

May 26 2023 10:36 am



**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councilors at Large

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

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

Ward Councilors

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

Finance Committee

A meeting of the Finance Committee was called to order by Councilor DiNatale on Wednesday, May 24, 2023 at 6:12 PM in the Legislative Building, 700 Main Street, Fitchburg, MA.

Committee Members present: Councilors Paul Beauchemin, Marcus DiNatale, Samantha Squailia, and Andrew Van Hazinga.

Committee Members absent: Councilor Anthony Zarrella.

The chairman read an announcement regarding the recording of public meetings, noting that FATV was recording and broadcasting the meeting. No other person stated that they were recording the meeting.

The chairman opened the meeting for public comment.

Jacquelyn Wehtje spoke on Order #137-23, stating her opposition to the establishment of the Agricultural Commission and to the creation of an Agricultural Preservation Fund.

136-23 ORDER: that the City of Fitchburg hereby approves the expenditure of funds from the United Way of North Central Massachusetts, DESE, After School and Out of School Time Program grant in the approximate amount of \$31,500.00 (THIRTY-ONE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to support the city's summer recreation program.

Discussion: The chairman announced that he was taking Order #137-23 out of order. Recreation Director James Bunnell was present. He stated that the city has been awarded another grant for the summer recreation program. Prior to this year the summer program operated as a free drop-off center. This summer the city will be charging a nominal fee and will offer a more robust program with field trips each week. This grant will cover transportation costs.

Councilors asked how many weeks the program will run. Mr. Bunnell responded that the program will run for six weeks and children can attend for one week, multiple weeks, or for the whole six weeks. Discounts will be offered for multiple weeks or for multiple children, and he will work with families suffering financial hardships. Over the past few years the number of parks being covered has been going down as attendance has declined. This summer the focus will be on Parkhill Park and Coolidge Park. Programs will run from nine to two with breakfast and lunch offered. He is looking to run more than just a babysitting program.

Councilors asked about rainouts, and Mr. Bunnell said since there is no inside venue, he would deal with each event individually. With pre-registration he believes the children can be overseen better and their needs anticipated. The program is geared to younger children who are not old enough to be left at home alone. Perhaps in future years programs could be developed for older children. He still has openings for counselors and attendants.

Action: On a motion made by Councilor Squailia second by Councilor Van Hazinga, the committee voted unanimously to approve Order #136-23.

130-23 ORDER: that the City of Fitchburg hereby rescinds the unissued balance of Loan Order #185-18 for replacement of water meters throughout the city and related projects in the amount of \$300,000.00 (THREE HUNDRED THOUSAND AND NO/100 DOLLARS).

131-23 ORDER: that the City of Fitchburg hereby rescinds the unissued balance of Loan Order #229-15 for various projects at the East Wastewater Facility and related projects in the amount of \$8,144,614.00 (EIGHT MILLION, ONE HUNDRED FORTY-FOUR THOUSAND, SIX HUNDRED FOURTEEN AND NO/100 DOLLARS).

132-23 ORDER: that the City of Fitchburg hereby rescinds the unissued balance of Loan Order #189-19 for construction of a new airport runway and related projects in the amount of \$14,604,000.00 (FOURTEEN MILLION, SIX HUNDRED FOUR THOUSAND AND NO/100 DOLLARS).

133-23 ORDER: that the City of Fitchburg hereby rescinds the unissued balance of Loan Order #017-20 for repair/replacement of the roof and boilers at the South Street School and related projects in the amount of \$3,105,666.00 (THREE MILLION, ONE HUNDRED FIVE THOUSAND, SIX HUNDRED SIXTY-SIX AND NO/100 DOLLARS).

Discussion: The chairman announced that he was taking up Orders #130-23, #131-23, #132-23, and #133-23 together. City Treasurer Anne Cervantes was present. She stated that these orders are housekeeping items to rescind unused portions of borrowing authorizations on projects that are complete.

Action: On a motion made by Councilor Van Hazinga second by Councilor Squailia, the committee voted unanimously to approve Orders #130-23, #131-23, #132-23, and #133-23.

134-23 ORDER: that the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Public Health Excellence grant in the approximate

amount of \$555,779.80 (FIVE HUNDRED FIFTY-FIVE THOUSAND, SEVEN HUNDRED SEVENTY-NINE AND 80/100 DOLLARS) for the purpose of said grant, which is expand on shared services between municipalities in the Montachusett Public Health Network (MPHN).

Discussion: Public Health Director Steve Curry was present. Councilors expressed concern about fringe benefits for employees paid by the grant. Mr. Curry replied that employees under this grant are already city employees who are partially paid by the grant and that their fringe benefits would be partially covered by the grant. Councilors asked if the grant was from the state. Mr. Curry answered that it is a state grant funded by a federal grant.

Action: On a motion made by Councilor Van Hazinga second by Councilor Beauchemin, the committee voted unanimously to approve Order #134-23.

135-23 ORDER: that the City of Fitchburg approves the expenditure of additional funds from the Massachusetts Collaborative for Action, Leadership, and Learning 3 Substance Misuse Prevention grant in the approximate amount of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) for the purpose of said grant, which is to prevent and reduce misuse of substances of first use (alcohol, nicotine, cannabis) among youth.

Discussion: Mr. Curry remained. He reported that this request is for the third year of a grant that can last up to eight years. Currently it covers the gathering of information through surveys to schools. The results will be used to develop a strategic plan and its implementation. Currently they are still gathering facts, but expect to be done with that phase by the end of the fiscal year.

Action: On a motion made by Councilor Van Hazinga second by Councilor Squailia, the committee voted unanimously to approve Order #135-23.

137-23 ORDER: that pursuant to M.G.L. Chapter 40, section 8L and the receipt of a FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) gift to the Fitchburg Agricultural Commission, the City of Fitchburg hereby establishes an Agricultural Preservation Fund and approves the expenditure of said funds.

Discussion: Agricultural Commission Chairman Evan Halstead and Agricultural Commission Secretary Jen Barlow were present. Mr. Halstead stated that the commission was established in 2014 but has only recently become active. They handed out a copy of MGL Chapter 40, section 8L. Through the commission the city can acquire land for agricultural use and preservation. Acquisition of land requires an appraisal to establish land value. The commission is asking to approve establishing the fund.

Councilors asked if the land would be classified differently than it is under Chapter 61A. Mr. Halstead said that it is different, because the city would own it. Councilors asked if the funds could be used for purposes other than acquisition of land and were told that it could also be used for preparing plans, property surveys, or soil studies, as examples. The chairman then read from MGL on the purposes of the commission.

Councilors asked if the commission can act without the mayor. Deputy Auditor Jacquelyn Cronin stated that the law requires City Council to approve contracts and gifts of real property. The commission can apply for grants, but mayoral approval is required. It functions

more like the Conservation Commission Wetlands Fund. Councilors stated that the goal is to help farmers and not to take over the farming. Mr. Halstead said that the commission wants to help educate the community on agricultural matters.

Action: On a motion made by Councilor Van Hazinga second by Councilor Squailia, the committee voted unanimously to approve Order #137-23.

138-23 ORDER: that there be and hereby is appropriated the sum of FIFTY-EIGHT THOUSAND, ONE HUNDRED FORTY-THREE AND 00/100 DOLLARS (\$58,143.00) same to be charged against AVAILABLE FUNDS and credited to LIBRARY, PERSONAL SERVICES.

Discussion: Human Resources Director Susan Davis and Library Director Deb Hinkle were present. The chairman noted that this order covers two years of retro pay for the period through June 30, 2023. Ms. Davis said that after they started negotiations there was turnover within the negotiating team causing delays in reaching an agreement. Councilors asked why FY2024 was not completed. Ms. Davis replied that there were other issues to be settled and not enough time to get a third year done.

Action: On a motion made by Councilor Van Hazinga second by Councilor Squailia, the committee voted unanimously to approve Order #138-23.

Councilor Van Hazinga recused himself from Orders #139-23, #140-23, #141-23, and #142-23 and left the room.

139-23 ORDER: that there be and hereby is appropriated the sum of FIFTY-NINE THOUSAND, NINE HUNDRED THIRTY AND 00/100 DOLLARS (\$59,930.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:

CITY AUDITOR, PERSONAL SERVICES	\$ 2,036.00
PURCHASING, PERSONAL SERVICES	\$ 4,020.00
ASSESSORS, PERSONAL SERVICES	\$ 2,454.00
TREASURER, PERSONAL SERVICES	\$ 6,049.00
INFORMATION TECH., PERS. SERVICES	\$ 7,811.00
CITY CLERK, PERSONAL SERVICES	\$ 2,193.00
COMM. DEV., PERSONAL SERVICES	\$ 8,333.00
POLICE, PERSONAL SERVICES	\$ 3,602.00
PUBLIC WORKS, PERSONAL SERVICES	\$14,068.00
CEMETERY, PERSONAL SERVICES	\$ 2,715.00
VETERANS, PERSONAL SERVICES	\$ 2,297.00
RECREATION, PERSONAL SERVICES	\$ 2,552.00
EMPLOYEE BENEFITS, OTHER BENEFITS	\$ 1,800.00

140-23 ORDER: that there be and hereby is appropriated the sum of THIRTEEN THOUSAND, SIX HUNDRED ELEVEN AND 00/100 DOLLARS (\$13,611.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to WATER PERSONAL SERVICES.

141-23 ORDER: that there be and hereby is appropriated the sum of TWELVE THOUSAND, SEVEN HUNDRED NINETY-THREE AND 00/100 DOLLARS (\$12,793.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited WASTEWATER PERSONAL SERVICES.

142-23 ORDER: that there be and hereby is transferred from within the AIRPORT, PERSONAL SERVICES accounts the sum of TWO THOUSAND, TWO HUNDRED FIFTY-FOUR AND 00/100 DOLLARS (\$2,254.00).

Discussion: The chairman announced that he was taking up Orders #139-23, #140-23, #141-23, and #142-23 together. Ms. Davis remained. The chairman noted that the FAMASS contract settlement was for three years and that this order covers the first year. The second year is included in the Mayor's FY2024 Budget. Ms. Davis reported that negotiations for this contract had been successful. The chairman noted the cost of living adjustment for each year is 3%, 3%, and 3%.

Councilors asked if the General Fund is paying for the Airport order. City Auditor Calvin Brooks replied that it does not, that the order is a transfer from within the Airport budget. Councilors also noted that the longevity is increasing and expressed concern about the size of the increases. Ms. Davis answered that there have been times over the years when the union has taken zeros and that longevity is one of the benefits granted to acknowledge service when COLA's not granted. Councilors also noted that lower wages have hurt recently when trying to recruit new employees. Councilors stated that the taxpayer is not an open checkbook and want to see results.

Action: On a motion made by Councilor Beauchemin second by Councilor Squailia, the committee voted unanimously to approve Orders #139-23, #140-23, #141-23, and #142-23.

Councilor Van Hazinga then returned to the meeting.

143-23 ORDER: that there be and hereby is appropriated the sum of SIXTY-EIGHT THOUSAND, SEVEN HUNDRED NINETY-THREE AND 00/100 DOLLARS (\$68,793.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:

MAYOR, PERSONAL SERVICES	\$ 4,072.00
CITY AUDITOR, PERSONAL SERVICES	\$ 7,100.00
PURCHASING, PERSONAL SERVICES	\$ 3,341.00
ASSESSORS, PERSONAL SERVICES	\$ 3,341.00
TREASURER, PERSONAL SERVICES	\$ 5,795.00
HUMAN RESOURCES, PERSONAL SERVICES	\$ 5,064.00
CITY CLERK, PERSONAL SERVICES	\$ 2,819.00
COMM. DEV., PERSONAL SERVICES	\$ 3,341.00
FACILITIES, PERSONAL SERVICES	\$ 3,080.00
POLICE, PERSONAL SERVICES	\$ 6,056.00
FIRE, PERSONAL SERVICES	\$ 6,839.00
BUILDING, PERSONAL SERVICES	\$ 3,446.00
PUBLIC WORKS, PERSONAL SERVICES	\$ 4,124.00

HEALTH, PERSONAL SERVICES	\$ 3,654.00
COUNCIL ON AGING, PERSONAL SERVICES	\$ 2,141.00
LIBRARY, PERSONAL SERVICES	\$ 3,080.00
EMPLOYEE BENEFITS, OTHER BENEFITS	\$ 1,500.00

144-23 ORDER: that there be and hereby is appropriated the sum of THREE THOUSAND, SIX HUNDRED FIFTY-FOUR AND 00/100 DOLLARS (\$3,654.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to WATER PERSONAL SERVICES.

145-23 ORDER: that there be and hereby is appropriated the sum of THREE THOUSAND, FOUR HUNDRED FORTY-SIX AND 00/100 DOLLARS (\$3,446.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited WASTEWATER PERSONAL SERVICES.

146-23 ORDER: that there be and hereby is transferred from within the AIRPORT, PERSONAL SERVICES accounts the sum of TWO THOUSAND, SIX HUNDRED TEN AND 00/100 DOLLARS (\$2,610.00).

Discussion: The chairman announced that he was taking up Orders #143-23, #144-23, #145-23, and #146-23 together. Ms. Davis remained. She said that the ordinance was set by the mayor and that this order funds the ordinance which was approved by City Council at its last meeting. It covers non-union personnel. A discussion followed about the FY2024 Budget and the FY2023 Projected, which does not include this change.

Action: On a motion made by Councilor Beauchemin second by Councilor Squailia, the committee voted unanimously to approve Orders #143-23, #144-23, #145-23, and #146-23.

COMMUNICATION: Memorandum of Agreement between the City of Fitchburg and the Inspector's SEIU 888 group.

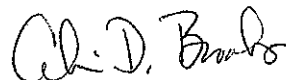
COMMUNICATION: Memorandum of Agreement between the City of Fitchburg and the Wastewater SEIU 888 group.

Discussion: The chairman announced he was taking up the two communications together. Ms. Davis remained. He stated that these contracts begin with the next fiscal year and that the funding for FY2024 is included in the FY2024 Budget. Approving the budget will essentially ratify the contracts. Ms. Davis reported that these contracts were settled after two meetings with each group.

Action: On a motion by Councilor Squailia second by Councilor Beauchemin, the committee voted unanimously to accept the two communications and place them on file.

On a motion made by Councilor Squailia second by Councilor Beauchemin, the committee voted unanimously to adjourn.

The meeting adjourned at 7:25 PM.
Respectfully submitted, Calvin D. Brooks, Clerk



