

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on May 19, 2020. The meeting was called to order by President Michael Kushmerek at 7:05 P.M. The Clerk stated the names of the Councillors who have logged in and eleven (11) Councillors were present. The meeting opened with a salute to the Flag led by Councillor Zarella.

For the Record

Noted for the record:

FATV was recording the audio and video of the meeting.

Public Forum

PUBLIC FORUM

The following statement was issued for anyone wishing to participate the Public Forum:

The public is invited to participate in the Zoom webinar of May 19, 2020 07:00 PM Eastern Time (US and Canada)

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_a87wk9WFSfSAvbrup4AhJw

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

Alternatively, comments of not more than two (2) minutes may be sent to the City Clerk's Office by NOON on May 19, 2020 by calling 978-829-1820 or via email at: cityclerk@fitchburma.gov.

Mr. Glenn Fossa, 8 Olin Drive, spoke in favor of petition 127-20, and said that it was imperative to engage small/micro businesses in the discussion when re-opening of businesses took place. He noted that he hoped that individuals from the community would be involved and this would be helpful in preparing a plan to move forward.

Records

REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of May 5, 2020, were correctly recorded. Report accepted and minutes adopted.

Communication
His Honor the
Mayor

Appointment
Letter

COMMUNICATION
His Honor the Mayor
Appointment Letter

1. Detective Paul McNamara, as a Special Police Officer for the City of Fitchburg.



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

2020 MAY -1 AM 11: 27

OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF

ATOIRIGNY@FITCHBURGMA.GOV

JOAN DAVID

ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

May 1, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint Detective Paul McNamara to serve as a Special Police Officer for the City of Fitchburg pursuant to General Ordinance 40-14. Detective McNamara is scheduled to retire on May 15, 2020 after a thirty-two (32) year career with the Fitchburg Police Department.

This appointment will allow Mr. McNamara the ability to continue services to the City of Fitchburg in a limited role.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale". The signature is fluid and cursive, written over a light background.

Stephen L. DiNatale
Mayor

Appointment read and referred to the Appointments Committee.

Communication
His Honor the
Mayor
RE: FY 2021 Budget

COMMUNICATION

His Honor the Mayor
Re: FY 2021 Budget

Mary de Alderete

From: DiNatale, Stephen
Sent: Wednesday, May 13, 2020 11:26 AM
To: Kushnerek, Michael
Cc: Brooks, Calvin; Mary de Alderete
Subject: FY21 budget schedule

RECEIVED CITY CLERK

2020 MAY 13 AM 10:39

Good afternoon Mr. Council President,

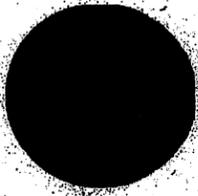
As per our recent conversation the Finance Team, Department Heads, and I have been actively assembling the FY21 budget. With the current state of COVID-19, the Finance Team is actively looking at and adjusting how this will impact the FY21 budget. In addition, the State has not provided guidance yet on local aid, and have shown possible signs of extending municipal budget deadlines past June 30th. We will be reviewing these impacts, and are awaiting guidance from the state. For this reason, we will not be submitting our FY21 budget on May 15, 2020. My office will work in coordination with you and the Clerk's Office, as soon as guidance is provided by the state.

As always, please feel free to reach out to me with any concerns you may have.

Sincerely,
Mayor DiNatale

Mayor Stephen L. DiNatale

City of Fitchburg
166 Boulder Drive Ste. 108
Fitchburg, MA 01420
P. 978.829.1800
www.fitchburgma.gov
sdinatale@fitchburgma.gov



FITCHBURG

Massachusetts

Communication read and placed on file in the City Clerk's Office.

REPORTS OF COMMITTEES

The Appointments Committee recommended the following Appointment be confirmed:

Appointments Committee Oral Report
Meeting of May 19, 2020**New Appointment****Member of the Human Rights Commission**

(Term to expire May 1, 2023)

Ms. Maritza Knight

Report accepted. Appointment confirmed by unanimous consent.
11 members present. Board consists of 11 members.

Finance Committee Report
Meeting of May 12, 2020

Finance Committee

The Finance Committee recommended the following Orders be Adopted:

- 104-20. ORDERED THAT: there be and hereby is transferred the sum of ONE HUNDRED THIRTY-TWO THOUSAND AND 00/100 DOLLARS (\$132,000.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- EQUIPMENT RENTAL \$ 82,000.00
SALT \$ 50,000.00.
- 105-20. ORDERED THAT: there be and hereby is transferred from within the sum of ONE HUNDRED SIXTY-EIGHT THOUSAND AND 00/100 DOLLARS (\$168,000.00) same to be charged against RESERVE FOR SNOW & ICE REMOVAL and credited to CEMETERY CAPITAL EXPENSES, CEMETERY EXPANSION for the purpose of expanding the Forest Hill Cemetery.
- 106-20. ORDERED THAT: there be and hereby is transferred from within the sum of SEVEN THOUSAND AND 00/100 DOLLARS (\$7,000.00) same to be charged against SNOW & ICE, OVERTIME and credited to CEMETERY CAPITAL EXPENSES, CEMETERY EXPANSION for the purpose of expanding the Forest Hill Cemetery.
- 107-20. ORDERED THAT: there be and hereby is appropriated the sum of SIX HUNDRED THOUSAND AND 00/100 DOLLARS (\$600,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT CAPITAL EXPENSES, CONSTRUCTION account, for the Downtown Transformation Project.
- 108-20. ORDERED THAT: there be and hereby is transferred from within the sum of FOUR HUNDRED FIFTY-FIVE THOUSAND AND 00/100 DOLLARS (\$455,000.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to CAPITAL FUND, PARKING GARAGE RENOVATION account, for the purpose of repairing the stairwells at the Putnam Place Garage.

Reports of
Committees
Finance Committee

109-20. ORDERED THAT: there be and hereby is transferred from within the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to LIBRARY CAPITAL EXPENSE, BUILDING RENOVATION for the purpose of preparing and repainting the exterior windows of the library building.

110-20. ORDERED THAT: there be and hereby is transferred from within the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to CAPITAL PROJECTS, FITCHBURG HIGH SCHOOL LIGHTING CONVERSION for the purpose of converting to LED lighting.

111-20. 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 \$23,332.00 (TWENTY-THREE THOUSAND, THREE HUNDRED THIRTY-TWO AND 00/100 DOLLARS) for the purpose of said grant, which is to repair the downed fence lengths surrounding the airport property.

Report read and accepted. Orders adopted by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.
Orders signed by the Mayor May 20, 2020.

Legislative
Affairs
Committee

Legislative Affairs Committee
Meeting of May 12, 2020

The Legislative Affairs Committee recommended the following Petition be held in Committee:

028-20. Councillor Paul Beauchemin, to amend ch. 169-58, (Winter Parking Ban), to increase fee from \$30.00 to \$60.00 per day when the winter parking ban is in place.

Report read and accepted. Petition held in Committee by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

The Legislative Affairs Committee recommended the following Petition be accepted:

029-20. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance as part of Phase 1 of an Ordinance update to make clarifications in the Table of Principle Uses as outlined in the Petition.

Report accepted. Recommendation approved by roll call vote of 11 in favor and 0 opposed, but hold to the Public Hearing.

PUBLIC HEARINGS

029-20. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance as part of Phase 1 of an Ordinance update to make clarifications in the Table of Principle Uses as outlined in the Petition.

**TO THE HONORABLE CITY
COUNCIL OF THE CITY OF
FITCHBURG**

Ladies and Gentlemen:
The undersigned Petition your Honorable Body to
Amend the Fitchburg Zoning Ordinance as part of Phase I of an Ordinance update to make clarifications in the Table of Principal Uses, remove internal inconsistencies and conflicts with state law, clarify definitions, make procedural changes, and to set the foundation for the more comprehensive changes that will take place in Phase II.

As voted by the Fitchburg Planning Board 1/14/2020

*Michael A. O'Hara
Pawel S. Puzos*

**FITCHBURG CITY CLERK
2020 JAN 16 PM 2:10**

No. 029 2020

PETITION

of

Fitchburg Planning Board

To amend the Fitchburg Zoning Ordinance as part of Phase 1 of an Ordinance update to make clarifications in the Table of Principle Uses as outlined in the petition.

In City Council

January 21, 2020

Referred to Committee on

Planning Board

Mary de Alderete Clerk

In City Council March 5, 2020
Petition referred to the Legislative Affairs Committee and to a Public Hearing April 7, 2020.
Mary de Alderete, Clerk

REPORT

The Committee on
Planning Board

to which was referred this petition recommend that the petition be granted, be given leave to withdraw.

In City Council

Report Read and Accepted

Clerk

Public Hearing
Petition #29-2020



CITY OF FITCHBURG, MASSACHUSETTS
DEPARTMENT OF COMMUNITY DEVELOPMENT
CITY CLERK

HOUSING & DEVELOPMENT ♦ PLANNING ♦ ECONOMIC DEVELOPMENT

2020 APR 30 PM 3:47

MEMO

TO: COUNCILOR ELIZABETH WALSH, LEGISLATIVE AFFAIRS CHAIR
FROM: TOM SKWIERAWSKI, EXECUTIVE DIRECTOR OF PLANNING AND
COMMUNITY DEVELOPMENT
SUBJECT: PHASE ONE ZONING CHANGES
DATE: 4/30/2020

Given the hearing delays that have transpired as a result of the COVID-19 public health crisis, and Community Development and Planning wanted to take the time to give the Phase One Zoning Changes another thorough analysis before the April 28th hearing.

Along with the Planning Board Chair, our consultants at BSC, and City Staff, the Phase One changes were reviewed to look for: 1) grammar or other administrative errors a result of the overhaul, and 2) Additional minor or process improvements we could make, pursuant to discussions we had with our Zoning Advisory Committee. We found several additional fixes that would improve the revised zoning ordinance, submitted to the City Clerks' Office on March 5th.

In lieu of submitted an additional, revised ordinance, compiled below are the suggested additional changes. The hope is that this will avoid the confusion of sifting through multiple revised ordinances throughout the hearing. Alternatively, if you feel an updated ordinance is preferred, happy to provide one just the same.

The following recommended changes are below:

Renewable Energies

Pursuant to the work underway between the West Group and City officials in seeking an adaptive reuse of the West Wastewater Treatment Plant facilities, a use addition was requested by the West Group to clarify that adaptive reuse would be allowed under zoning:

181.313 Table of Principal Uses

o Add

"RENEWABLE OR ALTERNATIVE ENERGY, RENEWABLE OR ALTERNATIVE FUELS RESEARCH, DEVELOPMENT OR MANUFACTURING FACILITIES" to Table of Principal Uses, make allowable in "I" district with a Special Permit from the Planning Board

181. Definitions.

- o Add definition for the above:

“RENEWABLE OR ALTERNATIVE ENERGY, RENEWABLE OR ALTERNATIVE FUELS RESEARCH, DEVELOPMENT OR MANUFACTURING FACILITIES shall include Facilities used primarily for the research, development, testing, generation or production of Renewable or Alternative Energy or Renewable or Alternative Fuels. This can include the design, development, manufacturing and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of generation/production or manufacturing.”

Items initially moved to Phase Two, now recommended for Phase One

During the Planning Board hearing, a list of items were moved to Phase Two, in the interest of time. After reviewing the list and given the additional time it appears as though a number of these fixes are quite simple and can be resolved in Phase One. Doing these in Phase One will reduce the complexity of Phase Two, making for a more comprehensible passage of the latter:

181.313 Table of Principal Use Regulations

- o C5. Hospital: Change to “N” in RA
- o D7. Nursing Home: Match with use table for Assisted Living
- o E9. Research and Testing: Change to “Y” in LI District.

