



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

May 1, 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

Re-Appointment Letter

1. Ms. Ellen Hughes, to the Board of Registrars of Voters for a term to expire April 1, 2021.

Appointment Letter

1. Mr. Ismael Sanchez, as a Student Police Officer for the City of Fitchburg, to be effective on June 4, 2018.

IV. SPECIAL PRESENTATION

Ralph Baker & Janet Morrison
Fitchburg Green Way Committee
Re: Rock Walk

V. REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of May 1, 2018, 6:45 PM

New Appointments:

Fitchburg Disability Commission

(Term to expire March 1, 2019)

Ms. Deanna Tardiff

Water/Wastewater Commission

(Term to expire April 1, 2022)

Mr. Joshua Bedarian

Permanent Full time Firefighter
City of Fitchburg

Connor Griffin

City Property Committee Oral Report
Meeting of May 1, 2018, 6:00 PM

- 115-17. City of Fitchburg Planning Board, to rename the portion of Westminster Hill Road from Industrial Road easterly to the "Game On" property boundary as outlined in the enclosed petition.
- 116-17. City of Fitchburg Planning Board, to rename the portion of Westminster Hill Road from the Westminster Town line to Industrial Road.

- 315-17. Key Fitchburg, LLC, represented by Elisha W. Erb, Legal Counsel, to petition the City of Fitchburg's Public Works Department to accept a gift of land located on the east side of John Fitch Highway, Parcel 86-4, as described in the enclosed petition.
- 316-17. Key Fitchburg, LLC, represented by Elisha W. Erb, Legal Counsel, to petition the Fitchburg Conservation Commission to accept a gift of three parcels of land located on the east side of John Fitch Highway and small parcel of land at the corner of intersection of Proctor Avenue with Woodbury Street as described in the enclosed petition.
- 044-18. Councilors Squailia and Zarrella, and David Thibault-Munoz, to postpone the listing of the 116-118 Day Street property to the side yard sales program in order to explore the possibility of creating a Pocket Park to honor Abolitionist Benjamin Snow.

Finance Committee
Meeting of April 24, 2018

- 107-18. ORDERED THAT: There be and hereby is appropriated the sum of NINETY-ONE THOUSAND, FIVE HUNDRED NINETY-TWO DOLLARS (\$91,592.00), same to be charged against AVAILABLE FUNDS and credited to accounts as follows:
- | | |
|------------------------------------|----------|
| Police/Dispatch-Personal Services: | \$79,431 |
| Police/Dispatch-Overtime | \$ 9,000 |
| Treasurer-Personal Service | \$ 3,161 |
- (Be Adopted)
- 108-18. ORDERED THAT: There be and hereby is transferred the sum of SEVEN THOUSAND, FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$7,568.00) from Airport Expenses, Aviation Fuel and credited to Airport, Personal Services.
(Be Adopted)
- 109-18. ORDERED THAT: There be and hereby is transferred from within the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) same to be transferred from POLICE, PERSONAL SERVICES, INCENTIVES and credited to POLICE, OTHER EXPENSES, ANIMAL CONTROL.
(Be Adopted)

- 110-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Health and Human Services, Department of Mental Health grant in the approximate amount of \$49,365.00 (FORTY-NIN THOUSAND, THREE HUNDRED SIXTY FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to support a police based jail Diversion Program for individuals with Mental Illnesses or emotional disturbances.
(Be Adopted)

Legislative Affairs Committee
Meeting of April 24, 2018

- 026-18. Councillor Paul Beauchemin, to have the City of Fitchburg charge 5 cents per nip purchased at City package stores, with the proceeds to be donated to the DPW for equipment upgrades and other needs.
(Be Given leave to withdraw)
- 318-17. Councillor Joel Kaddy, to ban plastic bags.
(Be Given leave to withdraw)

Planning Board
Meeting of April 10, 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.
(Be Granted)

VI. PUBLIC HEARINGS

- 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.

VII. ORDERS-FINANCE

- 115-18. ORDERED THAT: The Airport Commission be authorized to lease for a period of more than 20 years a certain premise at the Fitchburg Municipal Airport to FACT under the terms and conditions as set forth on the attached RESTATED Lease, originally authorized by petition 055-03.

116-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:

PERSONAL SERVICES, OVERTIME	\$30,000.00
EQUIPMENT RENTAL	\$90,000.00

117-18. ORDERED THAT: There be and hereby is appropriated the sum of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) same to be charged against AVAILABLE FUNDS and credited to VETERANS BENEFITS, CASH BENEFITS account.

118-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$175,000.000) same to be charged against AVAILABLE FUNDS and credited to BOARD OF HEALTH SANITARY LANDFILL EXPENSES, CONTRACTED SERVICES for the cost of recycling material now being invoiced to the City.

119-18. ORDERED THAT: There be and hereby is appropriated the sum of FOUR THOUSAND, THREE HUNDRED TWENTY AND 00/100 DOLLARS (\$4,320.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT, DEP COMPLIANCE for the purpose of DEP compliance at city owned property at 465 Westminster Street, formerly the site of the Central Steam Plant.

120-18. ORDERED THAT: There be and hereby is appropriated the sum of TWENTY-SIX THOUSAND, SEVEN DOLLARS (\$26,007.00) same to be charged against AVAILABLE FUNDS and credited to accounts as enclosed in the Order.

121-18. ORDERED THAT: There be and hereby is transferred from within the Water Enterprise Fund, Personal Services Accounts the sum of EIGHT HUNDRED EIGHTY-FOUR DOLLARS (\$884.00) same to be credited to the Water Enterprise Fund, Personal Services Accounts.

122-18. ORDERED THAT: There be and hereby is appropriated the sum of NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00) same to be charged against AVAILABLE FUNDS and credited to SCHOOL DEPARTMENT, CAPITAL CIMPROVEMENTS for the purpose of completing the audio-video upgrade to the Fitchburg High School Auditorium (\$20,000.00) and of replacing the vacuum pump at the Longsjö School (\$75,000.00)

- 123-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Unitil/Fitchburg Gas & Electric Light Co. gift in the approximate amount of \$250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said gift, which is for reconstruction of various streets.
- 124-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Cumberland Farms, Inc. gift in the approximate amount of \$16,000.00 (SIXTEEN THOUSAND AND 00/100 DOLLARS) for the purpose of said gift, which is for pedestrian signals or any other sidewalk or roadway improvements necessary due to the traffic impact of the proposed Cumberland Farms facility at 479 Electric Avenue.
- 125-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts. Department of Transportation, Complete Streets grant in the approximate amount of \$219,100.00 (TWO HUNDRED NINETEEN THOUSAND, ONE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is for street and sidewalk improvements in the Upper Common area.

VIII. ORDINANCES

- 126-18. AN ORDINANCE: Amending Chapter 3, Article XXIV, S. 3-267 of the City Code by striking the word "nine" and inserting "eleven" in its place, re: Disability Commission.
(Reference Petition #319-17)
(First Reading)

IX. PETITIONS

- 127-18. That the City of Fitchburg grants 431 Westminster, LLC, an ingress/egress and parking easement on certain City land:
431 Westminster, LLC to grant the City an ingress/egress and parking easement on its land, and right to pave and maintain the entire parking area resulting from cross easements;
Westminster Pond, LLC, to grant the City a drainage easement;
The City of Fitchburg to grant Westminster Pond, LLC, a drainage easement and right to construct the drainage system depicted in the easements attached.
(City Property Committee)

- 128-18. Councillor Elizabeth Walsh, to establish branding guidelines for use of social media by City Council members to avoid Open Meeting Law violations and to provide guidance in promoting a public image for the City of Fitchburg.
(Legislative Affairs Committee)
- 129-18. Ralph El Hayek, One Stop Auto Group, LLC, to petition for a Class II Dealer's License to be located at 91 Laurel Street, Fitchburg, MA.
(Public Safety Committee)
- 130-18. Councillor Amy Green, on behalf of Carol Taylor Kazanjian, to:
1. Request to make the lower end of Romano Avenue a "one way" street.
 2. Widen the intersection of Wanoosnoc Road onto South Street.
 3. Install sidewalks on Canton Street.
 4. Paint double yellow lines on Canton Street to prevent "passing" and slow speeding traffic down.
- (Public Safety Committee)
- 131-18. Councillors Marisa Fleming and Marcus DiNatale, on behalf of Raul and Yeydi Jimenez, to investigate and implement remedies to mitigate and/or prevent property damage to 162 Townsend Street resulting from motor vehicle incidents that frequently damage the property's fencing.
(Public Safety Committee)
- 132-18. Councillor Paul Beauchemin, to establish a height limit for utility poles in the City of Fitchburg.
(Public Works Committee)
- 133-18. Councillor Amy Green, on behalf of Shawn Keating, 23 Munroe Street, to find remedy to mitigate damage happening at a property located at 23 Munroe Street. Damage from snow plows is destroying both the fence & stone wall at this location. Letter is enclosed with the petition.
(Public Works Committee)
- 134-18. Councillor Amy Green, on behalf of Jerry & Rose Ann Baldini, 51 Rainville Avenue, to remove dangerous/problematic trees located at 51 Rainville Avenue.
(Public Works Committee)
- 135-18. Councillor Elizabeth Walsh, to fill small pothole in road in front of 20 Proctor Ave. and install a berm in front of 20 Proctor Ave.
(Public Works Committee)

- 136-18. Councillor Amy Green, on behalf of Sam Erhagbar, 96 Lancaster Street, to request a solution for water damage happening at 96 Lancaster Street.
(Public Works Committee)
- 137-18. Councillor Amy Green, on behalf of Carol Russell, 2 Forest park, to request a berm be installed at 2 Forest Park to eliminate property damage being caused by snow removal and water.
(Public Works Committee)
- 138-18. Fitchburg Gas and Electric, Unitil, to install a new pole location, approximately 190' north of Oak Hill Lane as outlined in the enclosed Petition.
(Public Hearing May 15, 2018)
- 139-18. Fitchburg Gas and Electric, Unitil, to install a new pole location, approximately 105' east of Beech Street as outlined in the enclosed Petition.
(Public Hearing May 15, 2018)

XI. TABLED

- 031-18. AN ORDINANCE: **AS AMENDED:**
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)

