



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

April 3, 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 FROM HIS HONOR THE MAYOR

Appointment Letters

1. Captain Anthony Marrama, as permanent Deputy Fire Chief, to replace Deputy Chief David Gravel who will retire April 8, 2018.
2. Lieutenant Dante Suarez to permanent Fire Captain, to replace Captain Marrama.
3. Firefighter Robert DaCosta to permanent Fire Lieutenant, to replace Lt. Suarez.
4. Lieutenant Richard Jollimore to permanent Fire Captain.

IV. COMMUNICATION

Pension Reserves Investment Management Board

V. REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of April 3, 2018, 6:45 PM

Re-Appointments:

Fitchburg Redevelopment Authority Board of Directors

(Term to expire July 1, 2021)

Mr. George Leondhardt

Member of the Board of Commissioners of Trust Funds

(Term to expire January 1, 2021)

Mr. David Brassard

Fitchburg Council on Aging

(Term to expire March 1, 2021)

Mr. John Antilla

New Appointment

Fitchburg Council on Aging

(Term to expire March 1, 2021)

Ms. Nancy Fors

Council as a Whole Committee

Meeting of March 27, 2018

- 066-18. AN ORDINANCE: Be it ordained by the City Council of the City of Fitchburg that Chapter 147-35 of the Code of the City of Fitchburg relative to the adoption of charges and fees, be and hereby is amended as follows; By inserting the following table of Chapter 147, Section 35.2;
(Revised Chart attached)
(Be adopted as amended to include the revised fees table; FIRST READING AS AMENDED)

Finance Committee

Meeting of March 27, 2018, 6:00 PM

- 054-18. ORDERED THAT: There be and hereby is appropriated the sum of TWENTY-TWO THOUSAND, THREE HUNDRED THIRTY-ONE AND 00/100 DOLLARS (\$22,331.00) same to be charged against AVAILABLE FUNDS and credited to LAW OTHER EXPENSES, DAMAGES TO PERSONS AND PROPERTY for the purpose of paying the deductible incurred in connection to the fire damage to the Crocker Field Concession Stand.
(Be Given leave to withdraw)
- 055-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED THIRTY THOUSAND TWO HUNDRED EIGHTY-THREE DOLLARS (\$130,283), same to be charged against AVAILABLE FUNDS and credited to accounts as follows:
- | | |
|---------------------------------------|----------|
| FIRE-Personal Services: | \$ 520 |
| DPW-Highway General Personal Services | \$81,391 |
| DPW-Snow & Ice Personal Services | \$15,015 |
| DPW-Cemetery Personal Services | \$18,422 |
| DPW-Parks Personal Services | \$14,935 |
- (Be Adopted)
- 056-18. ORDERED THAT: There be and hereby is transferred from within the following Personal Services Accounts the sum of EIGHTY-ONE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS (\$81,394), same to be credited to the respective Fiscal Year 2018 Personal Services Accounts:
- | | |
|----------------------------|----------|
| Water Enterprise Fund | \$64,488 |
| Wastewater Enterprise Fund | \$16,906 |
- (Be Adopted)
- 057-18. 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 YEAR 41 HOMEOWNER REHABILITATION PROGRAM to YEAR 43 DOWN PAYMENT ASSISTANCE PILOT PROGRAM.
(Be Adopted)
- 058-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Stanton Foundation grant in the approximate amount of \$201,015.00 (TWO HUNDRED ONE THOUSAND, FIFTEEN AND 00/100 DOLLARS) for the purpose of said grant, which is to construct a Municipal Dog Park at Coolidge Park.
(Be Adopted)

059-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Friends of Fitchburg Dogs gift in the approximate amount of \$22,335.00 (TWENTY-TWO THOUSAND, THREE HUNDRED THIRTY-FIVE AND 00/100 DOLLARS) for the purpose of said gift, which is to construct a Municipal Dog Park at Coolidge Park.
(Be Adopted)

Planning Board

Meeting of March 15, 2018

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)
(Be Adopted as amended and detailed in Planning Board Report)

050-18. ORDERED THAT: The City of Fitchburg discontinue and abandon any and all public interests in a portion of Westminster Hill Road as outlined in the enclosed Order.
(Amend Order, be Adopted as amended)
(Reference Petition #114-17)

Public Works Committee

Meeting of March 27, 2018, 5:00 PM

243-17. Councillor Paul Beaucemin, on behalf of Norman Beauvais, to request a sidewalk in front of the Dunkin Donuts located on Electric Avenue.
(Be Granted)

300-17. Councillor Marcus DiNatale, Councillor Paul Beauchemin, and Lisa Hebert, to install a berm at 47 Elmwood Avenue.
(Be given leave to withdraw)

- 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.
(Be Held)
- 040-18. Councillor Marcus DiNatale and Miriam Ruiz Gonzalez, to install new fencing at the Boylston Street Playground.
(Be given leave to withdraw)
- 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.
(Be Granted)
- 048-18. Councilors Elizabeth Walsh and Marcus DiNatale, along with resident Mary Fritz, to erect jersey barriers at the corner of 400 Rollstone Road (intersection of Rollstone road and Brittany Lane) to mitigate frequent motor vehicle accidents occurring on this resident's property. Existing boulders placed there previously are not effectively mitigating encroachment.
(Be Held)
- 049-18. Evan Corrigan, to request that a section of Water Street be repaved.
(Be Granted)
- 070-18. Councillor Marcus DiNatale and resident Lorelei McClure to re-pave the portion of Rindge Road just after McKay Elementary School. This stretch of roadway is a critical pathway for parents, faculty, and university students to and from both McKay and the University.
(Be Granted)
- 071-18. Councillor Elizabeth Walsh and John Carbone, to address drainage problem at 33 Damon Road that is creating a road hazard.
(Be Granted)
- 072-18. Councillor Elizabeth Walsh and Sam Erhagbai to address drainage problem at 96 Lancaster Ave. Each time it rains, water runs into the driveway and results in standing water in his garage.
(Be given leave to withdraw)

- 073-18. Councillor Elizabeth Walsh, to address drainage problem at 264 Boutelle St., install a berm along the East side at Boutelle St. from Harvard St. to St. Bernard St., and pave the sidewalk.
(**Amended** to read: "Councillor Elizabeth Walsh to address drainage problem at 264 Boutelle St. Install a berm along the East side of Boutelle St. in front of 264 Boutelle St. and pave the sidewalk" and grant as amended.)

VI. PUBLIC HEARINGS

- 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)
- 074-18. Lighttower Fiber Networks, to place and maintain approx. 700 feet of underground micro conduit from telephone pole #5542 River Road to 22 Kimball Pl. in accordance with that attached plan.
- 075-18. Comcast of Massachusetts III, Inc., to request a hearing for a grant of location, to install a new conduit system to provide service to 175 Old Princeton Road.

VI. ORDERS-CDBG YEAR 44

- 076-18. ORDERED THAT: The sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to Fitchburg Sidewalk Accessibility Improvements and charged against the CDBG Year 44.
- 077-18. ORDERED THAT: The sum of FORTY-FIVE THOUSAND DOLLARS (\$45,000) be appropriated, same to be credited to the Goodrich Playground Project and charged against the CDBG Year 44.
- 078-18. ORDERED THAT: The sum of EIGHT THOUSAND DOLLARS (\$8,000) be appropriated, same to be credited to the Crocker Field Grandstand Wall Restoration project and charged against the CDBG Year 44.

- 079-18. ORDERED THAT: The sum of SEVENTY-FOUR THOUSAND FIVE HUNDRED TWENTY-SIX DOLLARS (\$74,526) be appropriated, same to be credited to the Streetscape Improvements project and charged against the CDBG Year 44.
- 080-18. ORDERED THAT: The sum of FOUR THOUSAND FOUR HUNDRED SEVENTY-FOUR DOLLARS (\$4,474) be appropriated, same to be credited to the Fitchburg Historical Society Handicapped Accessibility Improvements and charged against the CDBG Year 44.
- 081-18. ORDERED THAT: The sum of TWENTY-EIGHT THOUSAND DOLLARS (\$28,000) be appropriated, same to be credited to Our Father's House Street Homeless Intervention Program and charged against the CDBG Year 44.
- 082-18. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to MOC as Management Company of the United Neighbors of Fitchburg Building Empowered youth & Families Program and charged against the CDBG Year 44.
- 083-18. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the YMCA Spartacus Program and charged against the CDBG Year 44.
- 084-18. ORDERED THAT: The sum of SIXTY THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol Project and charged against the CDBG Year 44.
- 085-18. ORDERED THAT: The sum of SIXTEEN THOUSAND DOLLARS (\$16,000) be appropriated, same to be credited to the Boys and Girls Club of Fitchburg and Leominster Afterschool Transportation Program and charged against the CDBG Year 44.
- 086-18. ORDERED THAT: The sum of EIGHT THOUSAND DOLLARS (\$8,000) be appropriated, same to be credited the MIHN Family Housing/Pathways Program and charged against the CDBG Year 44.
- 087-18. ORDERED THAT: The sum of TWENTY-ONE THOUSAND DOLLARS (\$21,000) be appropriated, same to be credited to NewVue Communities Small Business Technical Assistance Program and charged against the CDBG Year 44.
- 088-18. ORDERED THAT: The sum of EIGHTY-SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$87,250) be appropriated, same to be credited to the CDBG Business Loan Pool & Grants Program and charged against the CDBG Year 44.

- 089-18. ORDERED THAT: The sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) be appropriated, same to be credited to the Fitchburg Board of Health Code Enforcement program and charged against the CDBG Year 44.
- 090-18. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Fitchburg State University IdeaLab Build Out and charged against the CDBG Year 44.
- 091-18. ORDERED THAT: The sum of TWO HUNDRED SIXTY-FOUR THOUSAND SIX HUNDRED SIXTY-EIGHT DOLLARS (\$264,668) be appropriated, same to be credited to the Demolition of Abandoned Properties and charged against the CDBG Year 44.
- 092-18. ORDERED THAT: The sum of ONE HUNDRED SEVENTY-NINE THOUSAND DOLLARS (\$179,000) be appropriated, same to be credited to CDBG Planning and Administration and charged against the CDBG Year 44.