181.946 Lapse – [REDACTED]

“...substantial use thereof or construction thereunder has not begun [REDACTED] except for good cause, up to 24 month...”

Administrative Errors and Consistency Improvements

The following changes clear up inconsistencies or otherwise ensure the document voted on by the Council reflects the spirit of the discussions held during the Planning Board public hearing:

Section 181.313 Table of Principal Uses.

- o A3: Remove asterisk under RB.
- o A6 Bed & Breakfast: use is listed in duplicate (item A6 and A10). Remove A10.
- o A7 Assisted Living: remove red text from PB, no changes made from original ordinance.
- o D19: Commercial Recreation: Change to N under RR.
- o D24A & D24B: remove these. It was decided to remove these suggested rows and just refer to D24 with the asterisks.

Public Hearing
Petition #29-2020

181.3212 Home Occupation reference

- o Typo: ("See Section 181.378" should read "See Section 181.78")

181.4213 add

- o Swimming pools, associated uncovered decks, and freestanding decks or patios shall be set back at least six (6) feet from any [REDACTED] side or rear lot line, and not [REDACTED] the front yard setback

181.4231

- o Typo: ("structureshall" should be "structure shall")

181.514 Design Standards Table.

- o Typo on Parking stall length of Line: (180 should read 18.0)

181.5335 Temporary Window Signs.

- o Maintain existing zoning. Revisit in Phase Two.

181.7231 PUD dimensions. remove [REDACTED]

- o Retain existing PUD dimensions "...The minimum area for a property to be eligible under this section is two acres [REDACTED]"

181.7734 (a) remove [REDACTED]

- o Typo: ...Any accessory apartment construction shall not create more than a 15% increase in the gross floor space of the [REDACTED] structure. existing

181. Definitions. remove [REDACTED]

- o Typo between Recreation and Regulations definitions.

~~a) (Amended June 8, 2018)~~

- o Planned Unit Development.

~~“PLANNED UNIT DEVELOPMENT- A planned development on a plot of land containing the minimum of the less of sixty thousand (60,000) square feet or five (5) times the minimum lot size of the zoning district, in which...”~~

- o Lodging Houses. Add a dwelling unit limit to the Lodging House definition:

~~“LODGING HOUSE – A house or apartment where lodgins are let to more than three, [REDACTED] persons...”~~

- o MAJOR RECREATIONAL VEHICLE should match language under 181.3262

I look forward to discussing these and the other changes at the April 28th hearing of Legislative Affairs. Until then, if you have any questions about these or other changes in advance of the hearing, please don't hesitate to reach out.

**City of Fitchburg Zoning Ordinance Review and Update
Phase 1 Summary of Changes**2020 APR 30 PM 3:14
FITCHBURG CITY CLERK

1. 181.2 Districts
 - a. Added zoning district purpose and description
 - b. Deleted Medical Marijuana Dispensary Overlay District
2. 181.3 Use Regulations
 - a. One principal use per lot clarification
 - b. Changed FSC to FSU and changed Commercial & Automotive to Commercial
 - c. Revised Contractor/Construction Yard definition to ensure consistency throughout the Ordinance
 - d. Table of Principal Use Regulations – reorganized and increased consistency of the Special Permit Granting Authority for specific uses
3. 181.4 Dimensional Regulations – and incorporated provisions and purpose for infill development from the Planning Board Rules and Regulations
4. Moved Home Occupation to 181.7 Special Residential Regulations
5. Moved Accessory Apartments to 181.7 Special Residential Regulations
6. 181.356 Discontinuance and Abandonment clarifications
7. 181.426 Moved residential uses by right on Main Street from Intensity Regulations to Use Regulations
8. 181.514 Decreased required parking stall length to 18' from 18.5'
9. 181.53 Signs - Reed vs. Gilbert tweaks
10. 181.64 Consolidated marijuana regulations
 - a. 181.6444 Added language to limit number of Marijuana Establishments if such limits are adopted in the General Ordinance by the City Council
11. 181.7 Special Residential Development – Added minimum lot area for Flexible Development
12. 181.84 Planned Development District – Beefed up requirements
13. 181.87 Smart Growth Zoning Districts – Incorporated amended 4OR ordinance
14. 1891.10 Definitions
 - a. Moved certain common definitions from the body of the Ordinance to this section
 - b. Added definitions for Landscaping Business, Lodging House, Lot Line Types, Single Housekeeping Unit, Sleeping Unit, Zoning Map, and Zoning Ordinance.
15. Certain amendments from municipal zoning professionals (building, planning) for greater clarity to assist with interpretation and enforcement
16. A number of small fixes referred in a April 2nd memo: changes proposed AFTER the Planning Board submitted their revisions

PUBLIC HEARINGS

029-20. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance as part of Phase 1 of an Ordinance update to make clarifications in the Table of Principle Uses as outlined in the Petition.

The Hearing was declared open. Mr. Tom Skwierawski, Executive Director for Community Development, joined the meeting. Councilor Beauchemin noted that he had concerns regarding parking and fencing. Mr. Skwierawski explained that Phase I of the changes was to clear up inconsistencies, remove redundancies, condensing sections where appropriate. Phase II would be considered "transformative" where map amendments, use adjustments (such as central business districts, to identify their unique characteristics), would take place. Parking would be looked at during this Phase.

Councilor Walsh noted that she had received two requests for amendments from Councilor Schultz. The first was to amend the Zoning Ordinance to change the name "marijuana" to cannabis. She stated that has held conversations with Representative Hay and Councilor Zarrella regarding this. Councilor Zarrella had stated that in Massachusetts General Laws, the substance is referred to as marijuana and the only reference to it as cannabis was in the name "Cannabis Control Commission". Council Walsh said that Representative Hay was willing to examine filing legislation to change the name. Councilor Walsh and Schultz have agreed to allow Representative Hay to take that step before anything is changed at the local level.

Councilor Walsh stated that the second amendment was to modify the areas where retail outlets would be allowed to sell marijuana. Both she and Councilor Schultz agreed to hold off on this portion until Phase II changes were taking place.

No one spoke in favor or opposition to the petition. Hearing closed.

The petition was granted by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Public Hearing
Petition #98-2020

098-20. Comcast, to request a grant of location to install a new conduit to provide service to number 1200 John Fitch Highway.



Comcast
David R. Flewelling
Specialist 2 Construction
9 Forbes Road, Suite 9B
Woburn, MA 01801
Cell - 617-279-7864
dave_flewelling@comcast.com

March 12, 2020

Ms. Anna M. Farrell
City Clerk
City of Fitchburg
City Hall
166 Boulder Drive
Fitchburg, MA 01420

RE: 1200 John Fitch Highway
Fitchburg, MA

Dear Ms. Farrell:

Enclosed please find materials supporting Comcast request for a grant of location from the Fitchburg City Council. The work associated with the attached petition is for the purpose of installing a new conduit to provide service to number 1200 John Fitch Highway.

I look forward to the opportunity to address this matter in further detail at the next Fitchburg City Council Meeting. Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling".

David R. Flewelling
Specialist 2, Construction

Enclosure (3)

2020 MAR 12 PM 1:09
FITCHBURG CITY CLERK

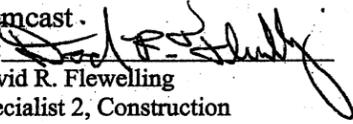
PETITION OF COMCAST FOR LOCACTION FOR CONDUITS AND MANHOLES

To the City Council for the City of Fitchburg, Massachusetts:

Respectfully represents Comcast of Massachusetts III, Inc., a company incorporated for the distribution of broadband services, that it desires to construct a line for such telecommunications under the public way or ways hereinafter specified.

Will Thompson Way: Starting at the existing Comcast pedestal excavating to place (1) 4" PVC conduit 91' +/- to a proposed Comcast Pedestal. From the newly placed pedestal the conduit installation continues on to the private property to service number 1200 John fitch Highway.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by Comcast of Massachusetts III Inc. dated, March 12, 2020 and filed here with, under the following public way or ways of said City of Fitchburg:

Comcast.
By: 
David R. Flewelling
Specialist 2, Construction

Dated this March 12, 2020

City of Fitchburg Massachusetts

Received and filed _____, 2020

Public Hearing
Petition #98-2020

ORDER FOR CONDUIT LOCATION

In the City Council for the City of Fitchburg, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast of Massachusetts III, Inc., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated March 12, 2020.

Will Thompson Way: Starting at the existing Comcast pedestal excavating to place (1) 4" PVC conduit 91' +/- to a proposed Comcast Pedestal. From the newly placed pedestal the conduit installation continues on to the private property to service number 1200 John Fitch Highway.

Substantially as shown on plan marked - Proposed Comcast Underground, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council for the City of Fitchburg, Massachusetts, held on the _____ day of _____ 2020.

(over)

Town Clerk

We hereby certify that on _____, 2020, at _____ o'clock _____ M., at Fitchburg, Massachusetts a public hearing was held on the petition of the Comcast for permission to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice the time and place of said hearing to each of the owners of real estate determined by the last preceding assessment for taxation along the ways parts of ways upon which the Company is permitted to construct the lines said Company under said order. And that thereupon said order was duly adopted.

Fitchburg City Council; Fitchburg, Massachusetts

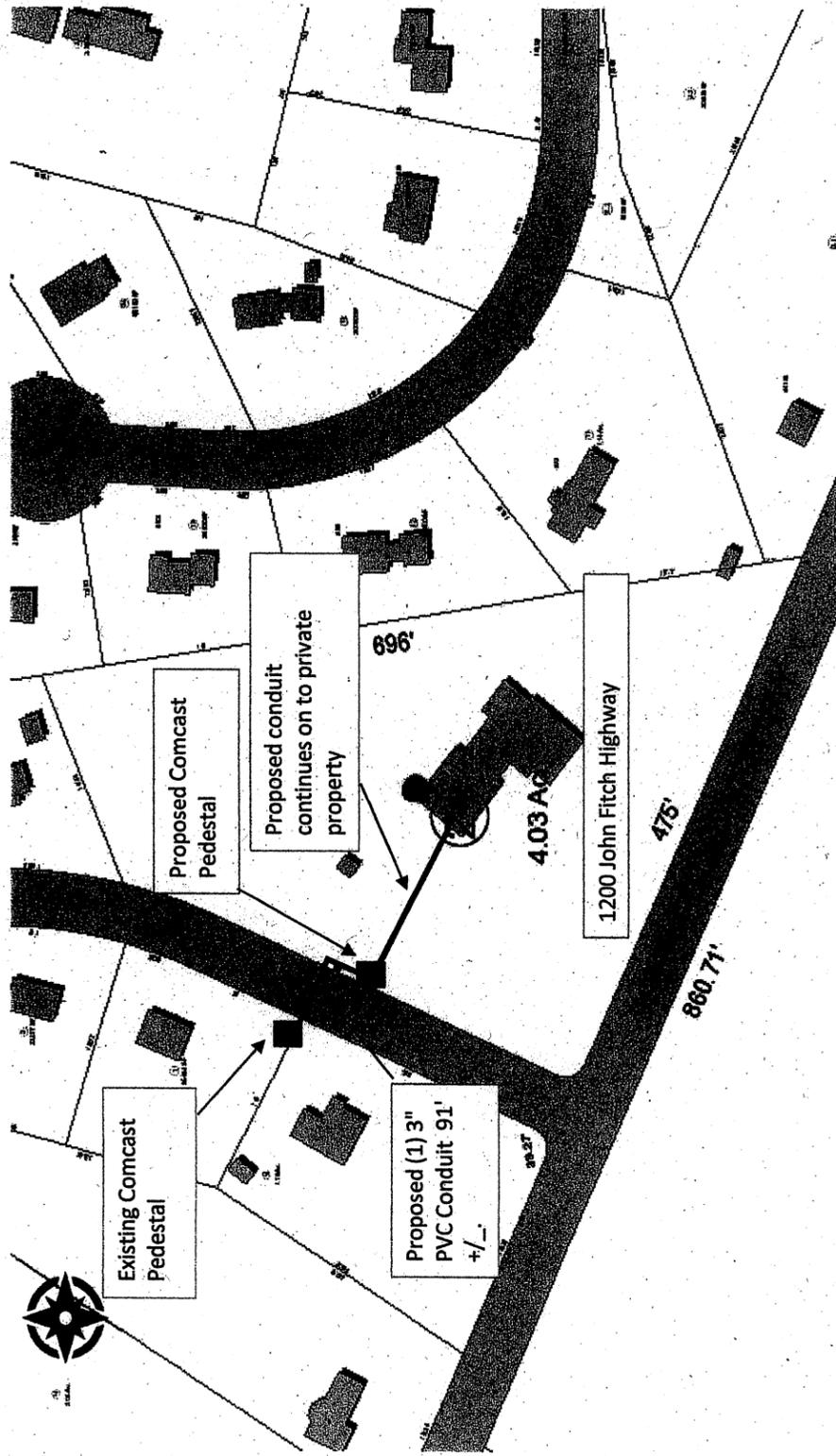
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with the notice adopted by the City Council for the City of Fitchburg, Massachusetts, on the _____ day of _____ 2020, recorded with the records of location orders of said City, Book _____, Page _____. This certified copy is made under the provision of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

