



Mar 03 2023 3:44 pm

**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councillors at Large

**Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthony M. Zarrella**

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

Ward Councillors

**Ward 1 – Bernard J. Schultz III
Ward 2 – Paul R. Beauchemin
Ward 3 – Andrew J. Couture
Ward 4 – Andrew J. Van Hazinga
Ward 5 – Marisa R. Fleming
Ward 6 – Derrick J. Cruz**

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on February 7, 2023.

The meeting was called to order by President Anthony Zarrella at 7:09 P.M. The meeting opened with a salute to the Flag led by Councilor Cruz. The City Clerk called the roll and 11 Councillors were present, (Councilor Beauchemin, Fleming, Squailia via Zoom). Board consists of 11 members.

I. PUBLIC FORUM

Councilor Green requested a moment of silence in memory of Martin J. Kukkula, whom was a 34-year career firefighter, earning Badge # 1 as the most senior on duty firefighter.

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.

Jessica Jacobson, Fitchburg MA., read a statement in opposition of ordinance 036-23.

Jean Raabe, Fitchburg MA., continued to read the statement in opposition of ordinance 036-23.

Ms. Aires, Fitchburg MA., continued to read the statement in opposition of ordinance 036-23.

Jacquelyn Wehtje Fitchburg, MA., spoke on agenda item number 4, appointment of Board of Health member. Ms. Wehtje spoke on order 028-23 Board of Health to have Waste Management do their job. Spoke in opposition of ordinance 036-23, and in opposition of 015-23.

Kyle Smith, McIntire Road, regarding street lights on McIntire Road. The report will be provide at the next City Council meeting. The Public Works Meeting January 31, 2023. Councilor Schultz shared that petition 14-23 was addressed at the Public works meeting and voted leave to withdraw. It will be voted on again at the next City Council Meeting.

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee
Oral Report
Meeting of February 7, 2023

Re-Appointment:
Planning Board
(Term to expire January 1, 2026)
Alex Lopez

Re-Appointment:
Planning Board
(Term to expire January 1, 2026)
Tracy McGrath

Re-Appointment:
Planning Board
(Term to expire January 1, 2028)
Paul Fontaine Jr.

Re-Appointment:
Fitchburg Redevelopment Authority
(Term to expire July 1, 2024)
Charles Caron

New Appointment:
Trustees of Public Library
(Term to expire January 12, 2026)
Sabrina Holley-Williams

New Appointments:
Special Police Officers
Sergeant Michael Turner
Officer Elijah Weiss

Councilor Van Hazinga made a motion to accept all appointee other than Paul Fontaine Jr.
Report accepted. Appointment confirmed by unanimous consent 11/0. 11 members present.
Board consists of 11 members.

Councilor Van Hazinga recused himself at 7:32 PM
Motion and second to approve Paul Fontaine Jr.

Appointment confirmed by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Councilor Van Hazinga returned to the meeting at 7:33 PM

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of January 17, 2023 was correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

His Honor the Mayor

Appointment letter:

Jacqueline T. Lessard, as a member of the Board of Health, term to expire February 6, 2026.

Permanent Full Time Firefighters

For the City of Fitchburg

Ryan M. Preville

Patrick Swenson

Seth Viles

The Appointments was read and referred to the Appointments Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Promotion Letters

1. Promotion letter:

Firefighter John Girouard to Provisional Lieutenant

2. Promotion letter:

Lieutenant Jude Lambert to Provisional Captain

3. Promotion letter:

Captain Anthony Castelli to Provisional Deputy

4. Promotion letter:

Permanent Deputy Dante Suarez to Acting as Provisional Fire Chief

Promotions were read and placed on file in the City Clerk's Office

American Rescue Plan Act Budget

[Link to the American Rescue Plan Act Budget](#)

Communication read and referred to Finance Committee.

V. COMMUNICATION

Mr. Peter Delorme, as the Inspector of Weights and Measure for the City of Fitchburg. This appointment is in accordance with Chapter 49 of the Fitchburg City Code.

Report read and accepted, placed on file in the City Clerk's Office.

VI. COMMUNICATION

Anthony M. Zarrella, City Council President
Re: Assistant City Clerk Appointment

The Communication was read and referred to the Appointments Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

VII. ANNUAL REPORT

039-23. ANNUAL REPORT: Montachusett Regional Vocation Technical High School for the year 2022.

[2022 Annual Report Montachusett Regional Technical High School](#)

Report read and accepted, placed on file in the City Clerk's Office.

VIII. REPORTS OF COMMITTEES

City Property Committee

Oral Report

Meeting of January 24, 2023

277-22. ORDERED THAT: WHEREAS, the City has certain easement rights for pole lines, as more fully described in an unrecorded plan dated 1968 and revised in 1969, prepared by the City of Fitchburg, Department of Public Works, as indicated in Deed in Worcester North Registry of Deeds Book 1042, Page 522, that no longer exist but the easement is encumbering a portion of property owned by SIGNCO Realty Trust utd dated January 22, 2004;

WHEREAS, the City intends to release, relinquish and terminate any and all rights that it has or may have reserved in the Deed referenced above;

WHEREAS, SIGNCO Realty Trust hereby accepts and consents to such release, relinquishment of termination by the City of Fitchburg;

WHEREAS, both Parties agree that any and all rights of the City and to the easement located over, upon and across the property owned by SIGNCO are terminated and shall no longer be in further force and affect;

NOW THEREFORE, IT IS ORDERED, that the Honorable Mayor Stephen L. DiNatale be hereby authorized for and on behalf of, the City of Fitchburg, to execute and deliver any and all documents and to take any and all acts necessary, convenient and helpful to facilitate and execute the Release and Termination of Easement Rights as attached or in form substantially similar thereto.

Approved 3-1 with Councilor Beauchemin in opposition.

282-22. We humbly request that the City Council of Fitchburg consider our petition to honor the late Henry F. McKenna of 97 Pleasant St., Fitchburg, by naming the intersection of Spring, Pleasant, Blossom, and Jay Streets Henry McKenna Square, in order to honor a faithful son of Fitchburg and his contributions to our community through both his decorated valor in key battles of WWII and through his addictions counseling work and co-founding of local meetings of Alcoholics Anonymous.
Approve 4-0.

Report read and accepted by a vote of 10/1 (Beauchemin). 11 members present. Board consists of 11 members.

Finance Committee
Meeting of January 25, 2023

- 015-23. ORDER THAT: there be and hereby is transferred from within the sum of FORTY-TWO THOUSAND, NINE HUNDRED FIFTY-FIVE AND 00/100 DOLLARS (\$42,955.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to BUILDING, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing one vehicle used by the Building Department Inspectors.
(Be Adopted)
- 016-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, SAFE grant in the approximate amount of \$5,481.00 (FIVE THOUSAND, FOUR HUNDRED EIGHTY-ONE AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to teach fire safety to students.
(Be Adopted)
- 017-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, SAFE grant in the approximate amount of \$2,477.00 (TWO THOUSAND, FOUR HUNDRED SEVENTY-SEVEN AND 00/100 DOLLARS) for the purpose of said grant, which is to educate seniors in the community regarding fire and life safety topics.
(Be Adopted)
- 018-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security VAWA grant in the approximate amount of \$60,530.07 (SIXTY THOUSAND, FIVE HUNDRED THIRTY AND 07/100 DOLLARS) for the purpose of said grant, which is to support the Domestic Violence Advocate position within the Police Department.
(Be Adopted)
- 019-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, FY23 Shannon Community Safety Initiative grant in the approximate amount of \$416,812.00 (FOUR HUNDRED SIXTEEN THOUSAND, EIGHT HUNDRED TWELVE AND 00/100 DOLLARS) for the purpose of said grant, which is to reduce gang and youth related violence.
(Be Adopted)
- 020-23. ORDER THAT: there be and hereby is transferred from within the sum of TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) same to be transferred from POLICE, PERSONAL SERVICES, CIVILIAN DISPATCHERS and credited to POLICE, PERSONAL SERVICES, DISPATCHER OVERTIME.
(Be Adopted)

