



FITCHBURG CITY CLERK

*Apr 13 2023 3:34 pm*

## WELCOME TO THE FITCHBURG CITY COUNCIL

**April 18, 2023**

**Fitchburg Legislative Building  
700 Main Street  
Fitchburg MA 01420**

**7:00 PM**

This meeting can also be viewed live on FATV. Go to [www.fatv.org/watch-fatv](http://www.fatv.org/watch-fatv) for more information on accessing this meeting.

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 city of residence.
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 Councilor would be happy to assist you.

Thank you for your interest!

## I. PUBLIC FORUM

This meeting will be open to the public. Persons who wish to participate remotely in the Public Forum portion of the meeting may request a remote attendance link by contacting the City Clerk at [cityclerk@fitchburgma.gov](mailto:cityclerk@fitchburgma.gov).

## II. ANNOUNCEMENTS

### III. REPORT OF THE APPOINTMENTS COMMITTEE

#### **Appointments Committee**

#### **Oral Report**

#### **Meeting of April 18, 2023**

#### **New Appointment:**

#### **Fitchburg Council on Aging**

(Term to expire April 1, 2026)

Annie L. Belmer

#### **New Appointment:**

#### **Special Police Officers**

#### **Fitchburg Police Department**

Philip Kearns

#### **New Appointments:**

#### **Full-Time Student Police Officers**

#### **Fitchburg Police Department**

Matthew Pawson

Zachary Saldana

Shawn Burns

Sothearvy Kay – **Withdrew**

Ramon Viches

Conor Monaghan

Brandon Bento

#### **New Appointment:**

#### **Permanent Full Time Firefighter**

#### **For the City of Fitchburg**

Alec M. Dymont

#### **New Appointment:**

#### **Board of Health**

(Term to expire January 1, 2026)

Dianne F. Evans Tousignant RN

#### **Re-Appointment:**

#### **City Treasurer and Tax Collector**

#### **For the City of Fitchburg**

(Term to expire May 1, 2026)

Anne M. Cervantes

**Re-Appointment:**  
**City Auditor and Finance Director**  
**For the City of Fitchburg**  
(Term to expire May 1, 2026)  
Mr. Calvin D. Brooks

#### **IV. REPORT OF COMMITTEE ON RECORDS**

#### **V. COMMUNICATION** His Honor the Mayor

##### **1. Re-Appointment letter:**

Annie DeMartino, as a member of the Fitchburg Council on Aging, for a term to expire November 1, 2025.

#### **VI. REPORT OF COMMITTEES**

##### **Council as a Whole Committee** **Oral Report** **Meeting of April 12, 2023**

- 098-23. To approve the following increases in water rates, minimum monthly charges, and miscellaneous charges in Article VI, Section 177-15 of the City Code. The fee increase which are proposed by the City of Fitchburg, Division of Water Supply as enclosed.  
(Be granted by unanimous consent)
- 099-23. To approve the following increases in wastewater rates and minimum monthly charges in Article III, Section 147-10.1 of the City Code. The fee increases which are proposed by the City of Fitchburg, Division of Wastewater as enclosed in the Petition.  
(Be granted by unanimous consent)

##### **Finance Committee** **Meeting of April 12, 2023** **[Finance Committee Meeting Minutes](#)**

- 087-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Council on Aging (NCOA) grant in the approximate amount of \$149,848.73 (ONE HUNDRED FORTY-NINE THOUSAND, EIGHT HUNDRED FORTY-EIGHT AND 73/100 DOLLARS) for the purpose of said grant, which is to increase COVID-19 vaccination rates in MPH communities and to ensure older adults and people with disabilities get the latest COVID and flu vaccines.  
(Be Adopted)

088-23. ORDER THAT: there be and hereby is appropriated the sum of ONE MILLION, FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,400,000.00) same to be charged against AVAILABLE FUNDS and credited to LONGSJO SCHOOL WINDOWS & DOORS CAPITAL PROJECT.  
(Be Adopted)

089-23. ORDER THAT: there be and hereby is appropriated the sum of FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00) same to be charged against AVAILABLE FUNDS and credited to DPW ADMIN. EXPENSES, STORMWATER CONTRACT SERVICES.  
(Be Adopted)

## **VII. ORDERS – FINANCE**

100-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Best Value grant in the approximate amount of \$135,000.00 (ONE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue providing staffing for various vaccine clinics and to continue providing outreach and collaborate with key stakeholders.

101-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration, Bi-partisan Infrastructure Law grant in the approximate amount of \$256,491.00 (TWO HUNDRED FIFTY-SIX THOUSAND, FOUR HUNDRED NINETY-ONE AND 00/100 DOLLARS) for the purpose of said grant, which is to perform an environmental assessment and wildlife hazard assessment on the airport property.

## **VIII. ORDERS - OTHER**

102-23. ORDER THAT: WHEREAS, the City has issued a Request for Proposals regarding 260 Rollstone Street;

WHEREAS, 260 Rollstone Street contains the vacant Laurel Street School building and the former site of the Rollstone Street School, now vacant land, conveyed by the Fitchburg School Department to the City of Fitchburg;

WHEREAS, the second request for proposal was responded to by Seney, Inc.;

WHEREAS, the proposal indicates Seney, Inc. will purchase the property for \$1,000 and redevelop the property into 20 units of housing;

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 Seney, Inc. on terms consistent with or substantially similar to that of the response to the Request for Proposal.

[260 Rollstone Street Council Package](#)

103-23. ORDER THAT: WHEREAS, the City has issued Request for Proposals regarding 491 Main Street;

WHEREAS, 491 Main Street is a long vacant commercial structure taken by the City through a tax taking;

WHEREAS, the second request for proposal was responded to by Leslie Colon and partner Roberto Colon;

WHEREAS, the proposal indicates they would purchase the property for \$1,000 and redevelop the property as a restaurant, function room, and 2-3 residential units;

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 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 Leslie Colon, on terms consistent with or substantially similar to that of the response to the Request for Proposal.

[491 Main Street Proposal](#)

104-23. ORDER THAT: BE IT ORDERED THAT THE CITY OF FITCHBURG SUBMIT THE FOLLOWING PETITION TO THE COMMONWEALTH OF MASSACHUSETTS. A PETITION TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS AUTHORIZING THE PASSING OF A SPECIAL ACT REGARDING THE FITCHBURG RETIREMENT BOARD'S CALCULATION OF BENEFITS.

Whereas, for over thirty years, the City of Fitchburg maintained an employment arrangement with its employees whereby each would be compensated, in part, by the receipt of benefits through the Fitchburg Retirement System. By rule, the Fitchburg Retirement System treated employee vacation and personal leave buyback amounts as regular compensation thereby including it in the calculation of employees' anticipated retirement benefits.

Whereas, in furtherance of this employment arrangement, the City of Fitchburg, by rule, would withhold a portion of the employees' vacation and personal leave buyback amounts and then pay those withholding to the Fitchburg Retirement System.

Whereas, in 2018, the Public Employee Retirement Administration Commission (PERAC) issued a decision causing the Fitchburg Retirement Board to discontinue treating employee vacation and personal leave buyback amounts as regular compensation, thereby no longer including them in the calculation of employees' anticipated retirement benefits.

Whereas, in 2022, State legislation was enacted to restore the vacation leave buyback component. However, the legislation did not address personal leave.

Whereas, the on April 4, 2023, the City of Fitchburg’s City Council unanimously voted to file a Home Rule Petition for a Special Act with the Honorable General Court to include personal leave buyback in the calculation of retirement benefits.

NOW THEREFORE, BE IT ORDERED THAT THE CITY COUNCIL OF THE CITY OF FITCHBURG HEREBY PETITIONS THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS TO ENACT SPECIAL LEGISLATION APPLICABLE TO THE CITY OF FITCHBURG IN SUBSTANTIALLY THE FORMS AS FOLLOWS; PROVIDED THAT THE GENERAL COURT MAY VARY THE FORM AND SUBSTANCE OF THE LEGISLATION CONSISTENT WITH THE PUBLIC OBJECTIVE OF THIS PETITION:

[Home Rule Amendment](#)

### IX. ORDINANCES

090-23. BE IT ORDAINED THAT – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

**Under Positions Paid Annually**

	Effective: 1/1/2014
Mayor	\$83,320.00 (\$1,596.15/week)

The following shall be added in its place:

**Under Positions Paid Annually**

	Effective: 1/1/2024
Mayor (Pulled from Committee, First Reading)	\$120,000.00 (\$2,307/week)

091-23. BE IT ORDAINED THAT – Chapter 44, §10 of the City of Fitchburg City Code, under Positions Paid Annually, as most recently amended, shall be amended by striking the following:

**Under Positions Paid Annually**

	Effective: 1/1/2014
City Councilor	\$10,000.00

**The following shall be added in its place:**

	Effective: 1/1/2024
City Councilor (Pulled from Committee, First Reading)	\$13,000.00

## **X.PETITIONS**

- 105-23. City Councilor Bernie Schultz and Gina Teixeira of 40 Nashua Street to request repair of sidewalk asphalt in front of 40 Nashua Street.  
(Public Works)
- 106-23. Councilors Marcus DiNatale and Andrew Couture, on behalf of Leo and Debra Bousquet, to replace damaged berm at 580 Shea Street.  
(Public Works)
- 107-23. The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.  
(Legislative Affairs)
- 108-23. The Chief of Police may appoint subject to the approval of the Mayor and the City Council such number of Part Time Civilian Police Dispatchers as required by the Chief of Police. All Part Time Dispatchers will be members of the Fitchburg Police Department, subject to the Authority of the Mayor and Chief of Police, or the designee of the Chief of Police. Part Time Civilian Police Dispatchers shall be paid at the "OVERTIME RATE of step 6 of the Wage Matrix negotiated with the Massachusetts Coalition of Police representing Civilian Dispatchers.  
(Legislative Affairs)

## **XI. OTHER BUSINESS**

Next Regular Meeting  
Tuesday, May 2, 2023, at 7:00 PM