



**City of Fitchburg
Massachusetts 01420**

FITCHBURG CITY CLERK

Apr 08 2021 1:51 pm

CITY COUNCIL

Councillors at Large

**Marcus L. DiNatale
Amy Green
Thomas C. Hughes
Samantha M. Squailia
Anthony M. Zarrella**

President

Anthony M. Zarrella

Vice President

Elizabeth R. Walsh

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 – Elizabeth R. Walsh**

The regular meeting of the City Council of the City of Fitchburg was held in the Legislative Building at 700 Main Street, as well as over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on April 6, 2021. The meeting was called to order by President Anthony Zarrella at 7:05 P.M. The Clerk called the roll and 11 Councilors were present, with 8 Councilors present in the Legislative Building and 3 Councilors logged in remotely (DiNatale, Green, Schultz). The meeting opened with a salute to the Flag led by Councillor Squailia.

I. PUBLIC FORUM

As the meeting location will not be open to the public, they are invited to participate in the Zoom webinar of April 6, 2021 07:00 PM Eastern Time

Topic: Fitchburg City Council Meeting

Register in advance for the Public Comment/Hearing portion of the Agenda by going to:

https://us02web.zoom.us/webinar/register/WN_zP_DX6PGScGDVU-sfoqyTg

After registering, you will receive a confirmation email containing information about logging in to join the webinar.

Senator John J. Cronin attended the meeting virtually, and offered his thanks to the Council for their welcome and offered congratulations to them on their returning to the Legislative Building. He also noted that he looked forward to working in conjunction with the Council as they moved forward. He offered remarks regarding opportunities in the upcoming budget cycles, specifically the American Rescue Plan (ARP), and what that means to the City of Fitchburg, and what it was going to mean for the State budget cycle moving forward

He noted that his Office had three priorities that deeply affected the City, and deeply affect its recovery coming out of the pandemic:

“The first is to find opportunities in the budget cycle year to support Fitchburg State University and the renovation of the theater block. When we talk about North Central Massachusetts, and Fitchburg as its beating heart, there is a vision that the Mayor has, that Economic Development has, to make downtown Fitchburg a cultural regional destination, and I think the theater is the most

important project to making that a reality. So we're looking for opportunities to fund that, not just in the State budget through the earmark process, but also working hand in hand with the Congressional delegation at the Federal level as we look towards the ARP community infrastructure package which we expect to see. The second is to fully fund the Student Opportunity Act and meeting the commitment that the State is committed to its students. The Student Opportunity Act is absolutely critical for Fitchburg Public Schools, and if we meet our commitment, through the State budget, that's going to mean millions and millions of extra dollars for Fitchburg Public Schools, which is so critical. The third point I'll touch on, and these are conversations that are ongoing, but it's a State-wide budget priority for me, and also work that I believe has organic and local solutions but it's creating more opportunities for kids from Fitchburg High School to learn a skill trade. There is a program that just started this year called 'Innovation Pathway in Advanced Manufacturing' and this would provide opportunities for between 20 and 25 juniors and seniors of Fitchburg High School to get highly skilled training in advanced manufacturing and also join with partners in the private industry. It's giving them the skills to join the workforce and meet our regional workforce needs. Programs like that we're looking to expand, and we want more seats, more opportunities, not just in advanced manufacturing, but also in business and finance, health care, and environmental science. So those are conversations I am having with both Fitchburg Public Schools and with the Chair of Ways and Means at the Senate level to increase funding and State programs for that. And that is something I'm excited about."

Senator Cronin then noted that Massachusetts would be receiving 8 billion dollars from the American Rescue Plan, with 2.6 billion of that going to direct local aide. He stated that funds could be used in four ways: 1) Covid-related expenses; 2) replacement of lost revenue at either the State or local level; 3) to fund water, sewer, and broadband infrastructure; 4) premium pay for essential workers.

Senator Cronin said that regarding Chapter 70 and Chapter 90 funding, the two words at the Statehouse are "cautious optimism". He expected that the legislature would have a larger oversight role, as opposed to the CARES Act, in how the aid would be directed. Senator Cronin noted that he hoped to have an open line of communication and dialogue with local partners, as we move through the summer and fall with an eye toward economic recovery. Senator Cronin said that if he could leave the Council with one thing, it was that they were welcome to reach out to his Office for any constituent services, whether issues with unemployment for people in their Wards, evictions, or housing, and he looked forward to partnering as things moved forward.

