



FITCHBURG CITY CLERK

Oct 12 2023 2:13 pm

FITCHBURG CITY CLERK

Oct 16 2023 7:56 am

WELCOME TO THE FITCHBURG CITY COUNCIL

October 17, 2023

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

7:00 PM

REVISED

7:56 am, Oct 16, 2023

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 October 17, 2023

Re-Appointment:

Veterans Service Commissioner

(Term to expire October 1, 2026)

Michele Marino

New Appointment: (Expiration date correction)

Board of License Commissioners

Was (Term to expire May 1, 2026)

Should be (Term to expire January 1, 2026)

Glenn Fossa

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATIONS

His Honor the Mayor

1. New Appointment letter:

Full-Time Student Police Officers for the Fitchburg Police Department

Joshua M. Loureiro-Nieves

Florencia J. Rivas

Jacob M. Boivin

2. New Appointment letter:

Christine G. Hudson, as Municipal Hearing Officer, for a term to expire November 1, 2026.

3. New Appointment letter:

Richard Doucette, as a member of the Council on Aging, for a term to expire November 1, 2026.

VI. SPECIAL PRESENTATION

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

(Refer to Economic Development)

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

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

Peter Kettle, Airport Manager, to provide a presentation on Non-Aviation land at the Fitchburg Airport.
(Refer to City Property)

VII. ORDERS – FINANCE

- 239-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the FY24 Department of Justice JAG Award in the approximate amount of \$23,966 for the purpose of community policing overtime, professional development, and training opportunities.
- 240-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED FIFTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-SEVEN AND 26/100 DOLLARS (\$158,897.26) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of remitting to FATV the second quarter 2023 franchise fees, and its share of annual capital grant proceeds.

VIII. ORDERS – OTHER

- 241-23. ORDER THAT: WHEREAS, K. William Krikorian, Trustee of the Trifecta Realty Trust, u/d/t October 27, 2021, with a principal address of 196 Bemis Road, Fitchburg, MA 01420, is the owner of certain property located at 49 Snow Street, Fitchburg, MA 01420, which includes a portion which was once Cherry Street.

WHEREAS, pursuant to City Council Order 185-13, Cherry Street was discontinued and abandoned, as described in Order and Description of Discontinuance and Abandonment recorded in the Worcester North Registry of Deeds at Book 7942, Page 339.

WHEREAS, the City owns cable fiber that is within the above-described parcel, specifically under a portion of the parcel which was once Cherry Street.

WHEREAS, in order access to the fiber that is contained within this parcel and maintain the City network, an easement must be conveyed with an area of 4,549.60 square feet (0.104 acres), as described in the attached Plan.

WHEREAS, Trifecta Realty Trust has agreed to gift this easement to the City for no additional cost.

NOW THEREFORE IT IS ORDERED that Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for an on behalf of the City, to acknowledge and accept a grant of easement in form substantially similar to that attached hereto, and to take any other action and execute other documents required or convenient for conclusion of grant of easement thereof.
(Refer to City Property)

ORDER THAT: WHEREAS, on March 17, 2017, the Collector of Taxes of the City of Fitchburg executed a taking for municipal charges and real property taxes for Fiscal Year 2016 on a certain parcel of land located at 116-118 Day Street, Fitchburg, MA 01420 and described as Map 32, Block 3, Lot 0 and was recorded with the Worcester North Registry of Deeds in Book 8790, Page 73; and

WHEREAS, the City Council of the City of Fitchburg accepted this parcel in lieu of foreclosure payments on March 7, 2018;

WHEREAS, a Quitclaim Deed from The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificate holders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2 to the City of Fitchburg dated March 29, 2018, was recorded in the Worcester North Registry of Deeds in Book 9056, Page 152, on April 20, 2018; and

WHEREAS, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchaser, Antonio F. Pennetti, owner of abutting property located at 110 Day Street, Fitchburg, Worcester County, Massachusetts, 01420, has a particular use for the same; and

WHEREAS, the City Treasurer, Anne M. Cervantes, petitioned the City Council under Petition No.: 272-18, to declare this property as surplus property and designate to the Side Yard Sales program and was approved on February 19, 2019; and

WHEREAS, the Side Yard Sales Committee voted on October 3, 2023 to recommend the sale of said parcel to Antonio F. Pennetti, owner of abutting property located at 110 Day Street, Fitchburg, Worcester County, Massachusetts, 01420; and

NOW THEREFORE IT IS 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 M.G.L. c. 44, §63A, the City of Fitchburg sells the above-described parcel of land to said purchaser 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:

1. Shall be kept free from garbage and debris; and
2. Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and
3. Shall henceforth be conveyed in tandem with the abutting lot and into the same record of 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.

(Approved by City Property, City Council to Vote)

IX. PETITIONS

- 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 Longsjo Middle School.
(City Property)
- 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.
(City Property)
- 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
(City Property)
- 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.
(Public Works)

X. OTHER BUSINESS

Next Regular Meeting
Wednesday, November 8, 2023, at 7:00 PM