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CITY OF FITCHBURG

Filed in the City Clerk's Office.

NOTICE OF PUBLIC MEETING

CITY COUNCIL REGULAR MEETING

MEETING DATE: Tuesday, July 02, 2019

MEETING TIME: 7:00 AM PM

MEETING PLACE: MEMORIAL MIDDLE SCHOOL LIBRARY

Name of building (if applicable) _____

Room number (if applicable) _____

Address 615 ROLLSTONE STREET

City FITCHBURG, MA 01420

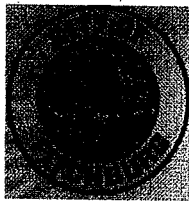
AGENDA ITEMS:* **SEE ATTACHED**

2019 JUN 27 PM 1:48
FITCHBURG CITY CLERK

ANNA M. FARRELL, CITY CLERK

Name and title of person submitting this notice

**Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.*



WELCOME TO THE FITCHBURG CITY COUNCIL!

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 address.
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 Councillor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

II. REPORT OF COMMITTEE ON RECORDS

III. COMMUNICATION

His Honor the Mayor
Appointment Letters

1. Pollworkers for the period of September 1, 2019 through August 31, 2020.
2. Permanent Reserve Police Officers for the City of Fitchburg:
Brian M. Gelinas
Timothy W. Harnden
Colin T. Banahan
Daniel G. Adorn

IV. COMMUNICATION

Pension Reserves Investment Management Board

V. ANNUAL REPORT

- 194-19. ANNUAL REPORT: Fitchburg Police Department for the year 2018.

VI. REPORTS OF COMMITTEES

Appointments Committee Oral Report

July 2, 2019, 6:45 PM

New Appointment:

Commissioner of Public Works/City Engineer

(Term to expire July 3, 2022)

Mr. Nicolas H. Bosonetto

Finance Committee

Meeting of June 25, 2019

- 182-19. ORDERED THAT: There be and hereby is transferred from within the sum of SIXTEEN THOUSAND AND 00/100 DOLLARS (\$16,000.00), same to be transferred from CEMETERY, PERSONAL SERVICES, LABOR, and credited to CEMETERY, PERSONAL SERVICES, OVERTIME.
(Be Adopted)
- 183-19. ORDERED THAT: There be and hereby is transferred from within the sum of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00), same to be transferred from HEALTH, SANITARY LANDFILL EXPENSES and credited to HEALTH, EXPENSES.
(Be Adopted)

- 184-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the U.S. Food and Drug Administration, Retail Standards Grant Program in the approximate amount of \$1,500.00 (ONE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide funding for staff to attend FDA trainings, workshops, and seminars to maintain food inspection standards.
(Be Adopted)
- 188-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$768,450.00 (SEVEN HUNDRED SIXTY-EIGHT THOUSAND, FOUR HUNDRED FIFTY AND 00/100 DOLLARS), for the purpose of said grant, which is to pay for the construction phase of the airport runway reconstruction project.
(Be Adopted)
- 189-19. LOAN ORDER: Appropriate \$15,369,000.00 to pay costs of the runaway at Fitchburg Municipal Airport as outlined in the enclosed LOAN ORDER.
(Be Adopted)

Legislative Affairs Committee
Meeting of June 25, 2019

- 166-19. Human Resources Director Susan Davis, to designate the Coggshall Caretaker and the Temporary/Seasonal Laborer positions as special municipal employee positions under MGL c.268A
(Be Granted)

Public Works Committee
Meeting of June 25, 2019

- 209-18. Multiple citizens, to repair McTaggart's Dam to refill pond and restore wildlife population.
(Be held for analysis)
- 286-18. Councillor Marisa Fleming, to have the City place bales of hay at the top of High Rock Road where it meets the paper road portion of High Rock Road. During heavy rain the water runs down into the back yards of 1191 and 1179 Ashby State Road causing flooding and debris.
(Be given leave to withdraw)
- 111-19. Councilor Paul Beauchemin, on behalf of Roger Ouellette, to alleviate the water problem at 14 Norfolk Street.
(Be granted)

- 123-19. David J. Duval, 100 Falulah Street, Fitchburg, to request the grinding and repaving of Falulah Street from Melrose Street to 100 Falulah Street be completed along with the repair of two storm drains as outlined in the enclosed Petition.
(1. Grant repair of storm drains)
(2. Withdraw and refer paving portion of the petition to engineering.)
- 126-19. Councilor Joel Kaddy, to correct water problem at 15 Thurston Place.
(Be held)
- 140-19. Councilor Marcus DiNatale, to repair the sidewalk from the Reingold Elementary Exit on Franklin Road to Reingold Avenue.
(Be granted)
- 141-19. Councillor Michael Kushmerek, to investigate and remedy the water run-off in front of 546 Blossom Street that causes hazardous road conditions during the winter.
(Be granted)
- 160-19. Councillor Paul Beauchemin, to install an apron to eliminate water problems at 41 Leroy St.
(Be granted)
- 161-19. Councillor Marisa Fleming, on behalf of John Belli of 190 Will Thompson Way to eliminate some of the reflectors at the intersection of John Fitch Highway and Pearl Hill Rd.
(Refer Petition to the Public Safety Committee)
- 162-19. Councillor Marisa Fleming, on behalf of Mary Cunningham of 56 Richardson Rd. to have a berm installed.
(Be granted)
- 163-19. Councillor Michael Kushmerek, to explore the installation and use of a guardrail between 645 and 575 Blossom St.
(Be given leave to withdraw)
- 164-19. Councillor Samantha Squailia, Councilor Joel Kaddy and Mr. Wil Darcangelo, to install a pedestrian crossing signal with audible beacon at the existing crosswalk across from Prospect St. at Main St.
(Be given leave to withdraw)

- 165-19. Councillor Samantha Squailia, Councillor Elizabeth Walsh, on behalf of Melissa Beaudry, install a raised driveway apron or otherwise find remedy to the street water issue, ponding issue, at 2017 Electric Ave.
(Be granted)
- 193-19. Councilor Michael Kushmerek, on behalf of resident Jannine Carson, to trim the tree canopy on Longwood Avenue between its intersections with Lyman Street and Upland Street.
(Be granted)

VII. RECESSED HEARINGS

- 029-19. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by amending the Table of Principle Uses concerning Medical Offices and to further define different medical and medical office uses, per vote of the Fitchburg Planning Board January 8, 2019.

(Planning Board recommendation: Request that Law Dept. come up with language of an amendment with following criteria:

- Define "substance abuse clinic" and list it in the Table of Principal Uses
- Districts where this use to be allowed to be determined, recommend not in Central Business District
- Focus on the impacts of the facility (long lines, congestion)
- Establish a minimum buffer to similar uses and to residential uses)

- 076-19. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District (SG) in its entirety and replacing it with a new Section 181.87.

(Planning Board recommends the Petition be granted.)

VIII. ORDERS-FINANCE

- 195-19. ORDERED THAT: There be and hereby is transferred from within the sum of ELEVEN THOUSAND AND 00/100 DOLLARS (\$11,000.00) same to be transferred from HEALTH, SANITARY LANDFILL EXPENSES and credited to HEALTH, RUBBISH REMOVAL EXPENSES.
- 196-19. ORDERED THAT: There be and hereby is transferred the sum of ONE THOUSAND, EIGHT HUNDRED TWENTY AND 00/100 DOLLARS (\$1,820.00) same to be transferred from EMPLOYEE BENEFITS, UNEMPLOYMENT COMPENSATION and credited to PURCHASING, PERSONAL SERVICES, BUYER.

- 197-19. ORDERED THAT: There be and hereby is transferred the sum of SIX THOUSAND SIXTY-EIGHT AND 00/100 DOLLARS (\$6,068.00) same to be transferred from EMPLOYEE BENEFITS, UNEMPLOYMENT COMPENSATION and credited to COUNCIL ON AGING, EXPENSES, BUILDING & GROUNDS REPAIRS.
- 198-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from Unutil in the approximate amount of \$290,000.00 (TWO HUNDRED NINETY THOUSAND AND 00/100 DOLLARS) for the purpose of said gift, which is to reconstruct various city streets.
- 199-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Community Foundation of North Central Massachusetts in the approximate amount of \$12,000.00 (TWELVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to be used toward the construction of the Rollstone Hill Trail, also known as the Rock Walk.
- 200-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Health and Human Services, Department of Mental Health grant in the approximate amount of \$49,365.00 (FORTY-NINE THOUSAND, THREE HUNDRED SIXTY-FIVE AND 00/100 DOLLARS for the purpose of said grant, which is to support a police based Jail Diversion Program for individuals with Mental illnesses or emotional disturbances.

IX. ORDERS-OTHER

- 201-19. ORDERED THAT: The Mayor is authorized to execute a PILOT agreement to execute a Gen-Tie Easement agreement to facilitate a solar project on Fisher Road as approved by Petition #310-18.
- 202-19. ORDERED THAT: The Mayor is authorized to execute a PILOT agreement for personal property between NESG Solar Holding Company, LLC, and the City of Fitchburg.
- 203-19. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Green Soul Organics, LLC located at 32 Oak Hill Lane, Fitchburg, MA.
- 204-19. ORDERED THAT: The City of Fitchburg exercise its authority of eminent domain and award damages as outlined in the enclosed Order for the Twin Cities Rail Trail Phase One.
(Public Hearing July 16, 2019)

X. ORDINANCE

- 190-19. AN ORDINANCE: Amending the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District in its entirety and replacing it with a new Section 181.87 as outlined in the enclosed Ordinance.
(Reference Petition 76-19)
(First Reading)

XI. PETITIONS

- 205-19. Councilors Kushmerek and DiNatale, on behalf of Richard Gadoury, to install a berm at 22 Oxford Street.
(Public Works Committee)
- 206-19. Chief Kevin Roy, to petition the Council to submit a Home Rule Petition to the Massachusetts Legislature to waive the mandatory retirement age of the Chief of the Fitchburg Fire Department as outlined in the enclosed Petition.
(Legislative Affairs Committee)

Next Regular Meeting
Tuesday, July 16, 2019, 7:00 PM