



**CITY OF FITCHBURG MASSACHUSETTS  
CITY COUNCIL CALENDAR**

**February 20, 2018 7:00PM**

**Memorial Middle School Library  
615 Rollstone Street  
Fitchburg MA 01420**

**WELCOME TO THE FITCHBURG CITY COUNCIL!**

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

**Executive Session**

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

**OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:**

**Public Forum**

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

**Public Hearings**

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

**I. PUBLIC FORUM**

**II. REPORT OF COMMITTEE ON RECORDS**

**III. COMMUNICATION**

Department of Agricultural Resources

**IV. COMMUNICATION**

Central Mass Mosquito Control Project

**V. REPORTS OF COMMITTEES**

**Appointments Committee Oral Report**  
**Meeting of February 20, 2018, 6:45 PM**

**New Appointments:**

**Fitchburg Housing Authority**

(Term to expire March 1, 2023)

(To fill the position of Mr. Paul Fontaine, whose appointment expires March 19, 2018.)

Mr. Andrew J. Van Hazinga

**Trustees of Public Burial Grounds**

(Term to expire February 1, 2020)

Ms. Andrienne G. Clark

**Re-Appointment**

**Board of Health**

(Term to expire January 1, 2021)

Mr. Ian Murray

**Finance Committee**

**February 13, 2018, 6:00 PM**

018-18. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be transferred from ASSESSOR, PERSONAL SERVICES, DEPARTMENT HEAD and credited to ASSESSOR EXPENSES, CONTRACTED SERVICES.  
(Be Held)

019-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the U.S. Food and Drug Administration, Retail Standards Grant Program grant in the approximate amount of \$3,000.00 (THREE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide funding for staff to attend FDA trainings, workshops, and seminars to maintain food inspection standards.  
(Be Adopted)

020-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of

Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$5,407.00 (FIVE THOUSAND, FOUR HUNDRED SEVEN AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to teach fire safety to children in elementary schools.

(Be Adopted)

021-18. ORDERED THAT: That the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$2,813.00 (TWO THOUSAND, EIGHT HUNDRED THIRTEEN AND 00/100 DOLLARS) for the purposes of said grant, which is to teach senior citizens about the importance of fire safety and avoiding in particular cooking and electrical fires.

(Be Adopted)

023-18. Stephen Curry, Board of Health Director, to approve the attached Board of Health adopted fees for Food Services Establishments based on the risk level of the Food Establishments.

(Be Granted)

**Public Safety Committee Oral Report**  
**Meeting of February 20, 2018, 6:00 PM**

109-13. Councillor Jody Joseph and Clement Cotnoir, to place a crosswalk at the corner of Jeffrey St. and Electric Ave. This would allow Mr. Cotnoir access to the adjacent sidewalk.

119-17. Councillor Paul Beauchemin, to place a stop sign on Columbus St. at the intersection of St. Joseph Ave. and Columbus St., and also at the intersection of Oak Hill Road and Columbus St.

229-17. Councillor Paul Beauchemin, to replace a stop sign with a yield sign that is located at the corners of Daniels St. and River St., because it is a roundabout.

230-17. Councillor Paul Beauchemin, to request that all roundabouts in the city be uniform.

244-17. Councillor Marcus DiNatale, mandating that for any non-aviation event at the Fitchburg Municipal airport, said event must end no later than 7:00 PM on Sunday through Thursday evenings and no later than 9 PM on Friday and Saturday evenings.

- 254-17. Councillor Marcus DiNatale, to install two traffic Mirrors, one at the intersection of Shea Street and Franklin Road, and the other at the intersection of Kimball Street and Rollstone Street (across from FATV).
- 280-17. Councillor Paul Beauchemin, to put a stop sign at the corner of Amiott and King Streets, as outlined in the Petition.
- 281-17. Councillor Joel Kaddy, to install proper signage showing that two lanes of traffic can turn onto Main Street heading towards River Street.  
(**AMENDED** to install proper signage "at the Upper Common facing Prospect Street" and referred as amended)
- 297-17. Councillors Joel Kaddy and Marcus DiNatale, to install a stop sign at the intersection of Vernon Street and Sanborn Street.
- 298-17. Councillor Paul Beauchemin, to have painted on the portion of Electric Ave. and Franklin Road a 20 mile an hour warning on the pavement so as to slow traffic as indicated in the drawing.
- 299-17. Councillor Michael Kushmerek, to install stop signs on Mt. Globe Street at its intersection with Davis Street.
- 320-17. Harold Mateo, RSC Global Holdings, LLC, for a Class II Dealer's License at 1118 Water Street.
- 009-18. Councillor Michael Kushmerek and residents of Ward 4 whose signatures are attached, to conduct a speeding and/or traffic analysis in the High and Marshall Street Neighborhood as determined by the Fitchburg Police Traffic Bureau.

