

REGULAR MEETING

MARCH 25, 2019

TIME: 8:00 PM

IN CITY COUNCIL

ABSENT

LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:

ADJOURNED

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 MAR 21 P 2:00

1. Minutes, City Council Meeting, March 11, 2019.
2. Minutes, Special City Council Meeting, March 18, 2019.
3. PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, re: Rezoning land off Mill Street South, Order No. 18/19-1007484A.
4. PUBLIC HEARING On Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, all work to remain in the public way, Order No. 19-1007568.
5. Communication from President Clancy, re: Proposed Amendment to Chapter 473 of the City Code, Small Cell Wireless Facilities Within Public Rights of Way.
6. Communication from the Mayor, re: Presentation at the March 11, 2019 Council Meeting by Post Road Residential.
7. Communication from the Mayor, re: Fire Department transfer request in the amount of \$60,000.00 which moves funds from various accounts within the Fire Department to Vehicle Repair and Maintenance.
8. Communication from City Solicitor, Donald Rider, re: Proposed amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants, in proper legal form, Order No. 19-1007547A.
9. Communication from Sudbury Companies of Minute and Militia re: Temporary sign placement at the corner of Route 20 and Hagar Road for the 2019 Colonial Faire and Muster at the Wayside Inn.
10. Application for Renewal of Junk Dealer/Second Hand Dealer License, Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.
11. Application for Renewal of Junk Dealer/Second Hand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
12. Petition from Comcast, to install new underground 3" PVC conduit for approximately 1055 feet and (3) 2' x 3' vaults starting at 46 Lizotte Drive to provide service to 130 Lizotte Drive.
13. Application for Special Permit from Thomas Coder, to demolish existing single story home and construct a new two story home at 21 Patten Drive.
14. Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Brasil Remessa, 576 Boston Post Road East.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

15. Minutes, Board of Assessors, February 5, 2019.
16. Minutes, Board of Health, February 11, 2019.
17. Minutes, Conservation Commission, February 7, 2019.
18. CLAIMS:
 - a) Robert Bucher, 4 Farm Road, residential mailbox claim (2b).
 - b) Anthony Long, 20 Kelleher Street, residential mailbox claim (2a).
 - c) Dorothy Magliozzi, 30 Farm Road, residential mailbox claim (2a).
 - d) Marlboro Softball League, 85 Sawin Street, other property damage and/or personal injury.
 - e) Gabrielle Miller, 38 Gikas Lane, pothole or other road defect.
 - f) Lauren Racine, 55 Littleton Road, Ayer, pothole or other road defect.
 - g) Brian Rotondo, 100 Stearns Road, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

19. ORDERED:

1. That the City Council review the results of the FY19 abbreviated budget process.
2. That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the FY20 City budget. The City Council will assess the results in April 2020 to determine if the practice will continue. Refer to the Finance Committee.

Background:

The City Council approved the abbreviated budget process for FY18 on April 24, 2017 (Order No. 17-1006856A) and FY19 on April 23, 2018 (Order No. 18-1007236). In its 2006 Financial Management Review of the City of Marlborough, the Massachusetts Department of Revenue recommended that the City adopt several best financial practices including approving the City budget with the salary and expenditure accounts for each department as opposed to the past practice of approving each individual line item. This recommendation was also made in the City's Fiscal Year 2016 audit performed by Roselli, Clark & Associates. Department Heads would not be able to add funds to their approved salary or expenditure accounts without City Council approval. The Auditor will provide a summary of all transfers within a department's budget each month to the City Council. Submitted by Councilor Ossing.

UNFINISHED BUSINESS:

From Finance Committee

20. **Order No. 19-1007544 – Mid-Year Transfers for \$1,341,950.00:** The Finance Committee reviewed the Mayor's letter dated February 7, 2019 requesting mid-year transfers totaling \$1,341,950.00 in the Mayor's, Information Technology, Personnel, Police, Inspectional Services, Comptroller and Auditors Departments. **The Finance Committee voted 5–0 to approve all the transfers.**
21. **Order No. 19-1007566 – Transfer of \$182,500.00 from Undesignated Funds to IT Equipment Account:** The Finance Committee reviewed the Mayor's letter dated February 21, 2019 requesting the transfer of \$182,500.00 from the Undesignated Fund account to the IT Equipment account to purchase and install security camera systems at Jaworek School and Richer School. **The Finance Committee voted 5–0 to approve the transfer.**

From Urban Affairs Committee

22. **Order No. 16/17/18/19-1006443AAA-1: Communication from Code Officer regarding Application for Temporary, freestanding sign for VENTURE X at 11 Apex Drive; Approval from Walker Realty LLC attached to the Application.** The Urban Affairs Committee met with Ryan Gagne, CEO of RDG Enterprises, Inc. and owner of Venture X. Mr. Gagne explained the business model to the committee as a shared, co working space. There is the opportunity for flex space or private loft offices and the amenities fit each based on the scale of the space. Each space can be leased as either one-day per month or 24/7/365 access and provides businesses flexibility in the modern age. They have placed a marquee sign on the corner of the building, but their request for the temporary, freestanding sign is for about eight months. Their expectation is for them to be at a level of capacity for the business to survive and not require the necessity of the sign after that point. **Motion made by Councilor Juairé, seconded by the Chair, to approve the sign request from Venture X for a temporary sign for a period of eight months after the building permit is issued. The motion carried 5-0.**

From Legislative & Legal Affairs Committee

23. **Order No. 19-1007547: Communication from the Mayor, regarding amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants.** The Mayor's letter of February 7, 2019 was read into the record. In it he stated that the program has been successful, so he is asking the Council to amend the original Order No.12-1004062A to increase the number of positions available. Other changes were replacing the income requirement and deleting some language. **It was moved and seconded to amend the Mayor's Order to add in #2 the words "by the Council on Aging" after the word "lottery" and in #3 to remove deletion of "I" in its entirety. The motion carried 3-0.**

From Public Services Committee

24. **Order No. 19-1007530: Communication from City Solicitor, Donald Rider, re: Cider Mill Estates Subdivision - Acceptance of Goodwin Street and McDermot Way as Public Ways.** The Public Services Committee met with City Solicitor Donald Rider and City Engineer Tom DiPersio regarding the Cider Mill Estates Subdivision and the acceptance of Goodwin Street and McDermot Way as public ways. Chairman Landers referenced the letter dated January 24, 2019 from the City Solicitor requesting the City Council accept Goodwin Street and McDermot Way as public ways including their appurtenant easements (drainage and flowage) as municipal easements. The acceptance plan and signed deed were included as attachments to that letter. The Planning Board at its regular meeting on February 11, 2019 voted to recommend Goodwin Street and McDermot Way be accepted as public ways, and that their appurtenant easements be accepted as municipal easements in the City of Marlborough. The committee discussed with the City Engineer that there were still several undeveloped lots and if the streets and/or sidewalks were damaged during the construction of those lots, then it was the responsibility of the developer to repair them at the direction of the Department of Public Works. **Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Goodwin Street and McDermot Way as public ways. The motion carried 3-0.**