



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

February 6, 2018 7:00PM

**Memorial Middle School Library
615 Rollstone Street
Fitchburg MA 01420**

2018 FEB -2 AM 9:32

FITCHBURG CITY CLERK

WELCOME TO THE FITCHBURG CITY COUNCIL!

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 address.
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 Councillor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

II. REPORT OF COMMITTEE ON RECORDS

III. COMMUNICATION-HIS HONOR THE MAYOR

Appointment Letters

1. Mr. Andrew J. Van Hazinga, as a member of the Fitchburg Housing Authority, for a term to expire March 1, 2023. Mr. Van Hazinga will be filling the position of Mr. Paul Fontaine, whose appointment expires on March 19, 2018.
2. Ms. Adrienne G. Clark, as a member of the Fitchburg Trustees of Public Burial Grounds, for a term to expire February 1, 2020. Ms. Clark will fill the balance of the term created by the vacancy of Mr. David DeMar, Sr.

Re-Appointment Letter

1. Mr. Ian Murray, as a member of the Board of Health, for a term to expire January 1, 2021.

IV. COMMUNICATION

Michael P. Kushmerek, City Council President
Re: Assistant City Clerk Appointment

V. COMMUNICATION

Mark P. Hawke, Mayor
City of Gardner

VI. COMMUNICATION

Pension Reserves Investment Management Board

VII. ANNUAL REPORT

- 016-18. ANNUAL REPORT: Montachusett Regional Vocational Technical High School for the year 2017.

VIII. REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of February 6, 2018, 6:45 PM

Re-Appointments:

Human Rights Commission

(Term to expire January 1, 2021)

Ms. Barbara Nealon

Trustees of Public Burial Grounds

(Term to expire January 8, 2020)

Ms. Diane Ouellette

Finance Committee

January 23, 2018, 6:00 PM

010-18. ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED THOUSAND AND 00/100 DOLLARS (300,000.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:

PERSONAL SERVICES, OVERTIME	\$ 40,000.00
EQUIPMENT RENTAL	\$100,000.00
PLOWS & BLADES	\$ 60,000.00
SALT	\$100,000.00

(Be Adopted)

011-18. ORDERED THAT: There be and hereby is transferred from within the sum of TWENTY-FOUR THOUSAND, ONE HUNDRED EIGHT AND 00/100 DOLLARS (\$24,108.00) same to be transferred from POLICE, PERSONAL SERVICES, ANIMAL CONTROL OFFICER (\$16,732.00) and from POLICE, PERSONAL SERVICES, ANIMAL CONTROL OVERTIME (\$7,376.00) and credited to POLICE, OTHER EXPENSES, ANIMAL CONTROL.

(Be Adopted)

012-18. ORDERED THAT the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, FY18 Shannon Community Safety Initiative grant in the approximate amount of \$142,709.24 (ONE HUNDRED FORTY-TWO THOUSAND, SEVEN HUNDRED NINE AND 24/100 DOLLARS) for the purpose of said grant, which is to reduce gang and youth related violence.

(Be Adopted)

013-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Department of Fire Services grant in the approximate amount of \$56,000.00 (FIFTY-SIX THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to purchase a new regional Fire Safety House to be used in teaching fire safety.

(Be Adopted)

Fitchburg Redevelopment Authority
Meeting of January 16, 2018

317-17. Mr. John Igo, Petitioner, to recognize and address issue with stairs and elevator in the Worcester County Northern Registry of Deeds building at 202 Boulder Drive.

(Be Denied)

Public Works Committee

Meeting of January 30, 2018, 5:00 PM

- 231-17. Darlene M. Grossnickle, to petition for an additional street light at #364 Pearl Hill Road for safety concerns, as detailed in the enclosed petition.
(Be Given leave to withdraw)
- 243-17. Councillor Paul Beaucemin, on behalf of Norman Beauvais, to request a sidewalk in front of the Dunkin Donuts located on Electric Avenue.
(Be Held)
- 288-17. Councillor Jody Joseph and Moran Square Realty, to repair sidewalk on Summer Street & Lunenburg Street in front of Moran Square Realty.
(Be Granted)
- 300-17. Councillor Marcus DiNatale, Councillor Paul Beaucemin, and Lisa Hebert, to install a berm at 47 Elmwood Avenue.
(Be Held)
- 301-17. Councillor Marcus DiNatale and Lori Stone, to install a berm at 139 Rollstone Road.
(Be Granted)
- 305-17. Unitil, to relocate electric pole #27 (40 feet west) across Rollstone Road, to get pole out of bad curve in road.
(Be Granted)
- 014-18. Councillor Paul Beaucemin, to install more lighting at the roundabout located on Electric Ave. and Rollstone Road, for safety purposes.
(Be Granted)
- 015-18. Councillor Amy L. Green, to find remedy by installing a berm or curb at the residence of 23-25 Hobson Street to stop further damage done by water.
(Be Granted)

IX. RECESSED HEARING

- 302-17. Unitil, to install a new pole #1 on Brittany Lane at Rollstone Road (Plan No. 3447-L), to use as new underground electric riser pole to Brittany Lane homes.

X. LOAN ORDERS

- 004-18. LOAN ORDER: ORDERED THAT: \$22,500,000.00 be appropriated to pay costs of renovating, reconstructing, making extraordinary repairs, and equipping the existing City Hall building (718 Main St.) and the Bank of America building (700 Main St.) as outlined in the enclosed Order.
(Final Reading)
- 005-18. LOAN ORDER: \$1,000,000.00 be appropriated for the purpose of paying costs of feasibility study on Crocker Elementary School, 200 Bigelow Drive, Fitchburg, MA, for K-4 or K-8 project as outlined in the Order.
(Final Reading)
- 017-18. LOAN ORDER: That \$2,000,000.00 be appropriated to pay costs of rehabilitation, improvements, and making extraordinary repairs to school buildings, as outlined in the enclosed Loan Order.
(Refer to the Finance Committee)

XI. ORDERS-FINANCE

- 018-18. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be transferred from ASSESSOR, PERSONAL SERVICES, DEPARTMENT HEAD and credited to ASSESSOR EXPENSES, CONTRACTED SERVICES.
- 019-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the U.S. Food and Drug Administration, Retail Standards Grant Program grant in the approximate amount of \$3,000.00 (THREE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide funding for staff to attend FDA trainings, workshops, and seminars to maintain food inspection standards.
- 020-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$5,407.00 (FIVE THOUSAND, FOUR HUNDRED SEVEN AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to teach fire safety to children in elementary schools.

021-18. ORDERED THAT: That the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$2,813.00 (TWO THOUSAND, EIGHT HUNDRED THIRTEEN AND 00/100 DOLLARS) for the purposes of said grant, which is to teach senior citizens about the importance of fire safety and avoiding in particular cooking and electrical fires.

XII. ORDER-OTHER

022-18. ORDERED THAT: The City Council does hereby affirm the vote taken on January 2, 2018 at its Organizational Meeting regarding Order 1-2018 Adopting Rules of the City Council for the year 2018 as detailed in the attached minutes of said meeting.

XIII. PETITIONS

023-18. Stephen Curry, Board of Health Director, to approve the attached Board of Health adopted fees for Food Services Establishments based on the risk level of the Food Establishments.
(Finance Committee)

024-18. Stephen Curry, Board of Health Director, to amend that attached Petition #165-13 (Intermunicipal Agreement between municipalities participating in the Montachusett Public Health Network, 11 cities and towns, desiring to share key public health services and the costs associated with these services) to include language to add additional municipalities in the agreement.
(Legislative Affairs Committee)