The Council President thanked the Senator for his time and said that he looked forward to working with him on these issues and many others, and was very enthusiastic about the collaboration.

Peter Kettle, 44 McIntire Road, attended the meeting virtually, and requested that President Zarrella read into the record his prepared remarks.

They are as follows:

From: Kettle, Peter
Sent: Tuesday, April 6, 2021 12:03 PM
To: Zarrella, Anthony; Walsh, Elizabeth
Cc: Nate Glenny
Subject: McIntire Road today!!

Good morning President Zarrella,

One of this evenings items for consideration by the Council is the final approval of Petition #227-20 which includes Williams, McIntire, Stickney and Sheldon roads as Scenic Route roads.

The reason we formed the McIntire/Williams Neighborhood Association was to try and keep the area as a rural area, with limits on the cutting down of trees.

Unfortunately at the top of McIntire road this practice is still happening, within the City controlled space next to the road and up to the walls, which have also been taken.

Please see the attached photograph which was taken this week of a perfectly healthy large tree that was cut down by Asplund, the contractor working with Unutil I believe.

We are getting electrical connections along McIntire and up Williams within the next few months and we are pleading with the City Council to please take action to prevent this type of destruction from taking place.

I have no problem if you would like to share this letter and the photograph, with the Council.

Many thanks,
Peter.

Comments from Mike O'Hara, Principal Planner, were read into the record as follows:

From: O'Hara, Michael
Sent: Wednesday, March 24, 2021 4:16 PM
To: Zarrella, Anthony
Cc: Skwierawski, Tom
Subject: petition # 227-20, Scenic Roads

Councilor - Apologies for missing last night's City Property Committee meeting on the above petition to add roads under the Scenic Roads Act. I should have provided written comments prior to. As you know both the Planning Bd. & Conservation Commission recommended in favor of this petition.

Several months ago an "Approval Not Required" plan showing ten additional frontage lots on Sheldon Road split off from the ADAMS R+R LLC parcel on McIntire, Williams & Sheldon Rd. was endorsed by the Planning Board. We suspect that these lots will be conveyed soon & more dwellings proposed. I would be good for the City to have more control over the placement of driveways on these lots if they involve

the removal of Stone Walls or the trimming/removal of Public Shade Trees along the street.

In the past several months, after several Scenic Road public hearings w/ neighbors' input, the Planning Board approved approx. eight new driveways on Williams Rd., which had already been designated as a Scenic Road. The additional review by the Board & neighbors resulted in a better design. It would be good to have a similar review for future development on Sheldon Rd.

Mike O'Hara
Principal Planner
Dept. of Community Development & Planning
718 Main St. (**Note new address**)
Fitchburg, Mass. 01420
[978-829-1891](tel:978-829-1891)

President Zarrella read into the record a comment from Kathleen Romano, 42 East Street, as follows:

This is in response to the City Council Meeting on 4/6/21 Public Safety Committee 042-21

I do not have zoom so I cannot zoom in the meeting but I wanted to just say that the parking on Eastlin Way happens quite often and the last time someone was parked in the street gave us a hard time when we asked them to move and when we called police they did not do anything. When someone is parked we cannot get out of our driveway in either direction or if a Fire truck or ambulance had to get on this street and a car was parked in the way they would not be able to get on the street.

There is plenty of parking in front of the building and there is a car in the back that has been there for 3 years and has not moved and there is no plate on it so that would be a spot as well.

I just want to make sure that if this passes and we do call the police that they will do something and not just drive by

Thank you for your time

Kathleen Romano

42 East St

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee Oral Report **Meeting of April 6, 2021**

The Appointments Committee recommended the following Appointment be confirmed:

Re-Appointment:

Human Rights Commission

(Term to expire January 1, 2023)

Ms. April Maldonado

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

New Appointments:

Zoning Board of Appeals

(Term to expire April 1, 2026)

Attorney Christine Tree

Report read and accepted. Councilor Zarrella recused himself from the vote. Appointment confirmed by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Special Police Officers for the City of Fitchburg

The following three Fitchburg State University Police Officers:

Officer Richard Nelson

Officer Joshua Folmer-LaFleur

Officer Courtney Soares

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

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of March 16, 2021 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

His Honor the Mayor
Appointment Letters

1. Mr. Derrick Cruz, as a member of the Fitchburg Cultural Council, term to expire April 1, 2024.
2. Mr. Angelo J. Ramos, Jr., as a Full-Time Student Police Officer for the City of Fitchburg.

Appointments read and referred to the Appointments Committee.

V. COMMUNICATION

Michael O'Hara, Principle Planner
Re: Petition 227-20, Scenic Roads

President Zarrella noted that this had already been read during Public Comments.

VI. COMMUNICATION

Clare Freda, Executive Board member of the MA Councillors Association and
Representative of the MMA (Massachusetts Municipal Association)
Re: An upcoming webinar regarding school finance.

Ms. Freda attended the meeting virtually, and described a training program that was prepared to help members of Council understand the intricacies of school funding. She noted that as Crocker School funding might be discussed at a later time, the Councillors might find the program helpful. She offered her assistance to any Councilor that wished to sign up for the training.

VII. REPORTS OF COMMITTEES

City Property Committee Oral Report **Meeting of March 23, 2021**

The City Property Committee recommended the following Petition be given Leave to Withdraw in order to clear the way for resubmittal once the prerequisite steps were completed.

046-20. Councillors Marisa Fleming and Marcus DiNatale, to declare Ethier Street a Public Way.

Report accepted. Petition given leave to withdraw by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The City Property Committee recommended the following Petition be granted.

227-20. Councillors Kushmerek and Couture, to designate Alpine Road, McIntire Road, Sheldon Road, and Stickney Road as Scenic Roads as stipulated by the Scenic Road Act, M.G.L. c.40, S. 15C.

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

Public Safety Committee Oral Report
Meeting of April 6, 2021

The Public Safety Committee recommended the following Petition be held in Committee as Sgt. Boudreau was not available for comment.

- 041-21. Sgt. Daniel Boudreau, to install stop sign on East side of Stoneybrook Road at the intersection with Village Crossing, where the divided entrance to Stoneybrook meets Village Crossing.

Report accepted. Petition held in Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petition be held in Committee as Councilor Fleming was not available for comment.

- 042-21. Councillor Marisa Fleming, to review the no parking restrictions on Eastlin Way to determine whether or not the restrictions should be expanded to include no parking on both sides of a portion of Eastlin Way.

Report accepted. Petition held in Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petition be granted with the restriction that the Class II Dealer's License be limited to 6-8 vehicles on the lot.

- 045-21. Desilets Auto, Inc., to petition for a Class II Dealer's License located at 236 Lunenburg Street, Fitchburg, MA.

Report accepted. Petition granted with restriction of 6-8 vehicles on the lot by unanimous consent 11/0. 11 members present. Board consists of 11 members.

VII. ORDERS-FINANCE

Motion to suspend the rules passed by roll call vote of 11 in favor and 0 opposed:

- 047-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Cemetery's Perpetual Care Expendable Trust Fund not to exceed the amount of \$7,310.00 (SEVEN THOUSAND, THREE HUNDRED TEN AND 00/100 DOLLARS) for the replacement of fencing at Laurel Hill Cemetery.

Order adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

The Clerk will reach out to the Board of Public Burial Grounds to ask that more detail be given regarding repair of the wall.

Order signed by the Mayor April 8, 2021.

Motion to suspend the rules passed by roll call vote of 11 in favor and 0 opposed.

MOTION to Approve and was WITHDRAWN by unanimous consent 11/0 in order for Mr. Curry, Board of Health Director, to address concerns regarding barriers to the vaccine. Mr. Curry noted that the funds would be used to hire a vaccine coordinator and reach out to communities to educate residents about the vaccine.

074-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Best Value Grant in the approximate amount of \$152,370.00 (ONE HUNDRED FIFTY-TWO THOUSAND, THREE HUNDRED SEVENTY AND 00/100 DOLLARS) for the purpose of said grant, which is to increase awareness of the COVID-19 vaccine's safety and efficacy and to reduce barriers to vaccination.

