



REVISED

8:26 am, Mar 06, 2024

WELCOME TO THE FITCHBURG CITY COUNCIL

March 6, 2024

**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 by 12:00 PM (noon) on the day of meeting.

II. ANNOUNCEMENTS

III. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee

Oral Report

Meeting of March 6, 2024

New Appointment:

Human Rights Commission

(Term to expire March 5, 2027)

Myles Phillips-Wilcox

New Appointment:

Agricultural Commission

(Term to expire March 5, 2025)

Jill P. Lucius

New Appointment:

Executive Director of Council on Aging

(Term to expire August 24, 2025)

Amanda Koeck

Re-Appointment:

Trustees of Public Burial Grounds

(Term to expire January 28, 2027)

Michelle Antaya Sciabarrasi

Re-Appointment:

Fitchburg Historical Commission

(Term to expire February 1, 2027)

Charles E. Sternaimolo

IV. REPORT OF COMMITTEE ON RECORDS

V. COMMUNICATION

Her Honor the Mayor

1. Appointment letter:

Erik Tkal, as a member of the Fitchburg Airport Commission, for a term to expire March 19, 2027.

2. Appointment letter:

Paul Hathaway, as member of the Fitchburg Airport Commission, for a term to expire March 19, 2027.

3. Appointment letters:
Full-Time Police Officers
For the Fitchburg Police Department
Nathan E. Jorge
Benjamin R. Lima

4. Appointment letter:
Permanent Full Time Firefighter
For the City of Fitchburg
Benjamin E. Nealon

5. Re-Appointment letter:
Clayton R. Raymond, as a member of the Fitchburg Airport Commission, for a term to expire March 19, 2027.

6. Re-Appointment letter:
Evan Halstead, as a member of the Fitchburg Agricultural Commission, for a term to expire on April 1, 2027.

7. Re-Appointment letter:
Colby O'Brien, as a member of the Fitchburg Board of Parks Commissioners, for a term to expire April 1, 2029.

8. Re-Appointment letter:
David C. Brooks, as member of the Fitchburg Board of Parks Commissioners, for a term to expire April 1, 2029.

Community Development Block Grant Year 50
(To be referred to the Finance Committee)
[CDBG Year 50](#)

VI. COMMUNICATION

Department of Environmental Protection Waterways Regulation Program

Twin Cities Rail Trail (Bridge No. F-040-075) – Waters of the North Nashua River between 65 and 115 Sawyer Passway, City of Fitchburg, Worcester County

[Notice of License Application pursuant to M.G.L. Chapter 91](#)

VII. ANNUAL REPORT

048-24. ANNUAL REPORT: Montachusett Regional Vocation Technical High School for the year 2023.

[Montachusett Regional Vocational High School 2023](#)

VIII. REPORT OF COMMITTEES

Finance Committee

Meeting of February 28, 2024

Oral Report

- 038-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Department of Mental Health police-based Jail Diversion Program (JDP) in the approximate amount of FIFTY-NINE THOUSAND DOLLARS (\$59,000) for the purpose of maintaining the Police Department Crisis Intervention Team (CIT).
(Be Adopted)
- 039-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from Massachusetts Emergency Management Performance Grant (EMPG) in the approximate amount of TWENTY THOUSAND ONE HUNDRED FIFTY DOLLARS (\$20,150) for the purpose of purchasing hazmat suits, a dry suit, swift water foot protection, and gas meter upgrades.
(Be Adopted)
- 040-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds in the amount of ONE THOUSAND FOUR HUNDRED SEVEN DOLLARS (\$1,407) from the Fitchburg Cultural Council in support of the Parks and Recreation Department Concerts on the Common music series.
(Be Adopted)
- 041-24. ORDER THAT: the City of Fitchburg hereby approves the transfer of SIXTY-NINE THOUSAND AND 00/100 DOLLARS (\$69,000) from HEALTH – SANITARY LANDFILL EXPENSES to HEALTH – RUBBISH REMOVAL EXPENSES.
(Be Adopted) Vote 4-1 (DiNatale)

Public Works Committee

Meeting of February 27, 2024

Oral Report

Public Works Agenda

- 010-24. Counselor Fleming on behalf of Mary Lotze at 349 Pearl Hill Rd. to install a berm that has deteriorated over the years which is now causing flooding onto personal property.
(Be Granted)
- 031-24. Andrew Couture on behalf of Charles Piermarini to investigate the excessive water on Read Street and to repair/clear out the catch basins.
(Be Granted)
- 032-24. Andrew Couture on behalf of Chris Couture to remove the brush at the Electric/Rollstone rotary.
(Be Granted)

- 256-23. Andrew Couture on behalf of Brian Rufiange to request a berm to be placed from the intersection of Oak Hill to the storm drain just past 394 Franklin Rd.
(Be Held)
- 255-23. Marisa Fleming on behalf of Dan Sarasin of 75 Klondike Ave to install ~~a berm in front of his property to mitigate flooding from the higher ground across the street.~~
an approximately 20 foot berm across from Pierce Farm Road.
(Be Granted as Amended)

IX. ORDERS - FINANCE

- 049-24. ORDER THAT: the City of Fitchburg hereby appropriates the sum of SIXTY-FIVE THOUSAND DOLLARS (\$65,000) from Available Funds, crediting as follows:
- | | |
|--------------------------------|----------|
| LAW-LABOR COUNSEL | \$35,000 |
| LAW-DAMAGES PERSONS & PROPERTY | \$30,000 |
- 050-24. ORDER THAT: there be and hereby is appropriated the sum of SEVENTY-TWO THOUSAND ONE HUNDRED TEN AND 97/100 DOLLARS (\$72,110.97) from RESERVE FOR APPROPRIATION - PEG ACCESS EXPENSES to support capital needs at the FATV broadcast location.
- 051-24. ORDER THAT: the sum of Thirty Nine Million Five Hundred Thousand Dollars (\$39,500,000) be and hereby is appropriated to pay the cost of various sewer separation projects including, but not limited to, sewer separation project CSO 032, 045 and 083 Separation/Rehabilitation; and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow all or part of said amount under and pursuant to M.G.L. Chapter 44, Section 7(1) or 8(14), from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, or pursuant to any other enabling authority, to issue bonds or notes of the City therefor, and to file or execute all necessary documents with the Municipal Finance Oversight Board to qualify such bonds under M.G.L. Chapter 44A; and that the Mayor or other relevant City official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.
- 052-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds by the Board of Health, from the United Way of North Central Massachusetts, in the amount of TWO THOUSAND DOLLARS (\$2,000) to supplement the Winter Warming Center.
- 053-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of State Earmark funds allocated by the Department of Conservation & Recreation in the amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) for the rehabilitation of the youth soccer field area at Coolidge Park.
- 054-24. ORDER THAT: the City of Fitchburg hereby approves the transfer of \$96,349 from CDBG Year 47 Police Department ADA Parking Improvements to CDBG Year 48 Parks/Playgrounds Improvements.

X. ORDERS – CDBG Year 50

ORDERS 055-24 THROUGH 076-24

(Refer to Finance)

