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2023 MAY -4 PM 2:00

CITY OF MARLBOROUGH
City Council Agenda

Monday, May 8, 2023
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, April 24, 2023.
2. PUBLIC HEARING on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" §2 "Exceptions" of the Code to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis, Order No. 23-1008870.
 - a) Communication from Attorney James Hall, re: Request for continuance of Public Hearing to June 5, 2023, on the Petition of Colbea Enterprises, LLC (Shell Station) to operate a gas station/convenience store on a 24-hour basis, Order No. 23-1008870.

**** THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY BEING HEARD AND CONTINUED TO JUNE 5, 2023, AT 8:00 PM. ****

3. Communication from President Ossing, re: Proposed Amendment to the City Code, Chapter 125 §6 "Salary Schedule" to amend the salary for the Assistant City Clerk.
4. Communication from the Mayor, re: Transfer Request in the amount of \$600,500.00 from Reserve for Salaries and Undesignated Fund (Free Cash) to Fire Department payroll accounts to cover contractual obligations for the Fire Department.
5. Communication from the Mayor, re: Transfer Request in the amount of \$94,037.90 which moves funds from Undesignated Fund (Free Cash) to Fringes to cover the shortfall in the 1% non-pensionable stipend paid to all city employees.
6. Communication from the Mayor, re: Transfer Request in the amount of \$9,102.00 which moves funds from Undesignated Fund (Free Cash) to Substance Use Coordinator to fund the position for the remainder of the year.
7. Communication from the Mayor, re: FY 2024 Budget Recommendation in the amount of \$188,751,024.00 which represents a 4.57% increase over the FY 2023 appropriation.
(The Proposed FY 2024 Budget is available for viewing in the City Clerk's Office and on the city website).
8. Communication from the Mayor, re: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund, the Council on Aging Revolving Fund and the Water and Sewer Revolving Fund for Fiscal Year 2024.

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: Appointment of Robert Bourn, III as Plumbing & Gas Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 7 §79.
10. Communication from the Mayor, re: Appointment of John Cain as Wiring Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 473 §1.
11. Communication from the Mayor, re: Appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028, replacing William Fowler.
12. Communication from the Mayor, re: Reappointment of Ellen Silverstein to the Board of Assessors for a 3-year term to expire on September 8, 2026.
13. Communication from the Mayor, re: Reappointment of David Morticelli to the Community Development Authority for a 3-year term to expire on March 23, 2026.
14. Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc., in proper legal form, Order No. 23-1008868.
15. Communication from Emergency Management Director Fredrick Flynn, re: Request for presentation relating to the Hazard Mitigation Plan at the May 22, 2023, City Council meeting.
16. Application for a Sign Special Permit Amendment from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street.
17. Application for Special Permit from Andy Fitz, on behalf of JP Morgan Chase Bank to install a drive-thru ATM for the Chase Bank branch to be located at 189 Boston Post Road West.
18. Minutes of Boards, Commissions and Committees:
 - a) Cultural Council, February 1, 2023.
 - b) Planning Board, March 13, 2023 & March 27, 2023.
 - c) Traffic Commission, February 22, 2023.
19. CLAIMS:
 - a) Elizabeth Collins, 1 Barbaras Path, Upton, pothole or other road defect.
 - b) Carole Saunders, 71 Mount Vickery Road, Southborough, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

- 20. ORDERED: That the Mayor submit a transfer request in the amount of \$1,440,000.00 from the Undesignated Fund to the West Side Fire Station Stabilization Account (83600-32900). The Green District project recently submitted the Phase 2 portion of the mitigation funds identified in Conditions 6 and 7 in Special Permit Order No. 19-1007762C. [Reference: Order No. 22-1008603: Phase 1 portion of the mitigation funds transferred \$1,422,500.00 from the Undesignated Fund to the West Side Fire Station Stabilization Account on May 23, 2022.].Submitted by President Ossing
- 21. ORDERED: That the Mayor submit an internal transfer request in the amount of \$42,000.00 from the various accounts in the City Clerk and Election Department budgets. These transfers are attached in the letter dated February 21, 2023. These voting booths will be more efficient (setup and breakdown) and allow more voters at each precinct, lighter and easier to move and take up less storage space at each voting location.Submitted by President Ossing
- 22. ORDERED: That the Mayor submit a transfer request in the amount of \$110,000.00 from the Undesignated Fund to the Capital Outlay Account to purchase new voting machines. The attached February 1, 2023, letter identifies the current 2007 Accu-vote machines are in need of replacement.Submitted by President Ossing

UNFINISHED BUSINESS:

From Public Services Committee

- 23. **Order No. 23-1008840: Application for Renewal of Junk Dealer License from Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Vote 3-0.

From Finance Committee

- 24. **Order No. 23-1008850: Transfer Requests totaling \$748,290.00 (\$648,290.00 for Operating Budget and \$100,000.00 for the Economic Development Toolbox) from Economic Development to MEDC Funding for FY2024.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfers to fund the toolbox and the FY2024 operating budget. Vote 4-0 (Dumais absent).

- 25. **Order No. 23-1008851: Transfer Request in the amount of \$393,854.64 from PEG Funds [Public Educational and Government Access Channels] to Marlborough Cable Trust to fund WMCT-TV's operations and capital requests for FY2024.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer to fund WMCT-TV operations and capital requests. Vote 4-0 (Dumais absent).