Motion to approve Order adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Order signed by the Mayor April 8, 2021.

VIII. ORDERS-CDBG YEAR 47

048-21. ORDERED THAT: The sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) be appropriated, same to be credited to the North of Main Downtown Cleanup and charged against the CDBG Year 47.

Order adopted by vote of 10 in favor and 1 opposed (Beauchemin). 11 members present. Board consists of 11 members.

Councilor Beauchemin noted that the record reflect that the Mayor agreed to cleanup River Street in the process.

Order signed by the Mayor April 8, 2021.

049-21. ORDERED THAT: The sum of SIXTY-FIVE THOUSAND DOLLARS (\$65,000) be appropriated, same to be credited to the Sam Pawlak Community Playground project and charged against the CDBG YEAR 47.

Order adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Order signed by the Mayor April 8, 2021.

050-21. ORDERED THAT: The sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) be appropriated, same to be credited to Streetscape Improvements and charged against the CDBG Year 47.

Order adopted by vote of 10 in favor and 1 opposed (Beauchemin). 11 members present. Board consists of 11 members.

Councilor Beauchemin noted that the record reflect that he was not in favor of a two-way Boulder Drive.

Order signed by the Mayor April 8, 2021.

051-21. ORDERED THAT: The sum of THIRTY-SEVEN THOUSAND DOLLARS (\$37,000) be appropriated, same to be credited to Parkhill Improvements and charged against the CDBG Year 47.

- 052-21. ORDERED THAT: The sum of FORTY THOUSAND DOLLARS (\$40,000) be appropriated, same to be credited to Day Street/ Snow Street Sidewalk project and charged against the CDBG Year 47.
- 053-21. ORDERED THAT: The sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) be appropriated, same to be credited to the Fitchburg Police Station ADA Parking project and charged against the CDBG Year 47.
- 054-21. ORDERED THAT: The sum of FIFTY THOUSAND DOLLARS (\$50,000) be appropriated, same to be credited to the Public Art Project and charged against the CDBG Year 47.
- 055-21. ORDERED THAT: The sum of SEVEN THOUSAND FIVE HUNDRED FORTY-THREE DOLLARS (\$7,543) be appropriated, same to be credited to Fitchburg Farmers Market project and charged against the CDBG Year 47.
- 056-21. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000), be appropriated, same to be credited to the Montachusett Regional YMCA Spartacus Program and charged against the CDBG Year 47.
- 057-21. ORDERED THAT: The sum of SIXTY-FIVE THOUSAND DOLLARS (\$65,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol program and charged against the CDBG Year 47.
- 058-21. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the North Star Family Services: Family Homeless Shelter and charged against the CDBG Year 47.
- 059-21. ORDERED THAT: The sum of ELEVEN THOUSAND DOLLARS (\$11,000) be appropriated, same to be credited to the Community Legal Aid: Fitchburg Homelessness Prevention Project and charged against the CDBG Year 47.
- 060-21. ORDERED THAT: The sum of SIXTEEN THOUSAND DOLLARS (\$16,000) be appropriated, same to be credited to the Boys & Girls Club: Transportation to Project Learn STEAM and charged against the CDBG Year 47.
- 061-21. ORDERED THAT: The sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) be appropriated, same to be credited to NewVue Communities: Small Business Technical Assistance Program and charged against the CDBG Year 47.
- 062-21. ORDERED THAT: The sum of ONE HUNDRED FORTY-EIGHT THOUSAND THREE HUNDRED FIVE DOLLARS (\$148,305) be appropriated, same to be credited to Small Business Financial Assistance and charged against the CDBG Year 47.

Orders adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Orders signed by the Mayor April 8, 2021.

063-21. ORDERED THAT: The sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) be appropriated, same to be credited to Fitchburg State University for the Fitchburg Downtown Coordinator Position and charged against the CDBG Year 47.

Order adopted by vote of 10 in favor and 1 opposed (Beauchemin). 11 members present. Board consists of 11 members.

Councilor Beauchemin noted for the record that he was not in favor of a Downtown Coordinator at this present time at the rate of \$35,000.

Order signed by the Mayor April 8, 2021.

064-21. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the Fitchburg Housing Authority A Better Life Experience (ABLE) program and charged against the CDBG Year 47.

