



Sep 02 2022 1:07 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

September 8, 2022

**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 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 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 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.

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee Oral Report Meeting of September 8, 2022

Re-Appointment:
Fitchburg Council on Aging
(Term to expire March 2, 2025)
George J. Bourque II

III. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATIONS

His Honor the Mayor

1. Appointment letter:

Ms. Tiffany Wells, as a member of the Fitchburg Disability Commission, term to expire October 1, 2025.

2. Appointment letter:

Joshua Klaus, as a member of the Fitchburg Cultural Council for a three year term scheduled to expire on October 1, 2025.

3. Appointment letter:

Aaron J. Tourigny, as a member of the Fitchburg Cultural Council for a three year term scheduled to expire on October 1, 2025.

4. Re-Appointment letter:

Re-Appointment to the Fitchburg Disability Commission
(Term to expire February 1, 2025)
Carolyn Quirk

5. Re-Appointment letter:

Re-Appointment to the Fitchburg Disability Commission
(Term to expire February 1, 2025)
Doris Matte

6. Re-Appointment letter:

Re-Appointment as the Commissioner of the Department of Public Works
(Term to expire July 3, 2025)
Nicholas Erickson PE

7. Re-Appointment letter:
Re-Appointment to the Fitchburg Cultural Council
(Term to expire September 1, 2025)
Eileen K. Berger

8. Re-Appointment letter:
Re-Appointment to the Fitchburg Cultural Council
(Term to expire September 2, 2025)
Audrey Pendleton-Chow

9. Re-Appointment letter:
Re-Appointment to the Fitchburg Cultural Council
(Term to expire March 1, 2025)
Tamar Russell

10. Re-Appointment letter:
Re-Appointment to the Fitchburg Cultural Council
(Term to expire March 1, 2025)
Cassandra Taylor

11. Re-Appointment letter:
Re-Appointment to the Conservation Commission
(Term to expire January 1, 2025)
Tracy Betts

12. Re-Appointment letter:
Re-Appointment as the Chief Procurement Officer
(Term to expire June 30, 2025)
Mary Delaney

V. COMMUNICATION

Ms. Jennifer Brennan, as the “Interim” Executive Director of the Council on Aging, to fill the vacancy of Ms. Joan Goodwin, for a term until a permanent appointment is submitted for City Council approval.

VI. ORDERS - FINANCE

224-22 ORDERED THAT: there be and hereby is appropriated the sum of ONE HUNDRED THIRTY-SIX THOUSAND, TWO HUNDRED SIX AND 03/100 DOLLARS (\$136,206.03) from RESERVE FOR APPROPRIATION, PEG ACCESS and credited to INFORMATION TECHNOLOGY, FRANCHISE FEE for the purpose of paying FATV for franchise fees received during the period ending May 31, 2022.
(Suspension of the Rules)

225-22

ORDERED THAT: there be and hereby is appropriated the sum of THREE HUNDRED NINETY-THREE THOUSAND AND 00/100 DOLLARS (\$393,000.00) same to be charged against the FY2023 TAX LEVY and credited to the following accounts:

SCHOOL EXPENSES	\$100,000.00
HIGHWAY, PERSONAL SERVICES	\$158,000.00
PARKS, PERSONAL SERVICES (SUPERINTENDENT)	\$ 85,000.00
EMPLOYEE BENEFITS, MEDICARE TAX	\$ 50,000.00

For the purpose of supplementing the FY2023 budget approved in June, 2022. (Suspension of the Rules)

VII. LOAN ORDERS

226-22

LOAN ORDER: Order No. 143-21 of the City Council passed July 20, 2021 and approved by the Mayor on July 21, 2021 be revised in its entirety to read as follows: That the City of Fitchburg (the “City”) appropriate the amount of Seventy-Six Million Six Hundred Fifty Thousand Dollars (\$76,650,000) for the purpose of paying costs of an MSBA Core Project to construct a new Crocker Elementary School with a grade configuration of 1 to 5, located at 200 Bigelow Road in the City, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Crocker Elementary School Building Committee. To meet this appropriation the City Treasurer with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. The City Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes. (Suspension of the Rules)

227-22

LOAN ORDER: City of Fitchburg appropriate Forty Million Dollars (\$40,000,000) for the renovation of the Fitchburg Public Library including, without limitation, the demolition and reconstruction of the children’s library portion of the building; all fixtures, equipment, furniture, paving, and landscaping for the project; the cost of moving the library to temporary space; and all other costs incidental related thereto; and that to meet this appropriation the City Treasurer with the approval of the Mayor is authorized to borrow up to Forty Million Dollars (\$40,000,000) under M.G.L. c.44, §7(1), as amended, or any other enabling authority; and that the Mayor is authorized to contract for and expend any federal aid, state aid, or other funds available for the

project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid and other funds received prior to the issuance of bonds or notes under this order; and that the Mayor is authorized to take any other action necessary to carry out this project. The City Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

