

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, FEBRUARY 26, 2024**

The regular meeting of the City Council was held on Monday, February 26, 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 8:17 PM.

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

ORDERED: That the Minutes of the City Council meeting, FEBRUARY 12, 2024, **FILE;** adopted.

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole at 219 Forest Street beginning at a point approximately 972’ East of the centerline of the intersection of Teller Street. Install 45’C1.2 midspan between Poles 25 & 26. Install feeder monitor on new midspan Pole 25-50, Order No. 24-1009089, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

Councilors Present: Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

Councilor Vital Recused.

Suspension of the Rules requested – Motion by Councilor Landers, seconded by the Chair to remove from the Public Services Committee Order No. 24-1009089 – granted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole at 219 Forest Street beginning at a point approximately 972’ East of the centerline of the intersection of Teller Street. Install 45’C1.2 midspan between Poles 25 & 26. Install feeder monitor on new midspan Pole 25-50, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

Councilor Vital Recused.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.

4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

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 Gift Acceptance in the amount of \$350,000.00 from the Marlborough Public Library Foundation awarded to the Marlborough Public Library to be used for the library renovation project, 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 \$24,723.06 from the Executive Office of Public Safety & Security, Department of Fire Services awarded to the Fire Department to be used for the purchase of equipment; adopted.

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 “Personnel”, §6 “Salary Schedule” to change the hours of the Senior Assessor from 35 hours to 40 hours per week, referred to the **FINANCE COMMITTEE** and **ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position		Step 0	Step 1	Step 2	Step 3 Maximum
Senior Assessor (40 hours per week)	Effective upon Passage	\$42.2741	\$43.9651	\$45.7237	\$47.5523

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

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

ORDERED: That the Transfer Request in the amount of \$3,653.00 (Three thousand six hundred fifty-three dollars) from Reserve for Salaries to Senior Assessor to cover the increased cost for the remainder of FY 24, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Assessor				FISCAL YEAR:	2024		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$141,700.00	\$3,653.00	11990006	57820	Reserve for Salaries	\$3,653.00	11410001	50171	Senior Assessor	\$28,806.50
	Reason:	Funds available				Change from 35 to 40 hours per week thru year end			
	\$3,653.00	Total			\$3,653.00	Total			

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

ORDERED: That the Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire April 20, 2024, **FILE**; adopted.

Motion by Councilor Robey, 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 Application for Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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) School Committee, January 23, 2024.
- b) Council on Aging, January 9, 2024.
- c) Historical Commission, November 16, 2023.
- d) OPEB Trust, February 15, 2024.
- e) Zoning Board of Appeals, December 19, 2023 & January 16, 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) Richard Bourdeau, 16 Flagg Road, residential mailbox claim (2b).
- b) Carlos Fernandez, 69 Hildreth Street, pothole or other road defect.
- c) James Hogan, 86 Maplewood Avenue, other property damage and/or personal injury.
- d) Jennifer Munoz, 85 Hall Street. #2. Waltham, pothole or other road defect.
- e) Mary Ellen OLoughlin, 11 Mountain View Avenue, Shrewsbury, pothole or other road defect.
- f) Sheryl Primmer, 15 Magnolia Lane, other property damage and/or personal injury.
- g) Felicia Teabo, 86 Hosmer Street, Hudson, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
January 29, 2024
Minutes and Report**

This meeting convened at 6:30 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; Councilor Oram left the meeting at 7:23PM.

Non-Voting Members Present: Councilors Navin, Ossing, Robey, and Doucette (arrived at 7:05PM); Navin left the meeting at 7:35PM.

Mayor Dumais and department managers addressed the following orders:

Order No. 24-1009079 – Communication from the Mayor, re: Mid-Year Transfer Requests totaling \$1,202,100.00 from various departments for FY24, which moves funds from and to accounts as outlined in the transfer sheets.

Reports of Committee Continued:

The Chair read the communication from Mayor Dumais. Motion by Councilor Oram, seconded by Chair Irish, to reduce the mid-year transfers by \$5,000.00 (Reserve for Salaries to Mayor's Expense 11210005-54230) and to approve the remainder of the mid-year transfers. Vote 5-0.

Order No. 24-1009080 – Communication from the Mayor, re: Establishment of Opioid Settlement Special Revenue Fund and a Transfer Request in the amount of \$162,202.95 from Free Cash to the Opioid Settlement Special Revenue Fund.

