



Apr 06 2023 11:17 am

**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councillors at Large

Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthonv M. Zarrella

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

Ward Councillors

Ward 1 – Bernard J. Schultz III
Ward 2 – Paul R. Beauchemin
Ward 3 – Andrew J. Couture
Ward 4 – Andrew J. Van Hazinga
Ward 5 – Marisa R. Fleming
Ward 6 – Derrick J. Cruz

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on March 7, 2023.

The meeting was called to order by President Zarrella at 7:06 P.M. The meeting opened with a salute to the Flag led by Councilor Fleming. The City Clerk called the roll and 10 Councilors were present (Councilor Schultz was absent). Board consists of 11 members.

I. PUBLIC FORUM

David Thibault, Friends of Fitchburg Abolitionist Park, spoke on the CDBG funding.
Jessica Jacobson, Fitchburg MA., read a statement in opposition of ordinance 036-23.
Jean Raabe, Fitchburg MA., spoke in opposition of ordinance 036-23.

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of March 7, 2023

Re-Appointment:

Airport Commission

(Term to expire July 1, 2025)

Richard Liberatore - Duplicate, was previously Appointed on 11/15/2022

Re-Appointmnet:

Council on Aging

(Term to expire January 1, 2026)

Deborah Dion

Re-Appointment:

Council on Aging

(Term to expire December 31, 2025)

Joseph Byrne

Re-Appointment:

Council on Aging

(Term to expire December 31, 2025)

Bonnie Hautala

New Appointment:

Agricultural Commission

(Term to expire April 1, 2026)

Ingrid Wheeler

New Appointment:

Agricultural Commission

(Term to expire April 1, 2026)

Yonna Coon

New Appointment:

Agricultural Commission

(Term to expire April 1, 2025)

Jen Barlow

New Appointment:

Agricultural Commission

(Term to expire April 1, 2025)

James K. Momanyi

New Appointment:

Agricultural Commission

(Term to expire April 1, 2024)

Evan Halstead

New Appointment:

Board of Park Commissioners

(Term to expire May 1, 2028)

Mary Cringan

Report accepted. Appointment confirmed by unanimous consent 10/0. 10 members present. Board consists of 11 members.

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of February 21, 2023 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

His Honor the Mayor

Atty. Vincent Pusateri, II, to the position of City Solicitor for a one year term set to expire January 1, 2024.

Communication read and filed in the City Clerk's Office.

1. Re-Appointment letter:

Margaret Padovano, as a member of the Council on Aging, term to expire March 1, 2026.

2. Appointment letter:

George M. Mirijanian, as a members of the Trustees of Public Burial Grounds, term to expire April 1, 2026.

3. Appointment letter:

Amy Leblanc, as a member of the Fitchburg Disability Commission, term to expire April 1, 2026.

The Appointments was read and referred to the Appointments Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

V. REPORTS OF COMMITTEES

Finance Committee

Meeting of February 22, 2023

Finance Committee Minutes

041-23. ORDER THAT: there be and hereby is appropriated the sum of FOUR HUNDRED FIFTY-THREE THOUSAND, THREE HUNDRED AND 00/100 DOLLARS (\$453,300.00) same to be charged against AVAILABLE FUNDS and credited to the following accounts:

HIGHWAY, PERSONAL SERVICES	\$291,900.00
HIGHWAY, PERSONAL SERVICES, OVERTIME	\$ 39,400.00
HIGHWAY, SNOW & ICE, OVERTIME	\$ 41,900.00
CEMETERY, PERSONAL SERVICES	\$ 42,000.00
CEMETERY, PERSONAL SERVICES, OVERTIME	\$ 5,700.00
PARKS, PERSONAL SERVICES	\$ 25,200.00
PARKS, PERSONAL SERVICES, OVERTIME	\$ 3,200.00
EMPLOYEE BENEFITS, OTHER BENEFITS	\$ 4,000.00

(Be Adopted)

042-23. ORDER THAT: there be and hereby is appropriated the sum of TWO HUNDRED ELEVEN THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS (\$211,400.00) same to be charged against WATER ENTREPRISE FUND, RETAINED EARNINGS and credited to the following accounts:

WATER PERSONAL SERVICES	\$158,900.00
WATER PERSONAL SERVICES, OVERTIME	\$ 52,500.00

(Be Adopted)

043-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED THOUSAND, TWO HUNDRED AND 00/100 DOLLARS (\$100,200.00) same to be charged against WASTEWATER ENTREPRISE FUND, RETAINED EARNINGS and credited to the following accounts:

WASTEWATER PERSONAL SERVICES	\$ 93,300.00
WASTEWATER PERSONAL SERVICES, OVERTIME	\$ 6,900.00

(Be Adopted)

044-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the MassDevelopment, Brownfields Site Remediation Grant in the approximate amount of \$250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to remediate soil contamination at 80 Lunenburg Street.
(Be Adopted)

Report read and accepted. Orders 041-23 through 044-23 adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Orders signed by the Mayor March 8, 2023

Community Development Block Grant Year 49

CDBG Year 49

Move to accept report accept items Public Facilities and Improvements (D) Abolitionist Park Phase 3b and Economic Development (E) Fitchburg Downtown Coordinator by unanimous consent 10/1. 10 members present. Board consists of 11 members.

Move to accept Economic Development (E) Fitchburg Downtown Coordinator by unanimous consent 9/1 (Beauchemin). 10 members present. Board consists of 11 members.

Councilor Squailia recused herself at 7:23 PM.

Move to accept Public Facilities and Improvements (D) Abolitionist Park Phase 3b by unanimous consent 9/0. 9 members present. Board consists of 11 members.

Councilor Squailia returned at 7:23 PM.

VI. ORDERS - FINANCE

The following Orders were referred to the Finance Committee:

047-23. ORDER THAT: there be and hereby is appropriated the sum of SIXTEEN THOUSAND, SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$16,750.00) same to be charged against AVAILABLE FUNDS and credited to HEALTH EXPENSES, WEIGHTS & MEASURES.

- 048-23. ORDER THAT: there be and hereby is appropriated the sum of FORTY-FIVE THOUSAND AND 00/100 DOLLARS (\$45,000.00) same to be charged against AVAILABLE FUNDS and credited to POLICE EQUIPMENT & REPAIR, RADIO REPAIR.
- 049-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY-TWO THOUSAND, SEVEN HUNDRED TWENTY-ONE AND 00/100 DOLLARS (\$32,721.00) same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY EXPENSES, CONTRACTED SERVICES.
- 050-23. ORDER THAT: there be and hereby is appropriated the sum of SEVENTY THOUSAND AND 00/100 DOLLARS (\$70,000.00) same to be charged against AVAILABLE FUNDS and credited to INFORMATION TECHNOLOGY EXPENSES, CAPITAL IMPROVEMENTS.
- 051-23. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED TWENTY-SIX THOUSAND, THREE HUNDRED TEN AND 92/100 DOLLARS (\$126,310.92) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of paying FATV for franchise fees received during the fourth quarter of 2022.
- 052-23. ORDER THAT: there be and hereby is appropriated the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT, DOWNTOWN CLEANUP.
- 053-23. ORDER THAT: there be and hereby is appropriated the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, CONTRACTED SERVICES.
- 054-23. ORDER THAT: there be and hereby is appropriated the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, MUNICIPAL HEARING OFFICER.
- 055-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the New England Foundation for the Arts grant in the approximate amount of \$10,000.00 (TEN THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to engage an artist in the creation of temporary banner art on the façade of Fitchburg Cultural Alliance's Main Street Studios.

Wave the reading and refer the following orders 047-23 through 055-23 to the Finance Committee by 9 in favor and 1 opposed (Beauchemin). 10 members present. Board consists of 11 members.

VII. ORDERS – AMERICAN RESCUE PLAN ACT

- 056-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$5,500,000.00 (FIVE MILLION, FIVE HUNDRED THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to create a 21st century library at the Fitchburg Public Library.
- 057-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$2,000,000.00 (TWO MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to replace the natural grass field at Crocker Field with an artificial turf field.
- 058-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$3,000,000.00 (THREE MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade all water mains on Boulder Dr., as well as those in the intersecting streets between Boulder Dr. and Main St.
- 059-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the American Rescue Plan Act, Funds Available for Projects in the approximate amount of \$5,000,000.00 (FIVE MILLION AND 00/100 DOLLARS) for the purpose of said grant, which is to upgrade all water mains on Main Street, in the Upper Common area.

Motion to suspend the rules by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Orders adopted by unanimous Consent 10/0. 10 members present. Board consists of 11 members.

Orders signed by the Mayor March 8, 2023

VIII. ORDINANCES

- 040-23. AN ORDINANCE: **AMENDED** Chapter 44, Section 10 of the Code of the City of Fitchburg as most recently amended, shall be amended by striking where applicable the current rates for temporary seasonal employees and inserting in its place the attached table of ~~to be in compliance with minimum wage laws, wage rates.~~

AN ORDINANCE: Chapter 44, Section 10 of the Code of the City of Fitchburg, as most recently amended, shall be amended by striking where applicable the current rates for temporary seasonal employees and inserting in its place the attached table of wage rates to remain competitive with the current labor market.

Ordinance amended was sent to a final reading, ordained, and ordered advertised by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members.

Ordinance was signed by the Mayor March 8, 2023.

036-23. AN ORDINANCE: The following be added as Chapter 3-19 to the Fitchburg City Code, with following sections of this chapter renumbered accordingly. As enclosed in the Ordinance.

3-19 Commemorative Flags

AN ORDINANCE: The following be added to Chapter 3 of the Fitchburg City Code ~~as the next consecutively numbered section:~~

3-21?? Flags to be Flown

In addition to the flags of the United States of America, the Commonwealth of Massachusetts, and the City of Fitchburg, other flags shall not be flown on City flagpoles, except as permitted by the subsequent paragraph, unless authorized by a resolution approved by a majority vote of the City Council, affirming that such flag will stand as an expression of the official sentiments of the City of Fitchburg. The City's flagpoles are not designated as a forum for expression by the public.

If, due to unforeseen or sudden circumstances, the expression of official sentiments through the raising of a flag would be unduly hindered by delaying until the next scheduled City Council meeting, the Mayor may communicate a proposed resolution pursuant to the preceding paragraph directly to all members of the City Council and the City Clerk, along with a thorough explanation of the asserted urgency. If, after forty-eight (48) hours no objection is raised by a City Councilor, that flag may be raised and the resolution included as a Communication from the Mayor at the following meeting of the City Council. If any Councilor raises an objection in writing, the flag in question shall not be flown until the City Council has approved the proposed resolution.

President Zarrella requested a substance amendment to the third sentence after flagpole to read, "or otherwise displayed in official fashion on City property".

Motion and second on the amendment 6 in favor 4 opposed (Couture, DiNatale, Fleming, Green). 10 members present. Board consists of 11 members.

Amended ordinance was sent to a final reading, ordained, and ordered advertised by roll call vote of 6 in favor and 4 opposed (Couture, DiNatale, Fleming, Green). 10 members present. Board consists of 11 members.

IX. ANNOUNCEMENTS

Councilor Schultz submitted: The next meeting of the Widowed Helping Widowed Support Group will take place on Thursday, March 9, 2023 from 4 until 5:30 p.m. in Room 203 at the Fitchburg State University Recreation Center, 130 North Street. Kelley Lynn and Bernie Schultz will co-facilitate the meeting.

Councilor Schultz submitted: Ward 1 City Councilor Bernie Schultz is planning on hosting a Ward 1 Community Meeting on Monday, March 13, 2023 at 6:30 p.m. in the Fitchburg Legislative Building, 700 Main Street. City Solicitor Vincent Pusateri and City Manager of Information Technology Trevor Bonilla will make presentations, and then answer questions following their presentations.

Councilor Couture submitted: The British American Club will be hosting their Annual Corned Beef and Cabbage Dinner, March 19, 2023, from 1:00 PM – 4:00 PM. Special performance by the Irish American Step Dancers at 2:30 PM. Tickets are \$15.00 at the club now or at the door on the 19th.

X. OTHER BUSINESS

Next Regular Meeting
Tuesday, March 21, 2023, at 7:00 PM

The meeting adjourned at 7:31 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk