



**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councillors at Large

**Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthony M. Zarrella**

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

Ward Councillors

**Ward 1 – Bernard J. Schultz III
Ward 2 – Paul R. Beauchemin
Ward 3 – Andrew J. Couture
Ward 4 – Andrew J. Van Hazinga
Ward 5 – Marisa R. Fleming
Ward 6 – Derrick J. Cruz**

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on September 8, 2022.

The meeting was called to order by President Anthony Zarrella at 7:05 P.M. The meeting opened with a salute to the Flag led by Councilor Zarrella. The City Clerk called the roll and 11 Councillors were present. Councilor Fleming was remote.

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.

Mr. Brooks, City Auditor, provided the Councilors a matrix showing the breakdown of Financials for Loan Orders 226 & 227-22.

II. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee Oral Report
Meeting of September 8, 2022

The Appointments Committee recommended the following Appointment be confirmed:

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

Report read and accepted. Appointments confirmed by unanimous consent. 11 members present. Board consists of 11 members.

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of July 19, 2022 were correctly recorded. Report accepted and minutes adopted.

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

Appointments read and referred to the Appointments Committee by unanimous consent 11/0.

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.

Report read and accepted. On file in the City Clerk’s Office by unanimous consent 11/0. 11 members present. Board consists of 11 members.

VI. ORDERS - FINANCE

The following Orders were referred to Council as a Whole Committee under Suspension of the Rules:

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.

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.

Orders 224-225-22 referred to Council as a Whole under Suspension of the Rules approved by unanimous consent 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

VII. LOAN ORDERS

The following Loan Orders were referred to Council as a Whole Committee under Suspension of the Rules:

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.

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.

Loan Orders 226-227-22 referred to Council as a Whole under Suspension of the Rules approved by unanimous consent 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

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.

Ordinance was sent to a final reading, adopted, and enrolled to be ordained by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members. Ordinance was signed by the Mayor September 14, 2022.

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

Ordinance taken under Suspension of the Rules approved by unanimous consent 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

Ordinance was sent to a first and second reading and ordered advertised by unanimous consent 11/0. 11 members present. Board consists of 11 members.

IX. PETITIONS

The following Petition was referred to the Public Safety Committee:

- 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 Longsjø Middle School.
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The following Petition was referred to the Public Works Committee:

- 230-22 Councilor Andrew Van Hazinga, to install a berm at 26 Whittemore Street.
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The following Petition was referred to the Public Safety and the 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 Longsjø Middle School.
(Public Safety Committee, Public Works Committee)
-

The following Petition was referred to the 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)
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The following Petition was referred to the 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)
-

The following Petition was referred to the 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.
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The following Petition was referred to the City Property 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.](#)
-

The following Petition was referred to the City Property Committee:

- 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)
-

The following Petition was referred to the Public Works Committee:

- 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.
-

The following Petition was referred to the Public Safety Committee:

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

Councilor Schultz submitted: Ward 1 City Councilor Bernie Schultz is hosting a Ward 1 Community Meeting on Monday, September 19, 2022 at 6:30 p.m. right here in the Fitchburg Legislative Building, 700 Main Street. Economic Development Director Mary Jo Bohart and Mayor DiNatale's Chief of Staff Natalia Oliver will make presentations, and then answer questions following their presentations.

The third meeting of the Widowed Helping Widowed Support Group will take place on Thursday, September 22, 2022 from 4 until 5:30 p.m. in Room 203 at the Fitchburg State University Recreation Center, 130 North Street. Kelley Lynn and Bernie Schultz will co-facilitate the meeting.

President Zarrella: Stratton Players with Fitchburg Housing Authority, invite all to a walking tour, Still Chasing the Fire! Saturday, September 10, 2022 at 7:00 PM, at Forest Hill Cemetery, free admission.

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

Motion to enter into Executive Session by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

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

The meeting adjourned at 7:27 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk