



Nov 10 2022 1:36 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

November 15, 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 November 15, 2022

Re-Appointment:

Human Rights Commission

(Term to expire December 1, 2024)

Mariah A. Pridgen

Re-Appointment:

Human Rights Commission

(Term to expire February 4, 2025)

Maryam Ashraf

Re-Appointment:

Board of Trustees of the Public Libray

(Term to expire October 1, 2024)

Jacalyn A. Kremer

Re-Appointment:

Airport Commission

(Term to expire July 1, 2025)

Richard Liberatore

Re-Appointment:

Planning Board

(Term to expire June 1, 2027)

Peter Capodagli

III. REPORT OF COMMITTEE ON RECORDS

IV. COMMUNICATIONS

His Honor the Mayor

1. Re-Appointment letter:

James B. Craigen, as a member of the Council on Aging, term to expire November 1, 2025.

V. REPORTS OF COMMITTEES

Finance Committee

Oral Report

Meeting of November 9, 2022

- 260-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the MEMA Emergency Management State Homeland Security Program grant in the approximate amount of \$5,000.00 (FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to purchase lighting equipment for the Community Emergency Response Team (CERT).
(Be Adopted)
- 261-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Cemetery Perpetual Care Expendable Trust Fund not to exceed the amount of \$32,000.00 (THIRTY-TWO THOUSAND AND 00/100 DOLLARS) for the replacement of fencing at Laurel Hill Cemetery.
(Be Adopted)
- 262-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of additional funds from the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research grant in the approximate amount of \$61,570.00 (SIXTY-ONE THOUSAND, FIVE HUNDRED SEVENTY 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.
(Be Adopted)
- 263-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Department of Justice, Office of Justice Programs grant in the approximate amount of \$22,966.00 (TWENTY-TWO THOUSAND, NINE HUNDRED SIXTY-SIX AND 00/100 DOLLARS) for the purpose of said grant, which is to purchase tactical equipment and for community policing related overtime.
(Be Adopted)
- 264-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Digital Federal Credit Union gift in the approximate amount of \$5,000.00 (FIVE THOUSAND AND 00/100 DOLLARS) for the purpose of said gift, which is to support the Police Department efforts in providing quality programs to our city's youth.
(Be Adopted)
- 265-22. ORDER THAT: there be and hereby is transferred from within the sum of TWENTY-TWO THOUSAND, THREE HUNDRED AND 00/100 DOLLARS (\$22,300.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to POLICE, MAINTENANCE OF BUILDING, REPAIR AND CARE for the purpose of repairing the generator and of renting scaffolding for another year.
(Be Adopted)

- 266-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Community Foundation of North Central Massachusetts grant in the approximate amount of \$8,196.83 (EIGHT THOUSAND, ONE HUNDRED NINETY-SIX AND 83/100 DOLLARS) for the purpose of said grant, which is to design and build a stage at Riverfront Park.
(Be Adopted)

Legislative Affairs Committee

Oral Report

Meeting of November 9, 2022

- 028-22. Councilor Sam Squailia, to increase available resident off-street parking during a snow emergency as outlined in the enclosed petition.
(Be Held)
- 190-22. AN ORDINANCE: That a vacant property and registration be added to Chapter 137 of the Fitchburg City Code, as outlined in the enclosed Ordinance.
(Reference Petition #16-22)
[Updated vacant property and registration ordinance](#)
(Approved with Amendments to be put forward with further discussion by unanimous consent)
- 267-22. Board of Health Director Steve Curry, to designate the Board of Health as Special Municipal Employees pursuant to G.L c268A, §20 (d).
(Approved by unanimous consent)

Public Safety Committee

Oral Report

Meeting of November 15, 2022

- 259-22. Councilors Sam Squailia suggested amendments to the Main St / Boulder Dr.
[Suggested Amendments to the Main St / Boulder Dr Layout](#)
See Link for: [Public Works Committee Minutes](#)
- 243-22. Councilor Bernie Schultz and Judy Perla of 236 Walton Street to install a yield sign on Pole 1615 facing out on Munroe Street at the intersection of Fairbanks and Munroe Streets to improve traffic safety when motorists depart from South Street Elementary School.
- 244-22. Councilor Derrick Cruz on behalf of Tyrone and Sheila Tines, residents of Clyde Street. I request that the City of Fitchburg implement either “No Parking from Here to the Corner” or “No Parking Signs” at the corner of Hancock and Summer Street, an appropriate distance on both sides. As residents exiting Hancock Street cannot see past the row of cars parked there, it has become a public safety concern for them.

VI. ORDERS

- 269-22. ORDER THAT: there be and hereby is appropriated the sum of TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00), same to be charged against AIRPORT RECEIPTS RESERVED and credited to Fiscal Year 2023 Airport Fund accounts as follows:
Expenses \$200,000.00
(Refer to Finance Committee)
- 270-22. ORDER THAT: there be and hereby is transferred from within the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to CEMETERY CAPITAL EXPENSES, MAUSOLEUM REPAIRS for the purpose of hiring a qualified practitioner to provide plans, specifications, cost estimates, renderings, and other items necessary for the restoration and refurbishment of the Mausoleum at Forest Hill Cemetery.
(Refer to Finance Committee)
- 271-22. ORDER THAT: ONE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$140,000) is appropriated to pay costs of the City's compliance with the proposed Lead and Copper Rule revisions, including costs of creating a water service inventory for the City's water system, reviewing and updating the current lead and copper sampling plan, developing a lead service line replacement plan, and all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount and to issue bonds and notes under G.L. c.44, §7(7), G.L. c.29C, and/or any other enabling authority; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to G.L. c.29C, and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan, and for any federal or state aid available for the projects or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects; and that the 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.
(Refer to Finance Committee)
- 272-22. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Drinking Water Supply Protection Program grant program in the approximate amount of \$140,370.00 (ONE HUNDRED FORTY THOUSAND, THREE HUNDRED SEVENTY 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 Ashburnham known as the Kerlinger property.
(Refer to Finance Committee)

273-22. ORDER THAT: there be and hereby is appropriated the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00), same to be charged against FUND BALANCE RESERVED FOR LAND PURCHASES and credited to WATER CAPITAL EXPENDITURES, LAND PURCHASES.
(Refer to Finance Committee)

VII. ORDER – OTHER

274-22. ORDER THAT: RESOLUTION and ORDER this ____ day of _____, 2022 authorizing the City of Fitchburg to (1) obtain a Conservation Restriction on a certain parcel of land in Ashburnham known as the Kerlinger Property (hereinafter, “Property), said Property being a +/- 49.43 acre parcel of land located at 220 Russell Hill Road in Ashburnham within the watershed to Lovell Reservoir; (2) the Conservation Restriction on said parcel will be obtained through a combination of grant monies, owner donation, and Division of Water Supply funds; (3) to place the restricted Property under the control, supervision and management of the Division of Water Supply of the Department of Public Works (DPW); (4) to authorize the Division of Water Supply, its municipal agents and the Mayor to carry out the intent and purposes of this Order by signing contracts, recordable instruments and any other instrument in the name of and on behalf of the City of Fitchburg to carry out these purposes.

NOW THEREFORE BE IT RESOLVED and ORDERED that the Conservation Restriction conveyed to the City of Fitchburg shall be subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts as open space for drinking water supply protection purposes and that the land under Conservation Restriction shall be placed in the control, care and custody of the Division of Water Supply of the City of Fitchburg Department of Public Works, and it is further,

ORDERED that the Deputy Commissioner of the City of Fitchburg D.P.W. - Division of Water Supply and municipal agents is hereby authorized to execute contracts and any other instruments as are necessary or helpful for carrying out this Order, and it is further

ORDERED that the Mayor of the City of Fitchburg is authorized to execute contracts and restrictions and any other instruments as he, in his discretion, shall determine necessary or helpful for carrying out this Order. Third parties may rely upon the representation of the Mayor as to his authority to execute any such instrument in the name of the City of Fitchburg.
(Refer to Finance Committee)

VIII. RESOLUTION

275-22. RESOLVED THAT: pursuant to Massachusetts General Laws Chapter 32, Section 103 (j), City Council hereby approves the increase in the maximum base amount on which the cost-of-living adjustment is calculated from \$12,000 to \$14,000, as accepted by the Fitchburg Contributory Retirement Board during a meeting held on October 25, 2022.
[Fitchburg 2022 actuarial valuation report](#)
(Refer to Finance Committee)

IX. ORDINANCES

268-22. AN ORDINANCE: To Amend Chapter 181.313 Industrial Section of the section 181.313 Table of Principal Use Regulations.
(Final Reading)

276-22. AN ORDINANCE: To Amend §169-25 of the City Code entitled “Parking Prohibited Certain Hours”
Under the line item pertaining to Pleasant Street, strike the hours of “8:00 a.m. to 6:00 p.m./Monday through Friday” and insert in its place “7:00 a.m. to 5:00 p.m./Monday through Friday” under the “Hours/Day” column.

The resulting amendment shall read as follows:

Name of Street	Side	Hours/Days	Location
Pleasant Street (First Reading)	North	7:00 a.m. to 5:00 p.m./Monday through Friday	From Davis Street to Spring Street

X. ANNOUNCEMENTS

XI. OTHER BUSINESS

Next Regular Meeting
Tuesday, December 6, 2022 - 7:00 PM