Public Hearing
Petition #98-2020



Proposed Comcast Underground Conduit
 Plan To service 1200 John Fitch Highway in
 Fitchburg, MA
 Date : March 12, 2020
 Scale : NA
 Sketch by : DRF

Notes:
 1. This plan was prepared to depict the proposed Comcast Underground to service 1200 John Fitch Highway in Fitchburg, MA.
 2. All work to be undertaken shall conform with the City of Fitchburg Engineering Department and Public Work Standards.
 3. Dig Safe shall be notified 72 hours in advance of

The Hearing was declared open. Mr. Dave Flewelling, representative from Comcast, joined the meeting. No one spoke in favor or opposition to the petition. Hearing closed.
 The petition was granted by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

ORDERS-FINANCE

- 118-20. ORDERED THAT: There be and hereby is transferred from within the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) same to be transferred from ELECTION & REGISTRATION, PERSONAL SERVICES, ELECTION WORKERS and credited to CITY CLERK, PERSONAL SERVICES, CITY CLERK (\$8,000.00) and CITY CLERK, PERSONAL SERVICES, SICK TIME BUYBACK (\$12,000.00).
- 119-20. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-SEVEN THOUSAND, TWELVE AND 00/100 DOLLARS (\$37,012.00) same to be charged against AVAILABLE FUNDS and credited to VETERANS, CASH BENEFITS, (\$35,000.00) and to VETERANS, FUNERAL BENEFITS (\$2,012.00) accounts, for the purpose of covering anticipated expenses for the remainder of the year.
- 120-20. ORDERED THAT: There be and hereby is transferred from within the sum of FORTY-SIX THOUSAND, NINE HUNDRED EIGHTY-ONE AND 51/100 DOLLARS (\$46,981.51) same to be transferred from YEAR 41 HOMEOWNER REHABILITATION PROGRAM to YEAR 45 BUSINESS ASSISTANCE PROGRAM.
- 121-20. ORDERED THAT: There be and hereby is transferred from within the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be transferred from YEAR 45 DEMOLITION to YEAR 45 BUSINESS ASSISTANCE PROGRAM.

Orders adopted under Suspension of the Rules by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Orders signed by the Mayor May 20, 2020.

-
- 122-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the CARES act, U.S. Department of Housing and Urban Development; CDBG-CV Program in the approximate amount of \$586,047.00 (FIVE HUNDRED EIGHTY SIX THOUSAND, FORTY SEVEN AND 00/100 DOLLARS) for the purpose of said grant as follows:

Small Business Assistance: \$130,000.00
Rental/Mortgage/Utility Assistance: \$230,000.00
Health and Social Services Resources: \$ 70,000.00
Purchase of PPE: \$ 21,000.00
Homelessness Services: \$ 20,000.00
Food Insecurity Assistance: \$ 25,000.00
Grant Administration: \$ 90,047.00

Liz Murphy, Director of House and Development spoke regarding the ~~assistance~~ the CARES act funds and the goals she hoped would be realized with the Program. Order adopted under Suspension of the Rules by roll call vote of 10 in favor and 0 opposed, 10 members present. Board consists of 11 members.
Order signed by the Mayor May 20, 2020.

Orders-Finance

Regarding the following Orders 123-20 through 125-20:
John Deline, Deputy Commission of Water Supply, explained that the funds would be necessary in order to comply with the grant requirement timeline.

123-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Division of Conservation Services, Drinking Water Supply Protection grant program in the approximate amount of \$36,208.00 (THIRTY-SIX THOUSAND, TWO HUNDRED EIGHT AND 00/100 DOLLARS) for the purpose of said grant, which is for the costs of purchasing a certain parcel of land in Ashby known as the Porter Property.

