



FITCHBURG CITY CLERK

May 12 2023 3:15 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

May 16, 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.

II. ANNOUNCEMENTS

III. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATIONS

His Honor the Mayor

1. Appointment letter:

Ms. Jacquelyn Cronin, as City Auditor and Finance Director, for a three year term from June 17, 2023 and to June 17, 2026.

Memorandum of Agreement between the City of Fitchburg and the Inspector's SEIU 888 group.
(Refer to Finance)

Memorandum of Agreement between the City of Fitchburg and the Service Employees International Union (SEIU) Local 888 / Wastewater Facilities.
(Refer to Finance)

V. REPORT OF COMMITTEES

Finance Committee

Oral Report

Meeting of May 10, 2023

110-23. ORDER THAT: there be and hereby is transferred from within the sum of EIGHTY-FIVE THOUSAND 00/100 DOLLARS (\$85,000.00) same to be transferred from POLICE, PERSONAL SERVICES, PATROLMAN and credited to the following POLICE DEPARTMENT accounts:

EQUIPMENT & REPAIR, AUTO REPAIR	\$35,000.00
EQUIPMENT & REPAIR, TRAINING	\$20,000.00
MAINT. OF BUILDING, REPAIR & CARE	\$15,000.00
MAINT. OF BUILDING, ELECTRICITY	\$15,000.00

(Be Adopted)

111-23. ORDER THAT: there be and hereby is transferred from within the sum of SEVENTY-FIVE THOUSAND 00/100 DOLLARS (\$75,000.00) same to be transferred from FIRE, PERSONAL SERVICES, FIREFIGHTERS and credited to FIRE, PERSONAL SERVICES, OVERTIME.
(Be Adopted)

- 112-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Massachusetts Cultural Council grant in the approximate amount of \$2,500.00 (TWO THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to support Concerts in the Common during the summer months.
(Be Adopted)
- 113-23 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Fitness Campaign grant in the approximate amount of \$50,000.00 (FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to support the construction of the National Fitness Campaign Fitness Park and Outdoor Fitness Studio.
(Be Adopted)
- 114-23. ORDER THAT: there be and hereby is transferred from within the sum of THREE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$335,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to PUBLIC WORKS CAPITAL EXPENSE, EQUIPMENT for the purpose of acquiring a loader and a 1-ton pickup truck.
(Be Adopted)
- 115-23. ORDER THAT: there be and hereby is transferred from within the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to PARKS CAPITAL EXPENSE, PARK & PLAYGROUND IMPROVEMENTS for purpose of making improvements to the playgrounds.
(Be Adopted)
- 116-23. ORDER THAT: there be and hereby is transferred the sum of TWO HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$275,000.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- | | |
|------------------|---------------|
| OVERTIME | \$ 26,973.00 |
| EQUIPMENT RENTAL | \$ 84,249.00 |
| SALT | \$163,778.00. |
- (Be Adopted)
- 117-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY-FOUR THOUSAND, SEVEN HUNDRED NINETY-ONE AND 00/100 DOLLARS (\$54,791.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- | | |
|------|--------------|
| SALT | \$54,791.00. |
|------|--------------|
- (Be Adopted)
- 118-23. ORDER THAT: there be and hereby is appropriated the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) same to be charged against AVAILABLE FUNDS and credited to CITY AUDITOR, PERSONAL SERVICES, DEPUTY AUDITOR.
(Be Adopted)

- 119-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$175,000.00) same to be charged against AVAILABLE FUNDS and credited to LAW OTHER EXPENSES, DAMAGES PERSONS & PROPERTY to settle two claims.
(Be Adopted)
- 120-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) same to be charged against AVAILABLE FUNDS and credited to FACILTIES DEPARTMENT, EXPENSES.
(Be Adopted)
- 121-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$120,000.00) same to be charged against AVAILABLE FUNDS and credited to the following AIRPORT EXPENSE accounts:
- | | |
|-----------------------|--------------|
| AVIATION FUEL AND OIL | \$100,000.00 |
| ELECTRICITY | \$ 20,000.00 |
- (Be Adopted)

VI. ORDERS – FINANCE

- 130-23. ORDER THAT: the City of Fitchburg hereby rescinds the unissued balance of Loan Order #185-18 for replacement of water meters throughout the city and related projects in the amount of \$300,000.00 (THREE HUNDRED THOUSAND AND NO/100 DOLLARS).
- 131-23. ORDER THAT: the City of Fitchburg hereby rescinds the unissued balance of Loan Order #229-15 for various projects at the East Wastewater Facility and related projects in the amount of \$8,144,614.00 (EIGHT MILLION, ONE HUNDRED FORTY-FOUR THOUSAND, SIX HUNDRED FOURTEEN AND NO/100 DOLLARS).
- 132-23. ORDER THAT: the City of Fitchburg hereby rescinds the unissued balance of Loan Order #189-19 for construction of a new airport runway and related projects in the amount of \$14,604,000.00 (FOURTEEN MILLION, SIX HUNDRED FOUR THOUSAND AND NO/100 DOLLARS).
- 133-23. ORDER THAT: the City of Fitchburg hereby rescinds the unissued balance of Loan Order #017-20 for repair/replacement of the roof and boilers at the South Street School and related projects in the amount of \$3,105,666.00 (THREE MILLION, ONE HUNDRED FIVE THOUSAND, SIX HUNDRED SIXTY-SIX AND NO/100 DOLLARS).
- 134-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Public Health Excellence grant in the approximate amount of \$555,779.80 (FIVE HUNDRED FIFTY-FIVE THOUSAND, SEVEN HUNDRED SEVENTY-NINE AND 80/100 DOLLARS) for the purpose of said grant, which is expand on shared services between municipalities in the Montachusett Public Health Network (MPHN).

- 135-23. ORDER THAT: the City of Fitchburg approves the expenditure of additional funds from the Massachusetts Collaborative for Action, Leadership, and Learning 3 Substance Misuse Prevention grant in the approximate amount of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) for the purpose of said grant, which is to prevent and reduce misuse of substances of first use (alcohol, nicotine, cannabis) among youth.
- 136-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the United Way of North Central Massachusetts, DESE, After School and Out of School Time Program grant in the approximate amount of \$31,500.00 (THIRTY-ONE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to support the city's summer recreation program.
- 137-23. ORDER THAT: pursuant to M.G.L. Chapter 40, section 8L and the receipt of a FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) gift to the Fitchburg Agricultural Commission, the City of Fitchburg hereby establishes an Agricultural Preservation Fund and approves the expenditure of said funds.
- 138-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY-EIGHT THOUSAND, ONE HUNDRED FORTY-THREE AND 00/100 DOLLARS (\$58,143.00) same to be charged against AVAILABLE FUNDS and credited to LIBRARY, PERSONAL SERVICES.
- 139-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY-NINE THOUSAND, NINE HUNDRED THIRTY AND 00/100 DOLLARS (\$59,930.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:
- | | |
|-----------------------------------|-------------|
| CITY AUDITOR, PERSONAL SERVICES | \$ 2,036.00 |
| PURCHASING, PERSONAL SERVICES | \$ 4,020.00 |
| ASSESSORS, PERSONAL SERVICES | \$ 2,454.00 |
| TREASURER, PERSONAL SERVICES | \$ 6,049.00 |
| INFORMATION TECH., PERS. SERVICES | \$ 7,811.00 |
| CITY CLERK, PERSONAL SERVICES | \$ 2,193.00 |
| COMM. DEV., PERSONAL SERVICES | \$ 8,333.00 |
| POLICE, PERSONAL SERVICES | \$ 3,602.00 |
| PUBLIC WORKS, PERSONAL SERVICES | \$14,068.00 |
| CEMETERY, PERSONAL SERVICES | \$ 2,715.00 |
| VETERANS, PERSONAL SERVICES | \$ 2,297.00 |
| RECREATION, PERSONAL SERVICES | \$ 2,552.00 |
| EMPLOYEE BENEFITS, OTHER BENEFITS | \$ 1,800.00 |
- 140-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTEEN THOUSAND, SIX HUNDRED ELEVEN AND 00/100 DOLLARS (\$13,611.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to WATER PERSONAL SERVICES.
- 141-23. ORDER THAT: there be and hereby is appropriated the sum of TWELVE THOUSAND, SEVEN HUNDRED NINETY-THREE AND 00/100 DOLLARS (\$12,793.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited WASTEWATER PERSONAL SERVICES.