- 021-23. ORDER THAT: there be and hereby is transferred from within the sum of TWO HUNDRED THIRTY-SEVEN THOUSAND, FIFTY-FOUR AND 20/100 DOLLARS (\$237,054.20) same to be transferred from POLICE, PERSONAL SERVICES, PATROLMAN (\$200,000.00) and from POLICE, PERSONAL SERVICES, PROFESSIONAL STANDARD (\$37,054.20) and credited to POLICE, PERSONAL SERVICES, OVERTIME.
(Be Adopted)
- 022-23. ORDER THAT: there be and hereby is appropriated the sum of FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$500,000.00) same to be charged against AVAILABLE FUNDS and credited to STABILIZATION FUND.
(Be Adopted)
- 023-23. ORDER THAT: there be and hereby is appropriated the sum of TWO THOUSAND, SIX HUNDRED TWENTY AND 00/100 DOLLARS (\$2,620.00) same to be charged against AVAILABLE FUNDS and credited to ASSESSORS EXPENSES, CONTRACTED SERVICES.
(Be Adopted)
- 024-23. ORDER THAT: there be and hereby is appropriated the sum of FOURTEEN THOUSAND, EIGHT HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS (\$14,885.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:
- | | |
|-------------------------------------|-------------|
| FACILITIES, PERSONAL SERVICES | \$ 2,454.00 |
| COUNCIL ON AGING, PERSONAL SERVICES | \$ 6,708.00 |
| LIBRARY, PERSONAL SERVICES | \$ 5,723.00 |
- (Be Adopted)
- 0025-23. ORDER THAT: there be and hereby is appropriated the sum of FOUR HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$435,000.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:
- | | |
|-------------------------------------|--------------|
| POLICE, PERSONAL SERVICES | \$398,000.00 |
| POLICE, PERSONAL SERVICES, OVERTIME | \$ 30,000.00 |
| EMPLOYEE BENEFITS, OTHER BENEFITS | \$ 7,000.00 |
- (Be Adopted)
- 026-23. ORDER THAT: there be and hereby is appropriated the sum of ~~FIVE HUNDRED THIRTY-TWO THOUSAND AND 00/100 DOLLARS (\$532,000.00)~~, FOUR HUNDRED SIXTY FIVE THOUSAND AND 00/100 DOLLARS (\$465,000.00) same to be charged against AVAILABLE FUNDS and credited to
- | | |
|-----------------------------------|--------------------------------------|
| FIRE, PERSONAL SERVICES | \$494,000.00 \$420,000.00 |
| FIRE, PERSONAL SERVICES, OVERTIME | \$ 15,000.00 \$18,000.00 |
| EMPLOYEE BENEFITS, OTHER BENEFITS | \$ 23,000.00 \$27,000.00 |
- (Be Adopted)

Orders 015-23 through 026-23 were adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Orders signed by the Mayor February 9, 2023.

Public Safety Committee
Oral Report
Meeting of February 7, 2023

- 244-22. Councilor Derrick Cruz on behalf of Tyrone and Sheila Tines, residents of Clyde Street. I request that the City of Fitchburg implement either “No Parking from Here to the Corner” or “No Parking Signs” at the corner of Hancock and Summer Street, an appropriate distance on both sides. As residents exiting Hancock Street cannot see past the row of cars parked there, it has become a public safety concern for them.
(Leave to Withdraw)
- 256-22 PCM Auto Repair and Sales, Inc., to petition for a Class II Dealer's License located At: 33 Prichard St. Fitchburg, MA 01420.
(Be Held)
- 283-22. Union Auto Repair to petition for a Class II Dealer’s License located at: 232 River St. Fitchburg, MA 01420.
(Granted)

Report read and accepted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

IX. ORDERS

- 028-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Environmental Protection, Sustainable Materials Recovery Program grant in the approximate amount of \$27,000.00 (TWENTY-SEVEN THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide residents with more robust information about waste disposal and recycling, purchase additional carts for the curbside program, expand the current program, and reduce , reuse, and recycle in school cafeterias.
- 029-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) same to be charged against AVAILABLE FUNDS and credited to FIRE, EQUIPMENT & REPAIR, GAS & OIL.
- 030-23. ORDER THAT: there be and hereby is transferred from within the sum of SIX THOUSAND AND 00/100 DOLLARS (\$6,000.00) same to be transferred from PARKS PERSONAL SERVICES, SUMMER HELP and credited to PARKS PERSONAL SERVICES, OVERTIME.
- 031-23. ORDER THAT: there be and hereby is transferred the sum of FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:

EQUIPMENT RENTAL	\$100,000.00
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SALT

\$300,000.00.

032-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs, Municipal Vulnerability Preparedness Program Action Grant in the approximate amount of \$109,000.00 (ONE HUNDRED NINE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to develop nature-based solutions to stormwater issues in the area north of the western end of Main Street.

