



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

June 5, 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. ANNUAL REPORT

163-18. INDEPENDENT AUDITOR'S REPORT: Melanson and Heath
For the year ending June 30, 2017

IV. REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of June 5, 2018, 6:45 PM

Re-Appointments:

Members of the Planning Board

(Term to expire January 1, 2021)

Mr. Andrew Van Hazinga

(Term to expire January 1, 2021)

Ms. Paula Caron

Member of the Disability Commission

(Term to expire June 30, 2019)

Ms. Sharon Tardiff

Finance Committee

Meeting of May 22, 2018

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.
(Be Adopted)

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.
(Be Adopted)

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.
(Be Adopted)

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

Legislative Affairs Committee

Meeting of May 29, 2018

- 067-18. Councilor Michael Kushmerek to require all short-term rental units to register and have a regular inspection as outlined in the attached document.
(Be Held)
- 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.
(Refer to the Council as a Whole Committee)

Public Safety Committee Oral Report

Meeting of June 5, 2018, 6:00 PM

- 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.
- 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.
- 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.
- 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 Works Committee
Meeting of May 29, 2018

- 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)
- 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)
- 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.
(Be Granted)
- 113-18. Councillor Michael Kushmerek, to repair or replace a plow-damaged berm located at 64 Ryefield Road.
(Be Granted)
- 114-18. Councillor Michael Kushmerek, to repair or replace a Plow-damaged berm located at 326 Blossom Street.
(Be Granted)
- 132-18. Councillor Paul Beauchemin, to establish a height limit for utility poles in the City of Fitchburg.
(Be Held)
- 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.
(Be Granted)
- 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.
(Be Granted)

- 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.
(Councillor Beauchemin recused himself)
(**Amend to:** fill small pothole in road in front of 20 Proctor Ave. and install a 5 ft. berm and repair the driveway apron in front of 20 proctor Ave. and granted as amended)
- 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.
(Be Granted)
- 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.
(Be Granted)
- 162-18. Councillors Marcus DiNatale and Joel Kaddy, on behalf of Donna Goodchild, to repair a damaged berm at 109 Vine Street.
(Be Granted)

V. ITEMS TO BE TAKEN FROM THE CITY PROPERTY COMMITTEE FOR DISCUSSION AND VOTE:

- 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.

VI. ORDERS-FINANCE

- 164-18. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with NS AJO Holdings LLC located at 20 Authority Drive, Fitchburg, MA.
- 165-18. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED THIRTY-TWO THOUSAND, ONE HUNDRED TWENTY-THREE AND 94/100 DOLLARS (\$232,123.94) same to be charged against RESERVED FOR APPROPRIATION INSURANCE RECOVERIES OVER \$150,000 and credited to SCHOOL EXPENSES.

- 166-18. 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 DPW TRAFFIC SIGNALS EXPENSE, EQUIPMENT (\$17,000.00) and DPW HIGHWAY GENERAL EXPENSE, GAS & OIL (\$13,000.00) and credited to DPW STREETLIGHTS, STREETLIGHT MAINTENANCE.
- 167-18. ORDERED THAT: There be and hereby is appropriated the sum of TEN THOUSAND, EIGHT HUNDRED NINETY-EIGHT AND 00/100 DOLLARS (\$10,898.00) same to be charged against WASTEWATER ENTERPRISE FUND, RETAINED EARNINGS and credited to WASTEWATER PERSONAL SERVICES.
- 168-18. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY THOUSAND, FIVE HUNDRED FORTY-FOUR DOLLARS (\$60,544.00), same to be charged against AVAILABLE FUNDS and credited to accounts as follows:
- | | |
|------------------------------------|-------------|
| BUILDING-Personal Services | \$25,948.00 |
| POLICE-Personal Services | \$ 618.00 |
| HEALTH-Personal Services | \$32,324.00 |
| COUNCIL ON AGING-Personal Services | \$ 566.00 |
| LIBRARY-Personal Services | \$ 566.00 |
| EMPLOYEE BENEFITES-Other Benefits | \$ 522.00 |
- 169-18. ORDERED THAT: There be and hereby is appropriated the sum of SIXTEEN THOUSAND, NINE HUNDRED SEVENTY-EIGHT DOLLARS (\$16,978.00), same to be charged against AVAILABLE FUNDS and credited to LIBRARY, PERSONAL SERVICES.
- 170-18. ORDERED THAT: There be and hereby is appropriated the sum of FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00), same to be charged against AVAILABLE FUNDS and credited to POLICE, CAPITAL EXPENDITURES, BUILDING REPAIRS for the purpose of replacing carpeting and ancillary repairs to the police station.
- 171-18. ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$350,000.00), same to be charged against AVAILABLE FUNDS and credited to FIRE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of acquiring a new pumper for the Fire Department.
- 172-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$180,000.00), same to be charged against AVAILABLE FUNDS and credited to DPW, CAPITAL EXPENDITURES, EQUIPMENT for the purpose of acquiring a new Vac truck used to flush and vacuum storm drains.

- 173-18. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00), same to be charged against AVAILABLE FUNDS and credited to AIRPORT REVENUE for the purpose of reducing the airport's deficit fund balance.
- 174-18. ORDERED THAT: There be and hereby is appropriated the sum of TWENTY-FIVE THOUSAND, THREE HUNDRED AND 00/100 DOLLARS (\$25,303.00), same to be charged against AVAILABLE FUNDS and credited to AIRPORT EXPENSE, VEHICLE REPLACEMENT for the purpose of acquiring vegetation management equipment.
- 175-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of \$101,212.00 (ONE HUNDRED ONE THOUSAND, TWO HUNDRED TWELVE AND 00/100 DOLLARS) for the purpose said grant, which is for the acquisition of vegetative management equipment for use at the airport.
- 176-18. 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 \$2,625.00 (TWO THOUSAND, SIX HUNDRED TWENTY-FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to provide child passenger safety seats and education on their use to residents in need.
- 177-18. ORDERED THAT: Each prior order of the City Council that authorized the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, as most recently amended by the Municipal Modernization Act, so-called, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium applied.

VII. ORDER-OTHER

- 178-18. ORDERED THAT: The Mayor is authorized to execute a deed of conveyance of the 14 Gage Street parcel to abutters Ian Brennan and Kelly Arvidson as outlined in the enclosed Order.
(Reference Petition #210-2017)

VIII. ORDINANCES

- 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)
(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)
(Final Reading)

IX. PETITIONS

- 179-18. Jaquelyn R. Poirier, Cemetery Superintendent, to approve the attached price increases which were approved by the Board of Cemetery Trustees on April 19, 2018.
(Finance Committee)
- 180-18. SPECIAL PERMIT PETITION: Francis Dower, to request a Special Permit Petition for 783 Water Street, to install on 1/3 of the property a "Fun Stuf & Get-It-Done Rental Store, and on 2/3 of the property a "Fun Stuf Party Place" (Indoor inflatable party playground).
(Public Hearing July 5, 2018)
- 181-18. Comcast, for a grant of location to install a solely owned pole on Railroad & First Street to provide Comcast service to 130 Water Street.
(Public Hearing June 19, 2018)
- 182-18. Detective Paul McNamara, to revoke the Class II car dealer license issued to KB Auto, 209 Lunenburg Street. This car dealer is no longer operating at this address.
(Public Hearing June 19, 2018)

- 183-18. Councillor Marisa Fleming, to install a berm at 453 Fisher Road just after the right hand turn from Pearl Hill Road.
(Public Works Committee)
- 184-18. Councillor Amy Green, on behalf of George Shmidt, to place "no parking" signs from FHA at Valley Street to Romano Ave.
(Public Safety Committee)

Next Regular Meeting
Tuesday, June 19, 2018, 7:00 PM