



**REVISED**

9:44 am, Sep 19, 2022

## WELCOME TO THE FITCHBURG CITY COUNCIL

**September 20, 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](http://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!

## 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](mailto:cityclerk@fitchburgma.gov).

### I. REPORT OF THE APPOINTMENTS COMMITTEE

#### **Appointments Committee Oral Report** **Meeting of September 20, 2022**

##### **Re-Appointment:**

##### **Fitchburg Disability Commission**

(Term to expire February 1, 2025)

Carolyn Quirk

##### **Re-Appointment:**

##### **Fitchburg Disability Commission**

(Term to expire February 1, 2025)

Doris Matte

##### **Re-Appointment:**

##### **Commissioner of the Department of Public Works**

(Term to expire July 3, 2025)

Nicholas Erickson PE

##### **Re-Appointment:**

##### **Fitchburg Cultural Council**

(Term to expire September 1, 2025)

Eileen K. Berger

##### **Re-Appointment:**

##### **Fitchburg Cultural Council**

(Term to expire September 2, 2025)

Audrey Pendleton-Chow

##### **Re-Appointment:**

##### **Fitchburg Cultural Council**

(Term to expire March 1, 2025)

Tamar Russell

##### **Re-Appointment:**

##### **Fitchburg Cultural Council**

(Term to expire March 1, 2025)

Cassandra Taylor

##### **Re-Appointment:**

##### **Conservation Commission**

(Term to expire January 1, 2025)

Tracy Betts

##### **Re-Appointment:**

##### **Chief Procurement Officer**

(Term to expire June 30, 2025)

Mary Delaney

**New Appointment:**  
**Fitchburg Disability Commission**  
(Term to expire October 1, 2025)  
Ms. Tiffany Wells

**New Appointment:**  
**Fitchburg Cultural Council**  
(Term to expire October 1, 2025)  
Mr. Joshua Klaus

**New Appointment:**  
**Fitchburg Cultural Council**  
(Term to expire October 1, 2025)  
Mr. Aaron J. Tourigny

### **III. REPORT OF COMMITTEE ON RECORDS**

### **VI. REPORTS OF COMMITTEES**

**Council as a Whole Committee**  
**Oral Report**  
**Meeting of September 14, 2022**

- 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.  
(Be Approved)
- 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.  
(Be Approved)
- 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. (Be Approved) (Roll Call Vote)

- 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. (Be Approved) (Roll Call Vote)

### **Legislative Affairs Committee**

#### **Oral Report**

#### **Meeting of September 14, 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)
- 105-22 City Auditor, Calvin D. Brooks, to amend the City Code Chapter 3 Administration, Article XVII Insurance Commission, Section 3-160 Establishment; composition by removing "the Superintendent of Public Buildings" and inserting in its place "the Director of Facilities" as outlined in the enclosed petition. (Be Approved)

- 138-22 Councilors DiNatale and Couture, to insert a City Council Rules that states as follows:  
Any and all public announcements that a councilor or councilors wish to have announced at the bi-weekly regular city council meetings must be submitted to the Council President no later than 48 hours prior to the meeting in writing and said announcements shall be recited by the Council President.  
(Leave to Withdraw)
- 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)  
(Be Held)
- 222-22 Councilors Paul Beauchemin and Anthony Zarrella, to place on the November General Election ballot a question substantially similar to that outlined in the enclosed petition, relative to an annual road use fee, and to research the steps necessary to implement such a policy if approved by the voters.  
(Leave to Withdraw)

**Public Safety Oral Report**  
**Meeting of September 20, 2022**

- 238-22 Pena Motors LLC, to petition for a Class II Dealer's License located at 447 Water St. Fitchburg, MA.

**Public Works Committee**  
**Meeting of July 26, 2022**

**[Public Works Committee Meeting Minutes July 26, 2022](#)**

- 199-22 An ORDINANCE: Amending Chapter 169-24 entitled "parking prohibited at all times". (Relating to Boulder Dr. as in the enclosed order)  
(The Committee voted 3-0 that the petition be APPROVED)
- 201-22 Residents of Bella Vista I Condominiums located at 875 John Fitch Highway, to request support for our neighborhood improvement petition as outlined in the enclosed document.  
(The Committee voted 3-0 that proposal 1 of the petition be APPROVED and proposals 2-6 be forwarded to the Public Safety Committee and Parks Board for review)
- 202-22 Councilor Marisa Fleming, to fix cracking sidewalks due to overgrown tree roots in Stoneybrook Village, begin at the side of 170 Village Crossing and continue around to 108 Village Crossing.  
(The Committee voted 3-0 that the petition be APPROVED)
- 203-22 Residents of Bella Vista II Condominiums located at 855 John Fitch Highway, to request support for our neighborhood improvement petition as outlined in the enclosed document.

(The Committee voted 3-0 that proposal 1 of the petition be APPROVED and proposals 2-6 be forwarded to the Public Safety Committee and Parks Board for review)

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

(The committee voted 3-0 that the petition be HELD as previously amended until a traffic study is completed)

027-22. Councilor Derrick Cruz, on behalf of Bassem Awad, resident at 8 Boylston Street, to install a street light on telephone pole #4 on Boylston Street.

(The committee voted 3-0 that the petition be HELD)

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

(The committee voted 3-0 that the petition be HELD pending traffic study)

#### **V. ORDERS - FINANCE**

239-22 ORDER THAT: there be and hereby is transferred from within the sum of SIX THOUSAND, EIGHT HUNDRED TWO AND 00/100 DOLLARS (\$6,802.00) same to be transferred from RESERVE FOR OTHER MUNICIPAL PURPOSES, CAPITAL EXPENSES and credited to LIBRARY, EXPENSES, BUILDING MAINTENANCE for the purpose of supplementing repair costs for the HVAC system.

(Refer to Finance Committee)

240-22 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the National Association of County and City Health Officials (NACCHO) grant in the approximate amount of \$150,000.00 (ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to address issues of vaccine equity.

(Refer to Finance Committee)

241-22 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, State 911 Department Training Grant in the approximate amount of \$76,426.15 (SEVENTY-SIX THOUSAND, FOUR HUNDRED TWENTY-SIX AND 15/100 DOLLARS) for the purpose of said grant, which is to train both Fire and Police Department dispatchers in medical and 911 emergency procedures.

(Refer to Finance Committee)

242-22 ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, State 911 Department grant in the approximate amount of \$174,594.00 (ONE HUNDRED SEVENTY-FOUR THOUSAND, FIVE HUNDRED NINETY-FOUR AND 00/100

DOLLARS) for the purpose of said grant, which is to support salaries and provide repair and enhancement to the E911 service system in the Police Department.  
(Refer to Finance Committee)

## VI. PETITIONS

- 106-22. City Councilor Andy Van Hazinga on behalf of Almousa, Basemah Trustee, Owner of 339 River Street, to amend the Zoning Ordinance, Section 181.643 of the City Code, to include the following uses: Marijuana Courier and Marijuana Delivery Operator, and to allow same in the Commercial District, as outlined in the enclosed Petition.  
(Be Granted)  
**(Refer to Legislative Affairs & Suspension of the Rules Public Hearing 10-4-2022)**
- 243-22 City 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.  
(Refer to Public Safety Committee & Public Works Committee)
- 244-22 City 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.  
(Refer to Public Safety Committee & Public Works Committee)
- 245-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the proposal listed below:
- Habitat for Humanity of North Central MA to purchase 0 Taft St, (two parcels) for the purpose of creating one affordable single family home for sale to a homebuyer. Proposal is attached.  
[22-104-P-Habitat for Humanity Sale 0 Taft Street](#)  
(Refer to City Property)
- 246-22 Tom Skwierawski, Executive Director of Community Development & Planning Department, is requesting that City Council accept the proposal listed below:
- Habitat for Humanity of North Central MA to purchase 50 Taft St, for the purpose of creating one single family home for sale to a homebuyer. Proposal is attached.  
[22-103-P-Habitat for Humanity Sale 50 Granite Street](#)  
(Refer to City Property)

## VII. ANNOUNCEMENTS

## VIII. OTHER BUSINESS

Next Regular Meeting

Tuesday, October 4<sup>th</sup>, 2022 - 7:00 PM