



May 31 2024 9:48 am

WELCOME TO THE FITCHBURG CITY COUNCIL

June 4, 2024

**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 June 4, 2024

New Appointment:

Michaela E. Horn, as Treasurer / Tax Collector in Training, effective June 5, 2024, followed by official appointment as Treasurer / Tax Collector on June 22, 2024, for a term to expire June 22, 2027.

New Appointment:

Full-Time Special Police Officers

Fitchburg Police Department

James R. Arciprete

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATION

From Her Honor the Mayor

1. New-Appointment letter:

James M. Bunnell, as the Tree Warden for the City of Fitchburg, for a term to expire on June 4, 2027.

(Suspension of Rules)

VI. COMMUNICATION COMMUNITY DEVELOPMENT

The City has been working with numerous housing developers within our downtown area to assist in preparing and positioning their projects for Housing Development Incentive Program, (HDIP), market rate tax credits. In order for developers to apply to the Executive Office of Housing and Livable Communities, (EOHLC) for these tax credits, the City must enter into a Tax Increment Exemption Agreement, or TIE Agreement. The next round of HDIP tax credits should be July of 2024. As you may recall, several TIE agreements were previously submitted to you. This is the last project that has requested TIE agreements to date. The following proposed TIE agreements represent one project:

1. 87 River St., - IV J Group
2. 89 River St., - IV J Group
3. 91 River St., - IVJ Group

(Refer to Economic Development)

VII. SPECIAL PRESENTATION

Fitchburg Creative City Partnership

VIII. REPORT OF COMMITTEES

City Property

Meeting of June 4, 2024

Oral Report

135-24. ORDER THAT: Whereas, a certain utility easement is needed to provide fire suppression for the structure located at 305 Main Street.

NOW THEREFORE, IT IS ORDERED that the City of Fitchburg upon a vote of the City Council in accordance with G.L. c. 40 sec. 15, shall authorize the Mayor, Samantha M. Squailia, approve and authorize the execution and delivery of the attached utility easement document in the current or substantially similar form and to authorize all other acts and documents which may be necessary, helpful or convenient to effectuate and ensure the execution of said easement.

097-24. Authorize the Mayor to enter into a Land Disposition Agreement (“LDA”) with the Commonwealth of Massachusetts Acting by and through its Division of Capital Asset Management and Maintenance for the property located at 84 Elm Street, Assessor’s Map 42/27/0 (the “Property”); and
Authorize the Mayor to purchase said Property for \$1.00 and one half of the Net Proceeds of any future sale of the Property to a third party; and
Declare the Property surplus once the City owns the Property and authorize for purposes of sale.
[Land Disposition Agreement](#)

037-24. That 84 North St., more fully described as Fitchburg Assessors Map 44, Block 110, Lot 0, be declared as surplus property.

011-24. Confirming that the City is to proceed with Phase II of the Twin Cities Rail Trail Project and to take all necessary actions to appropriate funds, conduct takings of easements as identified on the 100% Plans and any further DOT approved Plans, and any further actions necessary, convenient, and helpful to facilitate the completion of the Phase II project.
[100% Plans](#)