065-21. ORDERED THAT: The sum of ONE HUNDRED THREE THOUSAND TWO HUNDRED FORTY-ONE DOLLARS (\$103,241) be appropriated, same to be credited to the Fitchburg Board of Health Code Enforcement program and charged against the CDBG Year 47.

066-21. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Habitat for Humanity Critical Home Repair Project and charged against the CDBG Year 47.

067-21. ORDERED THAT: The sum of ONE HUNDRED NINETY-SEVEN THOUSAND THREE HUNDRED SEVENTEEN DOLLARS (\$197,317) be appropriated, same to be credited to CDBG Administration and charged against the CDBG Year 47.

Orders adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Orders signed by the Mayor April 8, 2021.

IX. ORDINANCES

Motion for Suspension of the Rules to forward 068-21 and 069-21 (and Petition 073-21) to a Council as a Whole Meeting following the Legislative Affairs meeting on April 13, 2021. Motion passed by unanimous roll call vote. 11 members present. Board consists of 11 members.

068-21. AN ORDINANCE: Amending the Fitchburg City Code, Chapter 44, re: Fire Chief.

069-21. AN ORDINANCE: Amending the Fitchburg City Code, Chapter 44, re: Fire Chief.

Motion to forward 172-20 to a First Reading and Legislative Affairs meeting for final edits was approved by unanimous consent 11/0. 11 members present. Board consists of 11 members.

172-20. AN ORDINANCE: amending the Zoning By-Law be amended by striking the By-Law in its entirety and inserting in its place the attached Zoning By-Law represent phase one of rewriting the City's Zoning By-Law. (Reference Petition #29-2020, Petition #221-20, and Petition #005-21)

Final Amendment, please see links below:

https://www.fitchburgma.gov/DocumentCenter/View/7848/Final-Zoning-Ordinance-with-all-Amendments-FINAL_04012021

Finalized Ordinance and Map:

<https://drive.google.com/file/d/1jzBgNMkyXFh88yLd59hT-2XvADt68rTH/view?usp=sharing>

X. PETITIONS

The following Petition was referred to the Legislative Affairs Committee:

070-21. Councillor Amy Green, on behalf of the Board of Directors of FATV, Mike Flynn and "Broadcast Buddies" of Dave Clark to petition to have the booth named and dedicated in Dave Clark's name.

Motion to Amend 070-21 to be **amended** to read as follows:

Councillor Amy Green, on behalf of the Board of Directors of FATV, Mike Flynn and "Broadcast Buddies" of Dave Clark to petition to have the booth at Crocker Field named and dedicated in Dave Clark's name.

Motion to Amend 070-21 approved by unanimous consent, and amended Petition referred to Legislative Affairs.

071-21. Councillor Amy Green, on behalf of Doug Romano, to replace the street light pole #5 on Romano Avenue.

Motion to suspend the rules passed by roll call vote of 11 in favor and 0 opposed. 071-21 given Leave to Withdraw by unanimous consent as the streetlight had already been replaced by the Public Works Department.

The following Petition was referred to the Public Works Committee:

072-21. Councillor Andrew Van Hazinga & Peter Johnson, to install a streetlight at the intersection of Prichard Street and Wallace Avenue.

The following Petition was referred to the Council as a Whole:

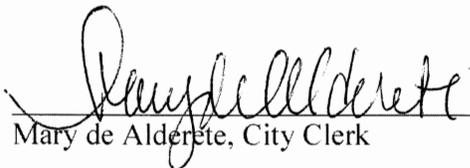
073-21 Council President Anthony Zarrella: to set the salary of the Fire Chief, pursuant to City Code § 23-26 which instructs that, "The compensation of the Chief Engineer shall be fixed by the Council, with the approval of the Mayor and in accordance with the provisions of the Civil Service Act."

XI. ANNOUNCEMENTS

President Zarrella took a moment to state that he was thrilled to be back in the Legislative Chambers, and looking forward to a long history there.

Councillor Beauchemin noted that there were road sweeping cleanup efforts taking place in the City, and that residents could assist with the effort by sweeping down their sidewalks and placing sand in the street.

The meeting adjourned at 7:56 PM


Mary de Alderete, City Clerk