The Chair read the communication from Mayor Dumais. President Ossing distributed information regarding the opioid funding to the Mayor and councilors as shown below:

- Approve the special revenue account for Opioid settlement payments;
- Approve the transfer of \$162,202.95 from Undesignated funds into the special Opioid account;
- The Mayor report all receipts into the Special Opioid account to the City Council for information;
- The Mayor report all expenditures from the Special Opioid account to the City Council for information;
- The Mayor submit the Municipal Abatement Fund expenditure report required by the Statewide Opioid Settlement agreement to the City Council annually;
- The Auditor include a monthly report to the City Council that shows the balance, receipts, and expenditures in the Opioid Settlement special revenue account.

Councilor Brown supported the bullet points provided by President Ossing. Motion by Councilor Brown, seconded by Chair Irish, to approve the Mayor's request subject to the six bullet points provided by President Ossing, included above. Vote 5-0.

Order No. 24-1009082 – Communication from the Mayor, re: Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" to create a new position of "Communications & Special Projects Director" together with a Transfer Request in the amount of \$25,900.00 to fund the position for the remainder of FY 24.

Motion by Councilor Fuccillo, seconded by Chair Irish, to postpone until the next Finance Committee meeting. Vote 3-1-1 Brown opposed. Oram absent.

Motion made and seconded to adjourn; meeting adjourned at 8:10 PM

Councilor Navin reported the following out of the Personnel Committee:

**City Council Personnel Committee
February 26, 2024
Minutes and Report**

This meeting convened at 6:30 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present: Chair Navin, Councilors Brown and Doucette.

Non-Voting members present: President Ossing; Councilors Robey and Fuccillo.

Also present: Mayor Dumais.

Reports of Committee Continued:

Order No. 24-1009084: Communication from Mayor Dumais with Reappointments to the Planning Board of SEAN FAY, BARBARA FENBY AND CHRISTOHER RUSS for 5-year terms to expire on February 5, 2029.

The Chair read into the record the communication from Mayor Dumais and explained the duties of seven-member board. Councilors unanimously supported the reappointments.

On a motion by Councilor Brown, seconded by the Chair, the Personnel Committee recommended the approval of the Reappointments to the Planning Board of SEAN FAY, BARBARA FENBY AND CHRISTOHER RUSS for 5-year terms to expire on February 5, 2029. Vote 3-0.

Motion made by Councilor Doucette and seconded to adjourn; the meeting adjourned at 6:42 PM.

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

ORDERED That the Appointment of Elizabeth Austin to the Conservation Commission for a 2-year term to expire on May 5, 2026, **APPROVED**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$100,000.00 (One hundred thousand dollars) which moves funds from PEG Funds to Marlborough Cable Trust to fund WMCT FY 2025 operations, be and is herewith **APPROVED**; adopted.

Councilor Ossing filed a Disclosure of Appearance of Conflict of Interest into the record.

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	
\$791,930.97	\$100,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$100,000.00	89000	25581	Marlboro Cable Trust	\$0.00	
	Reason:	To partially fund WMCT'S FY25 Budget								
	\$100,000.00	Total			\$100,000.00	Total				

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

ORDERED That no more than one hundred forty-three thousand five hundred twenty dollars (\$143,520.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2024, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

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

ORDERED That the Job Descriptions pursuant to Chapter 125 “Personnel”, §5 “Preparation of Classification Descriptions” of the City Code, relative to the new positions of Head of Adult Services/Technology and Programming and Outreach Librarian, **APPROVED**; adopted.

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

ORDERED That the Job Description pursuant to Chapter 125 “Personnel”, §5 “Preparation of Classification Descriptions” of the City Code, relative to the position of Plumber, **APPROVED**; adopted.

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

ORDERED That the Job Description pursuant to Chapter 125 “Personnel”, §5 “Preparation of Classification Descriptions” of the City Code, relative to the position of Electrician, **APPROVED**; adopted.

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

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position: Head of Adult Services/Technology (40 hours per week)

Position: Programming and Outreach Librarian (40 hours per week)

STEP/LEVEL		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Effective Upon Passage	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Head of Adult Services//Technology	HOURLY RATE:	\$29.3125	\$29.8986	\$30.4966	\$31.1034	\$31.7284	\$32.3620	\$33.0135
Programming and Outreach Librarian	HOURLY RATE:	\$25.8990	\$26.4178	\$27.4798	\$28.0332	\$28.5957	\$29.1668	\$29.74663

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Library Page	Upon Passage				\$15.00 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position		Step 0	Step 1	Step 2	Step 3 Maximum
Houseworker	Effective upon Passage	\$20.3096 Per Hour	\$21.0214 Per Hour	\$21.7623 Per Hour	\$22.5333 Per Hour

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

Be and is herewith **APPROVED.**

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Plumber (40 hours per week)	Upon Passage				\$34.3450 Per Hour.
Electrician (40 hours per week)	Upon Passage				\$34.3450 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

Be and is herewith **APPROVED**.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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 8:17 PM; adopted.