



Apr 20 2022 2:49 pm

City of Fitchburg Massachusetts 01420

CITY COUNCIL

Councillors at Large

Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthony 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 April 5, 2022.

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

I. PUBLIC FORUM

No one spoke at the public forum.

SPECIAL PRESENTATION

President Zarrella announced that the following Presentation be taken out of order:

Presentation of trophies from Fitchburg Police Department to the winners of the Dog License Awareness Poster Contest.

The winners of the contest were:

Honorable mentions:

- Maria Uribe Calderon
- Aaliyah Derr
- Asia Warren
- Jaiden Bello Arroyo

First Prize Winner:

- Isabela Davila Leon

II. REPORT OF THE APPOINTMENTS COMMITTEE

There is no report of the Appointments Committee at this time.

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of March 15, 2022 were correctly recorded. Report accepted and minutes adopted.

IV. COMMUNICATION

Council President Anthony Zarrella
Appointment of the City Clerk

President Zarrella read the communication into the record. He identified the individuals that comprised the Search Committee and provided an overview of the process that was undertaken for this recommendation to the City Council. Some Councilors expressed concern with the overall process and lack of communication and transparency.

Candidate Ms. Joanna Bilotta-Simeone was introduced to the City Council. Councilors asked various questions of Ms. Bilotta-Simeone.

Appointment confirmed by roll call vote of 10 in favor and 0 opposed. 10 members present.
Board consists of 11 members.
Appointment to be effective April 19, 2022.

V. COMMUNICATION

Pension Reserves Investment Management Board

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

VI. SPECIAL PRESENTATION

Tom Skwierawski, Director
Community Development & Planning
RE: Multi-Family Zoning requirement for MBTA Communities

Mr. Tom Skwierawski, Director of Community Development & Planning, presented the new Multi-Family Zoning requirements for MBTA Communities to the City Council. He noted that pursuant to a new state law, part of the zoning enabling legislation that was passed with the 2021 Economic Development Bill, the law creates some requirements for communities that live within commuter rail, subway or other stations to have zoning that can allow for transit oriented development housing. Mr. Skwierawski noted the program is designed to incentivize communities to become eligible and that one of the basic requirements is that he present the law to the City Council. Mr. Skwierawski further explained the reasons that Fitchburg is eligible for the program and answered various questions from City Councilors.

[MBTA Communities Council Presentation](#)

VII. REPORTS OF COMMITTEES

City Property Committee
Meeting of March 28, 2022

[City Property Meeting Packet](#)

[City Property Committee Minutes of March 28, 2022](#)

The City Property Committee recommended the following Petitions be granted:

- 195-21. Tom Skwierawski, Exe. Director of Community Development and Planning, to Declare 0 Daniels Street (Parcel 77 41 0) surplus property and designate the property for sale through the Side Yard Sales Program.
- 008-22. Tom Skwierawski, Executive Director of Community Development & Planning Department, to declare the following parcels as surplus property:
0 Taft Street, Assessor's Map 20/4/3
0 Taft Street, Assessor's Map 20/4/2
- 033-22. Tom Skwierawski, Exe. Director of Community Planning & Development, to request City Council declare the following parcel as surplus property:
50 Granite Street, Assessor's Map 82/6/0

Report read and accepted. Petitions granted by unanimous consent 10/0. 10 members present. Board consists of 10 members.

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

- 034-22. Tom Skwierawski, Exe. Director of Community Planning & Development, to request City Council declare the following parcel as surplus property:
0 Sawmill Pond Road, Assessor's Map S53/6/0

President Zarrella noted that the legal research requested at the Committee meeting had been completed and the plan that the Community Development Office has for the parcel's RFP appears to be legally acceptable. Councilor Squailia noted for the record that the concerns the Committee had were the following: 1) is commercial use of the parcel grandfathered through the special permit, 2) is it possible for the development of the parcel to directly tie into the sewer line on Route 31, and 3) how much in back taxes is currently owed.

Report read and accepted.

