

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 25, 2024

The regular meeting of the City Council was held on Monday, March 25, 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 8:42 PM.

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

ORDERED: That the Minutes of the City Council meeting, MARCH 11, 2024, **FILE**; adopted.

That the 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, Order No. 24-1009109, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

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

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

ORDERED: That 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, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The location of the 54" drain that runs along and off the edge of Simarano Drive near this area 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.

That the 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, Order No. 24-1009099., all were heard who wish to be heard, hearing closed at 8:17 PM; adopted.

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

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 \$50,000.00 as part of the Fiscal Year 2024 state budget earmark funding, 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 \$15,000.00 from the Massachusetts Cultural Council awarded to the Marlborough Downtown Village Cultural District to support the annual food truck & Artisan Festival; adopted.

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

ORDERED: That the Transfer Request in the amount of \$477,122.41 (Four hundred seventy-seven thousand, one hundred twenty-two dollars and forty-one cents) from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2025 and Capital Items, referred to **FINANCE COMMITTEE**; adopted.

Councilor Ossing read 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
\$763,795.25	\$477,122.41	27000099	47750	Receipts Reserved-PEG Funds	\$477,122.41	89000	25581	Marlboro Cable Trust		\$0.00
	Reason:	To fund the balance of WMCTS FY25 Budget								
	\$477,122.41	Total			\$477,122.41	Total				

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

ORDERED: That the Transfer Request in the amount of \$34,020.00 (Thirty-four thousand twenty dollars) from Reserve for Salaries to HR Director, to cover the accruals incurred and to replenish the account, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	HR					FISCAL YEAR:	2024		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$91,600.00	\$34,020.00	11990006	57820	Reserve for Salaries	\$34,020.00	11520001	50530	HR Director		\$28,501.32
	Reason:	Available funds				To fund exit payout and new hire through June 30th.				
	\$34,020.00	Total			\$34,020.00	Total				

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

ORDERED: That the Appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term, to replace Lee Thomson who has served on the Commission since 1980, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Communication from Attorney George Bahnan on behalf of FD 130 Lizotte, LLC, re: Proposed Zoning Amendment to Code, Chapter 650 “Zoning” to create the Lizotte Drive Overlay District (LDOD), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, APRIL 22, 2024**; adopted.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING AND ADDING THERETO AS FOLLOWS:

LIZOTTE DRIVE OVERLAY DISTRICT

- A. **PURPOSE AND OBJECTIVES**: The Lizotte Drive Overlay District (the “LDOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district. The establishment of the LDOD is to enhance land use development and promote:
 - (1) Housing by allowing the construction of market-rate and affordable-rate multifamily condominiums; and
 - (2) Trade growth by allowing the construction of self-service storage facilities and contractor’s yards for the use of contractors, tradespeople, and the public at large.
- B. **LOCATION**: For the purposes of this section, the LDOD shall be superimposed on the Limited Industrial District located along Lizotte Drive, inclusive of the property known and numbered as 130 Lizotte Drive thence south to and concluding at the intersection of Lizotte Drive and Williams Street; and from the intersection of Lizotte Drive and Jackson Drive to the intersection of Jackson Drive and Forest Street, as indicated on the City Zoning Map and more particularly depicted in Exhibit A attached hereto and incorporated herein by this reference.
- C. **PERMITTED USES**: All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the LDOD, the City Council may, by special permit in accordance with § 650-59, permit multifamily condominium dwellings, self-storage, and contractor’s yards of any underlying uses which are allowed, either as of right or by special permit, in the underlying district consistent with the following provisions:
 - (1) Multifamily condominium dwellings created pursuant to the LDOD are subject to the provisions of §650-18(A)(4).

- (2) Affordable rate units created pursuant to the LDOD are subject to the provisions of §650-26.
- (3) Self-service storage facilities created pursuant to the LDOD are subject to the provisions of §650-5B{107}.
- (4) Contractor's yards created pursuant to the LDOD are subject to the provisions of §650-5B{31}.

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

ORDERED: That the Communication from Department of Public Utilities, re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of a Mid-Term Modification to its 2022-2024 Three-Year Energy Efficiency Plan, **FILE**; adopted.

