



FITCHBURG CITY CLERK

2017 APR 13 PM 1:51

**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

April 18, 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

1. Calvin Brooks, as the City Auditor for a term of three years, with an expiration date of May 3, 2020.

(To fill the term of Auditor Richard Sarasin who recently retired.)

2. Ms. Anne M. Cervantes, as the City Treasurer/Tax Collector for a term of three years, with an expiration date of May 3, 2020.

(To fill the term of current Treasurer/Tax Collector Calvin Brooks who will be assuming the position of City Auditor)

IV. COMMUNICATION-OTHER

Sergeant Derek Sullivan, Traffic Unit, Fitchburg Police Department, RE: Petition #45-17 "to review all No Right Turn Sign locations and remove those that are unnecessary".

V. REPORTS OF COMMITTEES

Appointments Committee Oral Report Meeting of April 18, 2017, 6:45 PM

New Appointment:

Board of Trustees for the Public Library
(Term to expire April 1, 2020)
Ms. Amber McCormack

Board of Health Meeting of April 6, 2017

34-17. Vincent Pusateri, II, to establish and order an Ordinance (Zoning Ordinance Chapter 181 - new section 181.56) promoting economic development by permitting mobile food truck operations in the City of Fitchburg.
(Be amended as attached)

City Property Committee Meeting of April 11, 2017

43-17. Attorney Vincent P. Pusateri II, City Solicitor, to authorize and approve the Fitchburg Airport Commission to accept as gift, purchase, or to take by eminent domain under the authority granted by M.G.L. c90, Sec. 51G, M.G.L. c.79, and Fitchburg Ordinance Sec. 3-174, as well as any other statute or ordinance providing for such acceptance, purchase or taking, permanent easements over certain parcels of land in

Leominster required for Avigation Easements for the Fitchburg Airport, as specifically described in the Petition.

(Be Granted)

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.

(Be Granted)

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

(Be amended to remove 110 Blossom Street and be granted as amended)

Finance Committee

Meeting of April 11, 2017

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.

(Be Adopted)

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.

(Be Adopted)

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.

(Be Adopted)

- 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.
(Be Granted)

Planning Board

Meeting of March 16, 2017

- 34-17. Vincent Pusateri, II, to establish and order an Ordinance (Zoning Ordinance Chapter 181 - new section 181.56) promoting economic development by permitting mobile food truck operations in the City of Fitchburg.
(In Favor)

Public Safety Committee Oral Report

Meeting of April 18, 2017, 6:00 PM

- 049-17. Councillor Dean Tran and Councillor Angelo Bisol, to identify options for a safer polling location for traffic and pedestrians to replace the current Ward 5 (Mart Intermodal Station).
- 051-17. Councillor Joel Kaddy and Young Jin, to create an entrance to Independent Cleaners located at 1 Wallace Road, Fitchburg.
- 052-17. Councillor Joel Kaddy, to explore the possibility and effect of opening Fifth Mass Turnpike from Rollstone Road west to Oak Hill Road.

VI. HEARINGS

- 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.
- 34-17. Vincent Pusateri, II, to establish and order an Ordinance (Zoning Ordinance Chapter 181 - new section 181.56) promoting economic development by permitting mobile food truck operations in the City of Fitchburg.

VII. LOAN ORDER

- 085-17. ORDERED THAT: The sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) be and hereby is appropriated to pay costs of constructing approximately 12,300 feet of water main on various City streets, including but not limited to replacing

existing cast iron water mains with cement-lined, ductile iron water mains, installation of new fire hydrants and valves, and the replacement of service lines, and the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount, under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The amounts authorized to be borrowed pursuant to this Order shall be reduced to the extent of any grants or other funds that may be received by the City on account of these projects. The Treasurer is hereby 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. Any premium received by the City upon the sale of any bonds or notes approved by this vote, or pursuant to any other loan order of the City heretofore adopted by the City, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VIII. ORDERS - FINANCE

086-17. ORDERED THAT: There be and hereby is appropriated the sum of FORTY-SEVEN THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$47,322), same to be charged against AVAILABLE FUNDS and credited to the following Fiscal Year 2017 Departmental Personal Services Accounts (see enclosed Order).

087-17. ORDERED THAT: There be and hereby is transferred from within the following Personal Service Accounts the sum of TWELVE THOUSAND SIX HUNDRED FIFTY-ONE DOLLARS (\$12,651), same to be credited to the respective Fiscal year 2017 Personal Services Accounts:

Water Enterprise Fund	\$6,594
Wastewater Enterprise Fund	\$4,960
Airport	\$1,097

- 088-17. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000), same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY-EQUIPMENT for the purpose of replace the phone system at the Fire Department.
- 089-17. ORDERED THAT: There be and hereby is appropriate the sum of TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000), same to be charged against AVAILABLE FUNDS and credited to SCHOOL DEPARTMENT-CAPITAL IMPROVEMENTS for the purposes of replacing the Memorial Middle School Auditorium seating and the South Street Elementary School retaining wall.
- 090-17. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY THOUSAND DOLLARS (\$30,000), same to be charged against AVAILABLE FUNDS and credited to COUNCIL ON AGING EXPENSES-SENIOR CENTER AIR QUALITY IMPROVEMENTS for improving existing conditions pertaining to the air quality and lack of ventilation for moisture control on the lower level of the building.
- 091-17. 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 VETERANS BENEFITS-GENERAL for the purpose of funding Chapter 115 Benefits through the end of Fiscal 2017, and the sum of ONE HUNDRED DOLLARS (\$100) same to be charged against AVAILABLE FUNDS and credited to VETERANS' EVENTS for the purpose of Memorial Day wreaths and programs.

IX. ORDERS-OTHER

- 092-17. ORDERED THAT: The City agrees to purchase energy from Loadstar Energy, LLC as outlined in the enclosed Order.
(Reference Petition #44-16)
- 093-17. ORDERED THAT: The City agrees to accept payments in lieu of personal property taxes for 225 Industrial Fitchburg Solar, LLC as outlined in the enclosed Order.
(Reference Petition #44-17)
- 094-17. ORDERED THAT: The City agrees to accept payment in lieu of personal property taxes from Fitchburg Solar, LLC, Bruce and Angela Willard as outlined in the enclosed Order.
(Reference Petition #44-17)

X. ORDINANCES

- 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 enclosed Ordinance.
(Re: Petition 284-16)
(Final Reading)
- 095-17. AN ORDINANCE: Amending Ch. 44, Section 10 of the Code of the City of Fitchburg, as most recently amended by adding thereto the following step assignments.
(First Reading)
- 096-17. AN ORDINANCE: Amending Ch. 44, Section 10 of the code of the City of Fitchburg, as most recently amended, by "City Solicitor" from the section entitled "Under Positions Paid Yearly" as outlined in the enclosed Ordinance.
(First Reading)
- 097-17. AN ORDINANCE: Amending Ch. 44, Section 10 of the code of the City of Fitchburg, as most recently amended by adding thereto the following payscale.
(First Reading)

XI. PETITIONS

- 098-17. Vincent Pusateri, II, City Solicitor, to amend Chapter 181.356 of the Fitchburg Zoning Code by inserting: 181.3561 (RE: A structure that has been abandoned or not used for more than two years will not require a special permit as outlined in the enclosed Petition)
(City Council Public Hearing June 20, 2017 and Planning Board)
- 099-17. Lenny Laakso, DPW Commissioner, to authorize and sign the attached Intermunicipal agreement between the City of Fitchburg and the Town of Spencer for the purposes of joining the Central MA Regional Stormwater Coalition as outlined in the petition.
(Legislative Affairs Committee)
- 100-17. 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 changes outlined in the enclosed Petition.
(Re: Procedure)
(Legislative Affairs Committee)

- 101-17. 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 changes outlined in the enclosed Petition.
(Re: Purchasing Division)
(Legislative Affairs Committee)
- 102-17. Councillor Dean Tran and Samantha Squailia, to designate a No Parking Loading Zone space between 23 and 27 Lunenburg Street. Designate 2 HR Parking between 8am-8pm spaces from Moran Apartments to 23 Lunenburg Street to accommodate businesses and patrons.
(Public Safety Committee)
- 103-17. Councillor Dean Tran, to install a catch basin at 86 Tibbett Circle to address the water build.
(Public Works Committee)

X1. TABLED

- 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)

Next Regular Meeting
7:00PM, Tuesday, May 2, 2017