(Suspension of the Rules)

VIII. ORDINANCES

223-22 The Chief of Police may appoint, subject to the approval of the Mayor and the City Council, such number of civilian traffic control specialists as required by the Chief of Police. All civilian traffic control specialists are subject to the authority of the mayor and the Chief of Police, or the designee of the Chief of Police. No civilian traffic control specialist shall exercise police powers or authority. They shall be under the direction and control of the Chief Police and subject to all rules, regulations, policies, and procedures as prescribed by the Chief of Police. Specifically, civilian traffic control specialist shall be guided by the Fitchburg Police General Orders as related to paid details and civilian traffic control. Reference Petition 92-22.
(Final Reading)

228-22 AN ORDINANCE: To amend the General Ordinances of the City of Fitchburg, Chapter 44, Section 10, by striking the following:
Under Positions Paid Annually Effective July 1, 2020
City Solicitor \$101,000
Assistant City Solicitor \$ ~~67,670~~

And by inserting in its place:

Under Positions Paid Annually Effective July 1, 2022
City Solicitor \$103,525
Assistant City Solicitor \$ 69,362

IX. PETITIONS

229-22 To amend Section 169.25 of the city code, Parking Prohibited Certain Hours, to change the current restriction on Pleasant Street of "8:00 a.m. to 6:00 p.m." to "7:00 a.m. to 5:00 p.m." to reflect changes in the school schedule at Longsjo Middle School.
(Public Safety Committee)

230-22 Councilor Andrew Van Hazinga, to install a berm at 26 Whittemore Street.
(Public Works Committee)

231-22 Install rapid flash beacons at the crosswalk on Main Street at Wallace Avenue to preserve safe pedestrian access between the library and institutions including the Senior Center, YMCA, Wallace Tower, and Longsjo Middle School.
(Public Safety Committee, Public Works Committee)

- 232-22 City Councilor Bernie Schultz and Ron Wihtelin of 25 Saint Paul Street to build up berm at the 25 Saint Paul Street mailbox to stop rain water from flooding driveway. At the same time, berm across the street at 28 Saint Paul Street needs to be replaced after being destroyed completely by snow plows this past winter.
(A photo for each location is attached.)
(Public Works Committee)
- 233-22 Councilors Sam Squailia and Paul Beauchemin to repair the concrete driveway apron / sidewalk in front of 186 Daniels St. Concrete has 'bowed' or 'settled' in such a way as to cause damage to vehicles entering and exiting the driveway.
(Public Works Committee)
- 234-22 Councilors Sam Squailia & Marisa Fleming to repair sidewalk as required & install new sidewalk and driveway apron as required at 117 Myrtle Ave. See attached pictures.
(Public Works Committee)
- 235-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the following parcel as a gift as outlined in the attached letter:
•7 Third Street, Assessor's Map 82/77/0
[Phase I Environmental Site Assessment 7 Third St.](#)
(City Property)
- 236-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council declare the following property surplus, and dispose of it through RFP
•0 Maverick Street (Parcel 83-50-A)
(City Property)
- 237-22 Councilor Fleming, on behalf of Amanda Romine-Nelson and Sammy Nelson of 88 Eithier St. to pave or re-surface the roadway between 7 Pearl St and 674 Pearl St.
(Public Works Committee)
- 238-22 Pena Motors LLC, to petition for a Class II Dealer's License located at 447 Water st. Fitchburg, MA.
(Public Safety Committee)

X. ANNOUNCEMENTS

XI. OTHER BUSINESS

XII. EXECUTIVE SESSION

1. CONVENE INTO EXECUTIVE SESSION, under MGL c.30A, §21(a)(3) to discuss litigation strategy relating to pending litigation, Crossing Over, Inc. et al vs. City of Fitchburg et al, if the President declares that an open meeting may have a detrimental effect on the City's litigating and/or negotiating position.

2. CONVENE INTO EXECUTIVE SESSION, under MGL c.30A, §21(a)(3) to discuss litigation strategy relating to pending litigation, Landstar and current grant status vs. City of Fitchburg et al if the President declares that an open meeting may have a detrimental effect on the City's litigating and/or negotiating position.

a. Vote regarding whether to go into an executive session is expected, and votes may occur during the executive session.

b. President Declaration: I declare, under MG.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to discuss litigation strategy regarding pending litigation Crossing Over, Inc. et al vs. City of Fitchburg et al. Because discussions of the foregoing in open session could have a detrimental effect on the litigating and/or negotiating position of the City. The Council will Not Return to Open Session at the conclusion of the executive session.

c. Motion Convening the Executive Session: I move that the City Council go into executive session under M.G.L. c.30A, §21(a)(3)and (6) for the purposes and reasons declared by the President and not return to open session at the conclusion of the executive session.

d. Roll Call Vote

Next Regular Meeting
Tuesday, September 20, 2022 - 7:00 PM