



Mar 31, 2023 10:20 am
REVISED
10:21 am, Mar 31, 2023

WELCOME TO THE FITCHBURG CITY COUNCIL

April 4, 2023

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

7:00 PM

This meeting can also be viewed live on FATV. Go to www.fatv.org/watch-fatv for more information on accessing this meeting.

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

Executive Session

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:

Public Forum

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and city of residence.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

Public Hearings

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councilor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

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

II. ANNOUNCEMENTS

III. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of April 4, 2023

Re-Appointment:

Fitchburg Housing Authority

(Term to expire March 1, 2028)

Adam G. Goodwin

New Appointment:

Fitchburg Disability Commission

(Term to expire April 1, 2028)

Camila Arsenault

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATION

His Honor the Mayor

1. New Appointment letter:

Annie L. Belmer, as a member of the Fitchburg Council on Aging, term to expire April 1, 2026.

2. New Appointment letter:

Special Police Officer
Deputy Police Chief Philip Kearns

3. New Appointment letters:

Full-Time Student Police Officers for the Fitchburg Police Department

Matthew Pawson
Zachary Saldana
Shawn Burns
Sothearvy Kay
Ramon Viches
Conor Monaghan
Brandon Bento

4. New Appointment letter:

Permanent Full Time Firefighter
Alec M. Dymont

5. New Appointment letter:

Dianne F. Evans, as a member of the Board of Health, term to expire January 1, 2026.

6. Re-Appointment letter:

Anne M. Cervantes, as City Treasurer and Tax Collector, term to expire May 1, 2026.

7. Re-Appointment letter:

Calvin Brooks, as City Auditor and Finance Director, term to expire May 1, 2026.

VI. ANNUAL REPORT

086-23. ANNUAL REPORT: Fitchburg Fire Department for the FY 2022.

[Fitchburg Fire Department 2022 Annual Report](#)

VII. SPECIAL PRESENTATIONS

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

VIII. ORDERS

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

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

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

IX. LOAN ORDER

The City of Fitchburg, In the Year 2023

Final Publication of Loan Order 198-22

198-22. LOAN ORDER: That the City appropriate the amount of Four Million, Eight Hundred Thousand Dollars (\$4,800,000.00) for the purpose of paying costs of an Accelerated Repair Project at the Arthur M. Longsjo Middle School, located at 98 Academy Street, Fitchburg, Massachusetts, to replace windows and doors, including the payment of all costs incidental or related thereto (the "Project") which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, 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 School 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 non-entitlement, discretionary program based on need, as determined by the MSBA, and , if the MSBA’s Board of Directors vote to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be sole responsibility of the City; provided that any grant the 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 Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under M.G.L. Chapter 44A 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.

X. ORDINANCES

036-23. BE IT ORDAINED THAT - The following be added to Chapter 3 of the Fitchburg City Code:

3-19A Flags to be Flown

In addition to the flags of the United States of America, the Commonwealth of Massachusetts, and the City of Fitchburg, other flags shall not be flown on City flagpoles or otherwise displayed in official fashion on City property, except as permitted by the subsequent paragraph, unless authorized by a resolution approved by a majority vote of the City Council, affirming that such flag will stand as an expression of the official sentiments of the City of Fitchburg. The City’s flagpoles and other facilities are not designated as a forum for expression by the public.

If, due to unforeseen or sudden circumstances, the expression of official sentiments through the raising of a flag would be unduly hindered by delaying until the next scheduled City Council meeting, the Mayor may communicate a proposed resolution pursuant to the preceding paragraph directly to all members of the City Council and the City Clerk, along with a thorough explanation of the asserted urgency. If, after forty-eight (48) hours no objection is raised by a City Councilor, that flag may be raised and the resolution included as a Communication from the Mayor at the following meeting of the City Council. If any Councilor raises an objection in writing, the flag in question shall not be flown until the City Council has approved the proposed resolution.

Mayoral Veto

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

Under Positions Paid Annually

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

The following shall be added in its place:

Under Positions Paid Annually

	Effective: 1/1/2024
Mayor	\$120,000.00 (\$2,307/week)

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

Under Positions Paid Annually

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

The following shall be added in its place:

	Effective: 1/1/2024
City Councilor	\$13,000.00

092-23. BE IT ORDAINED THAT – Chapter 3, Article IV, section 3-43 O. shall be amended as follows by adding to the end:

Attached to said petition shall be a communication from the City Auditor indicating what each salary would be if increased by the “CPI Adjustment Factor” as defined below, which communication shall be read out or summarized by the Chair at any session in which the Council or a subcommittee thereof debates or votes on such petition. For the purposes of this subsection, the CPI Adjustment Factor shall be defined as the lesser of five percent (5%) or the result of the following calculation: [(CPI-U for January of the then current year minus the January CPI-U for the preceding year) divided by the previous year’s January CPI-U] multiplied by 100 equals the CPI Adjustment Factor. But in no case shall the CPI Adjustment Factor be less than zero percent (0%). CPI-U shall mean the Consumer Price Index Boston-Cambridge-Newton MA-NH (1982-84 = 100) as published by the New England Information Office of the U.S. Bureau of Labor Statistics. (www.bls.gov/regions/new-england/data/ConsumerPriceIndex_Boston_Table.htm). After a review of the proposed increase the City Council shall then vote on the Mayor’s salary and the City Councilors’ salary.

XI.PETITIONS

- 093-23. City Councilors Bernie Schultz and Amy Green, on behalf of Barry Watson petition for a sidewalk repair located at 24 Spruce St. (see enclosed photo)
(Refer to Public Works)
- 094-23. City Councilor Andrew Van Hazinga on behalf of 138 Mount Vernon Street, to repair the asphalt berm, which was extensively damaged by snow plows during the winter.
(Refer to Public Works)
- 095-23. City Councilor Andrew Van Hazinga on behalf of Jeff Jollimore, to petition for repairs to the asphalt berm at 131 Longwood Avenue along Caswell Street, which was damaged by snow plows during last winter.
(Refer to Public Works)
- 096-23. Anthony Zarrella respectfully requests your unanimous support of the attached petition for a Home Rule amendment to address the issue of personal leave buy back as it relates to retirement allowance calculation.
(Suspension of Rules, Council as a Whole)
- 097-23. Petition to review attached disclosure Municipal Employees pursuant to G.L c268A, §20 (a) (b) to approve the same.
(Refer to Legislative Affairs)
- 098-23. To approve the following increases in water rates, minimum monthly charges, and miscellaneous charges in Article VI, Section 177-15 of the City Code. The fee increase which are proposed by the City of Fitchburg, Division of Water Supply as enclosed.
(Suspension of Rules, Council as a Whole)
- 099-23. To approve the following increases in wastewater rates and minimum monthly charges in Article III, Section 147-10.1 of the City Code. The fee increases which are proposed by the City of Fitchburg, Division of Wastewater as enclosed in the Petition.
(Suspension of Rules, Council as a Whole)

XII. OTHER BUSINESS

XIII. EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION, under MGL c.30A, §21 (3) to discuss litigation strategy relating to pending litigation, Linda Johnson, Individually and as Trustee of Pine Tree Realty Trust. vs. The City of Fitchburg, if the President declares that an open meeting may have a detrimental effect on the City's litigating and/or negotiating position.

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

Roll Call Vote

Next Regular Meeting
Tuesday, April 18, 2023, at 7:00 PM