 High rock Rd., approx 140ft., to direct water on the roadway to the existing catch basin and mitigate erosion.
(Be Adopted)
- 237-23. City Councilor Bernie Schultz, on behalf of Gary Lundy of 15 Brigham Street, to request temporary filling of large holes on Charles Street sidewalk, from Brigham Street to Laurel Street, followed by the complete replacement of the same section of Charles Street sidewalk.
(Be Adopted as Amended)
- 238-23. Councilor Paul Beauchemin to replace the berm at 19 Frankfort Street.
(Be Adopted as Amended)

- 246-23. City Councilor Bernie Schultz, on behalf of Pam Lawrence of 566 Milk Street and Rosemary Reynolds of 570 Milk Street, to request removal of dying trees, one tree in front of 566 Milk Street and the second tree in front of 570 Milk Street, and to also include sidewalk repair once the two city trees are removed.
(Be Adopted as Amended)
- 127-23. City Councilor Bernie Schultz and Police Sgt. Dan Boudreau request that the Department of Public Works and the School Department work collaboratively to ensure the widening of Munroe Street to accommodate increased vehicular traffic from South Street School.
(Be Adopted)
- 128-23. City Solicitor Vincent Pusateri to layout and accept as gift or donation, as a public way, a certain parcel of land known as Ethier Street Extension also known as Ethier Street as described in the attached plan.
(Be Adopted with Conditions)
- 193-23. City Councilor Andrew Couture, on behalf of Bev Hofer, to replace the berm in front of 466 Franklin Road to combat runoff from Oak Hill Road.
(Be Held)
- 195-23. Councilor Fleming on behalf of several residents, employees and non-residents of Fitchburg, MA. A petition to add streetlights or roundabout to the intersection of North Street / John Fitch Highway and Pearl Hill Rd / John Fitch Highway to mitigate traffic concerns (accidents) and pedestrian crossing (safety) during daytime hours. With the increase in traffic this discussion needs to take place before a tragedy occurs.
(Be Adopted)

VII. ORDERS – FINANCE

- 247-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Mass DEP FY24 Sustainable Material Recovery Recycling Program, Recycling Dividends Fund, in the approximate amount of \$30,000 (THIRTY THOUSAND DOLLARS) for the purpose of said grant, which is to implement specific programs and policies to maximize reuse, recycling, and waste reduction of curbside and drop-off disposal in Fitchburg.
- 248-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Massachusetts Department of Environmental Protection Sewage Notification Assistance Grant Program, in the approximate amount of \$71,800.02 (SEVENTY-ONE THOUSAND EIGHT HUNDRED AND 02/100 DOLLARS), the purpose of which is to support municipalities in meeting the requirement to promote public awareness of sewage pollution during overflow events.
- 249-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Massachusetts Executive Office of Energy and Environmental Affairs Dam & Seawall Repair or Removal Grant Program, in the approximate amount of \$76,800

(SEVENTY-SIX THOUSAND EIGHT HUNDRED DOLLARS), the purpose of which is to complete an evaluation of the Scott Reservoir dam's stability and ongoing seepage issues, which will yield critical design information for future design and permitting phases.

250-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipality Vulnerability Preparedness Program Action Grant for the Blue/Green Downtown Fitchburg – Climate Adaptation Plan project in the approximate amount of \$365,000 (THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS) for the purpose of said grant, which is to define causes of flooding, and will result in mitigation recommendations while also addressing heat impacts, and ensuring that development and infrastructure improvements will be climate smart.

251-23. ORDER THAT: the City of Fitchburg hereby appropriates \$550,000 (FIVE HUNDRED FIFTY THOUSAND DOLLARS) from the following accounts to acquire the parcel of land at 580 John Fitch Highway, Fitchburg. This property has strategic importance to the redesign of the intersection of John Fitch Highway and Lunenburg Street, and the reconfiguration of the adjacent portion of John Fitch Highway.

RESERVE FOR OTHER MUNICIPAL PURPOSES:

Capital Expenses	\$245,550
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RECEIPTS RESERVED FOR APPROPRIATION:

Bond Premiums Reserved	\$245,000
City Property Sold	\$ 59,450

252-23. ORDER THAT: the City of Fitchburg hereby appropriates \$75,245 (SEVENTY-FIVE THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS) from RESERVE FOR OTHER MUNICIPAL PURPOSES – CAPITAL EXPENSES to begin an architectural assessment of existing conditions at the Forest Hill Abbey mausoleum at Forest Hill Cemetery. The assessment will facilitate a more thorough and complete design of repairs on the part of the selected design firm.

VIII. PETITIONS

253-23. Review and approve the attached Disclosure by Municipal Employee or Financial Interest in Municipal Contract as required by G.L. c. 269A §20(B).

WHEREAS, in his regular course of business, the Chairman of the Water & Wastewater Commission is a real estate broker operating in the City of Fitchburg and has listed for sale the property located at 580 Lunenburg Street, Fitchburg, MA 01420.

WHEREAS, it appears that it is in the best interest of the City of Fitchburg to acquire a piece of real estate, which he was hired to list and sell.

WHEREAS, the Chairman of the Water & Wastewater Commission wishes to disclose the interest in the contract and have this body formally waive any potential conflict of interest.

WHEREFORE, it is respectfully requested that this Honorable Body look favorably upon this Petition and endorse the disclosure, indicating its approval of the waiver of any potential conflict of interest.

(Refer to Legislative Affairs)

- 254-23. Councilors Squailia and Van Hazinga to install a berm at 405 Blossom St from the driveway to the existing storm drain to mitigate water intrusion into the landscaped area and sidewalk, approx 50'. Request DPW review height of Driveway Apron as may need to be raised up to direct water flow towards storm drain.
(Refer to Public Works)
- 255-23. Marisa Fleming in behalf of Dan Sarasin of 75 Klondike Ave to install a berm in front of his property to mitigate flooding from the higher ground across the street.
(Refer to Public Works)
- 256-23. Andrew Couture on behalf of Brian Rufiange to request a berm to be placed from the intersection of Oak Hill to the storm drain just past 394 Franklin Rd.
(Refer to Public Works)
- 257-23. Councilor Sam Squailia to remove the large stump in front of 264 Elm St. This stump juts into the roadway and is often obscured due to weed overgrowth, causing damage to vehicles trying to park on the street.
(Refer to Public Works)

IX. OTHER BUSINESS

Next Regular Meeting
Tuesday, November 21, 2023, at 7:00 PM