

**CITY COUNCIL REGULAR
MEETING PACKET**

DECEMBER 17, 2019

7:00 PM



CITY OF FITCHBURG

Filed in the City Clerk's Office:

NOTICE OF PUBLIC MEETING

CITY COUNCIL REGULAR MEETING

MEETING DATE: Tuesday, December 17, 2019

MEETING TIME: 7:00 AM PM

MEETING PLACE: MEMORIAL MIDDLE SCHOOL LIBRARY

Name of building (if applicable) _____

Room number (if applicable) _____

Address 615 ROLLSTONE STREET

City FITCHBURG, MA 01420

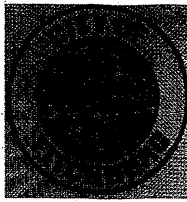
2019 DEC 12 AM 11:26
FITCHBURG CITY CLERK

AGENDA ITEMS:* **SEE ATTACHED**

AMANDA K. ALFORD, ASSISTANT CITY CLERK

Name and title of person submitting this notice

**Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.*



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. COMMUNICATION

His Honor the Mayor
Re-Appointment Letters

1. Mr. Joseph Byrne, as a member of the Fitchburg Council on Aging, term to expire December 31, 2022.
2. Mr. Richard Hautala, as a member of the Fitchburg Council on Aging, term to expire December 31, 2022.
3. Ms. Diane Ouellette, as a member of the Fitchburg Trustees of Public Burial Grounds, term to expire January 1, 2023.
4. Ms. Andrienne G. Clark, as a member of the Fitchburg Trustees of Public Burial Grounds, term to expire February 1, 2023.

Appointment Letter

1. Ms. Alyne Butland, as an Associate Member of the Planning Board, term to expire December 31, 2021.

IV. COMMUNICATION

Montachusett Regional Vocational Technical School District

V. SPECIAL PRESENTATION

City Hall Building Committee

VI. REPORTS OF COMMITTEES

Finance Committee

Meeting of December 10, 2019

- 280-19. ORDERED THAT: There be and hereby is appropriated the sum of ONE HUNDRED NINE THOUSAND, SIX HUNDRED TWO AND 00/100 DOLLARS (\$109,602.00) same to be charged against AVAILABLE FUNDS and credited to POLICE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing two police vehicles.
(Be Adopted)
- 281-19. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY-ONE THOUSAND AND 00/100 DOLLARS (\$61,000.00) same to be charged against AVAILABLE FUNDS and credited to FIRE, CAPITAL EXPENDITURES, AUTOMOBILE for a shift commander's vehicle.
(Be Adopted)

- 282-19. ORDERED THAT: There be and hereby is appropriated the sum of SIXTEEN THOUSAND, SIX HUNDRED TWELVE AND 00/100 DOLLARS (\$16,612.00) same to be charged against AVAILABLE FUNDS and credited to LIBRARY EXPENSES, BUILDING MAINTENANCE.
(Be Adopted)
- 283-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, LAND grant program in the approximate amount of \$237,440.00 (TWO HUNDRED THIRTY-SEVEN THOUSAND, FOUR HUNDRED FORTY AND 00/100 DOLLARS) for the purpose of said grant, which is for the costs of purchasing a conservation restriction on certain parcels of land in Fitchburg known as Jewell Hill Farm.
(Be Adopted)
- 284-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Trustees of Reservations in the approximate amount of \$94,200.00 (NINETY-FOUR THOUSAND, TWO HUNDRED AND 00/100 DOLLARS) for the purpose of purchasing a conservation restriction on certain parcels of land in Fitchburg known as Jewell Hill Farm.
(Be Adopted)
- 285-19. ORDERED THAT: There be and hereby is appropriated the sum of EIGHTEEN THOUSAND AND 00/100 DOLLARS (\$18,000.00), same to be charged against FUND BALANCE RESERVED FOR LAND PURCHASES and credited to WATER CAPITAL EXPENDITURES, LAND PURCHASES.
(Be Adopted)
- 286-19. ORDERED THAT: The Mayor is hereby authorized to execute contracts, agreements and any amendments thereto for the purchase of a conservation restriction, as defined in and authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, on approximately 138 acres of land in Fitchburg, known as Jewell Hill Farm, being Assessors parcels R59/999, S10/4; S10/5; S10/15; S10/16, said conservation restriction to be held jointly by the City of Fitchburg Conservation Commission and the Water and Wastewater Commission, for conservation and water supply protection purposes, pursuant to Massachusetts General Laws, Chapter 40, Sections 8C, 39B, 39E, and 41, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.
(Be Adopted)

Legislative Affairs Committee Oral Report
Meeting of December 17, 2019, 6:00 PM

- 272-19. AN ORDINANCE: Amending Chapter 134 (Peddling and Soliciting), Section 16 (Police Investigation of applicant, contents of license) re: Fingerprints.
- 278-19. Councilor Sam Squailia and Councilor Paul Beauchemin; on behalf of Bill & Pam Smith, 55 Fairbanks Street, to institute a Fitchburg Integrated Pest Management Policy as proposed in the attached draft policy.
- 291-19. Dennis A. Bradley & Alida Calvillo, to amend the nine month condition, covenant, restriction, reservation, term to obtain a building permit to 15 months or for the city to waive rights in said condition subsequent as outlined in the enclosed Petition.

VII. ORDER-FINANCE

- 292-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, Highway Safety Division grant in the approximate amount of \$12,000.00 (TWELVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to enhance traffic safety through high-visibility enforcement patrols focusing on impaired driving and occupant protection mobilizations.