#### **VI. LOAN ORDER**

- 017-18. LOAN ORDER: That \$2,000,000.00 be appropriated to pay costs of rehabilitation, improvements, and making extraordinary repairs to school buildings, as outlined in the enclosed Loan Order.  
(Final Reading)

## VII. ORDERS-FINANCE

- 027-18. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- |                              |              |
|------------------------------|--------------|
| PERSONAL SERVICES, OVERTIME: | \$ 25,000.00 |
| EQUIPMENT RENTAL             | \$ 65,000.00 |
| SALT                         | \$110,000.00 |
- 028-18. ORDERED THAT: The City Council, by majority vote pursuant to G.L. c. 4, §4, adopt the provisions of G.L. c. 64N, §3 to impose a local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at the rate of up to three (3%) percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, the rate to be specified by City Ordinance.
- 029-18. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Atlantic Medical Partners located at 774 Crawford Street, Fitchburg, MA.
- 030-18. ORDERED THAT: The City of Fitchburg accepts a deed in lieu of foreclosure for municipal charges and taxes for the real property located at 116-118 Day Street.

## VIII. ORDINANCES

- 031-18. AN ORDINANCE:
1. To add a new section 181.65, Marijuana Establishments, to regulate non-medical marijuana as outlined in the enclosed Ordinance.
  2. To amend the definitions of RMD, MMD and MMM in Section 181.10 to remove a requirement that the operator be a non-profit entity as follows.
  3. To add the following Section Regulating signs.
  4. to amend the requirements for site plan review by amending Section 181.9414 as follows.
  5. To amend the prohibited home occupations by adding the following to Section 181.333 (Prohibited Home Occupations)  
(Planning Board & Public Hearing April 3, 2018)
- 032-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-5, "Local Marijuana Sales Tax Rate" as outlined in the enclosed Ordinance.  
(Refer to Finance Committee)

- 033-18. AN ORDINANCE: Amending chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by changing the title to "Alcoholic Beverages and Marijuana" as outlined in the enclosed Ordinance.  
(Refer to Legislative Affairs Committee)
- 034-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-3, "Marijuana Retailers" as outlined in the enclosed Ordinance.  
(Refer to Legislative Affairs Committee)
- 035-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-4, "Social Marijuana Consumption" as outlined in the enclosed Ordinance.  
(Refer to Legislative Affairs Committee)
- 036-18. AN ORDINANCE: Amending Section 132-63 of the City Code by inserting the following Paragraph defining the term "marijuana" after the definition of the word "drug" in the existing Ordinance as outlined in the enclosed Ordinance.  
(Refer to Legislative Affairs Committee)
- 037-18. AN ORDINANCE: That Paragraph A of Section 132-64 of the City Code, entitled "Prohibited Acts", shall be amended by inserting the words, "drugs, marijuana," after the words "any other private or public property where"; by inserting the words "drugs, marijuana," after the words "an underage person will or does consume any"; by inserting the words "drugs, marijuana," before the words "alcohol or alcoholic beverage with the intent to consume it" As outlined in the enclosed Ordinance.  
(Refer to Legislative Affairs Committee)

#### **IX. PETITIONS**

- 038-18. Councillor Paul Beauchemin and City Solicitor Vincent Pusateri petitions the Council to ensure that property located at 150 Legros Street be provided access via public ways. The City will be required to cause a survey, obtain an appraisal, and perform a taking by eminent domain in order to correct the problem.  
(City Property Committee, Planning Board, Public Works Committee)
- 039-18. Officer Leroy Jackson, to remove the last 2 metered parking spots on Easterly side of Wallace Ave. @ Elm Street and replace with a new "Loading Zone" for the off-loading of passengers using the Senior Center, particularly Elderly and Handicapped.  
(Public Safety Committee)

- 040-18. Councillor Marcus DiNatale and Miriam Ruiz Gonzalez, to install new fencing at the Boylston Street Playground.  
(Public Works Committee)
- 041-18. Councillor Michael Kushmerek and Ms. Sharon Bernard, to repair the handicap accessible ramp located at the crosswalk immediately in front of the library. The ramp and adjoining curb are uneven, causing pooling and hazardous ice buildup.  
(Public Works Committee)

Next Regular Meeting  
Tuesday, March 6, 2018, 7:00 PM