033-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Division of Ecological Restoration, Culvert Replacement Municipal Assistance Grant in the approximate amount of \$143,500.00 (ONE HUNDRED FORTY-THREE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to design two replacement culverts along Ashby West Road.

034-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs, Dam & Seawall Repair or Removal Grant in the approximate amount of \$38,925.00 (THIRTY-EIGHT THOUSAND, NINE HUNDRED TWENTY-FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to complete the design work and file permits for the removal of McTaggart's Pond Dam.

Wave the reading and refer the following orders 028-23 through 034-23 to the Finance Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

035-23. ORDER THAT: authorizing the Mayor to execute a lease with Solect Energy Development with Fitchburg High School as outlined in the enclosed order.

Order 035-23 adopted under Suspension of the Rules by roll call vote of 11 in favor and 0 opposed.

Jeremy Roche. Business Manager, Fitchburg School District and Mr. Woodmen, Solect Energy, discussed expanding solar panels to Fitchburg High School, Canopy project in summer of 2023, in the two main parking lots at the High School.

Motion approved by eight (8) in favor three (3) opposed DiNatale, Fleming, and Schultz. 11 members present. Board consists of 11 members.

Order signed by the Mayor February 9, 2023.

X. ORDINANCES

027-23. AN ORDINANCE: §3-160 entitled "Establishment; composition" under Article XVII Insurance Commission, of the City Code shall be amended by striking the words "the Superintendent of Public Buildings" and inserting in its place "the Director of Facilities" and shall now read as follows:

"§3-160 Establishment; composition.

There shall be an Insurance Commission, the membership of which shall consist of the following: City Auditor, the Director of Facilities and the Chair of the Board of Assessors.” (Referenced Petition 105-22)
(Final Reading)

Ordinance was sent to a final reading, ordained, and ordered advertised by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Ordinance was signed by the Mayor February 9, 2023.

036-23. AN ORDINANCE: The following be added as Chapter 3-19 to the Fitchburg City Code, with following sections of this chapter renumbered accordingly. As enclosed in the Ordinance.

3-19 Commemorative Flags

040-23. AN ORDINANCE :Chapter 44, Section 10 of the Code of the City of Fitchburg as most recently amended, shall be amended by striking where applicable the current rates for temporary seasonal employees and inserting in its place the attached table of wage rates to be in compliance with minimum wage laws.

Ordinance 036-23 and 040-23 were referred to Legislative Affairs.

XI. PETITIONS

037-23. City Councilor Bernie Schultz and Anthony Velardi of 229 Rollstone Street to request continuation of sidewalk paving on Rollstone Street from the corner of Charles Street and Rollstone Street to Kimball Street.

038-23. Councilor Andy Van Hazinga to repair approx. 6 feet of plow-damaged berm at 201 Scott Rd.

With the council consent, wave the reading and refer the above petition to the Public Works by Unanimous consent 11/0. 11 members present. Board consists of 11 members.

XII. ANNOUNCEMENTS

President Zarrella Submitted: Reminder to provide any recommendations/suggestions to the Rules and Orders for the City Council to the City Clerk by Wednesday, February 15, 2023.

Councilor Schultz Submitted: The next meeting of the Widowed Helping Widowed Support Group will take place on Thursday, February 9, 2023 from 4 until 5:30 p.m. in Room 203 at the Fitchburg State University Recreation Center, 130 North Street. Kelley Lynn and Bernie Schultz will co-facilitate the meeting.

Councilor Schultz Submitted: Ward 1 City Councilor Bernie Schultz is hosting a Ward 1 Community Meeting on Monday, February 13, 2023 at 6:30 p.m. right here in the Legislative Building, 700 Main Street. City Council President Anthony Zarrella and DPW Commissioner Nick Erickson will make presentations, and then answer questions following their presentations.

Councilor Cragin Submitted: Wednesday, February 15, 7 pm “Stand-Up Comedy with Stratton Players,” followed by Stratton’s annual holiday party and Yankee Swap. Join Area Comedian Jerry Caruso as he welcomes members of Stratton Players and community who will debut stand-up comedy routines. At: Thirsty Robot Brewing Company, 265 Summer St., Fitchburg (back of the building). Snow date: Friday, Feb. 15. FREE -- all invited!

XIII. OTHER BUSINESS

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

The meeting adjourned at 8:37 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk