

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on April 21, 2020. The meeting was called to order by President Michael Kushmerek at 7:12 P.M. The Clerk stated the names of the Councillors who have logged in and eleven (11) Councillors were present. The meeting opened with a salute to the Flag led by Councillor Van Hazinga. Motion made by Councillor Zarrella regarding the Council Rules pertaining to remote participation; 2/3 roll call votes required passed by unanimous vote. 11 members present. Board consists of 11 members.

For the Record

Noted for the record:

FATV was recording the audio and video of the meeting.

Public Forum

PUBLIC FORUM

The following statement was issued for anyone wishing to participate the Public Forum:

The public is cordially invited to participate in the City Council Meeting of April 21st (7:00 PM) via the Zoom Meeting platform.

Register in advance for the Public Comments or Public Hearing portion of the Agenda by going to:

https://zoom.us/webinar/register/6615868099595/WN_RN85oma2RMKC-65XYddPzw

A welcome email and further details will be sent to you once your registration has been validated.

Alternatively, comments of not more than two (2) minutes may be sent to the City Clerk's Office by NOON on April 21, 2020 by calling 978-829-1820 or via email at: cityclerk@fitchburgma.gov.

Records

REPORT OF COMMITTEE ON RECORDS

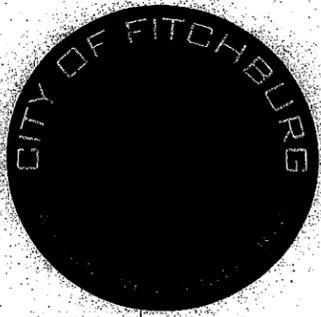
The Committee on records reported the minutes of the Regular Meeting of April 7, 2020, were correctly recorded. Report accepted and minutes adopted.

Communication
His Honor the
Mayor
Re-Appointment
Letters

COMMUNICATION

His Honor the Mayor
Re-Appointment Letters

1. Mr. Calvin Brooks, as City Auditor and Finance Director, for a term to expire May 1, 2023.



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

2020 APR 14 AM 10:07

OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY

CHIEF OF STAFF

ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID

ADMINISTRATIVE AIDE

JDAVID@FITCHBURGMA.GOV

April 14, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby reappoint and ask for your confirmation of Mr. Calvin Brooks of 147 Elm Street, Gardner MA, as City Auditor and Finance Director, for a term set to expire on May 1, 2023.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale".

Stephen L. DiNatale
Mayor

Communication
His Honor the
Mayor
Re-Appointment
Letters

2. Ms. Anne M. Cervantes, as City Treasurer and Tax Collector,
for a term to expire May 1, 2023.



The City of Fitchburg

Massachusetts
OFFICE OF THE MAYOR

FITCHBURG CITY CLERK

2020 APR 14 AM 10: 07

STEPHEN L. DINATALE
MAYOR
166 BOULDER DRIVE
FITCHBURG, MA 01420
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April 14, 2020

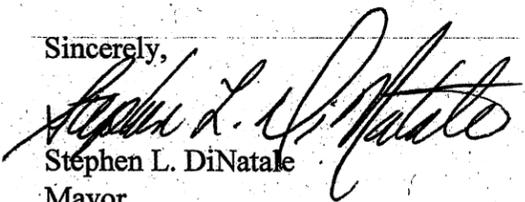
The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby reappoint and ask for your confirmation of Ms. Anne M. Cervantes of 106 Green Briar Rd., Fitchburg, as City Treasurer and Tax Collector, for a term set to expire on May 1, 2023.

Thank you for your attention to this important matter.

Sincerely,


Stephen L. DiNatale
Mayor

Communication
His Honor the
Mayor
Appointment
Letters

Appointment Letters

1. Ms. Senovia Bolivar, as a member of the Human Rights Commission, term to expire May 1, 2023.



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

2020 APR 16 AM 10:15

OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF

ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

April 16, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Ms. Senovia Bolivar of 20 Winthrop St. Fitchburg, as a member of the Human Rights Commission for a term set to expire on May 1, 2023.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale", is written over a faint, larger version of the same signature.

Stephen L. DiNatale
Mayor

Communication
His Honor the
Mayor
Appointment
Letters

2. Mr. John Zarrella, as a member of the Board of License Commissioners, term to expire January 1, 2026.



The City of Fitchburg
FITCHBURG CITY CLERK

Massachusetts 2020 APR 16 AM 10:10
OFFICE OF THE MAYOR

STEPHEN L. DINATALE

MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY

CHIEF OF STAFF

ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID

ADMINISTRATIVE AIDE

JDAVID@FITCHBURGMA.GOV

April 16, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Mr. John Zarrella of 371 Wannosnoc Road, Fitchburg, to the Board of License Commissioners for a term set to expire on January 1, 2026.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale".

Stephen L. DiNatale
Mayor

Appointments read and referred to the Appointments Committee.

Communication
Calvin D. Brooks
City Treasurer

COMMUNICATION
Calvin D. Brooks, City Treasurer
Re: Covid-19 Emergency



City of Fitchburg

166 Boulder Drive, Suite 108
Fitchburg, Massachusetts 01420

FITCHBURG CITY CLERK

Office of the City Auditor/Finance Director
Tel: 978-829-1840 • Fax: 978-829-1961

2020 APR 16 AM 9:56

Calvin D. Brooks
City Auditor/Finance Director

Jacquelyn M. Cronin
Deputy City Auditor

April 16, 2020

President Michael Kushmerek
and City Councilors
166 Boulder Drive
Fitchburg, MA 01420

Re: City Finances

Dear Mr. President and Councilors:

We are a month into the current Covid-19 state of emergency, and I would like to report on how the city is doing financially. In my opinion, the city will finish the current fiscal year above water, but will have to carefully manage the next fiscal year as we return to a new normal.

Unlike earlier disasters or emergencies when we would spend money quickly and in a finite amount of time, this emergency declaration will require spending over a long period of time. For the current fiscal year, I expect that much of the additional expenses the city is incurring will be reimbursed at 75% by FEMA or some other agency. Some revenues will not meet estimates because of delays in tax due dates, less economic activity, and the closing of city hall to the public. However, because of the revenue cushion available in landfill tipping fees, the city should meet its revenue budget.

Some departments are or will soon be overspending their budgets. These deficits will be met in one of two ways. Either expenses will be reclassified to grants or City Council will be asked to appropriate available funds to cover the deficit.

For example, the Purchasing Department is making bulk purchases of personal protection equipment and sanitizing material to be used by all city departments. Rather than try to allocate those costs to each department, the Purchasing Department will pay for these purchases. Since their expense budget is only \$4,000 for the fiscal year, they will likely go over budget. Given the expectation that grant funds will be available to cover extraordinary costs, much of the amount over budget will be moved to the grant. If there is still a need for funds, then a money order will be sent to City Council.

Communication
Calvin D. Brooks
City Treasurer

By the end of May we should have a pretty good idea about where the departments stand financially, what accounting needs to be done, and what money orders need to be drafted. We are still trying to digest the financial ramifications of the CARES Act, the FFCRA, and the state's Covid-19 Act, while at the same time maintaining city services. The next couple of weeks will determine whether our outlook is clearing or still foggy.

Even if life moves to a new normal on July 1st, the FY2021 budget will be affected, especially in revenue. Great Wolf Lodge is the only source of hotel excise tax and is currently closed. It generates about \$100,000 per month in city revenue. Because payment to the city of the hotel excise tax lags one quarter, the impact of its closing will be felt primarily next fiscal year, and when it does reopen, there may be a delay in its getting back to generating the hotel excise tax revenue at the rate it did before. Also affected by this emergency will be revenue estimates for permits, motor vehicle excise taxes, and investment income (the current Fed rate is at or near 0%).

The state is also reexamining its revenue projections for next year, expecting them to be less. If a new projection leads to lower state aid to Fitchburg, then the city will have to determine if that reduction is long term and react accordingly.

If the emergency is still in place next fiscal year, there will be continued added costs; if the emergency is over, there will be residual costs. For example, more employees may choose to sell back vacation or personal time that they were unable to use because of the emergency.

Over the next few weeks, the Finance Team will be working on an FY2021 budget for presentation to City Council.

Finally, for the past few City Council meetings, we have tried to submit only money orders that were critical to the emergency work being done. I would like to thank City Council for suspending the rules and acting on these critical orders. We live in interesting times, and the last thing someone on the front lines needs is administrative challenges, delays, and roadblocks.

If you have any questions on these matters, please do not hesitate to contact me. Thank you.

Sincerely,



Calvin D. Brooks
City Auditor

Cc: Mayor Stephen L. DiNatale

Communication read and placed on file in the City Clerk's Office.

REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of April 21, 2020

The Appointments Committee recommended the following Appointments be confirmed:

New Appointments
Fitchburg State University Police Officers
As Special Police Officers for the City of Fitchburg

- Emily J. Ramos
- William T. Bonzcar
- Jonathan A. Francis
- Nicholas J. McLaughlin
- Cameron McCusker

New Appointment
(Held from March 17, 2020)
Zoning Board of Appeals

(Term to expire March 1, 2025)
Mr. Brian Gallagher

Report accepted. Appointments confirmed by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

City Property Committee Oral Report
Meeting of April 21, 2020

The City Property Committee recommended the following Orders be held in Committee:

- 041-20. ORDERED THAT: The Mayor is authorized to execute the Lease (to be supplied) relative to AKS Recycling, Inc.
- 042-20. ORDERED THAT: The Mayor is authorized to execute the Host Agreement (to be supplied) relative to AKS Recycling, Inc.

Report accepted. Orders held in Committee by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

The City Property Committee recommended the following Petition be held in Committee:

- 046-20. Councillors Marisa Fleming and Marcus DiNatale, to declare Ethier Street a Public Way.

Report accepted. Petition held in Committee by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Reports of
Committees
City Property
Committee
Oral Report

The City Property Committee recommended the following Orders be adopted:

099-20. ORDERED THAT: Authorizing the Mayor to execute and accept the request for proposal from H & G Financial, LLC, regarding 104 Daniels Street as outlined in the enclosed Order.

City of Fitchburg

FITCHBURG CITY CLERK

In City Council, 2020 APR 2 AM 11:50

ORDERED - That

WHEREAS, the City has issued Request for Proposals regarding 104 Daniel Street;

WHEREAS, 104 Daniel Street is a mixed-use building with retail on the first floor and four units of housing on the second floor;

WHEREAS, the second request for proposal was responded to by H & G Financial, LLC;

WHEREAS, the proposal indicated that they would purchase the property for \$40,000.00 and convert the retail space into four first floor parking spaces;

WHEREAS, the proposal was supported by documentation including an architect's review of the project and documentation evidencing the proposers financing;

WHEREAS, the proposal has been directed to complete a Form of Intent to ensure that approvals can be obtained from the Building Department for this type of use; and

NOW WHEREFORE IT IS ORDERED and voted that the Honorable Mayor Stephen L. DiNatale is hereby authorized on behalf of the City of Fitchburg to execute and accept the response to the Request for Proposal and to sign any and all documents and to take any and all other acts necessary, convenient and helpful to facilitate the transfer of the property to H & G Financial, LLC, on terms consistent with or substantially similar to that of the response to the Request for Proposal.

100-20. ORDERED THAT: Authorizing the Mayor to execute and accept the request for proposal from Via Y Rada Investments, LLC, regarding 190 River Street as outlined in the enclosed Order.

Reports of Committees
City Property Committee
Oral Report

City of Fitchburg

FITCHBURG CITY CLERK

In City Council, 2020 APR -2 AM 11:46

ORDERED - That

WHEREAS, the City has issued Request for Proposals regarding 190 River Street;

WHEREAS, 190 River Street is a vacant lot following the demolition of a home;

WHEREAS, the second request for proposal was responded to by Via Y Rada Investments, LLC;

WHEREAS, the proposal indicated that they would purchase the property for \$15,000.00 and convert the property to build a retail space to sell flooring;

WHEREAS, the proposer owns the property adjacent to the lot (side and rear) and the proposal was supplemented with a site plan of the proposed use; and

NOW WHEREFORE IT IS ORDERED and voted that the Honorable Mayor Stephen L. DiNatale is hereby authorized on behalf of the City of Fitchburg to execute and accept the response to the Request for Proposal and to sign any and all documents and to take any and all other acts necessary, convenient and helpful to facilitate the transfer of the property to Vida Y Rada Investments, LLC, on terms consistent with or substantially similar to that of the response to the Request for Proposal.

Report accepted. Orders adopted by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Orders signed by the Mayor April 22, 2020.

Reports of
Committees
Planning Board

Planning Board
Meeting of February 11, 2020

The Planning Board recommended the following Petition be granted:

046-20. Councillors Marisa Fleming and Marcus DiNatale, to declare Ethier Street a Public Way.



CITY OF FITCHBURG
PLANNING BOARD
166 BOULDER DRIVE
FITCHBURG, MASSACHUSETTS 01420

(978) 829-1891
PHONE

(978) 829-1965
FAX

DATE: March 12, 2020
TO: City Council
City Clerk
FROM: Paula Caron, Chair *PC/ucr*
Fitchburg Planning Board
SUBJECT: Petition #46-2020
To accept Ethier Street as a Public Way.

2020 MAR 12 PM 2:30
FITCHBURG CITY CLERK

At its February 11, 2020 meeting the Fitchburg Planning Board voted 6-0 in favor of the above-noted petition to accept the rest of Ethier Street as a Public Way provided all the required paperwork (deeds, etc.) have been submitted.

Report accepted. 11 members present. Board consists of 11 members.

PUBLIC HEARING

064-20. Unitil, Fitchburg Gas and Electric Light Company, to
to construct and use a line for 2 new proposed pole
locations on Valley Street, approximately 1200' west
of Canton Street as outlined in the enclosed petition.

CITY CLERK

(Petition for Original Pole Location)

Fitchburg, MA February 14, 2020

To the City Council of the City of Fitchburg:

Unitil, a company incorporated under the laws of the Commonwealth for the transmission of electricity for lighting, heating and power, respectfully ask permission to construct and use a line for such transmission, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

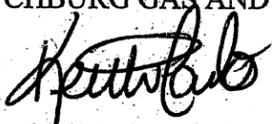
VALLEY ST. - Approximately 1200' West of Canton St. - 2 proposed new pole locations, as shown on pole petition. See attached sketch. (Plan No. 3451-L)

And to this end your Honorable Board is hereby requested, after due notice and a public hearing as provided by law, to grant to your petitioner, and its successors and assigns, a location for such line agreeably to the provisions of Chapter 166 of the General Laws and all acts in amendment thereof.

Also for permission to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

It is suggested that the poles be located substantially as shown on a plan filed herewith marked "Unitil Proposed Pole Locations in Fitchburg, Plan No. 3451-L, Dated 02/14/2020".

UNITIL FITCHBURG GAS AND ELECTRIC LIGHT COMPANY

By
Keith Caribo 
Manager Electric T & D Operations

2020 FEB 27 AM 9:50
FITCHBURG CITY CLERK

City of Fitchburg 2020

Received and filed.

City Clerk

Public Hearing
Petition #64-20

For City Clerk's Book
(Copy of Order adopted Granting original Pole Location,
and Certificate of Notice and Hearing)

City of Fitchburg

IN CITY COUNCIL

ORDERED: That upon petition of Unutil, dated 02/14/2020 due notice having been given and a public hearing held as provided by law, permission is hereby given said Company to construct and use a line for the transmission of electricity for lighting, and power, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said City as follows:

VALLEY ST. - Approximately 1200' West of Canton St. - 2 proposed new pole locations, as shown on pole petition. See attached sketch. (Plan No. 3451-L)

And to said Company, its successors and assigns, is hereby granted a location for such line, the same to be constructed and maintained in accordance with the Ordinances of said City and with the following

SPECIFICATIONS:

The poles shall be located substantially as shown on a plan filed herewith marked "Unutil Proposed Pole Locations in Fitchburg, Plan No. 3451-L, Dated 02/14/2020" hereby referred to and made a part of this order.

Also that permission be and hereby is granted to place and maintain underground laterals, manholes, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

I hereby certify that the foregoing order was adopted after due notice and a public hearing as prescribed by Chapter 166 of the General Laws, namely, after a public hearing had been held by the City Council on _____ 2020, written notice of the time and place of which had been mailed at least seven days prior thereto by me to all owners of real estate abutting upon the ways or parts of ways upon, along or across which the lines are to be constructed under said order, said ownership having been determined by the last preceding assessment for taxation.

City Clerk

Petitions

PETITIONS

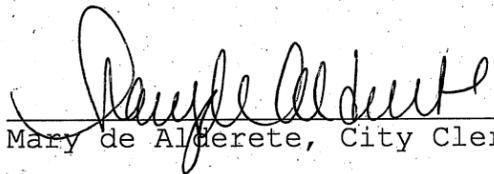
The following Petition was referred to the Public Works Committee:

101-20. Councillor Paul Beauchemin, to install a berm at 88 Newtonville Avenue, to mitigate water damage.

The following Petition was amended to replace "poles 12 to 26" with "poles 15 to 26" and referred to the Public Works Committee as amended:

102-20. Councillor Paul Beauchemin, to request Unitil to apply new asphalt around poles 12 to 26 on Franklin Road up to Oak Hill Road.

The meeting adjourned at 7:34 P.M.



Mary de Alderete, City Clerk

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