XI. ORDINANCES

- 009-24. AN ORDINANCE: Amending Article VIII entitled “Snow or Ice on Motor Vehicles” as outlined in the enclosed Ordinance. Chapter 157-94 shall be amended as outlined in the enclosed Ordinance. Chapter 169-10 entitled “Violations and penalties” shall be renumbered to be Chapter 169-11. A new Chapter 169-10 entitled “Duty to remove snow or ice from motor vehicles” shall be inserted and read as outlined in the enclosed Ordinance.
(Third & Final Reading)
- 077-24. AN ORDINANCE: Article 2 § 84-7 (E) entitled License and Tags be amended as follows (**bold and underline** new):
E. The City Clerk will set the fee for each dog license, which may vary depending on whether the dog is spayed or neutered. The Clerk will make this determination based only on a document from a Massachusetts licensed veterinarian certifying that the dog has been spayed or neutered. The Clerk may accept a written veterinarian's statement certifying that because of age, infirmity or other physical condition, spaying or neutering is medically not necessary. The Clerk will not charge a fee for any dog used as a service animal specially trained to serve a handicapped person upon presentation of a certificate showing that the dog is so trained and reasonable evidence that the dog is actually used as a service animal. **No fee shall be charged for a license for a dog owned by a person aged 70 years or over.**
(First and Second Reading)
- 078-24. AN ORDINANCE: Article 2 § 169-58 entitled Violations and Penalties be amended as follows (**bold and underline** is new language and ~~cross through~~ is omitted language):
B. Pursuant to the provisions of MGL c. 90, § 20A 1/2, any person violating any provision of any rule, regulation, order or ordinance regulating the parking of motor vehicles shall be punished by a fine for each offense as hereinafter set forth:
(1) Group A, \$300.
(a) 01. Handicapped parking.
(b) 02. Blocking a wheelchair ramp.
~~(2) Group B, \$30.~~ **(2) Group B, \$100.**
(a-1) 03. Parking ban/snow emergency.
(a) 03. Tow zone — no parking area.
(b) 04. Within 10 feet of a hydrant.
(c) 05. Double parking.
(d) 06. Within an intersection.
(e) 07. Less than 10 feet from an unobstructed way.
(f) 08. Fire lane.
(g) 09. Within five feet of a driveway or alley.
(h) 10. Within 20 feet of an intersecting way.
(3) Group C, \$30.
(a) 04. Tow zone — no parking area.
(b) 05. Within 10 feet of a hydrant.
(c) 06. Double-parking.
(d) 07. Within an intersection.

(e) 08. Less than 10 feet from an unobstructed way.

(f) 09. Fire lane.

(g) 10. Within five feet of a driveway or alley.

(h) 11. Within 20 feet of an intersecting way.

~~(a) 11~~ (i) 12. All-night parking.

~~(a.1) 11.1.~~ Parking ban/snow emergency.
[Added 4-21-2015 by Ord. No. 076-2015]

~~(b) 12~~ (j) 13. Right wheels not at curb.

~~(c) 13~~ (k) 14. Wheels more than one foot from curb.

~~(d) 14~~ (l) 15. On a sidewalk.

~~(e) 15~~ (m) 16. On a crosswalk.

~~(f) 16~~ (n) 17. No parking area.

~~(g) 17~~ (o) 18. Within a bus stop.

~~(h) 18~~ (p) 19. Ten-hour meter violation.

~~(i) 18.1~~ (q) 19.1. Parking of nonmotorized vehicle or trailer.

(4) Group D, \$15.

(a) 19. Within a loading zone or taxi stand.

(b) 20. Meter violation.

(c) 21. Overtime parking.

(First and Second Reading)

XII. PETITION

- 079-24. City Councilor Bernie Schultz, on behalf of Orlando Jimenez of 507 Water Street, to request removal of dying trees on Lancaster Street located above his home.
(Refer to Public Works)

XIII. OTHER BUSINESS

Review submitted Open Meeting Law Complaint

1. Through a consent agenda, review, discuss and vote on Agenda Items from February 20, 2024 which were not voted by roll call vote as follows:
 - a. Agenda Items to be Revoted by Consent and Roll Call Vote
 - b. Report of Committee on Records
 - c. Communication from the Mayor
 - d. Annual Reports
 - e. Finance Committee Report Except Order 008-24
 - f. Legislative Affairs Report Except Order 008-24
 - g. Orders 038-24 – 041-24
 - h. Orders – Other 043-24
2. Vote to authorize President to send reply to February 20, 2024 Open Meeting Law Complaint.

Next Regular Meeting
Tuesday, March 19, 2024, at 7:00 PM