

Councilors-at-Large

Sean A. Navin
Mark A. Oram
Michael H. Ossing
Kathleen D. Robey



Ward Councilors

Ward 1 – Mark A. Vital
Ward 2 – David Doucette
Ward 3 – Robert Preciado
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – A. Trey Fuccillo
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MARCH 11, 2024**

The regular meeting of the City Council was held on Monday, March 11, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, & Robey. Meeting adjourned at 8:15 PM.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, FEBRUARY 26, 2024, **FILE**; adopted.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Notification of appointment of Joseph Bisol as Chair of the Council on Aging Board pursuant to Chapter 161 §2 of the Code replacing James Confrey, **FILE**, adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$23,100.00 from the MA Cultural Council awarded to the Marlborough Cultural Council, in support of worthy arts, humanities, music, and youth-based initiatives in our community, adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$786,500.00 (Seven hundred eighty-six thousand five hundred dollars) from Free Cash to Fire Equipment for the purchase of an E-ONE Fire Engine for the Fire Department, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Fire					FISCAL YEAR:	2024		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$7,562,846.40	\$786,500.00	10000	35900	Undesignated Fund	\$786,500.00	19300006	58512	Fire Dept Equipment	\$58.40	
	Reason:	To fund a new E One Pumper Truck								
	\$786,500.00	Total			\$786,500.00	Total				

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Solicitor Jason Grossfield, re: Executed Settlement Agreement in the matter of JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council, **FILE**; adopted.

Councilor Preciado Recused.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Notice from the Retirement Board of a meeting on March 26, 2024, to consider a Cost-of-Living Adjustment (COLA) to qualifying retirees and beneficiaries of the Marlborough Retirement System, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY MARCH 25, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 20' East of the centerline of the intersection of Value Way. Install 50'C1.2 midspan #13 approximately 90' from Pole 12 towards Pole 1 to allow installation of a 600 KVAR cap bank; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Application for a Sign Special Permit from Eric Lane, on behalf of the Advanced Math and Science Academy Charter School (AMSA), to install a Free-Standing EMC Sign at 165-201 Forest Street, **FILE**; adopted.

Councilor Vital Recused.

Motion by Councilor Oram, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY25 and Compliance Certification Policy, **FILE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Commission on Disabilities, July 10, 2023.
- b) Planning Board, January 8, 2024 & January 22, 2024.
- c) Traffic Commission, January 17, 2024.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Daniel Escalante, 76 Leoleis Drive, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
March 4, 2024
Minutes and Report**

This meeting convened at 7:00 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members Present: Chair Irish, Councilors Fuccillo, Brown, Vital and Oram.

Non-Voting Members Present: Councilors Ossing, Landers, Robey, Navin, Preciado and Doucette.

Mayor Dumais, Principal Assessor Valade and IT Director Mark Gibbs addressed the following orders:

Order No. 24-1009097 – Communication from the Mayor re: Proposed increase to the hours of the Senior Assessor from 35 hours to 40 hours per week and a Transfer Request in the amount of \$3,653.00 from Reserve for Salaries to Senior Assessor to cover the salary increase for the remainder of FY24.

Chair Irish read the communication from the Mayor. Principal Assessor Valade submitted that the increase in hours will better align the senior assessor position with similar positions in other communities that work a 40-hour work week. Chair Irish stated his concern that other employees will want to extend their hours to 40 hours from the standard 35-hour work week to increase their salaries. Councilor Vital expressed a similar concern. Replying to Councilor Ossing's question regarding \$200,000.00 funded in the Assessor's Office and the reliance on outside vendors, Mayor Dumais stated that the accounts for outside vendors will be decreased in next year's budget. Responding to Councilor Landers, Mr. Valade stated the Assessor's Office is open from 8:30 AM to 5:00 PM and the new hours under this ordinance would be 8:30 AM to 5:00 PM. Mr. Valade stated his greatest concern is that the Senior Assessor will be able to join him during the day on field inspections as a result of the extra hours.

Reports of Committee Continued:

On a motion by Councilor Brown, seconded by Councilor Oram, the Finance Committee recommends approval of the Mayor’s request as submitted. Vote: 4 in favor; 1 (Irish) opposed.

The Finance Committee discussed Order No. 24-1009082, Mayor Dumais’ request for a new position, entitled “Communications & Special Projects Director.” The order remains in committee after a motion by Councilor Brown to approve, seconded by Councilor Oram, did not carry by a vote of 2 in favor; 3 opposed.

Motion made and seconded to adjourn; meeting adjourned at 8:24 PM.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the Reappointment of Sean Fay, Barbara Fenby and Christopher Russ to the Planning Board for a 5-year term to expire on February 5, 2029, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the recommendation of the Finance Committee which is to approve the Mid-Year Transfer Requests in the amount of \$1,197,100.00.

Motion by Councilor Irish, seconded by the Chair to amend the Finance Committee recommendation by adding back in \$5,000.00 for the Mayor’s Expense and approving the Transfer Requests in the amount of \$1,202,100.00; adopted.

ORDERED: That the Mid-Year Transfer Requests in the amount of \$1,202,100.00 (One million two hundred two thousand one hundred dollars) from various departments for FY24, which moves funds from and to accounts as outlined in the transfer sheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		City Clerk/Election				FISCAL YEAR:		2024	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$35,354.60	\$13,000.00	11620002	50520	Principal Clerk	\$4,450.00	11610002	50290	Assistant City Clerk	\$27,524.17
	Reason:	Position not filled for entire year			Reason:	Salary Ordinance change			
					\$1,550.00	11610004	53180	Prof & Tech Svcs	\$838.81
	Reason:				Reason:	Updates to General Code & Traffic Regulations			
					\$1,000.00	11620005	54220	Office Supply/Expense	\$1,550.88
	Reason:				Reason:	Election related materials and supplies			
					\$6,000.00	11620006	53871	Poll Workers	\$18,795.00
	Reason:				Reason:	Additional assistance for Early Voting/VBM			
	\$13,000.00	Total			\$13,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2024		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$141,700.00	\$50,100.00	11990006	57820	Reserve for Salaries	\$17,200.00	11210001	50321	Chief of Staff	\$11,164.52	
	Reason:	Funds available					To cover vacation payout, slbb and overlap			
					\$4,900.00	11210002	50590	Executive Admin	\$18,483.26	
						To cover vacation payout and slbb				
					\$11,000.00	11410004	53180	Assesors Professionl & Tech	\$10,686.80	
	Reason:						To cover unexpected appraisals & consulting services			
					\$1,600.00	11550004	52544	Maint Contract/Copier	\$20,911.25	
	Reason:						Library printing shortfall			
					\$10,400.00	11550006	53420	Telephone-City	\$46,004.80	
	Reason:						Additional phones/phone lines			
					\$5,000.00	11210005	54230	Mayors Expense	\$3,735.13	
	Reason:						To cover expenses through June 30th			
	\$50,100.00	Total			\$50,100.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT: DPW - School Maintenance and Property Maintenance					FISCAL YEAR: 2024					
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$67,535.00	\$26,000.00	11920001	50375	Plumber	\$26,000.00	13032003	51240	Temporary Part-Time	\$1,500.00	
	Reason:	Excess due to vacancy					Part time Plumber			
\$67,535.00	\$19,000.00	11920001	50375	Plumber	\$19,000.00	13032003	51300	Additional Gross	\$0.00	
	Reason:	Excess due to vacancy					Increased overtime need			
\$213,159.42	\$10,000.00	11920003	50560	Houseworker	\$10,000.00	11920004	53140	Contract Services	\$0.00	
	Reason:	Excess due to vacancy					Library Custodians			
	\$55,000.00	Total			\$55,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: DPW - School Maintenance - Electricity Utilities					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$213,159.42	\$41,000.00	11920003	50560	Houseworker	\$41,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
\$67,400.00	\$7,000.00	14003001	50750	Equipment Operator - RDF	\$7,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
\$98,310.44	\$71,000.00	14003003	51240	Drop-Off Attendant	\$71,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
\$489,104.79	\$22,000.00	14001503	50740	Equipment Operator - FPC	\$22,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
\$96,926.87	\$16,000.00	14001001	50600	DPW Commissioner	\$16,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
	\$157,000.00	Total			\$157,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: DPW - School Maintenance - Electricity Utilities					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$150,708.28	\$10,000.00	60085001	50850	Treatment Plant Operator	\$10,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: Excess due to vacancy				Rate increase			
\$254,173.30	\$237,000.00	60086006	52935	Solid Waste Disposal	\$237,000.00	13032006	52120	Electricity	\$637,612.63
		Reason: No additional surcharges				Rate increase			
	\$247,000.00	Total			\$247,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: DPW - School Maintenance - Gas Utility					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$96,926.87	\$46,000.00	14001001	50600	DPW Commissioner	\$46,000.00	13032006	52200	Gas	\$333,349.83
	Reason:	Excess funds due to vacancy				Rate increase			
\$65,600.00	\$65,600.00	14001101	50700	Grade 2 Engineer (Aide)	\$65,600.00	13032006	52200	Gas	\$333,349.83
	Reason:	Excess funds due to vacancy				Rate increase			
\$156,584.88	\$42,400.00	14001101	50710	Junior Civil Engineer	\$42,400.00	13032006	52200	Gas	\$333,349.83