124-20. ORDERED THAT: There be and hereby is appropriated the sum of FORTY-FIVE THOUSAND AND 00/100 DOLLARS (\$45,000.00) same to be charged against FUND BALANCE RESERVED FOR LAND PURCHASES and credited to WATER CAPITAL EXPENDITURES, LAND PURCHASES.

Orders adopted under Suspension of the Rules by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Orders signed by the Mayor May 20, 2020.

ORDER-OTHER

Order-Other

125-20. ORDERED THAT: Authorizing the City of Fitchburg to purchase a certain parcel of land in Ashby known as the Porter Property, being a 20 acre parcel of land located on Crocker Road in Ashby within the watershed of Fitchburg Reservoir as outlined in the enclosed Order.

City of Fitchburg

FITCHBURG CITY CLERK

2020 MAY 14 AM 7:38

In City Council,

ORDERED:- That

RESOLUTION and ORDER this _____ day of _____, 2020 authorizing the City of Fitchburg to (1) purchase a certain parcel of land in Ashby known as the Porter Property (hereinafter, "Property), said Property being a 20 acre parcel of land located on Crocker Road in Ashby within the watershed of Fitchburg Reservoir; (2) the purchase of said Property will be funded by the DWSP Grant Program and by City of Fitchburg Division of Water Supply funds; (3) to place the Property under the control, supervision and management of the Board of Water/Wastewater Commissioners; (4) to authorize the Board of Water/Wastewater Commissioners, the DPW Division of Water Supply, its municipal agents and the Mayor to carry out the intent and purposes of this Order by signing contracts, recordable instruments and any other instruments in the name of and on behalf of the City of Fitchburg to carry out these purposes, in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

NOW THEREFORE BE IT RESOLVED and ORDERED that the Porter Property conveyed to the City of Fitchburg shall be subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts as open space for drinking water supply protection purposes and that the Property shall be placed in the control, care and custody of the Board of Water/Wastewater Commissioners of the City of Fitchburg, and it is further,

ORDERED that the Board of Water/Wastewater Commissioners, the Deputy Commissioner of the City of Fitchburg D.P.W. - Division of Water Supply and municipal agents are hereby authorized to execute contracts and any other instruments as are necessary or helpful for carrying out this Order, and it is further,

ORDERED that the Mayor of the City of Fitchburg is authorized to execute contracts and restrictions and any other instruments as he, in his discretion, shall determine necessary or helpful for carrying out this Order. Third parties may rely upon the representation of the Mayor as to his authority to execute any such instrument in the name of the City of Fitchburg.

Order adopted under Suspension of the Rules by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Order signed by the Mayor May 20, 2020.

PETITIONS

The following Petition was referred to a Public Hearing
June 16, 2020:

- 126-20. Unitil, to petition for three new pole locations, approximately 935 feet West of Williams Road, on the North side of McIntire Road as outlined in the enclosed Petition.

CITY CLERK

For City Clerk's Book
(Copy of Order adopted Granting original Pole Location,
and Certificate of Notice and Hearing)

City of Fitchburg

IN CITY COUNCIL

ORDERED: That upon petition of Unitil, dated 05/04/2020 due notice having been given and a public hearing held as provided by law, permission is hereby given said Company to construct and use a line for the transmission of electricity for lighting, and power, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

MCINTIRE RD. - Approximately 935' West of Williams Rd. - 3 proposed new pole locations on the North side of McIntire Rd., as shown on pole petition. See attached sketch. (Plan No. 3452-L)

And to said Company, its successors and assigns, is hereby granted a location for such line, the same to be constructed and maintained in accordance with the Ordinances of said City and with the following

SPECIFICATIONS:

The poles shall be located substantially as shown on a plan filed herewith marked "Unitil Proposed Pole Locations in Fitchburg, Plan No. 3452-L, Dated 05/04/2020" hereby referred to and made a part of this order.

Also that permission be and hereby is granted to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

I hereby certify that the foregoing order was adopted after due notice and a public hearing as prescribed by Chapter 166 of the General Laws, namely, after a public hearing had been held by the City Council on _____ 2020, written notice of the time and place of which had been mailed at least seven days prior thereto by me to all owners of real estate abutting upon the ways or parts of ways upon, along or across which the lines are to be constructed under said order, said ownership having been determined by the last preceding assessment for taxation.

City Clerk

Order-Other

(Order for Adoption by Granting Original Pole Location)

City of Fitchburg

IN CITY COUNCIL

ORDERED: that upon petition of Unitil dated 05/04/2020, due notice having been given and a public hearing held as provided by law, permission is hereby given said Company to construct and use a line for the transmission of electricity for lighting, heating and power, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

MCINTIRE RD. - Approximately 935' West of Williams Rd. - 3 proposed new pole locations on the North side of McIntire Rd., as shown on pole petition. See attached sketch. (Plan No. 3452-L)

And to said Company, its successors and assigns, is hereby granted a location for such line, the same to be constructed and maintained in accordance with the Ordinances of said City and with the following

SPECTFICATIONS:

The poles shall be located substantially as shown on a plan filed herewith marked "Unitil Proposed Pole Locations in Fitchburg, Plan No. 3452-L, Dated 05/04/2020," hereby referred to and made a part of this order.

Also that permission be and hereby is granted to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

(Signed) _____ City Clerk

For the Company
(Attested Copies of Order Adopted by Granting
Original Pole Locations and of Certificate of Notice of Hearing)

City of Fitchburg

IN CITY COUNCIL

ORDERED: that upon petition of Unitil, dated 05/04/2020, due notice having been given and a public hearing held as provided by law, permission is hereby given said Company to construct and use a-line for the transmission of electricity for lighting, heating and power, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

MCINTIRE RD. - Approximately 935' West of Williams Rd. - 3 proposed new pole locations on the North side of McIntire Rd., as shown on pole petition. See attached sketch. (Plan No. 3452-L)

And to said Company, its successors and assigns, is hereby granted a location for such line, the same to be constructed and maintained in accordance with the Ordinances of said City and with the following

SPECIFICATIONS:

The poles shall be located substantially as shown on a plan filed herewith marked "Unitil Proposed Pole Locations in Fitchburg, Plan No. 3452-L, Dated 05/04/2020," hereby referred to and made a part of this order.

