



WELCOME TO THE FITCHBURG CITY COUNCIL

December 19, 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

New Appointment:
Chief Engineer/Fire Chief
Fitchburg Fire Department
Mr. Dante W. Suarez

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATIONS

His Honor the Mayor

1. New Appointment letter:

Nancy Donohue, as a member of the Fitchburg Council on Aging, term to expire December 5, 2026.

2. New Appointment letter:

Ellen Corduan, as a member of the Fitchburg Disability Commission, term to expire January 1, 2027.

3. Re-Appointment letter:

Michael Donnelly, as a member of the Conservation Commission, term to expire January 1, 2027.

4. Re-Appointment letter:

Mark F. Christian, as a member of the Conservation Commission, term to expire January 1, 2027.

5. Re-Appointment letter:

Jerri Maillet, as a member of the Board of Assessors, term to expire January 1, 2027.

6. Re-Appointment letter:

Ryan Beauvais, as a member of the Board of Assessors, term to expire January 1, 2026.

7. Re-Appointment letter:

Barbara Nealon, as a member of the Human Rights Commission, term to expire January 1, 2027.

8. Re-Appointment letter:

James Reynolds, as an Associate member of the Zoning Board of Appeals, term to expire October 1, 2025.

9. Re-Appointment letter:

Matt Bruun, as a member of the Board of Trustees for the Public Library, term to expire January 2, 2027.

10. Re-Appointment letter:

Mary Rice Hurley, as a member of the Board of Trustees for the Public Library, term to expire January 2, 2027.

11. Re-Appointment letter:

James Walsh, as a member of the Board of Trustees for the Public Library, term to expire January 2, 2027.

12. Re-Appointment letter:

Cynthia Jones, as a member of the Board of Trustees for the Public Library, term to expire January 2, 2026.

13. Re-Appointment letter:

Joanne Huse, as a member of the Board of Trustees for the Public Library, term to expire January 2, 2026.

14. Re-Appointment letter:

Muna Knagsen, as a member of the Board of Trustees for the Public Library, term to expire July 1, 2026.

15. Re-Appointment letter:

Dennis Pierce, as a member of the Board of Trustees for the Public Library, term to expire July 1, 2026.

16. Re-Appointment letter:

Mary Whitney, as a member of the Board of Park Commissioners, term to expire April 1, 2026.

VI. SPECIAL PRESENTATION

The DPW Wastewater Division to give an update on the City's efforts to repurpose the former West Wastewater Treatment Facility into an Anaerobic Digestion Facility.

[DPW Wastewater Division Presentation](#)

VII. REPORT OF COMMITTEES

Legislative Affairs Committee

Oral Report

Meeting of November 30, 2023

Correction on Petition Number RE-VOTE

097-23. Petition to review attached disclosure Municipal Employees pursuant to G.L c268A, §20 (a) (b) to approve the same.
(Held)

161-23. Councilor Beauchemin, if satellite dish is coming into the City of Fitchburg, the company needs to obtain written approval from the property owner of said property. If the subscriber leaves and no other residents are utilizing the satellite dish, the company must come and remove the dish from existing property.
(Held)

~~219-23.~~

218-23 Liz Murphy, Economic Director, to designate the FRA as Special Municipal Employees pursuant to G.L c268A, §20 (d).
(Approved)

220-23. Councilor Anthony Zarrella, to accept M.G.L. c. 41, s. 19H as a local option.
(Approved)

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~~, John Fitch Highway, 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.

(Approved)

270-23. Marisa Fleming on behalf of Ward 5 residents to relocate the election polling site either back to Saima Park or any other suitable location where traffic is not so dense.
(Held)

271-23. Liz Murphy, Executive Director Community Development & Planning Board, to establish, order and designate members of the Planning Board as special municipal employees under M.G.L. c. 268A §1(n), also known as the Conflict of Interest Law. (Previously filed as ~~218-23~~ should be 219-23)
(Approved)

Report read and accepted excluding 161-23 by unanimous consent 10/0. 10 members present. Board consists of 11 members.

On 161-23 after discussion motion and second Leave to Withdraw by a vote of 9 in favor, 1 opposed (Beauchemin) 9/1. 10 members present. Board consists of 11 members.

VIII. PUBLIC HEARING

- 273-23. Comcast, to request a grant of location for the purpose of installing a new conduit to provide Comcast service to 100 Elm Street in Fitchburg.

IX. ORDERS – FINANCE

- 275-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED TWENTY-FOUR AND 45/100 DOLLARS (\$118,724.45) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of remitting to FATV the third quarter 2023 franchise fees.
(Suspension of Rules)
- 276-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of state earmark funds in the approximate amount of \$200,000 (TWO HUNDRED THOUSAND DOLLARS) in support of the production of market-rate apartments at the Iver Mills housing development project on River Street.
- 277-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of state earmark funds in the approximate amount of \$150,000 (ONE HUNDRED FIFTY THOUSAND DOLLARS), to be added to the city's Main Street Housing Incentive Program created last year, in support of the production of market-rate housing in upper stories of Main Street buildings.
- 278-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Executive Office of Housing and Livable Communities in the approximate amount of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) for the purpose of conducting a study of the Water Street gateway corridor, specifically between the Water Street Bridge and the intersection of Bemis Road and Wanoosnoc Road, to analyze and prioritize redevelopment opportunities and infrastructure needs.
- 279-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Executive Office of Economic Development Massworks Program in the approximate amount of \$450,000 (FOUR HUNDRED FIFTY THOUSAND DOLLARS) for the creation of engineering designs, including underground utilities, for the reconfiguration of Moran Square.

X. ORDERS – OTHER

280-23. ORDERED THAT: in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel: **10 Northmen Passway**

Shall be kept free of garbage and debris, and

Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and

Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and execute the Agreement for Right of First Refusal and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

XI. OTHER BUSINESS

Special City Council Organizational Meeting
Tuesday January 2, 2023, at 10:00 AM

Next Regular Meeting
Thursday, January 4, 2024, at 7:00 PM