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

ORDERED: That the Communication from Department of Public Utilities, re: Petition of Boston Gas Company d/b/a National Grid for Approval of a Mid-Term Modification to its 2022-2024 Three-Year Energy Efficiency Plan, **FILE**; adopted.

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

ORDERED: That the Communication from Department of Public Utilities, re: Petition of MA Electric and Nantucket Electric d/b/a National Grid for Approval of a Mid-Term Modification to its 2022-2024 Three-Year Energy Efficiency Plan, **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) School Committee, January 23, 2024, February 13, 2024 & February 27, 2024.
- b) Board of Assessors, November 30, 2022.
- c) Conservation Commission, February 1, 2024 & February 15, 2024.
- d) Historical Commission, January 25, 2024.
- e) Library Trustees, January 2, 2024.
- f) Planning Board, February 12, 2024.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
March 18, 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.marlbrough-ma.gov.

Voting Members Present: Chair Irish, Councilors Fuccillo, Brown, and Vital.
(Councilor Oram was absent).

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

Also Present: Mayor Dumais, Fire Chief Breen, City Auditor Diane Smith, Temporary Comptroller David Williams.

Reports of Committee Continued:

Order No. 24-1009106: Communication from Mayor Dumais together with a request for a Transfer of funds in the amount of \$786,500.00 from Free Cash to Fire Equipment for the purchase of an E-ONE Fire Engine for the Fire Department.

The Mayor and Chief Breen addressed the transfer and described the details of the new fire vehicle—a fully loaded stock vehicle with an estimated \$70,000.00 additional cost to outfit to the department's specifications. The Chief explained that fire apparatus manufacturers have learned that offering 'stock' trucks to municipalities has become lucrative due to the extended time and expense to order new. Tests have been done with a similar sized vehicle to make sure the E-ONE fire engine will fit in its proposed new location at the Pleasant Street Fire Station.

On a motion by Councilor Brown, seconded by Chair Irish, the Finance Committee recommends approval of the transfer in the amount of \$786,500.00.

Vote: 4 in favor; 1 absent (Oram)

Motion by Councilor Fuccillo made and seconded to adjourn; meeting adjourned at 7:27 PM

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee
March 18, 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.

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Navin, Councilor Doucette, Councilor Landers, and Councilor Preciado.

Also present were Councilors Brown, Fuccillo, Irish, Ossing and Vital.

Also present was Meredith Harris, MEDC Executive Director.

Order No. 23-1008861A: That the "Vision for Donald Lynch Boulevard" document which includes a proposed Zoning Ordinance amendment to Chapter 650 Zoning to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, be and is herewith referred to the Urban Affairs Committee.

As this was the first Urban Affairs & Housing Committee meeting for this year, the chair began the meeting introducing the members of the committee. she then explained that this order had been originally submitted in April of 2023 and referred to Urban Affairs but not advertised. As this wasn't pressing, it was not taken up but was carried over to 2024 for the committee to take action.

As the councilor who submitted the amendment, President Ossing gave a bit of history on the zoning and presented a PowerPoint explaining the area to be affected with the overlay as well as some of the changes to the code where types of zoning currently not allowed might become allowed and some allowed might become special permit. His goal was to see if there was support for the zoning and if there were issues that councilors had with the proposal.

Reports of Committee Continued:

For the most part councilors supported the zoning change; there were a few issues with the list that needed to be corrected. It was agreed that this order would simply be filed. Councilor Ossing will take our comments and work with the solicitor to put this in proper form and submit it for a future agenda. The document will then be referred to Urban Affairs, properly advertised, and a public hearing date set. It will also be referred to the Planning Board who will also hold a public hearing and then offer comments for the council to review. Once those things have happened, Urban Affairs & Housing will meet to review when there can be detailed discussion of the list of zoning changes that would come under this overlay.

Councilor Navin moved to file Order No 23-1008861A, it was seconded, and the vote carried 5-0.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:33 PM.

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
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.

First Reading, suspended; Second Reading, adopted; DOES NOT CARRY

President Ossing declared the hand count vote of seven Councilors in favor.

President Ossing called a recess at 8:39 PM and returned to open meeting at 8:42 PM.

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

ORDERED: That the City Council reconsider the vote taken on Order No. 24-1009097 at the next City Council meeting, **APPROVED**; adopted.

President Ossing declared the hand count vote of seven Councilors in favor.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:42 PM; adopted.