Also that permission be and hereby is granted Unitil to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

(Copy of Certificate by City Clerk appearing on his record of the foregoing order.)

I hereby certify that the foregoing order was adopted after due notice and a public hearing as prescribed by Chapter 166 of the General Laws, namely, after a public hearing had been held by the City Council on _____ 2020. written notice of the time and place of which had been mailed at least seven days prior thereto by me to all owners of real estate abutting upon the ways or parts of ways upon, along or across which the lines are to be constructed under said order, said ownership having been determined by the last preceding assessment for taxation.

I hereby certify that the foregoing are true copies of (1) an order adopted by the City Council on the _____ day of _____ 2020, and (2) my certificate as to notice and hearing which appears on my official record of said order, and that the original order was duly recorded by me in a book kept exclusively for the purpose of recording such orders.

Attest: _____ 2020

City Clerk

Order-Other

(Petition for Original Pole Location)

Fitchburg, MA May 4, 2020

To the City Council of the City of Fitchburg:

Unitil, a company incorporated under the laws of the Commonwealth for the transmission of electricity for lighting, heating and power, respectfully ask permission to construct and use a line for such transmission, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

MCINTIRE RD. - Approximately 935' West of Williams Rd. - 3 proposed new pole locations on the North side of McIntire Rd., as shown on pole petition. See attached sketch. (Plan No. 3452-L)

And to this end your Honorable Board is hereby requested, after due notice and a public hearing as provided by law, to grant to your petitioner, and its successors and assigns, a location for such line agreeably to the provisions of Chapter 166 of the General Laws and all acts in amendment thereof.

Also for permission to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

It is suggested that the poles be located substantially as shown on a plan filed herewith marked "Unitil Proposed Pole Locations in Fitchburg, Plan No. 3452-L, Dated 05/04/2020".

UNITIL FITCHBURG GAS AND ELECTRIC LIGHT COMPANY

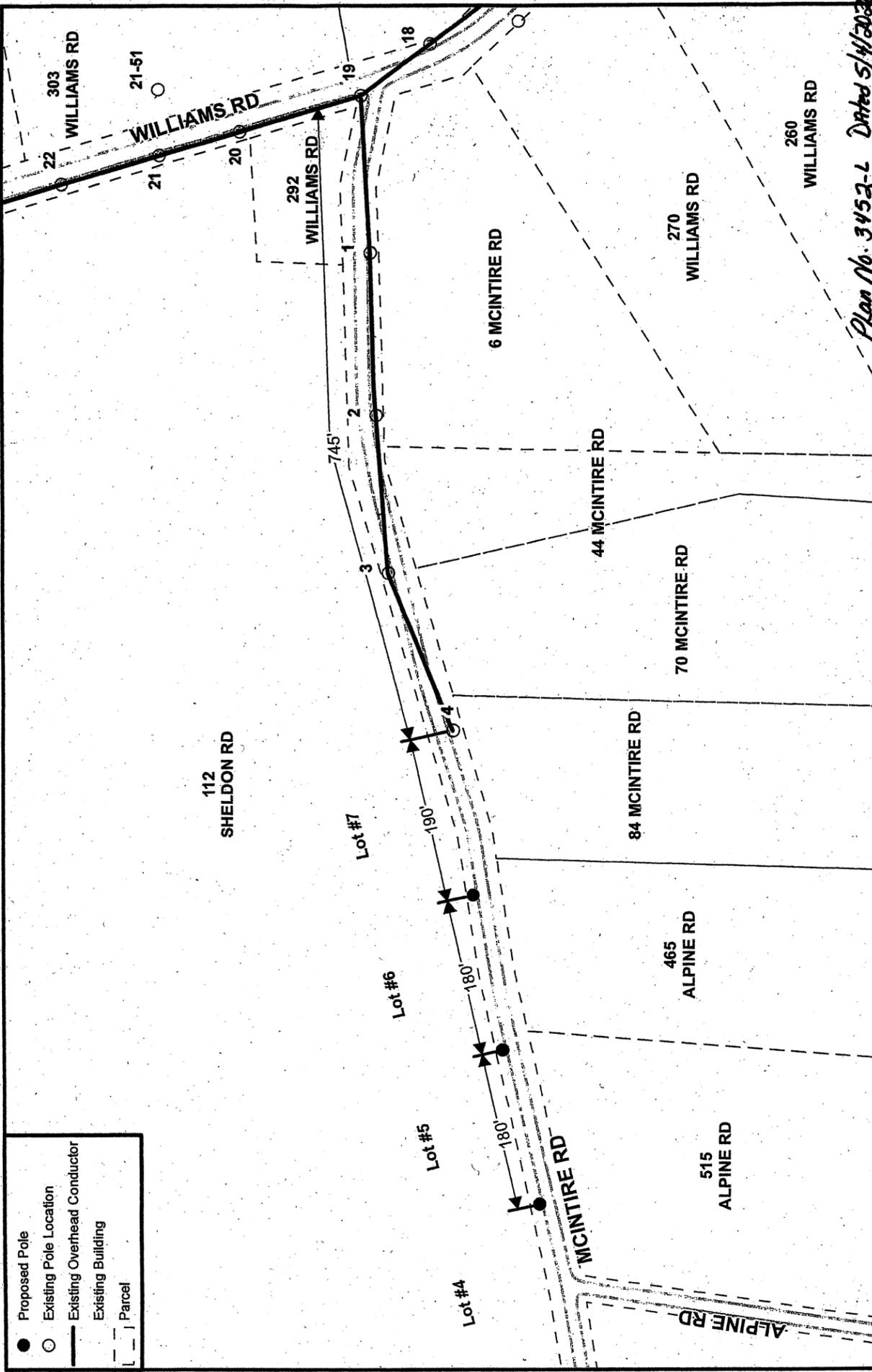
By 
Keith Caribo
Manager Electric T & D Operations

City of Fitchburg

2020

Received and filed.

