



FITCHBURG CITY CLERK
2017 MAR 31 AM 9:31

**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

April 4, 2017 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. COMMUNICATIONS FROM HIS HONOR THE MAYOR

Appointment Letters:

1. Ms. Amber McCormack, as a member of the Board of Trustees for the Public Library for a term to expire on April 1, 2020.

IV. COMMUNICATION-OTHER

1. Pension Reserves Investment Management Board.

V. REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of April 4, 2017, 6:45 PM

New Appointment:

Board of Park Commissioners

(Term to expire July 1, 2022, to replace Mr. Andrew Roy)
Ms. Mary Giannetti

Legislative Affairs Committee Oral Report
Meeting of April 4, 2017, 6:00 PM

- 006-17. Vincent P. Pusateri, II, Esquire, City Solicitor, to amend Chapter 3 Article 27 section 3-231 by striking the word "Director of Community Development" where ever they may appear and insert in its place "Executive Director of Community Development and Planning."
- 014-17. Attorney Vincent P. Pusateri, II, City Solicitor, to approve the execution of a Community Host Agreement with Massachusetts Patient Foundation, Inc., located at 99 Development Road, Fitchburg, MA 01420
- 015-17. Attorney Vincent P. Pusateri, II, City Solicitor, to approve the execution of a Community Host Agreement with the CAS Foundation, located at 1 Oak Hill Road, Fitchburg, MA 01420
- 016-17. Attorney Vincent P. Pusateri, II, City Solicitor, to approve the execution of a Community Host Agreement with NS AJO Holdings, Inc., located at 20 Authority Drive, Fitchburg, MA 01420.

- 017-17. Attorney Vincent P. Pusateri, II, City Solicitor, to approve the execution of a Community Host Agreement with Compassionate Organics Inc., located at 25 Newport Street, Fitchburg, MA 01420.
- 44-16. A.J. Tourigny, Chief of Staff to the Mayor, to ratify and confirm the following attached documents:
1. Power Purchase Agreement with Loadstar Energy, LLC
 2. Payment in Lieu of Taxes Agreement with Fitchburg Solar, LLC, and Bruce and Angela Willard
 3. Payment in Lieu of Taxes Agreement with 225 Industrial Fitchburg Solar, LLC

Public Works Committee

Meeting of March 28, 2017, 5:00 PM

- 181-15. Councillor Michael Kushmerek, to increase the height of a city-owned fence on Blossom Street between the intersections of Elm and Mechanic Streets.
(Be granted)
- 289-16. Councillor Paul Beauchemin, to request that Utility companies installing a second utility pole, in the same location, that have not removed the original pole, be charged \$300.00 fee per month, until such time the original pole is removed.
(Be given leave to withdraw)
- 019-17. Councillor David Clark, to remedy barriers located at 1298 Water Street with pipe and cement.
(Be given leave to withdraw)
- 027-17. Councillor Jody Joseph and Councillor Marcus DiNatale, to install a guard rail at the corner of 400 Rollstone Road and Brittany Lane for the purposes of preventing further property damage to the resident due to multiple car accidents at this location.
(Amend to replace "Guard Rail" with "Boulders")
(Be granted as amended)
- 46-17. Councillor Joel Kaddy, to investigate the possibility to install barriers at Westminster Hill Road and Sanborn Street protecting the "Cannon".
(Amended to replace "Cannon" with "Canyons")
(Be held in Committee)
- 053-17. Councillor Michael Kushmerek and Councillor Dean Tran, to install a berm at 181 Marshall Street along its property line on Essex Street.
(Be granted)

- 054-17. Councillor Jody Joseph and Buddy Tackett, to replace a section of sidewalk in front of Maverick Street that was recently installed.
(Be granted)

VI. ORDERS - FINANCE

- 056-17. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the S.A.F.E. Program Fire Safety House grant administered by the Massachusetts Executive Office of Public Safety (EOPSS) in the approximate amount of \$1,800 (ONE THOUSAND EIGHT HUNDRED DOLLARS) for the purpose of said grant.
- 057-17. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the S.A.F.E. Program grant, and the Senior S.A.F.E. program, both administered by the Massachusetts Executive Office of Public Safety (EOPSS) in the approximate amount of \$5,641 (FIVE THOUSAND SIX HUNDRED FORTY-ONE DOLLARS) and \$2,996 (TWO THOUSAND NINE HUNDRED NINETY-SIX DOLLARS), respectively, for the purposes of said grants.
- 058-17. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Community Compact Cabinet grant administered by the Commonwealth of Massachusetts in the approximate amount of TWENTY THOUSAND DOLLARS (\$20,000) for the preparation of an Economic Development Strategic Plan.
- 059-17. ORDERED THAT: There be and hereby is appropriated the sum of NINE THOUSAND EIGHT HUNDRED DOLLARS (\$9,810), same to be charged against AVAILABLE FUNDS and credited to DPW HIGHWAY GENERAL EXPENSES-RIGHT OF WAY TAKINGS for the purposes of paying damages incurred by constituents and property owners in connection with the Summer St./North St. ROW Improvement Project.
- 060-17. ORDERED THAT: There be and hereby is appropriated the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000), same to be charged against AVAILABLE FUNDS and credited to LAW EXPENSES-LITIGATION AND SPECIAL COUNSEL for the purposes of paying expenses, and attorney and expert fees in connection with the City's Insurance claim for loss due to the fire at B.F. Brown Middle School.

