

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on October 6, 2020. The meeting was called to order by President Michael Kushmerek at 7:07 P.M. The Clerk stated the names of the Councillors who have logged in and ten (10) Councillors were present. Councillor Zarrella was absent. The meeting opened with a salute to the Flag led by Councillor Beauchemin.

Noted for the record:

For the Record

FATV was recording the audio and video of the meeting.

PUBLIC FORUM

Public Forum

The following statement was issued for anyone wishing to participate the Public Forum:

The public is invited to participate in the Zoom webinar of
Oct 6, 2020 07:00 PM Eastern Time
Topic: Fitchburg City Council Meeting - October 6, 2020

Register in advance for the Public Comment/Hearing portion of the Agenda by going to:
https://us02web.zoom.us/webinar/register/WN_WcyYG8xXQ1a6dyOE6dp_w

Alternatively, comments of not more than two (2) minutes may be sent to the City Clerk's Office by NOON on October 6, 2020 by calling 978-829-1820 or via email at:
cityclerk@fitchburgma.gov.

COMMUNICATION Fitchburg Cultural Council

Communication
Fitchburg
Cultural Council

Date: Monday, October 5, 2020
To: The Fitchburg City Council

Dear City Council Members,

The Fitchburg Cultural Council, part of the Massachusetts Cultural Council, would like to express our gratitude to the Mayor's Office for our positions. The current LCC (Local Cultural Council) is made up of the following members: Audrey Pendleton-Chow, Administrator; James Craigen, Treasurer; Tamar Russell Brown, Social Media Chair; Eileen Berger, Grant Coordinator; Sean Goodlett, Secretary; Angel Melendez, Casandra Taylor, Claudia Stephens, Jessie Olson, Leona Whetzel, Matthew Bruun, Miriam Ruiz, and Nayelis Torres.

On October 1st, we entered our Grant Cycle. The Massachusetts Cultural Council grant cycle opened on October 1st and will close on November 16th, 2020. We encourage City Council Members to remind their constituents of the LCC's ability to fund local arts and cultural events and projects. Last year we received just over \$40,000 from the State. While we do not yet know our allotment for this cycle, we trust that it will not be extremely dissimilar to last year.

Please consider our role in the creative economy in the City of Fitchburg and encourage any organizations or individuals to participate in this grant cycle for the benefit of the entire Fitchburg community. Our next meeting is Tuesday, October 20th at 4:30 PM on Zoom via FATV and we encourage you all to join us.

Thanking you in advance for your attention to this matter.

Most Sincerely,
The Fitchburg Cultural Council



The Fitchburg Cultural Council meets once a month from 4:30-5:30pm.
For details on upcoming meetings, events, important dates, and links:
View our public Calendar: shorturl.at/rsuLW
Add to your Google Calendar here: shorturl.at/h1ST8
Or follow us on Facebook: [Fitchburg Cultural Council](https://www.facebook.com/FitchburgCulturalCouncil)
And join our Facebook Group: [Fitchburg Cultural Council Group](https://www.facebook.com/FitchburgCulturalCouncilGroup)

Our grant season begins October 1 and is open until November 16.
General info and forms: <http://www.mass-culture.org/Fitchburg>

Fitchburg Cultural Council
Fitchburg City Hall
166 Boulder Dr.
Fitchburg, MA 01420

Communication read and placed on file in the City Clerk's Office.

COMMUNICATION
Bill McSheehy
Re: Holiday Lights



Fitchburg Holiday Lights

October 5, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

2020 OCT - 6 AM 11: 27
FITCHBURG CITY CLERK

Dear Council President Kushmerek,

Last year, Fitchburg's holiday lighting display along Main Street and the Upper Common looked fantastic! This was made possible with the generous donations and overwhelming community support of our sponsorship drive.

Plans are underway to have another spectacular display this year and we are hoping the City Council will help us make this happen by sharing this information with the public.

Any contributions to the Holiday Lights will be posted on the City's Facebook Page. Donors of \$200.00 or more will be recognized on a banner that will be on display in the Upper Common for the length of the Holiday Season.

If anyone would like to donate to this year's Holiday Lights please reach out to me, Bill McSheehy at 508-331-4988.