City Clerk



Plan No. 3452-L Dated 5/1/2020

Pole Petition
 McIntire Rd
 Fitchburg, MA



Drawn olsonj

Date 4/30/2020



Scale 1" = 150'

Petitions

The following Petition was referred to the Economic Development Committee:

127-20. Glenn Fossa, to include local business owners with the following criteria in the Corona Economic Recovery Task Force as outlined in the enclosed Petition.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

include local business owners with the following criteria in a/the Corona Economic Recovery Task Force.

The local task force consortium should include at least three local business owners:

1 Service/Tradesman/restaurant owner 0-10 employees;

1 Service/Tradesman/Food service owner 10-50 workers/employees;

A Small business/manufacturer/franchise owner/designee with 50-500 employees.

Each of these can easily advise how Federal, State, & Local government impacts them and how the Covid-19 dynamic will/has changed their business model. Most importantly is how government locally can use this information to make the most of their reopening/recovery.

Glenn Fossa

FITCHBURG CITY CLERK 20 MAY -6 PM 1:50

No. _____ - 2020

PETITION

of

Glenn Fossa

To include local business owners with the following criteria in the Corona Economic Recovery Task Force as outlined in the enclosed Petition.

In City Council

May 19, 2020

Referred to Committee on

Mary de Alderete Clerk

REPORT

The Committee on

to which was referred this petition recommend that the petition be granted, be given leave to withdraw.

In City Council

Report Read and Accepted

Clerk

Mary de Alderete

~~PT 19-05-20~~ CITY CLERK

2020 MAY -6 AM 8:21

From: Walsh, Elizabeth
Sent: Tuesday, May 5, 2020 8:22 PM
To: Mary de Alderete
Cc: Kushmerek, Michael; glennfossa@hotmail.com
Subject: Fw: REVISED COMMUNICATION Corona Economic Task Force

Dear Madam Clerk,

It is my understanding from the letter (see below) from Glenn Fossa that Mr. Fossa would like to submit the following as a petition to the City Council to be placed on the agenda a the next City Council meeting, said petition to read as follows:

"A petition by Glenn Fossa to include local business owners with the following criteria in a/the Corona Economic Recovery Task Force.

The local task force consortium should include at least three local business owners:

- 1 Service/Tradesman/restaurant owner 0-10 employees;
- 1 Service/Tradesman/Food service owner 10-50 workers/employees;
- A Small business/manufacturer/franchise owner/designee with 50-500 employees.

Each of these can easily advise how Federal, State, & Local government impacts them and how the Covid-19 dynamic will/has changed their business model. Most importantly is how government locally can use this information to make the most of their reopening/recovery.

Glenn Fossa"

I ask Mr. Fossa at this time to send to you, Madam Clerk, any additional documents, such as the FEE materials that he mentioned, that he would like included with his petition.

Beth

Beth Walsh
 Ward 6 City Councilor
 ewalsh@fitchburgma.gov

Petitions

From: Glenn Fossa <glennfossa@hotmail.com>
Sent: Saturday, May 2, 2020 4:59 PM
To: Glenn Fossa
Cc: Walsh, Elizabeth; DiNatale, Marcus; Green, Amy; Van Hazinga, Andrew; Andrew Couture
Subject: REVISED COMMUNICATION Corona Economic Task Force

NEW REVISED EMAIL

Greeting everyone,

Please forgive the reference to "Agenda Item" on the email sent yesterday. I am actually referencing the "Mayors Bulletin" viewed on Facebook and the NCMCC partnership/symposium ahead.

Councillor Walsh A.S. we previously spoke on this topic; please petition/present at the next available Council Meeting my petition to include members of the business community articulated below.

I wish to petition the city to include local business owners with the following criteria in a/the Corona Economic Recovery Task Force.

As resource material the FEE document is sent under separate transmission.

Please add my concern the local task force consortium should include at least three local business owners.

1 Service/Tradesman/restaurant owner 0-10 employees;

1 Service/Tradesman/Food service owner 10-50 workers/employees;

A Small business/manufacturer/franchise owner/designee with 50-500 employees.

Each of these can easily advise how Federal, State, & Local government impacts them and how the Covid-19 dynamic will/has changed their business model. Most importantly is how government locally can use this information to make the most of their reopening/recovery.

I have already delivered excerpts from the FEE webinar scheduled for May 7, for a future resource document.

Sincerely,
Glenn Fossa

The following Petition was referred to the Legislative Affairs Committee, Public Safety Committee, and the Building Commissioner:

128-20. Councillor Paul Beauchemin, to petition that all applications for a Dealer's License must be for ten (10) cars, minimum.

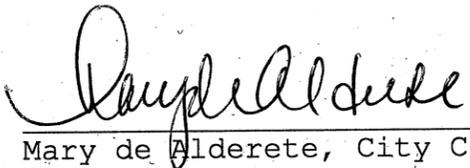
The following Petition was referred to the City Property Committee, Planning Board, and the Public Works Committee:

129-20. Councillor Paul Beauchemin, to accept Beech Street Lane as a Street within the City of Fitchburg.

The following Petition was referred to the Public Works Committee:

130-20. Councillor Paul Beauchemin, to petition that Unitil repair the sidewalks where new poles have been added for the area of Woodland and Pratt Street and Pratt Road (Poles 5, 6, 7, 8, and 23) with asphalt or cement, as well as the poles at Beech Street and Pratt Road.

The meeting adjourned at 8:18 P.M.



Mary de Alderete, City Clerk