VIII. ORDINANCES

- 288-19. AN ORDINANCE: Section 149-4, entitled "Issuance of Permit" shall be amended by inserting "To alter the content of a billboard, the alteration shall be referred to the Planning Board for review" and shall read as follows;

Permits for the erection and alteration of signs will be issued by the Inspector of Buildings in compliance with the provisions of this chapter, zoning regulations and the building codes of the City, except for signs regulated by M.G.L. c. 93, §§ 29 through 32, inclusive. To alter the content of a billboard, the alteration shall be referred to the Planning Board for review.

(Reference Petition #310-18)
(Final Reading)

289-19. AN ORDINANCE: Section 149-10, entitled "Violations and Penalties" shall be amended by striking "\$5.00" and inserting "\$300.00" in its place and shall read as follows;

Any person placing or maintaining any such structure contrary to the provisions of this chapter or of the zoning ordinances and building codes of the City shall be punishable by a fine not exceeding \$300.00 for each day during which such structure is placed or maintained contrary to such provisions after five days' notice to remove the same has been given by the City Council or by a public officer acting by the Chief of Police. Upon violation of this chapter or other provisions regulating signs in the City, the City Council may revoke any permit granted hereunder. (See M.G.L. c. 85, § 8.)

(Reference Petition #310-18)

(Final Reading)

IX. COMMITTEE MATTERS

APPOINTMENTS COMMITTEE:

Associate Member of the Disability Commission

(Term to expire December 1, 2021)

Ms. Kristie Oquendo

(Term to expire December 1, 2021)

Ms. Keishla Hance Luna

(Referred November 7, 2019, Held in Committee November 19, 2019)

COMMUNICATION
HIS HONOR THE MAYOR
RE-APPOINTMENT LETTERS



The City of Fitchburg
FITCHBURG CITY CLERK
Massachusetts 2019 DEC 12 AM 10:42
OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

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

AARON TOURIGNY
CHIEF OF STAFF

ATOIRIGNY@FITCHBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

December 12, 2019

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. Joseph Byrne of 546 Blossom St., Fitchburg, MA as a member of the Fitchburg Council on Aging for a three year term scheduled to expire on Dec. 31, 2022.

Sincerely,

Stephen L. DiNatale
Mayor



The City of Fitchburg
FITCHBURG CITY CLERK
Massachusetts 2019 DEC 12 AM 10:42
OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
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December 12, 2019

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. Richard Hautala of 1469 Rindge Road, Fitchburg, MA as a member of the Fitchburg Council on Aging for a three year term scheduled to expire on Dec. 31, 2022.

Sincerely,

Stephen L. DiNatale
Mayor



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

2019 DEC 12 AM 10:42

OFFICE OF THE MAYOR

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December 12, 2019

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

Dear Honorable Councilors,

I hereby re-appoint and ask for your confirmation of Ms. Diane Ouellette of 10 Bringham St., Fitchburg, MA as a member of the Fitchburg Trustees of Public Burial Grounds for a term to expire on January 1, 2023.

Please feel free to contact me with any questions.

Sincerely,

Stephen L. DiNatale
Mayor



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

2018 DEC 12 AM 10:42

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

January 31, 2018

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

Dear Honorable Councilors,

I hereby reappoint Ms. Andrienne G. Clark of 34 Beacon St., Fitchburg, MA as a member of the Fitchburg Trustees of Public Burial Grounds for a term to expire on February 1, 2023.

Sincerely,

Stephen L. DiNatale
Mayor

COMMUNICATION
HIS HONOR THE MAYOR
APPOINTMENT LETTER



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

DEC 12 AM 10:42

OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

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

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December 12, 2019

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. Alyne Butland of 255 Hollywood St., Fitchburg, MA as an Associate Member of the Planning Board for a 2 year term scheduled to expire on December 31, 2021.

Sincerely,

Stephen L. DiNatale
Mayor

**PROFILE OF
QUALIFICATIONS**

A persuasive, dedicated individual possessing sound negotiating skills, as well as excellent oral and written communication skills. Demonstrated advanced research and writing skills.

EDUCATIONNew England School of Law, Boston, MA

Juris Doctor, 2007

Graduated *cum laude* with a 3.6 grade point average and within top ten percent of class. Recipient of CALI Excellence for the Future Award in Personal Income Taxation and Negotiation as well as New England Scholar and Dean's List Student.

Fitchburg State College, Fitchburg, MA

Bachelor of Arts in Political Science, 2003

Graduated *summa cum laude* and received distinction as the recipient of the Political Science Department Award. Attended college as a Commonwealth Honors Scholar and earned President's List and Dean's List recognition. Earned a Center for the Study of the Presidency Fellowship. Received awards such as top ten orator at the National American Collegiate Moot Court Association competition and top orator at the American Collegiate Moot Court Association eastern regional tournament.

EXPERIENCEU.S. Department of Labor, Office of Federal Contract Compliance Programs, Boston, MANortheast Regional Liaison (May 2019-Present)

Overseeing regional adherence to policy, procedures and directives. Plans and makes recommendations for Region wide compliance reviews, investigations and enforcement priorities as well as dispositions. Plans, develops, coordinates and administers Regional policies and procedures and serves as a technical expert and operational link between the Boston District Office, the Regional Office and the Office of the Solicitor.

