



Apr 11 2024 3:55 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

April 16, 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 April 16, 2024

New Appointment:

Fitchburg Board of Registrars

(Term to expire April 1, 2027)

James P. McNamara

IV. REPORT OF COMMITTEE ON RECORDS

V. SPECIAL PRESENTATION

Rail Trail Update

[Memo Twin Cities Rail Trail Update](#)
[Recommendation Twin Cities Rail Trail](#)

VI. COMMUNICATION

From Her Honor the Mayor

1. Re-Appointment letter:

Eric Mbunwe, as a member of the Fitchburg Board of Trustees for the Public Library, for a term to expire on May 1, 2027.

VII. ANNUAL REPORT

093-24. ANNUAL REPORT: Auditor's report for the year ended June 30, 2023.
[Financial Statements for the year ending June 30, 2023](#)
[Single Audit Report](#)

VIII. REPORT OF COMMITTEES

Finance Committee

Meeting of April 10, 2024

Oral Report

- 088-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Department of Fire Services Firefighter Safety Equipment Grant in the approximate amount of TWENTY-FOUR THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$24,840) for the purpose of purchasing an accountability board/mobile command console, scene lighting, a rescue boat, and lifting air bags.
(Be Adopted)
- 089-24. ORDER THAT: there be and hereby is appropriated the sum of ONE MILLION NINE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,900,000) from AVAILABLE FUNDS to credit EMPLOYEE BENEFITS – HEALTH INSURANCE.
(Be Adopted)
- 090-24. ORDER THAT: there be and hereby is appropriated the sum of THREE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED THIRTY AND 00/100 DOLLARS (\$322,430) from AVAILABLE FUNDS to credit SCHOOL DEPARTMENT - TRANSPORTATION.
(Be Adopted)

Legislative Affairs Committee

Meeting of April 10, 2024

Oral Report

- 092-24. Pursuant to M.G.L. 64G §3A, amend the City of Fitchburg local room occupancy excise to the rate of SIX PERCENT (6%).
(Be Granted)
- 097-23. Petition to review attached disclosure Municipal Employees pursuant to G.L c268A, §20 (a) (b) to approve the same.
(Be Held)
- 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.
(Be Held)
- 272-23. Councilor Andrew J. Couture and Councilor Marisa Fleming, on behalf of all rural residential residents to initiate a solar change in zoning by introducing additional zoning to protect the rural residential neighborhoods. In addition, exclude solar on any watershed overlay district nor shall solar abut any RA or R2 districts.
(Be Granted)

IX. ORDERS – FINANCE

- 094-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Massachusetts Department of Environmental Protection Sewage Notification Assistance Grant Program, in the approximate amount of ONE HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED FORTY-EIGHT DOLLARS (\$117,548), the purpose of which is to support municipalities in meeting the requirement to promote public awareness of sewage pollution.
- 095-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds awarded by Massachusetts Office of Outdoor Recreation in the approximate amount of FIVE THOUSAND DOLLARS (\$5,000) for the purpose of sponsoring a Junior Park Ranger Program.

X. ORDERS – OTHER

- 096-24. ORDER THAT: AN ORDER TO AUTHORIZE ACQUISITION OF LAND IN CONNECTION WITH THE CONSTRUCTION OF THE TWIN CITIES RAIL TRAIL

THAT the City Council of the City of Fitchburg by virtue of and in accordance with the authority of the provisions of Chapter 79 of the Massachusetts General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, hereby adopts this Order of Taking to acquire, by purchase, gift, eminent domain or otherwise acquire, permanent and temporary easements, and fee interests in certain real estate located along Railroad Street, Sawyer Passway, and Main Street [. . .] for public general municipal purposes, specifically the construction of the Twin Cities Rail Trail, Phase II, and to authorize the Mayor of Fitchburg to execute an Order(s) of Taking to effectuate the purposes of this vote: and

THAT upon the recording of such order, compensation in the amount of Two Hundred Thirty Three Thousand Eight Hundred Dollars (\$233,800.00), be paid to the Owners of said properties as full compensation for all damages sustained by them as a result of said taking; and

THAT, Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote.

XI. LOAN ORDER

- 051-24. LOAN ORDER: 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.
(Final Reading)

XII. PETITIONS

- 097-24. Authorize the Mayor to enter into a Land Disposition Agreement (“LDA”) with the Commonwealth of Massachusetts Acting by and through its Division of Capital Asset Management and Maintenance for the property located at 84 Elm Street, Assessor’s Map 42/27/0 (the “Property”); and
Authorize the Mayor to purchase said Property for \$1.00 and one half of the Net Proceeds of any future sale of the Property to a third party; and
Declare the Property surplus once the City owns the Property and authorize for purposes of sale.
[Land Disposition Agreement](#)
(City Property)

- 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.
(Legislative Affairs)

- 099-24. Verizon New England, Inc. to request permission to place on (1) four (4) inch conduit at the intersection of Main Street and Lunenburg Street as outlined in the enclosed petition.
(Referred Public Hearing May 7, 2024)

XIII. OTHER BUSINESS

Next Regular Meeting
Tuesday, May 7, 2024, at 7:00 PM