



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

May 15, 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 Letters

1. Andrew Van Hazinga, as a member of the Planning Board for a term to expire January 1, 2021.
2. Paula Caron, as a member of the Planning board for a term to expire January 1, 2021.
3. Sharon Tardiff, as a member of the Disability Commission for a term to expire June 30, 2019.

IV. ANNUAL REPORT

- 140-18. ANNUAL REPORT: Fitchburg Police Department for the year 2017.

V. REPORTS OF COMMITTEES

Appointments Committee Oral Report

Meeting of May 15, 2018, 6:45 PM

Re-Appointment:

Board of Registrars of Voters

(Term to expire April 1, 2021)

Ms. Ellen Hughes

New Appointment:

Student Police Officer

(To be effective on June 4, 2018)

Mr. Ismael Sanchez

Council as a Whole Committee

Meeting of May 8, 2018

- 242-17. Councillor Marcus DiNatale and Councillor Michael Kushmerek, that a vote be taken by the City Council as a final determination as to Main Street's permanent traffic flow as outlined in the enclosed petition.

(Retain the one lane Main Street scenario with the intent to study and pursue a two way Main Street traffic configuration. By vote of 7 in favor (Kushmerek, Donnelly, Clark, Kaddy, Green, Zarrella, Walsh) and 4 opposed (Fleming, DiNatale, Squailia, Beauchemin))

Finance Committee
Meeting of May 8, 2018

- 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.
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)

- 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 IMPROVEMENTS 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 Longsjø School (\$75,000.00)
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)
- 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.
(Be Adopted)

Public Safety Committee Oral Report
Meeting of May 15, 2018, 6:00 PM

- 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.
- 045-18. Councilors Elizabeth Walsh and Marcus DiNatale, along with resident Mary Fritz, to install electronic speed signage or electronic yield/go slow signage at the intersection of Rollstone Road and Brittany Lane, facing traffic coming from Fifth MA Tpke.

- 046-18. Councilors Joel Kaddy and Marcus DiNatale, to preferably install stop signs at the intersection of Fifth Mass Tpke. and Franklin Road. However, in the event stop signs are not deemed to be necessary, re-installation of the traffic mirror at this intersection must be done.
- 047-18. Councilor Marisa Fleming, to remove the "Do Not enter" sign at the corner of Myrtle Ave. and Main Street. Also put a "No Left Hand Turn" on Main Street onto Myrtle Ave. in front of the old Harper furniture building.
- 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
- 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.
- 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.
- 112-18. Councillors Joel Kaddy and Marcus DiNatale, to place a stop sign at the intersection of Parker Hill Drive and Brierwood Drive.

VI. PUBLIC HEARINGS

- 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.
- 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.

VII. ORDERS-FINANCE

- 141-18. ORDERED THAT: There be and hereby is appropriated the sum of NINE THOUSAND, FIVE HUNDRED DOLLARS (\$9,500.00), same to be charged against AVAILABLE FUNDS and credited to DPW HIGHWAY PERSONAL SERVICES, SUMMER HELP.

- 142-18. ORDERED THAT: There be and hereby is appropriated the sum of TEN THOUSAND DOLLARS (\$10,000.00), same to be charged against AVAILABLE FUNDS and credited to ASSESSOR EXPENSE, CONTRACTED SERVICES.
- 143-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security earmark (MGL Chapter 47, Acts of 2017) in the approximate amount of \$50,000.00 (FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said earmark, which is to support handicap accessibility improvements at the police station, as well as camera and door security upgrades at the police station and city parking garages.
- 144-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the NewVue Communities gift in the approximate amount of \$45,000.00 (FORTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said gift, which is for the reconstruction of various sidewalks on High Street and Marshall Street.
- 145-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Environmental Protection, Clean Energy Results Program, Gap II funding grant in the approximate amount of \$200,000.00 (TWO HUNDRED THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is for the design, purchase, installation, and other ancillary work of an inline turbine at the Water Division's Narrows Road Pressure Reducing Valve Station.
- 146-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Clean Energy Center grant in the approximate amount of \$78,357.00 (SEVENTY-EIGHT THOUSAND, THREE HUNDRED FIFTY-SEVEN AND 00/100 DOLLARS) for the purpose of said grant, which is for the design, purchase, installation, and other ancillary work of an inline turbine at the Water Division's Narrows Road Pressure Reducing Valve Station.

- 147-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Drinking Water Protection Program in the approximate amount of \$137,500.00 (ONE HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is for the purchase of property on Piper Road in Ashby and for the costs of purchasing a conservation restriction on a certain parcel of land on Crocker Road in Ashby.
- 148-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$137,500.00), same to be charged against FUND BALANCE RESERVED FOR LAND PURCHASES and credited to WATER CAPITAL EXPENDITURES, LAND PURCHASES.

VIII. BUDGET ORDERS FY-2019

ALL DOLLAR AMOUNTS FOR THE FOLLOWING ORDERS WILL BE AVAILABLE ON MAY 15, 2018, UPON RECEIPT OF THE MAYOR'S FY 2019 BUDGET DOCUMENTS:

- 149-18. That there be and hereby is appropriated the Mayor's Fiscal Year 2019 Operating Budget.
- 150-18. Appropriate and credit to the Fiscal Year 2019 TAX LEVY and charge against OVERLAY SURPLUS.
- 151-18. Appropriate and charge against PARKING METER/GARAGE RECEIPTS and credit to Fiscal Year 2019 accounts:
Treasurer Personal Services
Treasurer Expenses
- 152-18. Appropriate and charge against CEMETERY SALE OF LOTS AND GRAVES and credit to Fiscal Year 2019 accounts:
Cemetery Personal Services.
- 153-18. Appropriate and charge against AIRPORT RECEIPTS RESERVED and credit to Fiscal Year 2019 Airport Fund accounts:
Personal Services
Expenses
- 154-18. Appropriate and charge against WASTEWATER ENTERPRISE FUND RECIEPTS and WASTEWATER ENTERPRISE RETAINED EARNINGS and crediting Fiscal Year 2019 Wastewater Enterprise Fund accounts:
Personal Services
Expenses
Indirect Costs
Debt Service
Capital Expenses

155-18. Appropriate and charge against WATER ENTERPRISE FUND RECEIPTS and credit Fiscal Year 2019 Water Enterprise Fund Accounts:
Personal Services
Expenses
Indirect Costs
Debt Service
Capital Expenses

156-18. That the City of Fitchburg hereby approves the expenditure of funds from the following Revolving Funds:

Revolving Fund

Authorized Official

Animal Control	Police Chief
Civic Days	Mayor or Mayor's Designee Recreation Director
Communication Tower & Equipment	Fire Chief
Demolition	Community Development Director or Designee
Public Cemetery	Cemetery Superintendent Public Works Commissioner
Public Health Sustainability	Public Health Director
Public Library	Library Trustees Chief Librarian
Traffic Enforcement	Police Chief
Traffic Safety Equipment	Police Chief
Senior Center Activities	Executive Director of the Council on Aging
Sidewalk	Public Works Commissioner
Stormwater Maintenance	Public Works Commissioner

IX. ORDERS-OTHER

157-18. ORDERED THAT: That the City of Fitchburg sells 67-69 Myrtle Avenue to Joshua Naughton, Trustee of the 137 Green Street Realty Trust, as approved by the City's Side Yard Sales Program, as outlined in the enclosed Order.
(Reference Petition #235-15)

158-18. ORDER: Authorizing the City of Fitchburg to obtain a Conservation Restriction on a parcel of land in Ashby known as the Crocker Property as outlined in the enclosed Order.

- 159-18. ORDER: Authorizing the City of Fitchburg to purchase a certain parcel of land in Ashby known as the Krapf Property, located on Piper Road in Ashby, to be funded through grant monies, owner donation, division of Water Supply funds as outlined in the enclosed Order.

X. 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)

(Final Reading)

- 160-18. AN ORDINANCE: To amend the Table of Principle Uses by amending Sections 181.313C 14-A as follows:

*C 14-A SEASONAL OUTDOOR DINING. Update chart with Y for LI, I, and C & A Zones.

(Reference Petition #102-18)

(First Reading)

X1. PETITIONS

- 161-18. Timothy Pomerleau, Rydemore Heavy Duty Truck, Class II Dealer's license, for approval to increase maximum number of vehicles for sale from 10 to 100, and vehicles allowed in staging area waiting to be dismantled from 126 to 320.

(Public Safety Committee)

- 162-18. Councillors Marcus DiNatale and Joel Kaddy, on behalf of Donna Goodchild, to repair a damaged berm at 109 Vine Street.

(Public Works Committee)

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)

Next Regular Meeting
Tuesday, June 5, 2018, 7:00 PM