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CITY OF MARLBOROUGH
City Council Agenda

Monday, November 21, 2022
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, October 17, 2022.
2. From Council President Ossing – Introduction of new Firefighters for the City of Marlborough.
3. PUBLIC HEARING on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, Order No. 22-1008722.
**** THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY BEING HEARD AND CONTINUED TO DECEMBER 5, 2022, AT 8:00 PM. ****
4. PUBLIC HEARING on the Application for Modification of Special Permit from Brian Martinelli on behalf of Dish Wireless, to install three (3) new antennas on the existing cell tower along with a 5x7 platform, at 860 Boston Post Road East, Order No. 22-1008710.
5. PUBLIC HEARING on the Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East, Order No. 22-1008724.
6. PUBLIC HEARING on the Application for Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, Order No. 22-1008709.
7. Communication from the Mayor, re: Grant Acceptance in the amount of \$10,000.00 from the Massachusetts Interlocal Insurance Agency (MIIA) awarded to the Public Facilities to be used to evaluate the HVAC systems in three Fire Stations, the Police Station and the Whitcomb School and to provide the city with an analysis report and recommendations.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$42,300.00 from Department of Housing and Community Development (EOHED) and the Massachusetts Development Finance Agency (MassDevelopment) awarded to the Marlborough Economic Development Corporation (MEDC) to be used to secure technical assistance in drafting zoning ordinances, mapping build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with Section 3A MBTA Communities guidelines.

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.

9. Communication from the Mayor, re: Grant Acceptance in the amount of \$60,205.00 from the Massachusetts Executive Office of Public Safety awarded to the Police Department to be used to support additional traffic safety equipment, and increased enforcement efforts.
10. Communication from the Mayor, re: Transfer Request in the amount of \$100,000.00 which moves funds from the Undesignated Fund to Unemployment Payment for city and schools to fund mandated unemployment costs.
11. Communication from the Mayor, re: Transfer Request in the amount of \$1,154,893.76 which moves funds from Meals Tax Revenue account to fund FY23 bond payments associated with Parks & Recreation improvements.
12. Communication from the Mayor, re: Appointment of Richard Tomanek to the Board of Health for a 3-year term to expire on February 5, 2024.
13. Communication from the Mayor, re: Proposed Tax Increment Financing (TIF) Agreement with PI (Physik Instrumente), LP who anticipate moving their operations from Auburn, MA to 130 Lizotte Drive (Map 90, Parcel 2A).
14. Communication from City Solicitor Jason Grossfield, re: Application for Sign Special Permit from Wayside Crossing, for an EMC Sign that will serve as the ordering board for Starbucks drive-thru at 661 Boston Post Road East, in proper legal form, Order No. 22-1008724.
15. Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to City of Marlborough v. Town of Northborough (Worcester Superior Court No. 1685CV01772).
16. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 "Zoning" §40 "Location and Height of Buildings" relative to Attached Roofs and Entryway/Porches.
17. Petition from National Grid to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane.
18. Petition from National Grid to install a Pushbrace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street.
19. Communication from William Camuso on behalf of Camuso Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" for permission to continue operation at the hours granted at 431 Lincoln Street, X 20/22-1008046C.
20. Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street.
21. Minutes of Boards, Commissions and Committees:
 - a) School Committee, October 25, 2022.
 - b) Conservation Commission, October 6, 2022 & October 20, 2022.
 - c) Historical Commission, July 22, 2022.
 - d) Planning Board, October 3, 2022 & October 17, 2022.
22. CLAIMS:
 - a) Christina Dones, 115 Broadmeadow Street, #5, pothole or other road defect.
 - b) Dillon Handy, 31 Roosevelt Street, pothole or other road defect.
 - c) John Kelly, 37 Chilton Hill Drive North, Worcester, MA, pothole or other road defect.
 - d) Marilyn Miller, 7 Tyler Road, #3208, Berlin, MA, pothole or other road defect.
 - e) Loi Tran, 14 Tremont Street, Oxford, MA, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

23. **Order No. 22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street. Vote 2-0 Brown absent.

24. **Order No. 22-1008669: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Stores, LP #820, 769 Donald J. Lynch Boulevard.**

Recommendation of the Public Services Committee is to APPROVE.

Councilor Irish read the following report from Best Buy dated October 26, 2022, into the record: The Trade In Program is going really well and is super beneficial to the store, company and the city, not just for the value (gift card amount) from customers but the store runs trade-in promos where you switch out an old printer and get 10-15 percent off a new one. The program encourages customers to continue to expand their knowledge with the evolution of technology and how it impacts areas of their homes. Clients have traded in old products they no longer see a value in to afford things they now need.

25. **Order No. 22-1008711: Application for Renewal of license to operate a Livery Service with one vehicle by Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the renewal of the license to operate a Livery Service with one vehicle to Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane. Vote 2-0 (Brown absent).

From City Council

26. **Order No. 22-1008678: Proposed Salary Ordinance pursuant to Chapter 125 “Personnel”, §6 “Salary Schedule” to create a new position entitled, Substance Use Prevention Coordinator and Intervention Specialist, within the Health Department, with 7-step salary table, minimum of \$58,000.00 to maximum of \$65,317.42, for a 35-hour work week, together with the proposed Job Description pursuant to Chapter 125 “Personnel”, §5 “Preparation of Classification Descriptions”.**

This matter was ordered advertised at the November 7, 2022, City Council meeting (advertisement was published on Friday, November 18, 2022). Action cannot be taken until the December 5, 2022, City Council meeting to comply with the 10-day period required in the Charter.

27. **Order No. 22-1008724: Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East.**

This matter was ordered advertised and a Public Hearing scheduled at the November 7, 2022, City Council meeting.