Petition held by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The City Property Committee recommended the following Petition be granted:

- 057-22. Tom Skwierawski, Executive Director of Community Development & Planning, to request the City Council to declare the following Parcel as surplus property:
491 Main Street, Assessor's Map 43/8/0

Report read and accepted. Petition granted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The City Property Committee recommended the following Petition be granted as amended:

- 175-21. Councilors Fleming and Hughes, to rename Union Street, located in Ward 5B to Adrian Ford Way.

(Public Works Committee recommended to amend petition to read “Co-Name Union Street to include Adrian Ford Way” and grant as amended.)

Report accepted. Petition granted as amended by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Economic Development Committee Oral Report
Meeting of April 5, 2022

The Economic Development Committee recommended the following Petition be held in Committee and sent to a Public Hearing May 3, 2022:

- 009-22. The Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by making several corrections & clarifications, as described in the enclosed Petition. [Planning Board Recommendation](#)

Report accepted. Petition held in Committee and sent to a Public Hearing May 3, 2022, by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The Economic Development Committee recommended the following Order be adopted:

- 032-22. ORDERED THAT: Authorizing the Mayor to execute a Memorandum of Agreement between the City of Fitchburg and the Twin Cities Rail Trail Association regarding the roles and responsibilities of each party to maintain the new trail as outlined in the attached Order.

Report accepted. Order adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Order signed by the Mayor April 13, 2022.

Finance Committee
Meeting of March 22, 2022

[Finance Committee Meeting Minutes of March 22, 2022](#)

The Finance Committee recommended the following Orders be adopted:

- 035-22. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive office of Public Safety and Security, SAFE grant in the approximate amount of \$3,255.00 (THREE THOUSAND, TWO HUNDRED FIFTY-FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to educate seniors in the community regarding fire and life safety topics.

- 036-22. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive office of Public Safety and Security, SAFE grant in the approximate amount of \$6,275.00 (SIX THOUSAND, TWO HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS)) for the purpose of said grant, which is to continue to teach fire safety to students.

- 037-22. ORDERED THAT: There be and hereby is transferred from within the sum of FIFTEEN THOUSAND, FIVE HUNDRED FIFTY-TWO AND 00/100 DOLLARS (\$15,552.00) same to be transferred from VETERANS PERSONAL SERVICES,

CLERICAL and credited to VETERANS EXPENSES, TEMPORARY PERSONAL SERVICES.

Report read and accepted. Orders adopted by unanimous consent 9/0. Councilor Cruz was absent for the vote. 9 members present. Board consists of 11 members.
Orders signed by the Mayor April 6, 2022.

Legislative Affairs Committee Oral Report
Meeting of March 30, 2022

[Legislative Affairs Committee Meeting Packet](#)

The Legislative Affairs Committee recommended the following Petition be held in Committee and send to a Public Hearing May 3, 2022:

009-22. The Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by making several corrections & clarifications, as described in the enclosed Petition.
[Planning Board Recommendation](#)

Report read and accepted. Petition held in Committee and sent to a Public Hearing May 3, 2022 by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The Legislative Affairs Committee recommended the following Petition be held in Committee:

028-22. Councilor Sam Squailia, to increase available resident off-street parking during a snow emergency as outlined in the enclosed petition.

Report read and accepted. Petition held in Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The Legislative Affairs Committee recommended the following Order be adopted:

054-22. WHEREAS, a third amendment is necessary in order to allow the Town of Westminster to transfer discharge from the Route 31 sewer line to the Route 2A sewer line and the Parties entered into the Agreement and wish to continue into good faith negotiations relative to the terms of a new Intermunicipal Agreement after receipt of certain studies that remain outstanding and input from the Department of Environmental Protection and the Environmental Protection Agency so as to best accommodate increased flow from Westminster.

[Third Amendment to Intermunicipal Agreement](#)

Report read and accepted. Order adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.
Order signed by the Mayor April 13, 2022.

Public Works Committee
Meeting of March 29, 2022

[Public Works Committee Minutes of March 29, 2022](#)

The Public Works Committee recommended the following Petitions be granted:

- 017-22. Councilor Bernard Schultz and Mari Barroso of 155 Milk Street, owner of adjacent property, to repair a retaining wall at rear of 155 Milk Street extending onto Maple Street.
- 018-22. Sgt. Daniel Boudreau, Fitchburg Police Traffic Unit, to petition for the installation of “no parking at all times” on both sides of Game On way, from Industrial Road/Victoria Lane intersection to Game on Soccer Facility entrance.
(Waiting for the report of the Public Safety Committee)
- 061-22. Councilors Marcus DiNatale and Paul Beauchemin, on behalf of Elmer Eubanks, to repair a damaged berm in front of 427 Oak Hill Road that is now causing water runoff onto the property.

Report read and accepted. Petitions granted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be **Amended to read:** Install a berm from 10 feet before the driveway at 60 Pershing Street to 10 feet after the second driveway to mitigate water runoff and grant as amended:

- 062-22. Councilor Paul Beauchemin, to install a berm from the corner of Stanley Street to 80 Pershing Street on both sides of the road to mitigate water runoff.

Report read and accepted. Petition granted as amended by unanimous consent 10/0. 10 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be held in Committee:

- 089-20. Councilor Bernie Schultz, and resident Alex Freeman of 70 Rainville Avenue, to remove the “No Turn on Red” sign at the intersection of John T. Cetrino Memorial Drive and Water Street.

Report placed on file.

Water/Wastewater Commission
Meeting of March 16, 2022

The Water/Wastewater Commission recommended the following Order be adopted:

- 054-22. WHEREAS, a third amendment is necessary in order to allow the Town of Westminster to transfer discharge from the Route 31 sewer line to the Route 2A sewer line and the Parties entered into the Agreement and wish to continue into good faith negotiations relative to the terms of a new Intermunicipal Agreement after receipt of certain studies that remain outstanding and input from the Department of Environmental Protection and the Environmental Protection Agency so as to best accommodate increased flow from Westminster.

[Third Amendment to Intermunicipal Agreement](#)

Report accepted. Order adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.

Order signed by the Mayor April 13, 2022.

VIII. ORDERS – FINANCE

The following Orders were referred to the Finance Committee:

- 064-22. LOAN ORDER: Approp. \$2,750,000.000 to pay the cost of demolishing the existing and constructing a new Oak Hill Water Storage Tank in the City and construction a new Oak Hill Water Storage Tank in the City as outlined in the enclosed Order.
- 065-22. ORDERED THAT: There be and hereby is appropriated the sum of ONE MILLION, FOUR HUNDRED THOUSAND AND 00/100 (\$1,400,00.00) same to be charged against AVAILABLE FUNDS and credited to FIRE DEPARTMENT CAPITAL, VEHICLE REPLACEMENT for the purchase of a new ladder truck
- 066-22 ORDERED 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 \$50,000 (FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to cover the additional hours spent by the Community Development Department on ARPA Compliance and administration.
- 067-22. ORDERED THAT: There be and hereby is appropriated the sum of FIFTY-FIVE THOUSAND (\$55,000) same to be charged against AVAILABLE FUNDS and credited to BUILDING DEPARTMENT-VEHICLE REPLACEMENT for the purpose of replace and inspection vehicle.

IX. ORDERS – CDBG Year 48

- 068-22. ORDERED THAT: The sum of SIXTY THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to Parkhill Improvements Phase II and charged against the CDBG Year 48.
- 069-22. ORDERED THAT: The sum of EIGHTY THOUSAND DOLLARS (\$80,000), same to be credited to the Play Equipment & Site Work-Parkhill Park and Mama Fitz project and charged against the CDBG Year 48.
- 070-22. ORDERED THAT: The sum of FORTY-THREE THOUSAND DOLLARS (\$43,000) be appropriated, same to be credited to the Fitchburg disability Commission: Sidewalk Accessibility project and charged against CDBG Year 48.
- 071-22. ORDERED THAT: The sum of ONE HUNDRED SIXTY-SEVEN FOUR HUNDRED NINETY-NINE THOUSAND DOLLARS (\$167,499) be appropriated, same to be credited to Streetscape Improvements and charged against the CDBG Year 48.
- 072-22. ORDERED THAT: The sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to the Friends of Fitchburg Abolitionist Park Phase III project and charged against the CDBG Year 48.

- 073-22. ORDERED THAT: The sum of FIVE THOUSAND DOLLARS (\$5,000) be appropriated, same to be credited to the NCM Association of Realtors, Summer St. Art Improvements and charged against the CDBG Year 48.
- 074-22. ORDERED THAT: The sum of TWENTY THOUSAND DOLLARS (\$20,000) be appropriated, same to be credited to the Public Art Project and charged against the CDBG Year 48.
- 075-22. ORDERED THAT: The sum of TWENTY-EIGHT THOUSAND DOLLARS (\$28,000) be appropriated, same to be credited to the Fitchburg Health Department: Street Outreach program and charged against the CDBG Year 48.
- 076-22. ORDERED THAT: The sum of SEVEN THOUSAND EIGHT HUNDRED EIGHTY-SEVEN DOLLARS (\$7,887) be appropriated, same to be credited to Growing Places Fitchburg Farmers Market and charged against the CDBG Year 48.
- 077-22. ORDERED THAT: The sum of TWELVE THOUSAND DOLLARS (\$12,000) be appropriated, same to be credited to the Montachusett Regional YMCA Spartacus Program and charged against the CDBG Year 48.
- 078-22. ORDERED THAT: The sum of SIXTY-FIVE THOUSAND DOLLARS (\$65,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol program and charged against the CDBG Year 48.
- 079-22. ORDERED THAT: The sum of TEN THOUSAND DOLLARS (\$10,000) be appropriated, same to be credited to the North Star Family Homeless Shelter and charged against the CDBG Year 48.
- 080-22. ORDERED THAT: The sum of ELEVEN THOUSAND DOLLARS (\$11,000) be appropriated, same to be credited to the Community Legal Aid Homelessness Prevention Project and charged against the CDBG Year 48.
- 081-22. ORDERED THAT: The sum of SIXTEEN THOUSAND DOLLARS (\$16,000) be appropriated, same to be credited to the Boys & Girls Club Transportation to Project Learn STEM and charged against the CDBG Year 48.
- 082-22. ORDERED THAT: The sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) be appropriated, same to be credited to NewVue Communities Small Business Technical Assistance Program and charged against the CDBG Year 48.
- 083-22. ORDERED THAT: The sum of FIFTY-FIVE THOUSAND DOLLARS (\$55,000) be appropriated, same to be credited to Small Business Technical Assistance program and charged against the CDBG Year 48.
- 084-22. ORDERED THAT: The sum of SIXTY-THOUSAND DOLLARS (\$60,000) be appropriated, same to be credited to the Sign and Façade Program and charged against the CDBG Year 48.
- 085-22. ORDERED THAT: The sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) be appropriated, same to be credited to Fitchburg State University for the Fitchburg Downtown Coordinator Position and charged against the CDBG Year 48.

- 086-22. ORDERED THAT: The sum of TWENTY-THOUSAND DOLLARS (20,000) be appropriated, same to be credited to the Habitat for Humanity Critical Home Repair Project and charged against the CDBG Year 48.
- 087-22. ORDERED THAT: The sum of ONE HUNDRED THREE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS (\$103,456) be appropriated, same to be credited to the Fitchburg Board of Health Code Enforcement program and charged against the CDBG Year 48.
- 088-22. ORDERED THAT: The sum of TWO HUNDRED THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$200,225) be appropriated, same to be credited to CDBG Administration and charged against CDBG Year 48.

Motion to Suspend the Rules passed by roll call vote of 10 in favor and 0 opposed. Order adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members. Order signed by the Mayor April 6, 2022.

X. RESOLUTION

The following resolution was referred to the Finance Committee:

- 089-22. RESOLUTION: A Resolution pertaining to a grant from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, Drinking Water Supply Protection (DWSP) Grant Program as outlined in the enclosed Resolution.
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XI. ORDINANCE

- 055-22. AN ORDINANCE: Amending Section 169-25 of the City Code, re: No Parking, Ellis Street, Kingsbury Street, Drury Street as outlined in the enclosed Ordinance. (Reference Petition 166-21)

(Final Reading)

[Ordinance](#)

Ordinance was sent to a third and final reading and adopted to be enrolled and ordained by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Ordinance signed by the Mayor April 6, 2022.

XII. PETITIONS

The following Petition, as amended (to strike 0 from the parcel number), was referred to the Planning Board and a Public Hearing May 3, 2022:

- 090-22. Marc Dohan, Exe. Director, NewVue Communities, property owner of 62 Academy Street, to amend the 40R Smart Growth District (181.84) by adding the following properties: 0 Elm Street (19-2-A0 - Ref. Petition #192-20, granted October 13, 2020).

and 49 Snow Street.

Mr. Tom Skwierawski, Director of Community Development & Planning, explained that this parcel was thought to be part of 617 Water Street which was declared surplus by the City Council in 2019 and was taken by tax title. Since that time, the property was demolished and a fair amount of environmental remediation has taken place and they are now ready to sell the property. In the process of marketing the property, it was discovered that the property is actually made up of 2 parcels, one of which is classified as O Lancaster Street. If the parcels are not sold together, 0 Lancaster Street will end up being a land locked parcel with no value to anyone else except the purchases. The property is now on the market, and this will allow for the City to get the full and fair value of the property.

091-22. Tom Skwierawski, Exe. Director, Community Development and Planning, to declare 0 Lancaster Street (109 11 0) as surplus property, and dispose of it through the RFP Process.

Motion to Suspend the Rules passed by roll call vote of 10 in favor and 0 opposed. Petition granted by unanimous consent 10/0. 10 members present. Board consist of 11 members.

The following Petition was referred to the Legislative Affairs Committee:

092-22. Chief Ernest Martineau, Fitchburg Police Department, to add to Chapter 40, relative to the Fitchburg Police Department, re: Civilian Traffic Control Specialists.

The following Petition was referred to the Public Safety Committee:

093-22. Councilor Sam Squailia on behalf of resident Nick Hains, to add a 4-way controlled stop at the intersection of Victoria Lane, Industrial Drive and Game-On Way. During times of heavy traffic flow in or out of the Game-On facility, residents of Victoria Lane do not have the right of way to cross, and thus must wait for long periods while the traffic lines go through. If a 4-way stop sign is not feasible, an alternate solution shall be investigated by the city.

The following Petitions were referred to the Public Works Committee:

094-22. Councilor Marisa Fleming, on behalf of Tom Siart, to install a berm on the backside of 280 Arn How Farm Road to mitigate flooding in his yard from water running down Billings Road.

095-22. Councilor Marisa Fleming, on behalf of Cindy Cote, to install well-constructed asphalt, stone or granite berm at 161 Marshall Road to reduce any further erosion to the front of property due to increased traffic during the summer months as well as winter plowing during the snowy months.

096-22. Councilor Andrew Van Hazinga, to install a berm on the western side of Longwood Avenue approximately 86 feet north of its intersection with Pearl Street to prevent storm-water runoff from washing out the area along the street.

097-22. Councilor Sam Squailia to petition the city to repair and/or replace existing trash barrels, and add new trash barrels as required on Main Street between Moran

Square and Academy Street. Trash cans should be placed one at each block and strategically located at busy pedestrian transition points.

XIII. ANNOUNCEMENTS

Councilor Schultz announced he is hosting a Ward 1 meeting on Monday, April 11th at 6:30 p.m. in the Legislative Building. Director of Community Development & Planning, Tom Skwierawski and Assessor Chris Paquette will make presentations and answer questions.

President Zarrella announced the following:

Saturday, April 9th from 9:00 a.m. to 12:00 p.m. Second Chance Animal Service will be hosting a pet vaccine clinic at the Fitchburg Fire Department at 33 North Street. Councilor Squailia noted that Second Chance Animal Services and BARK, Inc. will also be providing free cat & dog beds to residents at this event.

The Fitchburg Historical Society's Winter Newsletter is available at City Hall and in the Legislative Building.

XIV. OTHER BUSINESS

The meeting adjourned at 9:11 P.M.

Amanda K. Alford, Provisional City Clerk