U.S. Department of Labor, Office of Federal Contract Compliance Programs, Boston, MAEqual Opportunity Specialist (January 2010-Present)

Ensuring uniformity and consistency in all technical aspects of compliance reviews, complaint investigations and other related activities, monitoring, facilitating and evaluating equal opportunity compliance activity, identifying operational problems, recommending corrective action and providing technical assistance; serving as policy interpreter, reviewing agency policy guidance, regulations and procedures and preparing technical guidance defining regional methods for implementing policies.

Bonville & Howard, Fitchburg, MAJunior Associate (September 2007- January 2010)

Representing and advising clients in all phases of civil litigation, social security, bankruptcy law, worker's compensation law, collection law, and estate planning and administration. Fully experienced in conducting client intakes, preparing discovery, drafting dispositive motions, and related memorandum. Highly versed in handling case management conferences, pre-trial conferences and civil motion sessions.

Fitchburg State College, Fitchburg, MAAdjunct Professor (September 2007- January 2010, September 2015-present)

Moot Court – Competition Team, U.S. Government, Intro to Legal Process, Criminal Law

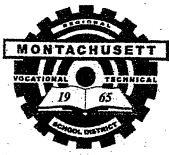
ACCOMPLISHMENTS

Employee of the Year-Agency (2015, 2016, 2018)

Rated Exemplary in Performance Standards (2014-present)

COMMUNICATION

MONTACHUSETT REGIONAL VOCATIONAL SCHOOL DISTRICT



Montachusett Regional Vocational Technical School District

1050 Westminster Street, Fitchburg, Massachusetts 01420

Ashburnham • Ashby • Athol • Barre • Fitchburg • Gardner • Harvard • Holden • Hubbardston • Lunenburg

Petersham • Phillipston • Princeton • Royalston • Sterling • Templeton • Westminster • Winchendon

Business Office

(978) 345-9200

Fax: (978) 345-9167

Website: <http://www.montytech.net>

November 25, 2019

Ms Anne Cervantes, Treasurer
City of Fitchburg City Hall
166 Boulder Drive
Fitchburg, MA 01420

Dear Ms Cervantes:

The 2019-2020 final budget and assessments were approved and certified by the Regional District Committee on November 13, 2019. Please note the revised assessment figures represent a decrease to the original assessment approved at your annual City/Town meeting in Spring 2019. The District will adjust your third and fourth quarter assessment bills to reflect the changes.

Revised Final FY 2020 Regional School District Assessment	\$ 1,920,335
Decrease	\$ -66652

If you have any questions, please feel free to contact Business Manager, Tammy Crockett, at (978) 345-9200 extension 5214.

Sincerely,

Norman J. LeBlanc
Treasurer

NJL/tl

Cc: M. Weeks, R. Babineau, R. Tourigny, B. Walker, Monty Tech Reps
Stephen DiNatale, Mayor
Michael Kushmerek, City Council President
Calvin Brooks, City Auditor

2019 DEC -9 AM 9:58
FITCHBURG CITY CLERK

Montachusett Regional Vocational Technical School does not discriminate on the basis of race, color, gender, gender identity, ethnicity, sexual orientation, disability, religion or national origin.

District Title IX Compliance Coordinator: Principal (978) 345-9200 ext. 5205



Learning that works for Massachusetts

SPECIAL PRESENTATION
CITY HALL BUILDING COMMITTEE

REPORTS OF COMMITTEES

FINANCE COMMITTEE

MEETING OF DECEMBER 10, 2019



FITCHBURG CITY CLERK

2019 DEC 11 PM 2:17

**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councilors at Large

David Clark
Marcus L. DiNatale
E. Thomas Donnelly
Samantha M. Squailia
Anthony M. Zarrella

President

Michael P. Kushmerek

Vice President

Amy L. Green

Ward Councilors

Ward 1 – Amy L. Green
Ward 2 – Paul R. Beauchemin
Ward 3 – Joel R. Kaddy
Ward 4 – Michael P. Kushmerek
Ward 5 – Marisa R. Fleming
Ward 6 – Elizabeth R. Walsh

Finance Committee

A meeting of the Finance Committee was called to order by Chairman DiNatale on Tuesday, December 10, 2019 at 6:03 PM in the Memorial Middle School Library, 615 Rollstone Street, Fitchburg, MA.

Committee Members present: Councilors Paul Beauchemin, Marcus DiNatale, Elizabeth Walsh, and Anthony Zarrella.

Committee Members absent: Councilor Michael Kushmerek

The chairman read an announcement regarding the recording of public meetings, noting that FATV was recording and broadcasting the meeting. No other person stated that they were recording the meeting.

The chairman opened the meeting for public comment. No one spoke.

280-19 ORDER: there be and hereby is appropriated the sum of ONE HUNDRED NINE THOUSAND, SIX HUNDRED TWO AND 00/100 DOLLARS (\$109,602.00) same to be charged against AVAILABLE FUNDS and credited to POLICE, CAPITAL EXPENDITURES, VEHICLE REPLACEMENT for the purpose of replacing two police vehicles.

Discussion: Police Chief Ernest Martineau stated that this appropriation is an annual request to replace two or three cruisers. The department has seven front line cruisers and he likes to turn them over at about 100,000 miles. Purchases in recent years have been made with extended warranties, which has greatly decreased maintenance costs.

Councilors asked if the replacement could be done less frequently. The chief replied that the problem with delaying replacement is that repair costs increase substantially.

Action: Motion to approve made by Councilor Beauchemin second by Councilor Zarrella.
Approved 4-0.