City of Fitchburg
Available Funds Summary
Fiscal Year 2023

Available Funds Certified as of July 1, 2022			6,514,191
Less Approved Appropriations:			
01/17/23	010-23	Stabilization Fund	-350,000
07/17/23	011-23	OPEB Fund	-250,000
01/17/23	012-23	Reserve for Capital Expenses	-27,500
02/07/23	022-23	Stabilization Fund - Future Debt Service	-500,000
02/07/23	023-23	Assessors, Contracted Services	-2,620
02/07/23	024-23	Various Departments, Personal Services - Contract Adjustments	-14,885
02/07/23	025-23	Police, Personal Services - Contract	-435,000
02/07/23	026-23	Fire, Personal Services - Contract	-465,000
02/21/23	029-23	Fire Expenses, Gas & Oil	-60,000
03/07/23	041-23	Public Works, Personal Services - Contract	-453,300
03/21/23	047-23	Health, Weights & Measures	-16,760
03/21/23	048-23	Police, Radio Repair	-45,000
03/21/23	049-23	Info Tech, Contracted Services - Patriot Property Software & SQL	-32,721
03/21/23	050-23	Info Tech, Capital Improvements - reroute fiber on Cherry Street	-70,000
03/21/23	052-23	Community Development, Downtown Cleanup	-50,000
03/21/23	053-23	Community Development, Contracted Services - Rail Trail	-30,000
03/21/23	054-23	Community Development, Municipal Hearing Officer	-10,000
04/18/23	088-23	Longsjo School Windows and Doors	-1,400,000
04/18/23	089-23	Public Works, Stormwater Expenses	-400,000
05/16/23	117-23	Snow & Ice, Salt	-54,791
05/16/23	118-23	City Auditor, Deputy Auditor	-10,000
05/16/23	119-23	Law, Damages Persons & Property	-175,000
05/16/23	120-23	Facilities, Expenses	-35,000
05/16/23	121-23	Airport Expense	-120,000
Subtotal - Approved Appropriations			-5,007,667
Balance Available			1,506,524
Less Proposed Appropriations:			
05/16/23	138-23	Library, Personal Services - Contract	-58,143
05/16/23	139-23	Various Departments, Personal Services - Contract	-59,930
05/16/23	143-23	Various Departments, Personal Services - Ordinance	-66,793
05/16/23	150-23	FY2024 Budget	-1,300,000
Subtotal - Proposed Appropriations			-1,486,866
Balance Available if Proposed Appropriations are Approved			19,768
Possible Appropriations:			
Snow & Ice			
Stabilization Fund 5% - \$7,499,346 7% - \$10,499,084 Current - \$7,954,692			
OPEB Fund Current - \$2,324,167			
Stabilization Fund for future debt service costs \$500,000 for two more years			
Labor Contracts			
Comp Time			
Overtime			
Veterans - Cash Benefits			
Community Development - Rail Trail - Phase 2			
Main Street Garage - Phase 1			
Salary Study			
Crocker Field			
DPW - Oak Hill Road Bridge			
Schools - Longsjo School - Boiler Replacement			
Police Station Renovation			
Senior Center Renovation			
Cemetery Software			
Cemetery - Vehicles			
Cemetery - Mausoleum			
Cemetery - Engineering & Design for Expansion			
Cemetery - Construction for Expansion			
Parks - Downtown Summer Groundskeeper			

Acts of Massachusetts 2016, Chapter 218

AN ACT MODERNIZING MUNICIPAL FINANCE AND GOVERNMENT

(Section 23 was codified in MGL Chapter 40, Section 8L)

SECTION 23. Said chapter 40 is hereby further amended by inserting after section 8K the following section:-

Section 8L. (a) For the purposes of this section "farming" and "agriculture" shall have the same meaning as ascribed to them in section 1A of chapter 128.

(b) A municipality which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the municipality. Unless otherwise restricted by law, a municipal agricultural commission may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural-related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devises of money or personal property of any nature and interests in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.

(f) A commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture-related field. If farmers or persons employed in agriculture are not available to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of a commission shall be appointed by the mayor unless otherwise provided by

the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager unless otherwise provided by the city's charter. In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a commission may be removed for cause by the appointing authority after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the remainder of the unexpired term in the same manner as the original appointment.

(g) A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.

(Section 215 is not in MGL Chapter 40, Section 8L; it is codified in MGL Chapter 111, Section 31.)

SECTION 215. Section 31 of said chapter 111, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

(Section 243 is not in MGL Chapter 40, Section 8L. It is not codified in Mass. General Laws)

SECTION 243. A municipal agricultural commission established before the effective date of this act shall have the authority provided to municipal agricultural commissions in section 8L of chapter 40 of the General Laws without further action to accept said section 8L of said chapter 40.