025-18. Stephen Curry, Board of Health Director, to approve the attached Intermunicipal Agreement between municipalities participating in the Montachusett Public Health Network desiring to share key public health services and costs associated with these services. This agreement will be utilized for new municipalities approval to participate.
(Legislative Affairs Committees)

026-18. Councillor Paul Beauchemin, to have the City of Fitchburg charge 5 cents per nip purchased at City package stores, with the proceeds to be donated to the DPW for equipment upgrades and other needs.
(Legislative Affairs Committee)

Next Regular Meeting
Tuesday, February 20, 2018, 7:00 PM

WARRANT FOR THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL

Dear Councillor:

The Organizational Meeting of the 2018 City Council will be held on Tuesday, January 2, 2018 at 10:00 AM in the Kent Recital Hall in the Conlon Fine Arts Building at Fitchburg State University, 367 North Street, Fitchburg MA.

The Meeting has been called for the following purposes:

Administration of Oaths of Office to newly elected officials:

Mayor, City Council, School Committee;

Election of the Council President for the year 2018;

Election of the Council Vice President for the year 2018;

1 - 18 **ORDER:** Adopting Rules of the City Council for the year 2018;

2 - 18 **ORDER:** Setting dates of Regular Meetings of the City Council for the year 2018;

Drawing of names for seat assignment in the Council meeting area for the year 2018.

Per Order:

Anna M. Farrell

City Clerk

Clerk, City Council

The Organizational Meeting of the City Council was held in the Kent Recital Hall in the Conlon Fine Arts Building at Fitchburg State University and called to order by City Clerk Anna M. Farrell at 10:02 a.m. The Salute to the Flag was led by Councillor Kushmerek. The Clerk called the roll and ten (10) members were present. Board consists of ten members (with one vacancy). The Clerk read the Warrant for the Organizational Meeting.

Oaths of Office were administered by the City Clerk to Mayor Stephen DiNatale; City Councillors Paul Beauchemin, David Clark, Marcus DiNatale, Marisa Fleming, Amy Green, Joel Kaddy, Michael Kushmerek, Samantha Squallia, Elizabeth Walsh and Anthony Zarrella; School Committee members Peter Stephens, Jean LaBelle-Pierce and Rosemary Reynolds.

Nominations for Council President were declared open by the Clerk. The name of Councillor Michael Kushmerek was placed in nomination and seconded. There were no further nominations. Nominations were declared closed following unanimous roll call vote. A roll call vote of 10 in favor and 0 opposed resulted in the election of Councillor Michael Kushmerek as President of the City Council for the year 2018. President Kushmerek assumed the Chair for the remainder of the meeting.

Nominations for Council Vice President were declared open by President Kushmerek. The name of Councillor Amy Green was placed in nomination and seconded. There were no further nominations. Nominations were declared closed following unanimous roll call vote. A roll call vote of 10 in favor and 0 opposed resulted in the election of Councillor Amy Green as Vice President of the City Council for the year 2018.

The following Orders were received:

1 - 2018 **ORDER:** That the Rules of the City Council for 2017 are hereby adopted for 2018.

The following proposals for amendments to the 2017 rules for the year 2018 were read and voted as indicated:

Amendments proposed by Councillor Michael Kushmerek:

1. Amend Rule 29 to read "Seats in the Council chamber for the members thereof shall be determined by the President, and all yea and nay votes shall be called in alphabetical order beginning with the Councillor who led the Pledge of Allegiance.

VOTE: By roll call vote of 9 in favor and 1 opposed (Squailia) the amendment was approved.

2. Add to the Rules: The use of mobile devices during Council meetings shall be prohibited unless allowed at the discretion of the President.

VOTE: By roll call vote of 10 in favor and 0 opposed the proposed amendment was further amended to read as follows: The use of mobile devices during Council meetings is permitted only for City Council business such as accessing the electronic meeting informational packet and otherwise at the discretion of the President.

By roll call vote of 9 in favor and 1 opposed (Squailia) the further amended version was approved.