281-19 ORDER: that there be and hereby is appropriated the sum of SIXTY-ONE THOUSAND AND 00/100 DOLLARS (\$61,000.00) same to be charged against AVAILABLE FUNDS and credited to FIRE, CAPITAL EXPENDITURES, AUTOMOBILE for a shift commander's vehicle.

Discussion: Fire Chief Kevin Roy stated that this request had been initially made as part of his FY2020 budget submission. The department has an ongoing program to replace vehicles and have caught up. Going forward they will basically need one new vehicle per year. The new vehicle they are considering is slightly larger than the one it is replacing and has more storage capacity. The vehicle being replaced is fifteen years old.

Action: Motion to approve made by Councilor Walsh, second by Councilor Zarrella.
Approved 4-0.

282-19 ORDER: that there be and hereby is appropriated the sum of SIXTEEN THOUSAND, SIX HUNDRED TWELVE AND 00/100 DOLLARS (\$16,612.00) same to be charged against AVAILABLE FUNDS and credited to LIBRARY EXPENSES, BUILDING MAINTENANCE.

Discussion: Library Director Sharon Bernard and Trustee Chairman Jim Walsh were present. The chairman read a letter from Ms. Bernard dated November 22, 2019. Councilors asked about asbestos and the public bathrooms and were told that the asbestos removal is in the boiler room and has to be done to do repair work on the pipes. The bathrooms are just old.

Action: Motion to approve made by Councilor Beauchemin, second by Councilor Zarrella.
Approved 4-0.

283-19 ORDER: that the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, LAND grant program in the approximate amount of \$237,440.00 (TWO HUNDRED THIRTY-SEVEN THOUSAND, FOUR HUNDRED FORTY AND 00/100 DOLLARS) for the purpose of said grant, which is for the costs of purchasing a conservation restriction on certain parcels of land in Fitchburg known as Jewell Hill Farm.

284-19 ORDER: that the City of Fitchburg hereby approves the expenditure of funds from The Trustees of Reservations in the approximate amount of \$94,200.00 (NINETY-FOUR THOUSAND, TWO HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is for the costs of purchasing a conservation restriction on certain parcels of land in Fitchburg known as Jewell Hill Farm.

285-19 ORDER: that there be and hereby is appropriated the sum of EIGHTEEN THOUSAND AND 00/100 DOLLARS (\$18,000.00), same to be charged against FUND BALANCE RESERVED FOR LAND PURCHASES and credited to WATER CAPITAL EXPENDITURES, LAND PURCHASES.

286-19

ORDER: that the mayor is hereby authorized to execute contracts, agreements and any amendments thereto for the purchase of a conservation restriction, as defined in and authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, on approximately 138 acres of land in Fitchburg, known as Jewell Hill Farm, being Assessors parcels R59/999; S10/4; S10/5; S10/15; S10/16, said conservation restriction to be held jointly by the City of Fitchburg Conservation Commission and the Water and Wastewater Commission, for conservation and water supply protection purposes, pursuant to Massachusetts General Laws, Chapter 40, Sections 8C, 39B, 39E, and 41, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Discussion: Items #283-19, #284-19, #285-19, and #286-19 were taken together. Water Commissioner John Deline and Attorney Janet Morrison were present. Mr. Deline stated that the city had received a state grant and a grant from the Trustees of Reservations which required a local match of only \$18,000. The land under discussion is in the North Fitchburg watershed and the conservation restrictions are designed to preserve it. Preservation will also help protect the flow of Baker Brook toward the John Fitch Highway.

Councilors asked about public access to the land. Mr. Deline said that the public can access the northern watershed, and may in the future be allowed to access the southern watershed. There is a trail system used by hikers and hunters. Boats are not allowed in the water as a prevention against contamination by invasive species, and motorized vehicles are not allowed on the property.

Councilors expressed appreciation for the money secured from outside sources to support the acquisition of land and conservation restrictions. What is in store for the future? Ms. Morrison replied that the watershed is about 50% protected. There is more developed property in the southern watershed, so more work is needed there. Over time, it gets more expensive to secure property rights or to clean water. Mr. Deline said the goal is to get to 60% to 70% protection. Opportunities may arise when a property owner dies. The department also prefers to leverage its money for these kinds of expenses, since there is other work to do to keep the water system in good working order.

Councilors asked about the city's water quality. Mr. Deline stated that while the quality is good, the system is old with aging pipes. The city is using less water than in the past, so there is less flow in the pipes, because residents are less wasteful and there is less industry. There are improvements to be made.

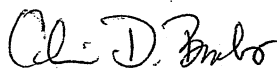
Action: Motion to approve made by Councilor Walsh, second by Councilor Zarrella.

Approved 4-0.

Motion to adjourn by Councilor Zarrella, second by Councilor Walsh. Approved 4-0.

The meeting adjourned at 6:28 PM.

Respectfully submitted,
Calvin D. Brooks, Clerk



**City of Fitchburg
Available Funds Summary
Fiscal Year 2020**

Available Funds Certified as of July 1, 2019			7,750,632
Less Approved Appropriations:			
11/19/19	257-19	Police - Capital - Building Repairs	-262,000
11/19/19	258-19	Treasurer - Expenses - Parking Building Repairs	-20,000
11/19/19	260-19	School - School Expenses	-879,709
11/19/19	261-19	School - School Expenses (E-Rate)	-41,143
11/19/19	262-19	Stabilization Fund	-350,000
11/19/19	263-19	OPEB Trust Fund	-250,000
11/19/19	264-19	Airport Revenue	-84,000
11/19/19	265-19	DPW Admin. Expenses - Stormwater Contracted Services	-300,000
11/19/19	266-19	Fire - Firefighters Equipment (Turnout Gear)	-23,564
11/19/19	267-19	Fire - Fire Building Maintenance - Heating Fuel	-23,800
11/19/19	268-19	Employee Benefits - Workers Compensation (EAP)	-28,000
11/19/19	26919	Treasurer - Expenses - Parking Building Repairs	-18,000
Subtotal - Approved Appropriations			-2,280,216
Balance Available			5,470,416
Less Proposed Appropriations:			
12/03/19	280-19	Police - Vehicle Replacement	-109,602
12/03/19	281-19	Fire - Shift Commander Vehicle	-61,000
12/03/19	282-19	Library - Building Maintenance	-16,612
Subtotal - Proposed Appropriations			-187,214
Balance Available if Proposed Appropriations are Approved			5,283,202
Possible Appropriations:			
Snow & Ice			
Stabilization Fund 5% - \$6,500,000 7% - \$9,100,000 Current - \$6,923,149			
OPEB Fund Current - \$1,485,030			
Host Fee / Mitigation			
Labor Contracts			
Legal - Code Enforcement			
Demolition			
Demolition - Laurel Street School			
Police - Vehicles			
Police - Handicap Accessibility			
Steam Plant Cleanup			
Marketing City			
Cemetery Software			
Cemetery Vehicles			
Cemetery - Expansion engineering			
Parks - Downtown Summer Groundskeeper			
Crocker Field			
DPW - Oak Hill Road Bridge			
DPW - Vehicles			
DPW - Street Paving			
Library - Asbestos Abatement on windows and HVAC pipes			
Veterans - Cash Benefits			
Schools - South Street School - West Building Façade and Roof			



FITCHBURG PUBLIC LIBRARY

610 MAIN STREET
WALLACE LIBRARY 978-829-1780
YOUTH LIBRARY 978-829-1789
www.fitchburgpubliclibrary.org

FITCHBURG, MA 01420
FAX: 978-345-9632
fplref@cwmares.org
facebook.org/fitchburgpubliclibrary

November 22, 2019

Honorable Stephen DiNatale
City of Fitchburg
166 Boulder Drive
Fitchburg, MA 01420

Dear Mayor:

Please accept our request for a \$16,612 Supplemental Appropriation for unforeseen major repair expenses relating to the elevator (per the state inspector), plumbing, shelving, and the HVAC system. There is also the planned asbestos abatement in the boiler room and the mechanical room for the auditorium.

Elite Construction	14-Nov	Repair failing book shelves	767.00
		Plumbing issues--several Flushometers and	2,506.62
MPC Services	18-Sep	faucets replaced in public and staff bathrooms	
		Purged 15 gallons of water mixed with oil from in	
MPC Services	15-Oct	ground oil tank.	976.33
MPC Services	4-Nov	boiler tripping off--treated more water in oil tank	607.95
Premier Abatement	30-Nov	Asbestos removal	5,900.00
		Standby for contractor to look at repairs for	
Worcester Elevator	13-Sep	estimate	740.00
Worcester Elevator	1-Oct	Reinspection Fee to DPS	200.00
Worcester Elevator	10-Oct	Repairs per inspector	1,165.50
Worcester Elevator	22-Oct	Repairs per inspector	3,326.00
Worcester Elevator	31-Oct	Reinspection	423.00
		Unforeseen YTD Expenses	<u>16,612.40</u>

Please transfer the funds to the Building Maintenance Account 016104-545608.

Thank you in advance.

Sincerely yours,

Sharon A. Bernard
Director

CC: Calvin Brooks

REPORTS FROM COMMITTEES

LEGISLATIVE AFFAIRS COMMITTEE

ORAL REPORT

MEETING OF DECEMBER 17, 2019

6:00 PM



CITY OF FITCHBURG

Filed in the City Clerk's Office:

NOTICE OF PUBLIC MEETING

LEGISLATIVE AFFAIRS COMMITTEE MEETING

AGENDA

MEETING DATE: Tuesday, December 17, 2019

MEETING TIME: 6:00 AM PM

MEETING PLACE: MEMORIAL MIDDLE SCHOOL LIBRARY

Name of building (if applicable) _____

Room number (if applicable) _____

Address 615 ROLLSTONE STREET

City FITCHBURG, MA 01420

2019 DEC 11 PM 4:20

FITCHBURG CITY CLERK

AGENDA ITEMS:*

- 272-19. AN ORDINANCE: Amending Chapter 134 (Peddling and Soliciting), Section 16 (Police Investigation of applicant, contents of license) re: Fingerprints.
- 278-19. Councilor Sam Squailia and Councilor Paul Beauchemin; on behalf of Bill & Pam Smith, 55 Fairbanks Street, to institute a Fitchburg Integrated Pest Management Policy as proposed in the attached draft policy.
- 291-19. Dennis A. Bradley & Alida Calvillo, to amend the nine month condition, covenant, restriction, reservation, term to obtain a building permit to 15 months or for the city to waive rights in said condition subsequent as outlined in the enclosed Petition.

Beth Walsh, Chairman
Legislative Affairs Committee

By: Amanda K. Alford, Assistant Clerk

*Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.

000272

AN ORDINANCE

Amending Chapter 134, Section 16, Peddling and Soliciting, Police Investigation of applicant, contents of license, re: Fingerprints.

In City Council,

Passed to be ordained.

President

Mayor's Office,

Fitchburg, Mass.,
Approved.

Mayor

In City Council.

November 7, 2019

Examined by the Committee on Enrollment,
and found correctly Enrolled.

.....
Chairman of Committee on Enrollment.

In City Council November 7, 2019
Ordinance referred to the Legislative
Affairs Committee by vote of 9 in
favor and 1 opposed (Fleming).
10 members present. Board consists of
11 members.
Anna M. Farrell, Clerk

CITY OF FITCHBURG

IN THE YEAR

2019

AN ORDINANCE

2019 OCT 25 AM 10:27
FITCHBURG CITY CLERK

Be it ordained by the City Council of the City of Fitchburg, as follows:

Chapter 134. Peddling and Soliciting

§ 134-16. Police investigation of applicant; contents of license.

[Added 12-7-1976 by Ord. No. 685-76; amended 6-6-1978 by Ord. No. 322-78]

A.

Upon receipt of the application, the Principal Clerk shall request a Board of Probation Record check in accordance with MGL c. 6, § 172(c), through the Criminal History Systems Board (CORI). This investigation will check the applicant's criminal history and reputation as to morals and integrity.

Applicants for the permits and licenses list below shall submit a full set of fingerprints to the Chief of Police for the purpose of conducting a state and national criminal history records check pursuant to 28 U.S.C. § 534 and M.G.L. c. 6, § 172B1/2. Federal Bureau of Investigation (FBI) records may be used for screening applicants. Fingerprints shall be submitted to the Identification Unit within the Department of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), or its successor, for a state criminal history records check and to the FBI, or its successor, for a national criminal history records check, as may be applicable and consistent with this chapter. The Licensing Commission, Health Department, City Clerk and Police Department are authorized to receive and utilize these state and FBI records in connection with such background checks, consistent with this section.

Any applicant for a license to engage in any of the following occupational activities within the City shall submit, within 10 days of application, a full set of fingerprints taken by the Police Department for the purpose of conducting a state and national criminal history record check to determine the suitability of the applicant for said license: Liquor, Car Dealership, Hawkers and Peddlers, Ice Cream Vendors, License to Peddle (commonwealth), Taxi Drivers, Taxi/Livery, a Pawnbrokers and Secondhand Dealers, Lodging Houses, and Solicitors. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's state and FBI criminal history records.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal history record check and provide the applicant an opportunity to complete or challenge the accuracy of the information contained therein, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 CFR Part 16.34, pertaining to FBI identification records. Implementation of this chapter and the conducting of fingerprint based criminal record background checks by the City shall be in accordance with all applicable laws, regulations, and policies, including, but not limited to, the City's policy applicable to licensing related criminal record background checks which shall include record retention and confidentiality requirements. The City shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and City policy. The City shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

No. 000278 - 2019

REPORT

PETITION

The Committee on

of

Legislative Affairs Committee

Councillors Sam Squallia and Paul Beauchemin,
on behalf of Bill & Pam Smith, 55 Palulah St.,

to which was referred this petition would recommend that the petition be granted, be given leave to withdraw.

to institute a Fitchburg Integrated Pest Management Policy as proposed in the attached draft policy.

In City Council

In City Council

November 7, 2019

Report Read and Accepted

Referred to Committee on

Legislative Affairs Committee

Anna M. Farrell

Clerk

Clerk

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Fitchburg MA Integrated Pest Management Policy

Preface

The City of Fitchburg recognizes that citizens, particularly children, deserve to be protected from exposure to hazardous chemicals and pesticides. The City also recognizes that public agencies should be a model of environmentally responsible practices. Employing an Integrated Pest Management (IPM) policy allows the City to accrue the financial benefits of planning, prevention and responsible management, while eliminating the use of pesticides that pose a health risk to people directly through breathing, drinking, ingesting or skin absorption of toxic products or via delayed exposures from contaminated soil, food, air, water, utensils and toys.

IPM Policy

The City of Fitchburg will commit to Integrated Pest Management principles and practices and incorporate them into all public area landscape and building maintenance and construction. This policy will apply to work by contractors hired by the City as well as to work done by City employees.

IPM Defined

Integrated Pest Management is a problem-solving approach to landscape and building management designed to prevent and control undesirable weeds, insects, fungi and rodents. IPM relies on the use of site-specific information about environmental conditions and the dynamics of human characteristics and activities, and pest biology and behavior to prevent, resist and control pests that interfere with the purpose and use of a specific site. When a pest has exceeded a predetermined threshold at a particular site, all appropriate pest control strategies are employed including modifying the habitat, modifying maintenance practices, modifying user behavior, and, if all else fails, using pesticides as a last resort, and only within specific guidelines for least-toxic selection and use.

Pests Defined

Pests are undesirable plants, insects, fungi and rodents. Common examples in the landscape are grubs, chinch bug, crabgrass, knotweed, and a variety of plant diseases. Insects, weeds and fungi are a significant problem on our athletic fields and other public grounds. They can destroy or overtake large areas of turf resulting in lack of playability, large renovation costs and poor conditions for players and other users. Common pests in buildings are mice, ants, lice, cockroaches, termites and other insects and rodents that thrive where food, water, access and other conditions make their entry and survival indoors possible. They can create hygiene and safety problems, cause damage to building structures and, if nothing else, cause a nuisance.

2019 OCT 31 AM 11:05
FITCHBURG CITY CLERK

IPM Goals

The goal of Fitchburg's IPM Policy is to promote the health, safety, quality and sustainability of public buildings and landscapes and maximize the enjoyment and use of public buildings and grounds for functional, recreational (both active and passive) and ornamental purposes. This policy will:

1. Minimize the use of pesticides through common-sense principles of IPM and give preference to products that are safe for the environment.
2. Provide healthy, high-quality and sustainable buildings, parks and public open spaces.
3. Prevent the contamination of buildings, soil, air and water and protect people (especially children and other vulnerable populations), animals and beneficial plants and insects from toxic exposures.
4. Provide a model of responsible stewardship of environmental and community resources.
5. Establish and publish the City view and best practices regarding chemicals that are toxic to the people and the environment on the city website.
6. Establish a Sustainability Advocate position within the City.
7. Maintain records of all products purchased and used for the purposes and tasks described above and make available for review by an IPM Advisory Committee.

IPM Practices Planning:

The City of Fitchburg will develop site-specific building and landscape maintenance plans for all sites, which will incorporate pest prevention and control measures. These plans will specify proactive site assessment, testing and the timing and/or type of maintenance practices; monitor conditions and pest populations; establish pest thresholds; recommend educating users or modifying user behavior (including modifying public access, traffic or use patterns); define record-keeping requirements and evaluation criteria; solve problems using expert assistance and non-toxic resources. Plans will be reviewed and approved by the IPM Advisory Committee.

IPM Guidelines

The IPM Advisory Committee will develop guidelines for considering all appropriate intervention options, including changes in cultural, mechanical, physical, biological and chemical measures, or no action. Criteria for selecting pest control interventions within these guidelines shall be:

- a) Least hazardous to people, beneficial insects and plants, and the environment
- b) Most species-specific,
- c) Greatest need for ongoing use and maintenance of field or facility

There are abundant resources available for non-toxic products that can be purchased. There is information available at BeyondPesticides.org and OMRI.org.

The landscape and building maintenance contractors and City workers will maintain a record of site characteristics and conditions, interventions, practices, pest populations and other pertinent IPM data and make periodic reports as determined by the IPM Advisory Committee.

- Develop IPM guidelines and oversee their implementation.
- Develop IPM specifications for RFPs and contracts.
- Provide necessary community education about IPM.
- Ensure that all pertinent staff has appropriate training and experience in IPM practices and access to expert assistance and resources.
- Ensure that best practices and all nontoxic pest control methods are fully exploited.
- Ensure that any pesticide considered for use is fully evaluated (both active and inert ingredients) for the least-adverse impact on people and the environment.
- Determine policy for notification of pesticide use to all users and abutters and enforce the full extent of that policy and applicable state law.
- Specify collection of IPM data and evaluate pesticide-use records of all City departments and make regular reports to the IPM Advisory Committee and the Mayor.

The Committee will seek the participation of technical experts to provide advice and counsel. Broad community participation, including parents, schools, advocates, and other landscape and building users and managers will be encouraged on a non-voting basis.

Notification

All site users and abutters will be notified regarding any use of toxic pesticides according to state law and any additional requirements established by the IPM Advisory Committee.

IPM Advisory Committee

The City of Fitchburg will establish an IPM Advisory Committee advisory to the Mayor made up of volunteer or designated representatives from Health Department, Conservation Commission, Department of Public Works, School Department, Parent Teacher Organizations and the Mayor's office.

The Advisory Committee will recommend action in the following areas, or will assume authority to act in these areas to the extent that power to do so is delegated by those responsible for the areas indicated above.

No. **000291** - 2019

REPORT

PETITION

The Committee on

of

City Property Committee and

Dennis A. Bradley & Ailsa Galvillo,

to which was referred this petition would recommend that the petition be granted, be given leave to withdraw.

to amend the nine months condition, covenant, restriction, reservation, term to obtain a building permit to 15 months or for the City to waive their rights in said condition subsequent as outlined in the enclosed permit.

In City Council

In City Council

December 3, 2019

Referred to Committee on

Report Read and Accepted

City Property Committee and
Legislative Affairs Committee

Anna M. Farrell

Clerk

Clerk

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to amend the nine (9) months condition, covenant, restriction, reservation, term to obtain a building permit to 15 months or for the city to relinquish their rights or to waive their rights in said condition subsequent. The property will still be on schedule to be fully rehabilitated by April 11, 2020.

The reason for the delay in obtaining the necessary permits is because petitioners had also purchased 128 Marshall St. and began to rehab this property first. Petitioners also had filed for a building permit a month before the condition due date, however faced an undue delay because of the zoning board requirements to re-instate three family dwellings.

Therefore, we pray for the condition subsequent to be extended to 15 months or for the city to waive/relinquish their rights in exercising said condition on 12 Foster St., Fitchburg, registered in the Northern Worcester Registry of Deeds, BK # 9246, Pg. 199.

Dennis A. Bradley
Abida Calvillo
Bradley & Calvillo Trust.

Pastor d bradley@Comcast.net
(508) 733-0981

2019 NOV 15 PM 3:01

FITCHBURG CITY CLERK

City of Fitchburg

FITCHBURG CITY CLERK

2013 DEC 12 AM 10:18

In City Council, _____

ORDERED:-- That

the City of Fitchburg hereby approves the expenditure of additional funds from the Massachusetts Executive Office of Public Safety and Security, Highway Safety Division grant in the approximate amount of \$12,000.00 (TWELVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to enhance traffic safety through high-visibility enforcement patrols focusing on impaired driving and occupant protection mobilizations.



The City of Fitchburg

Massachusetts
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

December 11, 2019

Calvin D. Brooks
City Auditor
166 Boulder Drive
Fitchburg, MA 01420

Dear Mr. Brooks:

Kindly draw a council order for the City of Fitchburg to approve the expenditure of additional funds from the Massachusetts Executive Office of Public Safety and Security, Highway Safety Division grant in the approximate amount of \$12,000.00 for the purpose of said grant, which is to enhance traffic safety through high-visibility enforcement patrols focusing on impaired driving and occupant protection mobilizations.

Thank you.

Regards,

Stephen L. DiNatale, Mayor



ERNEST F. MARTINEAU
CHIEF OF POLICE

CITY OF FITCHBURG POLICE DEPARTMENT

20 Elm Street
Fitchburg, Massachusetts 01420-3204
www.fitchburgpolice.com

DEPARTMENT / OPERATIONS

978-345-4355
FAX: 978-345-4088

DETECTIVE BUREAU

978-345-9650

RECORDS BUREAU

978-345-9643
FAX: 978-342-7608

CHIEF OF POLICE

978-345-9656

December 10, 2019

Honorable Mayor Stephen L. DiNatale
City of Fitchburg
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Re: GHSB FY20 grant (Governor's Highway Safety Bureau)

Dear Mayor:

The Fitchburg Police Department has received an allocation of funds from the Commonwealth of Massachusetts Executive Office of Public Safety and Security Office of Grants and Research Highway Safety Division. At this time, we are receiving a partial award amount of \$12,000, which is available through September 15, 2020. Any balance of the award will be provided as funds are available and received through NHTSA.

These awarded funds are intended to enhance traffic safety through high-visibility enforcement patrols focusing on impaired driving and occupant protection mobilizations by supporting salaries and, possibly, equipment usage.

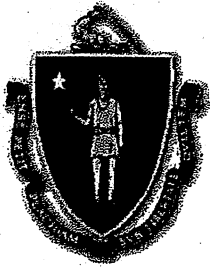
I request your approval to start spending down these funds.

Sincerely,

Ernest F. Martineau
Chief of Police

EFM/rfs

cc: Calvin D. Brooks, Auditor



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security

Office of Grants & Research

Ten Park Plaza, Suite 3720-A
Boston, Massachusetts 02116

Tel: 617-725-3301

Fax: 617-725-0260

www.mass.gov/ogr

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Thomas A. Turco, III
Secretary

Kevin J. Stanton
Executive Director

December 6, 2019

Chief Ernest Martineau
20 Elm Street
Fitchburg, MA 01420

Dear Chief Martineau:

The Executive Office of Public Safety and Security/Office of Grants and Research (EOPSS/OGR) is pleased to inform you that the Fitchburg Police Department has been awarded a grant to support the Traffic Enforcement program for federal fiscal year (FFY) 2020.

Based on the expected federal funding from the National Highway Traffic Safety Administration (NHTSA), your maximum award amount will be \$16,000.00. At this time, you are receiving only a partial award amount of \$12,000.00, and it is available through September 15, 2020. The balance of the award will be provided as additional funds are received from NHTSA.

This is a reimbursable grant. For your grant records, enclosed is a Subrecipient Grant Award Details Notification document which we are required to share with your office. Fill in the shaded boxes with department specific information using the accompanying award funding spreadsheet as well as your own unique entity identifier.

Your point of contact at OGR is Rich Valeri, Program Coordinator. He can be reached at Richard.Valeri@mass.gov or 617-933-3528.

Through authorizing e-mails in the coming months from Mr. Valeri, you will receive details on how to spend the partial award amount during the various campaign periods of this program.

We look forward to working with your department to improve traffic Safety within the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Stanton", written over a faint circular stamp or watermark.

Kevin J. Stanton
Executive Director

ORDINANCE #288-19

FINAL READING

CITY OF FITCHBURG

IN THE YEAR

2019

AN ORDINANCE

FITCHBURG CITY CLERK
2019 NOV 26 AM 9:28

Be it ordained by the City Council of the City of Fitchburg, as follows:

Section 149-4, entitled "Issuance of Permit" shall be amended by inserting "To alter the content of a billboard, the alteration shall be referred to the Planning Board for review" and shall read as follows;

Permits for the erection and alteration of signs will be issued by the Inspector of Buildings in compliance with the provisions of this chapter, zoning regulations and the building codes of the City, except for signs regulated by M.G.L. c. 93, §§ 29 through 32, inclusive. To alter the content of a billboard, the alteration shall be referred to the Planning Board for review.

ORDINANCE #289-19

FINAL READING

CITY OF FITCHBURG

IN THE YEAR

2019

AN ORDINANCE

2019 NOV 29 AM 9:28
FITCHBURG CITY CLERK

Be it ordained by the City Council of the City of Fitchburg, as follows:

Section 149-10, entitled "Violations and Penalties" shall be amended by striking "\$5.00" and inserting "\$300.00" in its place and shall read as follows;

Any person placing or maintaining any such structure contrary to the provisions of this chapter or of the zoning ordinances and building codes of the City shall be punishable by a fine not exceeding \$300.00 for each day during which such structure is placed or maintained contrary to such provisions after five days' notice to remove the same has been given by the City Council or by a public officer acting by the Chief of Police. Upon violation of this chapter or other provisions regulating signs in the City, the City Council may revoke any permit granted hereunder. (See M.G.L. c. 85, § 8.)