Finance Committee
Meeting of May 22, 2024
Oral Report

- 109-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Executive Office of Health & Human Services Public Health Excellence Grant for FY25-FY27 in the approximate amount of ONE MILLION SIX HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED THIRTY-NINE AND 40/100 DOLLARS (\$1,667,339.40). The funding will improve public health systems and support staffing for the Montachusett Public Health Network of 13 communities to expand on shared services.
(Be Adopted 4-1)
- 110-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Department of Public Health Infectious Disease Investigation and Response Grant for FY25-FY26 in the approximate amount of THREE HUNDRED SIXTY THOUSAND DOLLARS (\$360,000) to support services in all 13 communities of the Montachusett Public Health Network (MPHN) including Disease Investigators and a Disease Resource Officer.
(Be Adopted 4-1)
- 111-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the UMass Memorial Health Determination of Need (DoN) Grant in the approximate amount of TEN THOUSAND DOLLARS (\$10,000). The funds will support efforts in a collaboration to provide free medical services to the underinsured, uninsured, in the City of Fitchburg.
(Be Adopted 4-1)
- 112-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from Waste Management in the approximate amount of TEN THOUSAND DOLLARS (\$10,000). This Betterment reimbursement grant will support efforts to improve and add trash receptacles on Main Street, and other areas if funds allow.
(Be Adopted)
- 113-24. ORDER THAT: the City of Fitchburg hereby approves the transfer of EIGHTY-FIVE THOUSAND DOLLARS (\$85,000) from POLICE PERSONAL SERVICES - Patrol to the following accounts:
- | | |
|---------------------------------------|----------|
| POLICE PERSONAL SVCS – Overtime | \$30,000 |
| POLICE EQUIP & REPAIR – Auto Repair | \$25,000 |
| POLICE MNTC OF BUILDING – Bldg Repair | \$30,000 |
- (Be Adopted)
- 114-24. ORDER THAT: there be and hereby is transferred the sum of THREE HUNDRED THOUSAND DOLLARS (\$300,000) from WATER ENTERPRISE - RETAINED EARNINGS to WATER ENTERPRISE – WATER SYSTEM IMPROVEMENTS, for completion of upgrades to the Pump Station serving the Montachusett Industrial Park.
(Be Adopted)

- 115-24. ORDER THAT: there be and hereby is transferred the sum of SEVENTY THOUSAND DOLLARS (\$70,000) to WATER ENTERPRISE – OVERTIME from the following WATER ENTERPRISE accounts:
- | | |
|-----------------------------------|----------|
| RETAINED EARNINGS | \$35,000 |
| PERSONAL SVCS – Sick/Pers Buyback | \$15,000 |
| PERSONAL SVCS – Summer Help | \$20,000 |
- (Be Adopted)
- 116-24. ORDER THAT: there be and hereby is transferred the sum of NINETY THOUSAND DOLLARS (\$90,000) from WASTEWATER EAST PERSONAL SERVICES – Operators to WASTEWATER EAST – Overtime.
(Be Adopted)
- 117-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds distributed from the Commonwealth of Massachusetts Disaster Relief Fund in the approximate amount of ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000). This supplemental budget award will be used to repair damage caused by the severe flooding experienced citywide on July 16, 2023.
(Be Adopted)
- 118-24. ORDER THAT: there be and hereby is appropriated the sum of SIX THOUSAND FIVE HUNDRED EIGHTY-NINE AND 20/100 DOLLARS (\$6,589.20) same to be charged against RESERVED FOR APPROPRIATION - TNC PER RIDE ASSESSMENT and credited to DPW CAPITAL EXPENSES - STREET REPAIR for the purpose of road repaving.
(Be Adopted)
- 119-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the MEMA Building Resilient Infrastructure and Communities (BRIC) Grant in the approximate amount of ONE HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$187,500). The funding will support the evaluation of the flooding problems in the downtown Urban Revitalization Area, and provide recommended measures to reduce flooding.
[Commonwealth of Massachusetts Contractor Authorized Signatory Listing](#)
(Be Adopted)
- 120-24. ORDER THAT: there be and hereby is transferred the sum of FORTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$48,782) from SNOW & ICE – PLOW & Blades to SNOW & ICE – Overtime
(Be Adopted)
- 121-24. ORDER THAT: there be and hereby is transferred the total sum of THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$370,000) within various accounts as follows:
- From:
- | | |
|---|-----------|
| DPW ADMIN/ENG P.S. – Public Works Inspector | \$ 40,000 |
| DPW ADMIN/ENG P.S. – Civil Engineer | \$ 30,000 |
| DPW ADMIN/ENG P.S. – Engineer II | \$ 50,000 |
| DPW STREETS P.S. – Labor | \$250,000 |

To:

DPW STREETS P.S. – Overtime	\$ 16,000
DPW STREETS EXP – Electricity	\$ 10,000
DPW STREETS EXP – Motor Vehicle Repairs	\$ 90,000
DPW STREETS EXP – Pothole Repair Supplies	\$ 30,000
DPW STREETLIGHTS – Streetlight Maintenance	\$ 81,000
DPW STREETLIGHTS – Electricity	\$ 50,000
DPW CAPITAL – Equipment	\$ 47,000
DPW CAPITAL – Building Renovation	\$ 46,000

(Be Adopted)

122-24. ORDER THAT: the sum of NINE THOUSAND THIRTY-FOUR DOLLARS (\$9,034) be appropriated, same to be credited to Parks and Playgrounds and charged as follows:

CDBG Year 50 Administration	\$6,033
CDBG Year 50 Block Grant	\$3,001

(Be Adopted)

123-24. ORDER THAT: the sum of THREE THOUSAND SIX HUNDRED FIFTY-ONE DOLLARS (\$3,651) be transferred from CDBG YEAR 47 ADA Parking Improvements to CDBG YEAR 50 Sidewalk Accessibility.
(Be Adopted)

IX. ORDERS – FINANCE

137-24. ORDER THAT: there be and hereby is transferred the total sum of THIRTY-THREE THOUSAND TWO HUNDRED ONE DOLLARS (\$33,201) to LAW EXPENSES – City Solicitor from the following accounts:

LAW PERSONAL SERVICES – Dept Head	\$ 2,871
LAW OTHER EXPENSES – Code Enforcement	\$ 600
LAW OTHER EXPENSES – Damages Persons & Property	\$10,000
LAW OTHER EXPENSES – Litigation/Special Counsel	\$ 9,730
LAW OTHER EXPENSES – Labor Negotiator	\$10,000

138-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the United Way of North Central Massachusetts, in the approximate amount of THIRTY-EIGHT THOUSAND THREE HUNDRED SIXTY DOLLARS (\$38,360), awarded to the city Summer Recreation Program from the DESE After School and Out of School Time Program Grant.

139-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from North Central Massachusetts Development Corporation, in the approximate amount of TWELVE THOUSAND DOLLARS (\$12,000), for the purpose of assisting businesses with signs and awnings.

140-24. ORDER THAT: there be and hereby is appropriated the sum of FORTY-SIX THOUSAND THREE HUNDRED SIXTY-FIVE AND 84/100 DOLLARS (\$46,365.84) from RESERVE FOR APPROPRIATION - PEG ACCESS and transferred to INFORMATION TECHNOLOGY - FRANCHISE FEE for the purpose of remitting to FATV the first quarter 2024 franchise fee.

X. ORDER – OTHER

141-24. ORDER THAT: To adopt the enclosed Order of Taking to acquire temporary and permanent easements located along Railroad Street, Sawyer Passway, and Main Street, at: 15 Railroad Street 300 sq. ft.+/-; 11 Railroad Steet 356 sq. ft. +/-; 48 First Street 820 sq. ft. +/-; 18 Railroad Street 457 sq. ft. +/-; 64 Sawyer Passway 17,324 sq. ft. +/-; 0 Sawyer Passway 15,334 sq. ft. +/-; 64 Main Street 293 sq. ft. +/- all as shown on a Plan of Land entitled “Easement Plan of Land, Twin Cities Rail Trail – Phase II, Fitchburg, Massachusetts”, prepared by Dawood, scale 1” = 20’ and dated May 24, 2024 comprised of four (4) total sheets, for a total amount of One Hundred Sixty Seven Thousand Four Hundred Dollars (\$167,400.00), and further authorize the Mayor to enter into an easement agreement with Unitil and a lease with Montachusett Regional Transit Authority all of the foregoing for general municipal purposes, namely the construction and operation of the Twin Rivers Rail Trail.
(Suspension of Rules)

XI. LOAN ORDER

100-24. LOAN ORDER: that ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) is appropriated for purchasing and equipping an aerial ladder truck for the Fitchburg Fire Department, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,400,000 under G.L. c.44, §7(1) or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.
(Final Reading)

XII. OTHER BUSINESS

Next Regular Meeting
Tuesday, June 18, 2024, at 7:00 PM