



Oct 10 2024 2:06 pm

WELCOME TO THE FITCHBURG CITY COUNCIL

October 15, 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 October 15, 2024

New Appointment:

Board of Parks Commissioners

(Term to expire April 1, 2029)

Gary Withington

New Appointment:

Fitchburg Water-Wastewater

(Term to expire February 1, 2026)

Gary Withington

New Appointment:

Fitchburg Historical Commission

(Term to expire October 1, 2027)

Mary E. Self

Re-Appointment letter:

Fitchburg Cultural Council

(Term to expire October 1, 2027)

Liz Murphy

Re-Appointment letter:

Fitchburg Cultural Council

(Term to expire October 1, 2027)

Keith Chenot

IV. REPORT OF COMMITTEE ON RECORDS

(October 1, 2024)

V. COMMUNICATION

From Her Honor the Mayor

1. New-Appointment letter:

Jason Lefferts, as a Member of the Fitchburg Water-Wastewater Commission, for a term to expire November 6, 2028.

2. New-Appointment letter:

Nicholas Cordio, to the position of Municipal Hearing Officer, for a term of one year period, with an evaluation after six months.

3. New-Appointment letter:

Michael Baltier, as a Member of the Fitchburg Human Rights Commission, for a term to expire November 5, 2027.

4. Re-Appointment letter:

David Roth, as a Member of the Fitchburg Human Rights Commission, for a term to expire May 1, 2027.

VI. ANNUAL REPORT

- 184-24. ANNUAL REPORT: Fitchburg Police Department for the year 2023.
[Fitchburg Police Department 2023 Annual Report](#)

VII. REPORT OF COMMITTEES

Finance Committee

Meeting of October 9, 2024

[Finance Committee Minutes](#)

- 179-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of grant funds from the Federal Aviation Administration in the approximate amount of TWO HUNDRED FIFTY-NINE THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS (\$259,825) for Phase I to Reconstruct the Main Apron - Design and Obtain Permits.
(Be Adopted)
- 180-24. ORDER THAT: the City of Fitchburg hereby approves the expenditure of E911 Support and Incentive Grant funds from the Massachusetts Executive Office of Public Safety and Security in the approximate amount of TWO HUNDRED NINETEEN THOUSAND FIVE HUNDRED NINETY-FOUR DOLLARS (\$219,594) for the purpose of supporting the salaries of the city's dispatch call takers.
(Be Adopted)
- 181-24. ORDER THAT: there be and hereby is appropriated the sum of FORTY-EIGHT THOUSAND DOLLARS (\$48,000) same to be charged against the FY2025 TAX LEVY and credited to POLICE – EQUIPMENT & REPAIR – Firearm Replacement.
(Be Adopted)

Legislative Affairs Committee

Meeting of October 15, 2024

Oral Report

- 097-23. Petition to review attached disclosure Municipal Employees pursuant to G.L c268A, §20 (a) (b) to approve the same.

- 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.
- 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).
- 177-24. The Community Development & Planning Department is requesting that City Council designate the new Municipal Hearing Officer as a Special Municipal Employee.
- 167-24. President Zarrella, to designate the Veteran Services Commissioner as a Special Municipal Employee.
- 176-24. City Councilor Derrick Cruz and cosponsored by Councilor Cragin and Councilor Walsh. The City of Fitchburg shall adopt a fee structure for public records requests, in accordance with the Massachusetts Public Records Law, as follows:
- Copying Costs: The City of Fitchburg will charge up to 5 cents per page for standard black-and-white paper copies or printouts of public records.
- Electronic Records: For records provided electronically, no per-page fee will be charged, though charges may apply for staff time as outlined below.
- Personnel Costs: The City will charge for the time required to search for, compile, segregate, and redact public records if the time exceeds two hours. The hourly rate will be based on the hourly wage of the lowest-paid employee capable of performing the task, not exceeding \$25 per hour, unless otherwise approved by the Supervisor of Public Records (City Clerk).
- Preliminary Cost Estimate: Upon receiving a public records request, the City of Fitchburg shall provide the requester with a written, itemized, good-faith estimate of the expected fees before processing the request, if applicable.
- Effective Date: These changes shall take effect immediately upon approval by the City Council.

VIII. ORDINANCES

- 183-24. AN ORDINANCE: Amend §181-66 to add a new section §181-66 – A – as follows:
- §181-66- A- TEMPORARY MORITORIUM ON LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC FACILITIES**
- §181-66- A- 1 Purpose: This Ordinance adopted pursuant to Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for the purpose of conserving the City’s available forested land and open space by which greenhouse gases are reduced through carbon capture and sequestering; to allow for the completion of the Nashua River Watershed’s Municipal Vulnerability Preparedness Climate Resiliency Plan; the City’s Climate Action Plan; and given

recent cases that involve significant storm water runoff challenges, the development of Land Disturbance Regulations; and in order to protect the public health and welfare of the residents of Fitchburg and in order to adopt an appropriate and effective zoning ordinance allowing and encouraging large scale ground mounted solar photovoltaic facilities.

§181-66- B – 2 For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the permits for and use of land for large scale ground mounted solar photovoltaic facilities. The moratorium shall be in effect through May 31, 2025 unless adoption of new Zoning Ordinance addressing Large Scale Ground-Mounted Solar Photovoltaic Facilities is in effect, whichever is earlier. During the moratorium period, the City shall undertake a planning process to address the potential impacts of large scale ground mounted solar photovoltaic facilities and related uses, and shall consider adopting new Zoning Ordinances to better address the impact and construction of same in the City.
(Final Reading)

078-24. AN ORDINANCE: WHEREAS, winter is imminent and snow emergencies may begin at any time in the coming weeks, and;

WHEREAS, the City of Fitchburg has a compelling interest in the health, safety, and welfare of the public by the effective enforcement of its parking ordinances, and;

WHEREAS, the prevention of obstructions to plows and emergency vehicles is essential to the provision of potentially lifesaving services during a snow emergency;

WHEREAS, the existing ordinance regarding snow-related parking bans and general parking violations contains typographical details rendering it unenforceable, and;

WHEREAS, the cost and procedural delay of printing new citation books for police officers and parking officials renders it impracticable to do so when further emendations will be needed in the imminent future, and;

WHEREAS, Ordinance 078-24 seeks to effect a comprehensive correction of § 169-58 of the City Code so as to permit the prompt and accurate creation of new citation books;

NOW THEREFORE, be it hereby resolved by the City Council, pursuant to G.L. c. 43, § 20 and Section 20 of the City Charter, that the passage of Ordinance 078-24 is necessitated by an emergency affecting the health and safety of the people of Fitchburg.

IX. OTHER BUSINESS

Next Regular Meeting
Wednesday, November 6, 2024, at 7:00 PM