	Reason:	Excess funds due to vacancy				Rate increase			
\$61,702.05	\$8,000.00	13032001	50386	HVAC	\$8,000.00	13032006	52200	Gas	\$333,349.83
	Reason:	Excess funds due to vacancy				Rate increase			
	\$162,000.00	Total			\$162,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: DPW - Property Maintenance - Electricity Utility					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$451,863.20	\$60,000.00	14001303	50740	Equipment Operator - Streets	\$60,000.00	11920006	52120	Electricity	\$989,955.14
	Reason:	Excess due to vacancy				Rate increase			
\$156,584.88	\$21,000.00	14001101	50710	Junior Civil Engineer	\$21,000.00	11920006	52120	Electricity	\$989,955.14
	Reason:	Excess due to vacancy				Rate increase			
\$9,312.25	\$5,000.00	14001103	51240	Temporary Part/Time	\$5,000.00	11920006	52120	Electricity	\$989,955.14
	Reason:	Excess due to vacancy				Rate increase			
\$489,104.79	\$98,000.00	14001503	50740	Equipment Operator - FPC	\$98,000.00	11920006	52120	Electricity	\$989,955.14
	Reason:	Excess due to vacancy				Rate increase			
\$67,400.00	\$27,000.00	14003001	50750	Equipment Operator - RDF	\$27,000.00	11920006	52120	Electricity	\$989,955.14
	Reason:	Excess due to vacancy				Rate increase			
	\$211,000.00	Total			\$211,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: DPW - Property Maintenance - Gas Utility					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$451,863	\$31,000.00	14001303	50740	Equipment Operator - Streets	\$31,000.00	11920006	52200	Natural Gas	\$186,090.39
	Reason:	Excess due to vacancy				Rate increase			
\$6,000	\$6,000.00	14001303	51240	Temporary / Part Time	\$6,000.00	11920006	52200	Natural Gas	\$186,090.39
	Reason:	Excess due to vacancy				Rate increase			
	\$37,000.00	Total			\$37,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: DPW - Fleet					FISCAL YEAR: 2024				
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$67,400	\$3,000.00	14003001	50750	Equipment Operator - RDF	\$3,000.00	14001403	51470	Interim Foreman	\$9,421.90
	Reason:	Excess due to vacancy				Increased need			
	\$3,000.00	Total			\$3,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		DPW - Sewer				FISCAL YEAR:		2024		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$419,800	\$145,000.00	61090001	50740	Equipment Operator - Water	\$145,000.00	60080006	55660	Pumping Station	\$52.95	
	Reason:	Excess due to vacancy				Replenish funds from Legal Services				
\$213,159	\$25,000.00	11920003	50560	Houseworker	\$25,000.00	60080006	55660	Pumping Station	\$52.95	
	Reason:	Excess due to vacancy				Replenish funds from Legal Services				
\$213,159	\$60,000.00	11920003	50560	Houseworker	\$60,000.00	60080004	53110	Legal Services	\$0.00	
	Reason:	Excess due to vacancy				Northborough legal fees				
\$67,400	\$10,000.00	14003001	50750	Equipment Operator - RDF	\$10,000.00	60080003	51310	Overtime - Regular	\$1,043.64	
	Reason:	Excess due to vacancy				Increased need				
	\$240,000.00	Total			\$240,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		DPW - East Plant				FISCAL YEAR:		2024		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$150,708	\$27,000.00	60085001	50850	Treatment Plant Operator	\$27,000.00	60081003	51310	Overtime - Regular	\$22,921.80	
	Reason:	Excess due to vacancy				On-call Program				
	\$27,000.00	Total			\$27,000.00	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the establishment of the Opioid Settlement Special Revenue Fund pursuant to Chapter 77 of the Acts of 2023, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The Mayor shall report all receipts into the Opioid Settlement Special Revenue Fund to the City Council for informational purposes.
2. The Mayor shall report all expenditures from the Opioid Settlement Special Revenue Fund to the City Council for informational purposes.
3. The Mayor shall submit the Municipal Abatement Fund expenditure report as required by the statewide Opioid Settlement Agreement to the City Council annually.
4. The Auditor shall include a monthly report to the City Council that shows the balance, receipts, and expenditures in the Opioid Settlement Special Revenue Fund.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Transfer Request in the amount of \$162,202.95 (One hundred sixty-two thousand two hundred two dollars and ninety-five cents) from Free Cash to the Opioid Settlement Special Revenue Fund, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2024		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$7,602,846.40	\$162,202.95	10000	35900	Undesignated Fund	\$162,202.95	29012809	48999	Opioid Settlements	\$0.00	
	Reason:	To move payments received in FY23								
	\$162,202.95	Total			\$162,202.95	Total				

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 PM; adopted.