- 142-23. ORDER THAT: there be and hereby is transferred from within the AIRPORT, PERSONAL SERVICES accounts the sum of TWO THOUSAND, TWO HUNDRED FIFTY-FOUR AND 00/100 DOLLARS (\$2,254.00).
- 143-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTY-EIGHT THOUSAND, SEVEN HUNDRED NINETY-THREE AND 00/100 DOLLARS (\$68,793.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:
- | | |
|-------------------------------------|-------------|
| MAYOR, PERSONAL SERVICES | \$ 4,072.00 |
| CITY AUDITOR, PERSONAL SERVICES | \$ 7,100.00 |
| PURCHASING, PERSONAL SERVICES | \$ 3,341.00 |
| ASSESSORS, PERSONAL SERVICES | \$ 3,341.00 |
| TREASURER, PERSONAL SERVICES | \$ 5,795.00 |
| HUMAN RESOURCES, PERSONAL SERVICES | \$ 5,064.00 |
| CITY CLERK, PERSONAL SERVICES | \$ 2,819.00 |
| COMM. DEV., PERSONAL SERVICES | \$ 3,341.00 |
| FACILITIES, PERSONAL SERVICES | \$ 3,080.00 |
| POLICE, PERSONAL SERVICES | \$ 6,056.00 |
| FIRE, PERSONAL SERVICES | \$ 6,839.00 |
| BUILDING, PERSONAL SERVICES | \$ 3,446.00 |
| PUBLIC WORKS, PERSONAL SERVICES | \$ 4,124.00 |
| HEALTH, PERSONAL SERVICES | \$ 3,654.00 |
| COUNCIL ON AGING, PERSONAL SERVICES | \$ 2,141.00 |
| LIBRARY, PERSONAL SERVICES | \$ 3,080.00 |
| EMPLOYEE BENEFITS, OTHER BENEFITS | \$ 1,500.00 |
- 144-23. ORDER THAT: there be and hereby is appropriated the sum of THREE THOUSAND, SIX HUNDRED FIFTY-FOUR AND 00/100 DOLLARS (\$3,654.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to WATER PERSONAL SERVICES.
- 145-23. ORDER THAT: there be and hereby is appropriated the sum of THREE THOUSAND, FOUR HUNDRED FORTY-SIX AND 00/100 DOLLARS (\$3,446.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited WASTEWATER PERSONAL SERVICES.
- 146-23. ORDER THAT: there be and hereby is transferred from within the AIRPORT, PERSONAL SERVICES accounts the sum of TWO THOUSAND, SIX HUNDRED TEN AND 00/100 DOLLARS (\$2,610.00).

VII. LOAN ORDERS-ROLL CALL VOTE

- 147-23. LOAN ORDER: the Loan Order 153-2022 ordered by this Council on June 21, 2022 which authorized a borrowing of \$30,000,000 for various sewer separation projects is hereby amended in its entirety to read as follows:
- That the sum of Thirty Six Million Dollars (\$36,000,000) be and hereby is appropriated to pay the cost of various sewer separation projects including, but not limited to, sewer separation project CSO 010, 032, 045 and 083 Separation/Rehabilitation, and ongoing repairs and rehabilitation of the sewer system infrastructure elsewhere in the City, including without limitation all costs incidental and related thereto and all costs thereof as defined in M.G.L. Chapter 29C, as amended; and to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1) or 8(14), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the City Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan, and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or other relevant City official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. The Treasurer is hereby authorized to file an application with the Municipal Finance Oversight Board to qualify under M.G.L. Chapter 44A 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.

(First Reading)

VIII. BUDGET ORDERS-FY 2024
(Budgets will be distributed at the Council Meeting of May 16, 2023)

- 148-23. MAYOR’S FY24 BUDGET
- 149-23. OVERLAY SURPLUS.
- 150-23. AVAILABLE FUNDS.
- 151-23. PARKING METER/GARAGE RECEIPTS
- 152-23. PEG ACCESS AND CABLE RELATED FUND RECEIPTS
- 153-23. CEMETERY SALE OF LOTS AND GRAVES
- 154-23. WATER ENTERPRISE FUND RECEIPTS
- 155-23. WASTEWATER ENTERPRISE FUND RECEIPTS
- 156-23. AIRPORT RECEIPTS
- 157-23. REVOLVING FUNDS

IX. ORDINANCES

090-23. AN ORDINANCE: – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

Under Positions Paid Annually

Mayor Effective: 1/1/2014
\$83,320.00 (\$1,596.15/week)

The following shall be added in its place:

Under Positions Paid Annually

Mayor Effective: 1/1/2024
\$120,000.00 (\$2,307/week)

(Final Reading)

091-23. AN ORDINANCE: – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

Under Positions Paid Annually

City Councilor Effective: 1/1/2014
\$10,000.00

The following shall be added in its place:

City Councilor Effective: 1/1/2024
\$13,000.00

(Final Reading)

107-23. AN ORDINANCE: The undersigned Petitions your Honorable body to make the following addition to Chapter 44 (Salaries) relative to the Fitchburg Police Department and Civilian Dispatchers.

PART TIME CIVILIAN POLICE DISPATCHERS:

The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.
(Final Reading)

122-23. AN ORDINANCE: §147-10.1 entitled “Sewer use rates” shall be struck in its entirety and the following shall be inserted in its place as enclosed in the link.
[Waste Water Increase](#)
(Final Reading)

123-23. AN ORDINANCE: §177-15 of the Fitchburg City Code shall be revised as reflected in the chart attached hereto. Specifically, §177-15 shall be revised as enclosed in the link.
[Revised Water Fee Increase](#)
(Final Reading)

158-23. AN ORDINANCE: To amend the General Ordinances of the City of Fitchburg, Chapter 44, Section 10, by striking the following:

Under Positions Paid Annually	Effective July 1, 2022
City Solicitor	\$103,525
Assistant City Solicitor	\$ 69,392

And by inserting in its place:

Under Positions Paid Annually	Effective July 1, 2023
City Solicitor	\$106,630
Assistant City Solicitor	\$ 71,443

(First Reading)

159-23. AN ORDINANCE: Amending Chapter 44, Section 10 of the Code of the City of Fitchburg, as most recently amended, by adding thereto the following step assignments as outlined in the enclosed Ordinance.
(First Reading)

160-23. AN ORDINANCE: Amending Chapter 44, Section 10 of the Code of the City of Fitchburg, as most recently amended by adding thereto the enclosed pay scale.
(First Reading)

X. PETITIONS

- 108-23. The undersigned Petitions your Honorable body to make the following addition to Special Municipal Employee Designation relative to the Fitchburg Police Department and Civilian Dispatchers.

PART TIME CIVILIAN POLICE DISPATCHERS:

The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.

(Suspension of the rules)

- 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.
(Legislative Affairs)
- 162-23. Councilor Beauchemin, 102 St. Joseph Ave, replace asphalt from sidewalk to road.
(Public Works)
- 163-23. Councilor Beauchemin, 112 Columbus Street to fix/replace apron in front of sidewalk and remove broken concrete slabs.
(Public Works)
- 164-23. Councilor Beauchemin, across the street from 122 Leighton Street, remove existing wooden fence and replace with an eight foot fence to the already existing chain link fence.
(Public Works)
- 165-23. Councilor Beauchemin, 433 Westminster Hill Road, install asphalt berm going down Westminster Hill Road, to protect property from storm water runoff.
(Public Works)
- 166-23. Councilor Fleming, on behalf of Roberta Lafluer at 119 Will Thompson Way to repair about 12 feet of berm damaged over the last several years.
(Public Works)
- 167-23. Councilors Marcus DiNatale and Bernie Schultz, on behalf of Molly Parisi, to install a new berm at 28 Drury Lane.
(Public Works)
- 168-23. Councilor Andrew Couture, on behalf of Timothy McNamara, to repair the berm and sidewalk at the corner of Roosevelt and Warner.
(Public Works)

- 169-23. Councilors Marcus DiNatale and Bernie Schultz, on behalf of James and Carrie Arciprete, to install a new berm at 8 Drury Lane.
(Public Works)
- 170-23. Councilor Andrew Couture, on behalf of Lily Suarez, to repair manhole cover and road on Crescent Heights.
(Public Works)

XI. OTHER BUSINESS

Next Council as a Whole Meeting
Monday, May 22, 2023, at 6:00 PM

Next Regular Meeting
Tuesday, June 6, 2023, at 7:00 PM