



**REVISED**

11:08 am, Aug 30, 2024

***WELCOME TO THE FITCHBURG CITY COUNCIL***

**September 5, 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](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 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](mailto:cityclerk@fitchburgma.gov) by 12:00 PM (noon) on the day of meeting.

## II. ANNOUNCEMENTS

## III. REPORT OF COMMITTEE ON RECORDS

(July 16, 2024)

## IV. COMMUNICATION

From Her Honor the Mayor

### **1. New-Appointment letter:**

Mike Amadeo, as a Member of the Fitchburg Cultural Council, for a term to expire September 17, 2027.

### **2. New-Appointment letter:**

Daniel Dow, as a Member of the Fitchburg Cultural Council, for a term to expire September 17, 2027.

### **3. New-Appointment letter:**

Jennifer Hemenway, as a Member of the Fitchburg Cultural Council, for a term to expire September 17, 2027.

### **4. New-Appointment letter:**

Liliana Gomez Fernandez, as a Member of the Fitchburg Cultural Council, for a term to expire September 17, 2027.

## V. REPORT OF COMMITTEES

### **Board of Health**

#### **Meeting of August 8, 2024**

[https://www.fitchburgma.gov/AgendaCenter/ViewFile/Minutes/\\_07112024-4125](https://www.fitchburgma.gov/AgendaCenter/ViewFile/Minutes/_07112024-4125)

030-24. Andrew Couture on behalf of the residents of Oak Ridge Condominiums to investigate an offensive odor (suspected from Grief paper).  
(Continued)

### **Finance Committee**

#### **Meeting of September 4, 2024**

#### **Oral Report**

160-24. LOAN ORDER: that \$12,700,000 aggregate amount is appropriated for the following projects, including all costs incidental and related thereto, which amount may be apportioned to such projects as needed to accomplish the projects: (i) rehabilitation and/or upgrade of the Meetinghouse Gatehouse and Mare Meadow Pump Station, at an estimated cost of \$4,400,000; (ii) Main Street water main replacement project, at

an estimated cost of \$6,000,000, which amount is expected to be used in addition to certain American Rescue Plan Act funds available for the project; and (iii) Regional Water Treatment Plant roof replacement and weatherproofing project, at an estimated cost of \$2,300,000; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$12,700,000 under G.L. c.44, §8 or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the projects; that the Mayor is authorized 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.

**Legislative Affairs Committee**  
**Meeting of September 5, 2024**  
**Oral Report**

- 270-23. Marisa Fleming on behalf of Ward 5 residents to relocate the election polling site either back to Saima Park or any other suitable location where traffic is not so dense.
- 098-24. Councilor Andrew J. Couture on behalf of the Shea Street neighborhood group to initiate a temporary moratorium on large scale solar farm until such time as the zoning charges be voted on and approved in petition 272-23.
- 157-24. Captain Christopher Garcia, from the Fitchburg Police Department, proposing a new City ordinance aimed at enhancing safety on our streets and addressing the quality of life concerns in our community by regulating the use of recreational vehicles on both public and private property in Fitchburg.
- 158-24. Councilor Beauchemin and Jeffrey Bean to rename Oak Hill Road Bridge to the Ron Ansin Bridge in honor of Mr. Ron Ansin.

**VI. ORDERS - FINANCE**

- 162-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from Massachusetts Emergency Management State Homeland Security Program Grant (SHSP) in the approximate amount of FIVE THOUSAND DOLLARS (\$5,000) for the purpose of purchasing equipment for the Fire Department's Community Emergency Response Team (CERT).
- 163-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds in the approximate amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000), received from Fitchburg State University and originating from Mass Development, for creation of a Downtown Management Organization.
- 164-24. ORDER THAT: there be and hereby is appropriated the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000) same to be charged against the FY2025 TAX LEVY and credited to LAW EXPENSES – Damages – Persons & Property.

- 165-24. ORDER THAT: the City of Fitchburg hereby approves the transfer of TEN THOUSAND DOLLARS (\$10,000) from Community Development Expense – Municipal Hearing Officer to Community Development Personal Services – Municipal Hearing Officer.
- 171-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the UMass Memorial Health Determination of Need (DoN) Grant-Tier 2 in the approximate amount of THIRTY THOUSAND DOLLARS (\$30,000) to support equipment purchases and all efforts and collaborations to start the North Central Free Medical Program.  
(Suspension of Rules)

## VII. PETITIONS

- 166-24. Liz Murphy to amend Chapter 44 of the City Code to add the following position Municipal Hearing Officer pursuant G.L c268A, §20 (b).  
(Legislative Affairs)
- 167-24. President Zarrella, to designate the Veteran Services Commissioner as a Special Municipal Employee.  
(Legislative Affairs)
- 168-24. Councilor Andrew Couture on behalf of Paulo Fritz, to investigate water runoff from the property of 160 Stickney Rd. An apron and berm should be placed to stop the water intrusion to stop the damage to the property.  
(Public Works)
- 169-24. Councilor Paul Beauchemin on behalf of Kyle Glenny, at 133 Hurd Street to install a berm that has deteriorated over the years which is now causing flooding onto personal property.  
(Public Works)

## VIII. OTHER BUSINESS

Waiver of Right of first refusal Parcel S1-24-0 Alpine Rd.  
(Suspension of Rules)

## IX. EXECUTIVE SESSION

1. CONVENE INTO EXECUTIVE SESSION, pursuant to G.L. c. 30A sec 21(a)(3), that the Board go into Executive Session to discuss strategy with respect to BAK Realty, LLC et al v. City of Fitchburg, et al, SJC 13639. As the Chair, I have determined that the public discussion of such will have a detrimental impact on the litigating position of the City.  
**(We will be returning to open session)**
- 170-24. Solicitor Lisa Mead, for authorization to appoint Special Counsel, Vincent Pusateri and Kevin Powers, for the case of BAK Realty, LLC et al v. City of Fitchburg, et al, SJC 13639.

Next Regular Meeting  
Tuesday, September 17, 2024, at 7:00 PM