



FITCHBURG CITY CLERK

*Sep 07 2023 12:54 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 July 18, 2023.

The meeting was called to order by President Zarrella at 7:00 P.M. The meeting opened with a salute to the Flag led by Councilor Schultz. The City Clerk called the roll 9 Councilors were present Councilor DiNatale, Fleming and Van Hazing via Zoom. Councilor Cragin and Green were absent. Board consists of 11 members.

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**I. PUBLIC FORUM**

- President Zarrella informed the public that FATV, effective August 1, 2023, Comcast Xfinity will be moving from Channel 99 to channel 9.
- Jacquelyn Wehtje, Fitchburg resident, spoke in opposition of 205-23
- Jessica Jacobson, Fitchburg resident, spoke in opposition of 205-23
- Mary Jean, Fitchburg resident, spoke in opposition of 205-23 and 213-23

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**II. ANNOUNCEMENTS**

**Councilor Schultz submitted:** The next three meetings of the Widowed Helping Widowed Support Group will take place on Thursday, July 27, Thursday, August 10, and Thursday, August 24, 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 these three meetings.

Joanna Bilotta, City Clerk, would like to remind residents of the upcoming Preliminary Election being held on Tuesday, September 26, 2023. All candidate nomination papers need be filed at the Clerk's office by Tuesday, August 8, 2023, by 4:30 PM. The last day to register to vote for the Preliminary Election is Saturday, September 16, 2023.

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### III. APPOINTMENTS COMMITTEE

**Appointments Committee**  
**Oral Report**  
**Meeting of July 18, 2023**

**Permanent Full Time Firefighters**  
**For the City of Fitchburg**

Francis J. Leblanc  
Brendan V. Byrne

Report accepted. Appointments confirmed by unanimous consent 9/0. 9 members present. Board consists of 11 members.

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**New Appointments:**

**Poll Workers**

For the period of September 1, 2023, through August 31, 2024.  
(To be sworn in during training sessions)

Councilor Van Hazinga recused himself 7:13 PM

Motion and second Appointment confirmed by unanimous consent 8/0. 8 members present. Board consists of 11 members.

Councilor Van Hazinga returned at 7:14pm

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### IV. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of July 5, 2023 were correctly recorded. Report accepted and minutes adopted by unanimous consent 9/0. 9 members present. Board consist of 11 members.

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### V. COMMUNICATIONS

His Honor the Mayor

213-23. RESOLUTION: WHEREAS, on July 16, 2023, the City of Fitchburg experienced significant rain, including up to six (6) inches of rain within a three-hour period;

WHEREAS, extensive damage was caused throughout the City by flooding and erosion, stemming from the aforementioned rainfall;

WHEREAS, there has been and continues to be an immediate threat to the health and safety of persons and property within the City;

THEREFORE, pursuant to M.G.L. c. 44 §31, the City Council hereby declares the existence of a local emergency effecting the health and safety of the residents of the City of Fitchburg and enters an order to permit the Department of Public Works, the Fire Department, and the Police Department to engage in emergency deficit spending

in order to meet the emergency caused by said rainfall and to take all necessary and relevant steps to mitigate against anticipated future rains forecasted for July 2023.

Councilor Cruz called a Point of order at 8:05 PM, President Zarrella ruled not well taken.

Resolution was accepted by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

Orders signed by the Mayor July 20, 2023

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## **VI. REPORT OF COMMITTEES**

### **Finance Committee**

#### **Oral Report**

#### **Meeting of July 12, 2023**

- 184-23. ORDER THAT: there be and hereby is transferred from within the sum of TWENTY-SIX THOUSAND, SIX HUNDRED EIGHTY-FOUR AND 40/100 DOLLARS (\$26,684.40) same to be transferred from COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, FOOD INSECURITY ASSISTANCE (\$3,620.40) and from COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, BUSINESS LOANS & GRANTS (\$23,064.00) and credited to COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19, RENTAL AND UTILITY ASSISTANCE.  
(Be Adopted)
- 185-23. ORDER THAT: there be and hereby is transferred from within the sum of FIFTY-SEVEN THOUSAND, SIX HUNDRED FIFTY-ONE AND 72/100 DOLLARS (\$57,651.72) same to be transferred from CDBG YEAR 47 STREETSCAPES PROJECT and credited to CDBG YEAR 48 PARKS AND PLAYGROUNDS.  
(Be Adopted)
- 196-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs FY24 Greening the Gateway Cities Program Implementation Grant Award in the approximate amount of \$88,650.00 (EIGHTY-EIGHT THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS) for the purpose of said grant, which is to achieve tree planting, promote stewardship and appreciation of Fitchburg's trees for the environmental benefits and energy savings that a healthy tree canopy brings to the residents of the City.  
(Be Adopted)
- 197-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs FY24 Greening the Gateway Cities Program Partnership Grant Award in the approximate amount of \$12,944.00 (TWELVE THOUSAND NINE HUNDRED FORTY-FOUR AND 00/100 DOLLARS) for the purpose of said grant, which is to assist DCR Urban and Community Forestry as they plant trees in target neighborhoods in Fitchburg to increase tree canopy cover for environmental and energy efficiency benefits.  
(Be Adopted)

Report read and accepted. Orders Adopted by unanimous consent 9/0. 9 members present.  
Board consists of 11 members.