Thank you and Warmest regards,

Bill

Communication read and placed on file in the City Clerk's Office.

Records

REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of September 15, 2020, were correctly recorded. Report accepted and minutes adopted.

COMMUNICATION

His Honor the Mayor
Appointment Letters

1. Mr. Grant H. Jensen, as a Reserve/ Full Time Police Officer for the City of Fitchburg.

Communication
His Honor the
Mayor
Appointment Letters



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts
OFFICE OF THE MAYOR

2020 SEP 28 AM 11:19

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF
ATOURLIGNY@FITCHBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

September 28, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Grant H. Jensen of
Permanent Reserve Police Officer for the City of Fitchburg. as

This candidate has successfully completed the required pre-employment steps that were provided for in the
Conditional Offer of Employment.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale".

Stephen L. DiNatale
Mayor

Communication
His Honor the
Mayor
Appintment Letters



The City of Fitchburg
FITCHBURG CITY CLERK
Massachusetts
SEP 28 AM 11:19
OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

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JDAVID@FITCHBURGMA.GOV

September 28, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Grant H. Jensen as Full-Time Police Officer for the City of Fitchburg.

This candidate has successfully completed the required pre-employment steps that were provided for in the Conditional Offer of Employment. The effective date of his appointment as a full-time police officer shall be October 26, 2020.

Thank you for your attention to this matter.

Sincerely,

Stephen L. DiNatale
Mayor

Communication
His Honor the
Mayor
Appointment
Letters

2. Mr. Ralph Baker, as a temporary member the Conservation Commission. (Communication only)



The City of Fitchburg

FITCHBURG CITY CLERK

Massachusetts

OFFICE OF THE MAYOR

2020 SEP 29 PM 4:39

STEPHEN L. DINATALE
MAYOR

166 BOULDER DRIVE
FITCHBURG, MA 01420

TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF

ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID

ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

September 29, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

Pursuant to Chapter 3, Sec. 5 of the Fitchburg City Code, I hereby temporarily appoint Mr. Ralph Baker of 840 Ashby West Road, Fitchburg MA to serve as a member of the Conservation Commission.

Mr. Baker will temporarily serve on the Commission until his full appointment has been approved by your body.

If you have any questions regarding this matter please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. DiNatale".

Stephen L. DiNatale
Mayor

3. Mr. Ralph Baker, as a member of the Conservation Commission.



The City of Fitchburg
FITCHBURG CITY CLERK
Massachusetts
2020 SEP 30 PM 4:00
OFFICE OF THE MAYOR

STEPHEN L. DINATALE
MAYOR
166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF
ATOIRIGNY@FITCHBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

September 29, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Mr. Ralph Baker of 840 Ashby West Road, Fitchburg, MA as a member of the Conservation Commission for a term scheduled to expire on October 1, 2023.

Thank you for your attention to this important matter.

Sincerely,

Stephen L. DiNatale
Mayor

Appointments read and referred to the Appointments Committee.

COMMUNICATION
Pension Reserves Investment Management Board

Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Fitchburg Retirement System

General Allocation Account
August 01, 2020 to August 31, 2020

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director



Your beginning net asset value for the period was:
Your change in investment value for the period was:
Your exchanges from (to) the Cash Fund for the period were:
Your ending net asset value for the period was:

Month To Date	Fiscal Year To Date	Calendar Year To Date
122,688,149.28	120,226,217.97	132,259,241.63
3,257,784.99	6,919,716.30	2,086,692.64
12,631,500.38	11,431,500.38	4,231,500.38
138,577,434.65	138,577,434.65	138,577,434.65