VII. ORDERS - CDBG YEAR 43

- 061-17. ORDERED THAT: the sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to the Sidewalk Accessibility Improvements and charged against the CDBG Year 43.
- 062-17. ORDERED THAT: the sum of SEVENTY THOUSAND DOLLARS (\$70,000) be appropriated, same to be credited to the Parks & Playground Improvements Project and charged against the CDBG Year 43.
- 063-17. ORDERED THAT: the sum of TWENTY FIVE THOUSAND DOLLARS AND 00/100 (\$25,000) be appropriated, same to be credited to the Crocker Field Grandstand Roof Restorations Phase IV Project and charged against the CDBG Year 43.
- 064-17. ORDERED THAT: the sum of FIFTY THOUSAND DOLLARS (\$50,000) be appropriated, same to be credited to the Streetscape Improvements Project and charged against the CDBG Year 43.
- 065-17. ORDERED THAT: the sum of NINETEEN THOUSAND DOLLARS (\$19,000) be appropriated, same to be credited to Our Father's House Street Homeless Intervention Program and charged against the CDBG Year 43.
- 066-17. ORDERED THAT: the sum of FORTY-FOUR THOUSAND DOLLARS (\$44,000) be appropriated, same to be credited to the United Neighbors of Fitchburg Building Leadership & Inspiring Self Sufficiency Program and charged against the CDBG Year 43.
- 067-17. ORDERED THAT: the sum of EIGHT THOUSAND DOLLARS (\$8,000) be appropriated, same to be credited to the YMCA Spartacus Program and charged against the CDBG Year 43.
- 068-17. ORDERED THAT: the sum of FIFTY-ONE THOUSAND DOLLARS (\$51,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol project and charged against the CDBG Year 43.
- 069-17. ORDERED THAT: the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) 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 43.

- 070-17. ORDERED THAT: the sum of EIGHT THOUSAND DOLLARS (\$8,000) be appropriated, same to be credited to the MIHN Family Housing Program and charged against the CDBG Year 43.
- 071-17. ORDERED THAT: the sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to NewVue Communities (formerly Twin Cities CDC) Small Business Technical Assistance Program and charged against the CDBG Year 43.
- 072-17. ORDERED THAT: the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) be appropriated, same to be credited to the CDBG Business Loan Pool Program and charged against the CDBG Year 43.
- 073-17. ORDERED THAT: the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) be appropriated, same to be credited to the Fitchburg Building Department Code Enforcement program and charged against the CDBG Year 43.
- 074-17. ORDERED THAT: the sum of TWO HUNDRED THIRTY-FIVE THOUSAND SEVENTY-THREE DOLLARS (\$235,073) be appropriated, same to be credited to the Demolition of Abandoned Properties and charged against the CDBG Year 43.
- 075-17. ORDERED THAT: the sum of ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000) be appropriated, same to be credited to CDBG Planning and Administration and charged against the CDBG Year 43.

VIII. ORDER-OTHER

- 076-17. ORDER: Order of Eminent Domain, Summer Street/North Street improvement Project-Summer Street, John Fitch Highway, Ray Avenue, Shelley Avenue as outlined in the enclosed Order.
(City Council Public Hearing May 16, 2017, Planning Board, City Property Committee, Public Works Committee)

IX. ORDINANCES

- 032-17. AN ORDINANCE: Amending Chapter 181.10 of the Code of the City of Fitchburg (Zoning) by inserting phrases in the paragraphs referencing Light Manufacturing, Manufacturing and Research and Testing.
(Re: Petition 220-2016)
(Final Reading)

- 033-17. AN ORDINANCE: Amending Chapter 181.23 of the Code of the City of Fitchburg (Zoning Map) by changing certain parcels on Bemis Road from Industrial Zoning District (I) to Central Business District (CBD).
(Re: Petition 221-2016)
(Final Reading)
- 077-17. AN ORDINANCE: To amend Chapter 169-24 of the Code of the City of Fitchburg to remove on-street parking on both sides of Pearl Street between North Street and Highland Avenue as outlined in the enclose Ordinance.
(Re: Petition 284-16)
(First Reading)

X. PETITIONS

- 078-17. Calvin D. Brooks, Treasurer, to declare the following properties as excess and designate them to the Side Yard Sales Program:
1. 0 Westminster Hill Rd.
2. 48 Hartwell Street
3. 110 Blossom Street
4. 0 Hazel Street
5. 133 Mechanic Street
(City Property Committee)
- 079-17. Robert Lancianci, Building Commissioner, to update building department fees by adding to Chapter 94-1 A. (1), (2), (3), (4), (5), (6) and B. (1), (2), (3), (4), (5), and (6) insert the following: (g) solar: \$10.00 per panel-includes building and electrical permits as outlined in the enclosed petition.
(Finance Committee)
- 080-17. Vincent Pusateri, II, City Solicitor, to establish an ordinance controlling telecommunications development and operations in the City of Fitchburg to replace Section 181.62 and insert in its place a new by-law as outlined in the enclosed petition.
(City Council Public Hearing June 6, 2017 and Planning Board)
- 081-17. Vincent Pusateri, II, City Solicitor, to amend the Code of the City of Fitchburg to promote efficiency and uniformity in the procurement process by making the following changes as outlined in the Petition.
(Legislative Affairs Committee)
- 082-17. Councillor Joel Kaddy, to request Mart install glass bus shelters on Main Street, River Street, and Westminster Street.
(Public Safety Committee)

- 083-17. Councillor Joel Kaddy, to remove the trees and stumps blocking the sidewalk on Franklin Road near Reingold School.
(Public Works Committee)
- 084-17. Cumberland Farms, Inc., to amend an existing license for the underground storage of flammables and combustibles, at 479 Electric Avenue, as outlined in the enclosed petition.
(Public Hearing April 18, 2017)

Next Regular Meeting
7:00PM, Tuesday, April 18, 2017