Order signed by the Mayor July 20, 2023

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## **VII. PUBLIC HEARINGS**

201-23. Unitil, to petition for a new pole #22A on Beech St., approx. 260' North of Pratt Street and approx. 43' South of LaFlamme Pl., as outlined in the enclosed Petition.

President Zarrella declared the hearing open at 8:14 PM.

Mr. John Kimball was present to represent Unitil. No one spoke in favor of or in opposition to the petition.

President Zarrella declared the hearing closed at 8:19 PM.

Petition was granted by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

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202-23. Unitil, to install conduit from existing pole #6, approximately 245.3' South along Old Princeton Rd., and approximately 155.6' West to the Flagg Pond Substation. This is for the purpose of installing a fiber optic service line as outlined in the enclosed Petition.

President Zarrella declared the hearing open at 8:20 PM.

Mr. John Kimball was present to represent Unitil. No one spoke in favor of or in opposition to the petition.

President Zarrella declared the hearing closed at 8:21 PM.

Petition was granted by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

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## **VIII. ORDERS – FINANCE**

Motion and second for suspension of rules on Orders 205-23 through 210-23 by 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

205-23. **ORDER THAT:** the City of Fitchburg hereby approves the expenditure of funds from the FY24 Infectious Disease Investigation and Response grant in the approximate amount of TWO HUNDRED FORTY THOUSAND (\$240,000) for the purpose of said grant, which is to support Disease Investigators, a portion of the Disease Investigator Supervisor and Disease Resource Coordinator, to provide infectious disease investigation and response in all thirteen communities of the Montachusett Public Health Network (MPHN).  
(Suspension of Rules)

Order 205-23 adopted by roll call vote of 7 in favor and 2 opposed (Councilor DiNatale, Fleming). 9 members present. Board consists of 11 members.

Order signed by the Mayor July 20, 2023

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206-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTY-THREE THOUSAND EIGHTY AND 00/100 DOLLARS (\$63,080.00) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of paying FATV for 2022 PEG Grant proceeds received from Verizon.  
(Suspension of Rules)

Order 206-23 adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members.

Order signed by the Mayor July 20, 2023

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207-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts, the sum of TWO HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$228,000) same to be transferred from:

EMPLOYEE BENEFITS, WORKERS COMPENSATION	\$ 35,000
EMPLOYEE BENEFITS, UNEMPLOYMENT	\$100,000
EMPLOYEE BENEFITS, LIFE INSURANCE	\$ 18,000
EMPLOYEE BENEFITS, OTHER BENEFITS	\$ 45,000
EMPLOYEE BENEFITS, CH 41 FIRE	\$ 30,000

and credited to:

EMPLOYEE BENEFITS, MEDICARE	\$ 85,000
EMPLOYEE BENEFITS, HEALTH INSURANCE	\$143,000

(Suspension of Rules)

208-23. ORDER THAT: there be and hereby is transferred within Fiscal 2023 accounts, the sum of THIRTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$36,500) same to be transferred from MISCELLANEOUS, GENERAL INSURANCE and credited to: MISCELLANEOUS, MEDICARE BILLING COMMISSIONS (\$4,500) and EMPLOYEE BENEFITS, HEALTH INSURANCE (\$32,000).  
(Suspension of Rules)

Orders 207-23 and 208-23 were adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members.

Orders signed by the Mayor July 20, 2023

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209-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts the sum of NINE THOUSAND DOLLARS (\$9,000) same to be transferred from ELECTION & REGISTRATION, PERSONAL SERVICES, ELECTION WORKERS and credited to the following accounts:

CITY COUNCIL EXPENSES	\$2,500
CITY CLERK EXPENSES	\$ 500
ELECTION & REGISTRATION EXPENSES	\$ 6,000

(Suspension of Rules)

Order 209-23 adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members.

Order signed by the Mayor July 20, 2023

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210-23. ORDER THAT: there be and hereby is transferred from within Fiscal 2023 accounts the sum of THREE HUNDRED FIFTY DOLLARS (\$350) same to be transferred from VETERANS BENEFITS GENERAL and credited to VETERANS EXPENSES – TEMPORARY PERSONAL SERVICES.  
(Suspension of Rules)

Order 210-23 adopted by unanimous consent 9/0. 9 members present. Board consists of 11 members.

Order signed by the Mayor July 20, 2023

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#### **IV. LOAN ORDERS-ROLL CALL VOTE**

211-23. LOAN ORDER: That the City appropriate the amount of Two Million One Hundred Forty Nine Thousand One Hundred Forty Nine Dollars (\$2,149,149.00) for the purpose of paying costs of the boiler replacement at the Arthur Longsjö Middle School located at 98 Academy Street, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Fitchburg Public Schools. To meet this appropriation the Fitchburg City Council is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. The Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Loan Order was sent to a first and second reading and ordered advertised by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

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## X. ORDINANCES

198-23. AN ORDINANCE: Article IV, §169-24 of the Fitchburg City Code entitled “Parking prohibited at all times” as most recently amended, shall be amended as follows:

A new line shall be inserted directly below the line beginning “Holt Street” and the following words shall be inserted therein:

The words “Industrial Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “Entire Length” shall be inserted under the “Location” column.  
A new line shall be inserted directly below the line beginning “Spruce Street” and the following words shall be inserted therein:

The words “Stevens Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “Entire Length” shall be inserted under the “Location” column.

A new line shall be inserted directly below the line beginning “Fulton Street” and the following words shall be inserted therein:

The words “Game On Way” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words “From the intersection of Industrial Road and Victoria Lane to the entrance of the Game On Facility Entrance” shall be inserted under the “Location” column.

(Final Reading)

Ordinance 198-23, was sent to a third and final reading and adopted to be enrolled and ordained by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

Ordinance signed by the Mayor July 20, 2023

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199-23. AN ORDINANCE: Article VII, §169-99 of the Fitchburg City Code, entitled “Specific towing zones designated” as most recently amended, shall be amended as follows:

A new line shall be inserted directly below the line beginning “Richardson Street” and the following words shall be inserted therein:

The words “Roper Road” shall be inserted under the “Name of Street” column;

The words “Both” shall be inserted under the “Side” column;

The words "From Industrial Road to the Westminster Town Line" shall be inserted under the "Location" column.

A new line shall be inserted directly below the line beginning "Scripture Road" and the following words shall be inserted therein:

The words "Victoria Lane" shall be inserted under the "Name of Street" column;

The words "Both" shall be inserted under the "Side" column;

The words "Entire Length of Street During Game On Functions" shall be inserted under the "Location" column.

(Final Reading)

Ordinance 199-23, was sent to a third and final reading and adopted to be enrolled and ordained by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

Ordinance signed by the Mayor July 20, 2023

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200-23. AN ORDINANCE: Article IV, §169-24 of the Fitchburg City Code entitled "Parking prohibited at all times" as most recently amended, shall be amended as follows:

A new line shall be inserted directly below the line beginning "Chapel Street" and the following words shall be inserted therein:

The words "Charles Street" shall be inserted under the "Name of Street" column;

The words "Both" shall be inserted under the "Side" column;

The words "From a point of 50 feet from all four corners of the intersection of Charles and Forest Streets" shall be inserted under the "Location" column.

(Final Reading)

Ordinance 199-23, was sent to a third and final reading and adopted to be enrolled and ordained by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.

Ordinance signed by the Mayor July 20, 2023

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## **XI. PETITION**

The following Petition was referred to Public Works Committee:

212-23. City Councilor Bernie Schultz on behalf of Jimmy Cordero of 58 Forest Street and Carrie Harris of 70 Forest Street to request an improved berm at 70 Forest Street to prevent rainwater from running down the Forest Street hill and damaging property at both the 58 Forest Street and 70 Forest Street addresses. There is also a sidewalk repair needed in front of 58 Forest Street. (Photos for each address are attached.)  
(Public Works)

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## **XII. OTHER BUSINESS**

To set a date to invite Waste Management for discussion on Resolution 046-23.

046-23. RESOLUTION: A resolution by Councilor Marcus DiNatale seeking a vote of no confidence in curbside collection service provider Waste Management. The resolution states as follows as outlined in the enclosed Resolution.

President Zarrella suggested the Resolution be added to the September 19<sup>th</sup>, 2023 City Council meeting.

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## **XIII. EXECUTIVE SESSION**

CONVENE INTO EXECUTIVE SESSION, under MGL c.30A, §21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, to review for release May 4, 2022 and July 15, 2023 Executive Session Meeting Minutes.

Next Regular Meeting  
Tuesday, September 5, 2023, at 7:00 PM

The meeting adjourned at 8:48 P.M.

*Joanna Bilotta-Simeone*

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Joanna Bilotta-Simeone, City Clerk