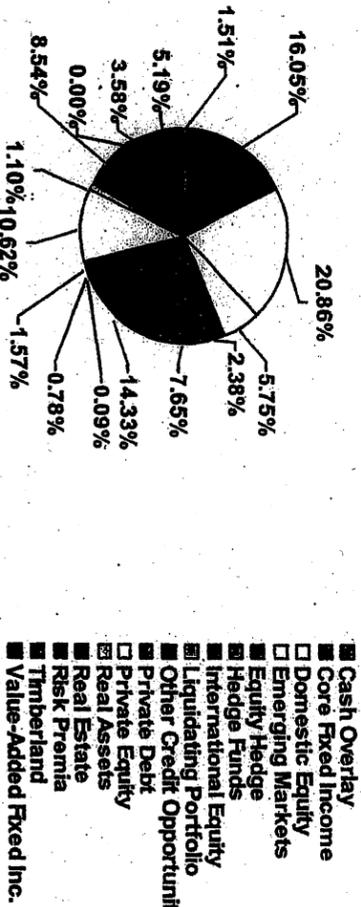
Net Change in Investment Value represents the net change through investment activities as follows:

Gross Investment Income:	209,125.98	381,392.84	1,785,779.43
Less Management Fees:	(16,793.33)	(34,391.34)	(399,649.71)
Net Investment Income:	192,332.65	347,001.50	1,446,129.72
Net Fund Unrealized Gains/Losses:	2,319,016.87	4,965,531.98	(1,749,281.40)
Net Fund Realized Gains/Losses:	746,435.47	1,607,182.82	2,389,844.32
Net Change in Investment Value as Above:	3,257,784.99	6,919,716.30	2,086,692.64

As of August 31, 2020 the net asset value of your investment in the PRIT Fund was:

\$138,577,434.65

PRIT Fund Core Asset Allocation
As of August 31, 2020



If you have any questions regarding your statement, please contact your Senior Client Services Officer Paul Todisco (617) 946-8423. A detailed statement of your account is attached to this summary sheet.

FITCHBURG CITY CLERK

Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director



Fitchburg Retirement System

Cash Investment

August 01, 2020 to August 31, 2020

Your beginning net asset value for the period was:
Your investment income for the period was:
Your total contributions for the period were:
Your total redemptions for the period were:
Your total exchanges for the period were:
Your state appropriations for the period were:
Your ending net asset value for the period was:

Month To Date	Fiscal Year To Date	Calendar Year To Date
13,831,500.38	0.00	0.00
184.36	672.74	672.74
0.00	13,831,012.00	13,831,012.00
(1,200,000.00)	(2,400,000.00)	(9,600,000.00)
(12,631,500.38)	(11,431,500.38)	(4,231,500.38)
0.00	0.00	0.00
184.36	184.36	184.36

As of August 31, 2020 the net asset value of your investment in the Cash Fund was:

\$184.36

If you have any questions regarding your statement, please contact your Senior Client Services Officer Paul Todisco (617) 946-8423.
A detailed statement of your account is attached to this summary sheet.

Communication
Town of Douglas
Office of the
Selectmen

COMMUNICATION
Town of Douglas
Office of the Selectmen



TOWN OF DOUGLAS

OFFICE OF THE SELECTMEN
29 Depot Street • Douglas, MA 01516
508-476-4000
Fax: 508-476-1070
TTY: 508-476-1619

Kevin D. Morse - Chairman
David P. Cortese - Vice Chairman
Timothy P. Bonin
Harold R. Davis
Michael D. Hughes

Matthew J. Wojcik
Town Administrator

Suzanne L. Kane
Administrative Assistant

Dear Colleagues:

Without Qualified Immunity, the financial exposure to your city/town is simply untenable.

We urge you to share your board's view on the matter to the MMA directly.

Tui

2020 SEP 28 PM 3:12
FITCHBURG CITY CLERK

Communication
Town of Douglas
Office of the
Selectmen



TOWN OF DOUGLAS

OFFICE OF THE SELECTMEN
29 Depot Street • Douglas, MA 01516
508-476-4000
Fax 508-476-1070
TTY 508-476-1619

Kevin D. Morse – Chairman
David P. Correse – Vice Chairman
Timothy P. Boutin
Harold R. Davis
Michael D. Hughes

Matthew J. Wojcik
Town Administrator

Suzanne L. Kane
Administrative Assistant

September 3, 2020

Mr. Geoffrey Beckwith, Executive Director & CEO
MMA Executive Director's office
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110

Dear Mr. Beckwith,

We write to underscore our disappointment with the Massachusetts Municipal Association (MMA) position on so-called police reform legislation, known as H. 4860, as distributed on July 22, 2020.

We agree with the sentiment that government leadership, especially at the local level where law enforcement occurs and is managed directly by elected and appointed officials, must address the ongoing, longstanding impact of racism. We affirm our commitment to the core principles of due process, equal opportunity and protection under the law, and all of the various freedoms and protections established by the Constitution, interpreted by our courts and implemented every day by dedicated public servants. Any statement made by any municipal organization of which Douglas is a member to this effect would enjoy our unqualified support.

The matter at hand, however, is support for a specific piece of legislation. In this instance, our expectation for an organization that advocates for us is that it will analyze carefully the details of the proposed language. We expect you to decline to commit one way or the other if any part of a legislative package would have significant, negative impact on municipal government, unless a broad-based consensus emerges as the result of extensive membership conversation on the topic.

In our view, you had an obligation to arrive at your assessment of the bill's language on qualified immunity and bring it to the policymaking bodies of the municipalities you represent to gauge our level of concern in response to the proposal as drafted. We have specific concerns regarding the costs of our liability insurance, our ability to promote and recruit employees, and the impact on the integrity of any enforcement effort by local government if sweeping changes are made to qualified immunity.

The decision of the executive board, or any other subset of the MMA, to proceed with "strong support" for "landmark legislation" without more extensive interaction with your membership represents an egregious breach of faith. We

Town of Douglas is an Equal Opportunity Employer.

Communication
Town of Douglas
Office of the
Selectmen

expect the MMA to remain nonpartisan. That is what we sign up for when the Town pays dues into the organization. You have waded prematurely into support for a measure that we believe has significant risks for us in terms of cost and the quality of services we deliver.

We recognize the indirect path so-called "police reform" will take before becoming law. Please keep us informed in timely fashion on the various twists and turns. We expect that you will have the integrity to represent to all parties in the State House that on the issue of qualified immunity, your membership does not uniformly believe that the benefits of the rest of the bill outweigh the potential costs of that one aspect of the measure.

Thank you for your understanding and anticipated compliance.

Respectfully,

Douglas Board of Selectmen


Kevin D. More, Chairman


David P. Corfese, Vice Chairman


Timothy P. Bonin


Harold R. Davis


Michael D. Hughes

Town of Douglas is an Equal Opportunity Employer.

Communication read and placed on file in the City Clerk's Office.

REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of October 6, 2020

The Appointments Committee recommended the following Appointment be confirmed:

Re-Appointment:

Building Commissioner

(Term to expire October 1, 2023)

Mr. Mark Barbadoro

Report accepted. Appointment confirmed by unanimous vote. 10 members present. Board consists of 11 members.

City Property Committee Oral Report
Meeting of October 6, 2020

The City Property Committee recommended the following Order be adopted:

190-20. ORDERED THAT: Authorizing the City of Fitchburg to accept the donation of a certain property known as the Dimmick Property located off Grimes Road in Hubbardston, MA as outlined in the enclosed Order.

City of Fitchburg

FITCHBURG CITY CLERK

In City Council, 2020 AUG 26 PM 1:42

ORDERED: That

RESOLUTION and ORDER this ____ day of _____, 2020 authorizing the City of Fitchburg to (1) Accept the donation of a certain property, known as the Dimmick Property (hereinafter, "Property"), said Property being a 60 acre parcel of land located off Grimes Road in Hubbardston, Massachusetts, adjacent to land owned by the City of Fitchburg within the watershed of Mare Meadow Reservoir; (2) to place the Property under the control, supervision and management of the Board of Water/Wastewater Commissioners; (3) to authorize the Board of Water/Wastewater Commissioners, the DPW Division of Water Supply, its municipal agents and the Mayor to carry out the intent and purposes of this Order by signing contracts, recordable instruments and any other instruments in the name of and on behalf of the City of Fitchburg to carry out these purposes; in the public interest pursuant to Sections 39B and 41 of Chapter 40 of the General Laws of Massachusetts.

NOW THEREFORE BE IT RESOLVED and ORDERED that the Dimmick Property conveyed to the City of Fitchburg shall be subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts as open space for drinking water supply, protection purposes and that the Property shall be placed in the control, care and custody of the Board of Water/Wastewater Commissioners of the City of Fitchburg, and it is further,

ORDERED that the Board of Water/Wastewater Commissioners, the Deputy Commissioner of the City of Fitchburg D.P.W. - Division of Water Supply and municipal agents are hereby authorized to execute contracts and any other instruments as are necessary or helpful for carrying out this Order, and it is further,

ORDERED that the Mayor of the City of Fitchburg is authorized to execute contracts and restrictions and any other instruments as he, in his discretion, shall determine necessary or helpful for carrying out this Order. Third parties may rely upon the representation of the Mayor as to his authority to execute any such instrument in the name of the City of Fitchburg.

VOTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FITCHBURG this ____ day of _____, 2020 at Fitchburg, Massachusetts.

A TRUE COPY ATTEST:

Mary de Alderete, City Clerk

Reports of
Committees
City Property
Committee
Oral Report

FITCHBURG CITY COUNCIL
Dimmick Property_Hubbardston
Acres 60
Appriased Value \$90,000

Project Budget
Purchase Price \$0

Due Diligence & Project Costs \$13,245

Total **\$13,245**
Cost as percent of Value 14.72%

FITCHBURG CITY CLERK
 2020 AUG 26 AM 7:51

Recording Fees 2020
DOCUMENT COST
 Deed \$155
 Municipal Vote \$105
 MLC \$80
 Trustee Certificate \$105
 Survey \$105
 TOTAL \$550

FITCHBURG CITY CLERK
 2020 AUG 26 AM 7:51

Legal Drafting
DOCUMENT COST
 Deed \$200
 Trustee Certificate \$150
 City Council Petition \$100
 City Council Resolution & Order \$100
 \$550

FITCHBURG CITY CLERK
 2020 AUG 26 AM 7:51

Report accepted. Order adopted by unanimous consent 10/0. 10 members present. Board consists of 11 members.
 Order signed by the Mayor October 7, 2020.

Reports of
Committees
City Property
Committee
Oral Report

The City Property Committee recommended the following Petition be held in Committee:

046-20. Councillors Marisa Fleming and Marcus DiNatale, to declare Ethier Street a Public Way.

Report accepted. Petition held in Committee by unanimous consent 10/0. 10 members present. Board consists of 11 members.

ORDERS-FINANCE

Orders-Finance

205-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Center for Tech and Civic Life grant in the approximate amount of \$26,361.00 (TWENTY-SIX THOUSAND, THREE HUNDRED SIXTY-ONE AND 00/100 DOLLARS) for the purpose of said grant, which is to plan and operationalize safe and secure election administration.

206-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the MASS DOT Shared Streets and Spaces Program grant in the approximate amount of \$53,296,00 (FIFTY-THREE THOUSAND, TWO HUNDRED NINETY-SIX AND 00/100 DOLLARS) for the purpose of said grant, which is to create opportunities for outdoor commerce and activity as a response to the COVID-19 crisis.

Orders adopted under Suspension of the Rules by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members.
Orders signed by the Mayor October 7, 2020.

The following Orders were referred to the Finance Committee:

207-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Department of Justice, Office of Justice Programs grant in the approximate amount of \$23,050.00 (TWENTY-THREE THOUSAND, FIFTY AND 00/100 DOLLARS) for the purpose of said grant, which is to replace antiquated audio/video investigative equipment.

208-20. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the FEMA 2019 Assistance to Firefighter grant in the approximate of \$387,710.00 (THREE HUNDRED EIGHTY-SEVEN THOUSAND, SEVEN HUNDRED TEN AND 00/100 DOLLARS) for the purpose of said grant, which is to replace the obsolete Self Contained Breathing Apparatus (SCBA) for Hazmat Rescue Operations.

209-20. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTY-EIGHT THOUSAND, SEVEN HUNDRED SEVENTY-ONE AND 00/100 DOLLARS (\$38,771.00) same to be charged against RESERVE FOR OTHER MUNICIPAL PURPOSED, CAPITAL EXPENSES and credited to FIRE, EQUIPMENT & REPAIR, FIREFIGHTERS EQUIPMENT for the local share for a grant to replace the obsolete Self Contained Breathing Apparatus (SCBA) for Hazmat Rescue Operations.

Orders-Other

ORDERS-OTHER

210-20. ORDERED THAT: Authorizing the City Clerk to notify the voters of the State Election on Tuesday, November 3, 2020.

City of Fitchburg

In City Council,

FITCHBURG CITY CLERK
2020 OCT - 1 AM 10:49

ORDERED: That

COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth
STATE ELECTION - November 3, 2020
Polls open 7:00AM to 8:00PM

ORDERED THAT:
the City Clerk be and hereby is authorized and directed to warn and notify the voters of the Wards and Precincts of the City of Fitchburg, duly qualified to vote, to assemble in their respective polling places, as designated by the City Council as follows:

- Ward 1, Precincts A and B Knights of Columbus Hall 165 Electric Ave.
Ward 2, Precincts A and B St. Joseph Church Hall Woodland St.
Ward 3, Precincts A and B Memorial Middle School 615 Rollstone St.
Ward 4, Precincts A and B Senior Citizens Center 14 Wallace Ave.
Ward 5, Precincts A and B Rollstone Congregational Church 199 Main St.
Ward 6, Precincts A and B St. Bernard's Activity Center 260 Summer St.

On Tuesday, November 3, 2020, then and there, for the purpose of casting their votes in the State Election for the candidates of political parties for the following offices:

- ELECTORS OF PRESIDENT AND VICE PRESIDENTFOR THESE UNITED STATES
SENATOR IN CONGRESSFOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS THIRD DISTRICT
COUNCILLOR..... SEVENTH DISTRICT
SENATOR IN GENERAL COURT..... WORCESTER & MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT..... THIRD WORCESTER DISTRICT
REGISTER OF PROBATE..... WORCESTER COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems — systems that collect and wirelessly transmit mechanical data to a remote server — with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.

Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle's on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law's requirements concerning access to the vehicle's mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or \$10,000 per violation.

A YES VOTE would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

A NO VOTE would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

A YES VOTE would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

A NO VOTE would make no change in the laws governing voting and how votes are counted.

Michael P. Kushmerek
President, City Council

Order adopted under Suspension of the Rules by roll call vote of 10 in favor and 0 opposed.
Order signed by the Mayor October 7, 2020.

Councillor Kushmerek recused himself from the following vote:

211-20. ORDERED THAT: Authorizing Mayor Stephen DiNatale to execute a housing Development Incentive Program Tax Increment Exemption (TIE) agreement between the City of Fitchburg and Pelletier Properties as outlined in the enclosed Order. (Re: 18 Blossom Street) (Reference Petition #191-20)

City of Fitchburg

In City Council,

ORDERED— That

WHEREAS in the opinion of the City Council it is in the financial interest of the City of Fitchburg to execute certain Housing Development Incentive Program Tax Increment Exemption (TIE) Agreement.

WHEREAS the execution of the agreements will incentivize the development of housing in the City.

WHEREFORE IT IS ORDERED that, Mayor Stephen L. DiNatale is authorized to execute a said Housing Development Incentive Program Tax Increment Exemption (TIE) Agreement between City of Fitchburg, ("Municipality") and Pelletier or documents substantially similar thereto and to take any and all other actions and sign such other documents as might be helpful, necessary and convenient to provide for the same in good order.

2020 SEP 29 PM 12:06
FITCHBURG CITY CLERK

Order adopted under Suspension of the Rules by roll call vote of 9 in favor and 0 opposed. 9 members present. Board consists of 11 members.
Order signed by the Mayor October 7, 2020.

Petitions

PETITIONS

The following Petition was referred to the Public Safety Committee:

212-20. Councillors DiNatale and Schultz, on behalf of Beatrice Leblanc, to install a no parking sign in front of 31 Spruce Street.

The following Petition was referred to the Public Works Committee:

213-20. Councillor Paul Beauchemin, to petition the City to repair the sidewalk at 204 and 208 Plymouth Street in order allow Wheelchair egress.

The meeting adjourned at 7:38 P.M.



Mary de Alderete, City Clerk

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