VII. ORDERS-FINANCE

- 093-18. ORDERED THAT: There be and hereby is transferred from within the sum of THREE THOUSAND, ONE HUNDRED FIFTEEN AND 00/100 DOLLARS (\$3,115.00) same to be transferred from ELECTION & REGISTRATION, PERSONAL SERVICES, ELECTION WORKERS (\$2,634.00) and ELECTION & REGISTRATION, PERSONAL SERVICES, OVERTIME (\$481.00) and credited to CITY CLERK, PERSONAL SERVICES, ASSISTANT CITY CLERK (\$2,767.00) and CITY CLERK, PERSONAL SERVICES, OVERTIME (\$348.00)
- 094-18. ORDERED THAT: There be and hereby is appropriated the sum of SIX HUNDRED AND 00/100 DOLLARS (\$600.00) same to be charged against AVAILABLE FUNDS and credited to CITY CLERK, PERSONAL SERVICES, OVERTIME.
- 095-18. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) same to be charged against AVAILABLE FUNDS and credited to COUNCIL ON AGING, BUILDING MAINTENANCE for the purpose of improving the air quality in the basement of the Senior Center.
- 096-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security grant in the approximate amount of \$4,418.40 (FOUR THOUSAND, FOUR HUNDRED EIGHTEEN AND 40/100 DOLLARS) for the purpose of said grant, which is to enhance effective pedestrian, bicycle, and moped-type enforcement.

VIII. ORDERS-OTHER

- 097-18. Authorizing Mayor DiNatale to approve and authorize the execution and delivery of the First Amendment to the Purchase and Sale Agreement dated June 12, 2015 between the City and NewVue Affordable Housing Corp. for the sale of BF Brown Middle School and all other related acts and documents.
(Refer to the Council as a Whole Committee)
- 098-18. Approp. \$1,600,000.00, same to be charged against RESERVED FOR APPROPRIATION, INSURANCE RECOVERIES OVER \$150,000 and credited to LAW DEPARTMENT, BF BROWN MIDDLE SCHOOL to be used to pay NEWVUE AFFORDABLE HOUSING CORPORATION, as outlined in the enclosed Order.
(Refer to the Council as a Whole Committee)

VIII. ORDINANCES

- 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.
(Final Reading)
- 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.
(Final Reading)
- 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.
(Amended to allow 40% of the number of liquor licenses.)
(Final Reading as amended)
- 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.
(Final Reading)
- 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.
(Final Reading)

- 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.
(Final Reading)
- 062-18. AN ORDINANCE: Amending Section 169-76 of the City Code titled "Stop Intersections" (re: Stop sign on Columbus St. at intersection of St. Joseph Ave.)
(Reference Petition #119-17)
(Final Reading)
- 063-18. AN ORDINANCE: Amending Section 169-76 titled "Stop Intersections" (re: Stop signs on Mt. Globe St. at its intersection with Davis St.)
(Reference Petition #299-17)
(Final Reading)
- 064-18. AN ORDINANCE: Amending Section 169-17 of the City Code titled "Stop Intersections" (re: Stop sign on Amiott St. at its intersection with King St.)
(Reference Petition #280-17)
(Final Reading)
- 065-18. AN ORDINANCE: Amending Section 169-76 "Stop Intersections" and Section 169-77 "Yield Intersections" to replace a stop sign with a yield sign at the corner of Daniels St. and River St.
(Reference Petition 229-17)
(Final Reading)
- 099-18. AN ORDINANCE: That Chapter 120, Section 11 of the Code of the City of Fitchburg, entitled "Annual renewal certificate fees for flammable liquids", be deleted in its entirety.
(First Reading)

IX. PETITIONS

- 100-18. Comcast of Massachusetts III, Inc., for a grant of location, to install a new underground conduit system to provide service to 29 and 37-43 Blossom Street.
(Public Hearing April 17, 2018)

- 101-18. Lt. Philip Jordan, Fire Prevention Bureau, and Kevin D. Roy, Chief of Fire Department, to revoke the land license for flammable/combustible storage at 938 Main Street, upon request of the land owner.
(Public Hearing April 17, 2018)
- 102-18. The City of Fitchburg Planning Board, to amend section 181.13(c) 14-A of the Fitchburg Zoning Ordinance to allow "Seasonal Outdoor Dining" as a permitted use in the Industrial and Light Industrial districts, as shown on the attached.
(City Council Public Hearing May 1, 2018, and the Planning Board)
- 103-18. Councillor Marisa Fleming, to remove the No Parking Anytime signs (arrowed left to right) from in front of the corners of 111 Green Street and Morris Street and place No Parking Here to Corner.
(Public Safety Committee)
- 104-18. Councillor Michael Kushmerek, to install a berm, between Lyman St. and Caswell St., for the property located at 131 Longwood Ave. and repair the existing berm on the Lyman Street side of the property.
(Public Works Committee)

Next Regular Meeting
Tuesday, April 17, 2018, 7:00 PM