3. Add to the Rules: All members of the City Council and City employees, serving in official capacity, shall dress in business attire during Council meetings, except in such instances where City employees are required to dress in uniform.

VOTE: By roll call vote of 8 in favor and 2 opposed (Clark, Squailia) the amendment was approved.

Amendments proposed by Councillor Samantha Squailia

Proposed changes are shown in **Bold** and Underlined. Proposed strikeouts are shown with a ~~strike-out~~ and underlined

4. Rule 4. The President shall declare all votes. If any member doubts the vote, the Chair, without further debate upon the question, shall require members voting in the affirmative and negative respectfully, to raise their hand ~~or~~ rise and stand until counted, and shall declare the result, but no such declaration shall be made unless a quorum of the Council has voted.

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

5. Rule 18. At every regular meeting of the Council, the order of business shall be as follows:

- a. 1. Public Forum. (Explanation follows Rule 31.)
- b. 2. A report of the committee on records.
- c. 3. Communications from the Mayor.
- d. 4. Communications and reports from the heads of departments.
- e. 5. Reports of committees.
- f. 6. Public hearings.
- g. 7. Motions, Orders, Resolutions.

h. 8. Ordinances.

i. 9. Presentation of petitions.

j. 10. Unfinished business and matters on the table.

k. 11. Announcements and Recognitions

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

6. Rule 20. (placed at end) **Every Council member must be appointed to a committee, unless a request is made in writing to the President that he/she not be appointed to any committee.**

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

7. Rule 24. Every order, ordinance, resolution and vote relative to the affairs of the city adopted or passed by the City Council shall be presented to the Mayor for his/**her** approval by the clerk, who shall enter upon the records of the City Council the date and time upon which it was presented. If he/**she** approves it, he/**she** shall sign it; if he/**she** disapproves it, he/**she** shall return it with his/**her** written objections, to the City Council, which shall enter the objections at large on its records and again consider it. If the City Council notwithstanding such disapproval of The Mayor, shall again pass such order, ordinance, Resolution or vote by ~~a~~ two thirds of all its members, It shall then be in force, but such vote shall not be taken For seven days after its return to the City Council. Every such order, ordinance, resolution and vote shall be in force if not returned by the Mayor within ten days after it has been presented to him/**her**. This section shall not apply to budgets submitted under section thirty two of Chapter 44, or to appropriations by a city council under section thirty three of said chapter.

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

8. Rule 29. Seats in the Council Chamber for the members thereof, shall be determined by lot, and all yea or nay votes shall be called in alphabetical order beginning with the councillor who led the pledge of allegiance. **Seat adjustments may be made per discretion of the Council President.**

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was given leave to withdraw.

9. Rule 31. PUBLIC FORUM: The purpose of the Public Forum is to include public participation in city government. The forum will begin at 7:00 p.m., **or immediately after the meeting is called to order and shall last no longer than fifteen minutes.** In order for a person to speak, he or she must first be recognized by the **President Chair**, state his or her name and speak only on matters appearing on the Council calendar or agenda at that meeting. He or she will be given two minutes to speak.

There shall be a Public Forum before all gatherings of the City Council and committees of the City Council. These

gatherings shall include all regular meetings, special meetings, hearings, informational sessions, or any other instance where a meeting is posted pursuant to the meeting law.

VOTE: By roll call vote of 9 in favor and 1 opposed (Squailia) the amendment was further amended to STRIKE the following proposed language: ~~There shall be a Public Forum before all gatherings of the City Council and committees of the City Council. These gatherings shall include all regular meetings, special meetings, hearings, informational sessions, or any other instance where a meeting is posted pursuant to the meeting law~~

and ADD the following language: At the discretion of the Chair the public may be provided with the opportunity to speak at all gatherings of the City Council and committees of the City Council.

By roll call vote of 10 in favor and 0 opposed the further amended version was approved.

2 - 2018

ORDER: Setting dates of Regular Meetings of the City Council for the year 2018. Until further notice, the following dates be fixed for the regular meetings of the City Council for the year 2018:

JANUARY	Thursday 4 th	and	Tuesday 16 th
FEBRUARY	Tuesday 6 th	and	Tuesday 20 th
MARCH	Tuesday 6 th	and	Tuesday 20 th
APRIL	Tuesday 3 rd	and	Tuesday 17 th
MAY	Tuesday 1 st	and	Tuesday 15 th
JUNE	Tuesday 5 th	and	Tuesday 19 th
JULY	Thursday 5 th	and	Tuesday 17 th
AUGUST	NO MEETINGS		
SEPTEMBER	Tuesday 4 th	and	Tuesday 18 th
OCTOBER	Tuesday 2 nd	and	Tuesday 16 th
NOVEMBER	Thursday 8 th	and	Tuesday 20 th
DECEMBER	Tuesday 4 th	and	Tuesday 18 th

Meetings are scheduled to begin at 7:00PM
Memorial Middle School Library
615 Rollstone Street, Fitchburg MA 01420

Motion to adopt the 2018 Schedule of City Council meeting dates passed by unanimous vote. 10 members present. Board consists of 10 members.

In accordance with the voted amendment to Rule #29, a drawing for seat assignment was not conducted.

- h. 8. Ordinances.
- i. 9. Presentation of petitions.
- j. 10. Unfinished business and matters on the table.
- k. 11. Announcements and Recognitions**

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

6. Rule 20. (placed at end) Every Council member must be appointed to a committee, unless a request is made in writing to the President that he/she not be appointed to any committee.

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

7. Rule 24. Every order, ordinance, resolution and vote relative to the affairs of the city adopted or passed by the City Council shall be presented to the Mayor for his/her approval by the clerk, who shall enter upon the records of the City Council the date and time upon which it was presented. If he/she approves it, he/she shall sign it; if he/she disapproves it, he/she shall return it with his/her written objections, to the City Council, which shall enter the objections at large on its records and again consider it. If the City Council notwithstanding such disapproval of The Mayor, shall again pass such order, ordinance, Resolution or vote by a two thirds of all its members, It shall then be in force, but such vote shall not be taken For seven days after its return to the City Council. Every such order, ordinance, resolution and vote shall be in force if not returned by the Mayor within ten days after it has been presented to him/her. This section shall not apply to budgets submitted under section thirty two of Chapter 44, or to appropriations by a city council under section thirty three of said chapter.

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was approved.

8. Rule 29. Seats in the Council Chamber for the members thereof, shall be determined by lot, and all yea or nay votes shall be called in alphabetical order beginning with the councillor who led the pledge of allegiance. Seat adjustments may be made per discretion of the Council President.

VOTE: By roll call vote of 10 in favor and 0 opposed the amendment was given leave to withdraw.

9. Rule 31. PUBLIC FORUM: The purpose of the Public Forum is to include public participation in city government. The forum will begin at 7:00 p.m., or immediately after the meeting is called to order and shall last no longer than fifteen minutes. In order for a person to speak, he or she must first be recognized by the President Chair, state his or her name and speak only on matters appearing on the Council calendar or agenda at that meeting. He or she will be given two minutes to speak.

There shall be a Public Forum before all gatherings of the City Council and committees of the City Council. These

The Council President made the following seat assignments and presented them to the City Clerk for distribution on January 3, 2018:

Seat #1	Councillor Beauchemin
Seat #2	Councillor Zarrella
Seat #3	Councillor Kaddy
Seat #4	Councillor Clark
Seat #5	Councillor Walsh
Seat #6	Councillor Squailia
Seat #7	Councillor Green
Seat #8	Councillor DiNatale
Seat #9	Councillor Fleming
Seat #10	Vacant

The Meeting adjourned at 10:46 a.m.

Anna M. Farrell, Clerk