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CITY OF MARLBOROUGH
City Council Agenda

Monday, May 6, 2024
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 22, 2024.
2. PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" relative to updating provisions regarding Medical and Adult Use Marijuana, Order No. 24-1009136.
3. Communication from Councilor President Ossing, re: Proposed Ordinance Amendment to Chapter 125 by deleting §10(C) granting the Mayor authority to waive any two steps of the salary schedule and also deleting §18(A) (4) allowing the Mayor the authority to grant an additional week of vacation time effective at the time of employment for all non-union personnel.
4. Communication from the Mayor, re: Appointment of Christine Purple as Human Resources Director for a 3-year term to expire from date of Council confirmation, along with Notification of Temporary Appointment pursuant to MGL Chapter 41, §61A effective April 29, 2024, for a 60-day term.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$12,916.00 from the Department of Conservation and Recreation awarded to the Conservation Department to be used to support the construction of a pedestrian bridge over Millham Brook on the Panther Trail.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$22,500.00 awarded to the Department of Public Works for construction of new "Welcome" signs at the entrances of the city as part of the Fiscal Year 2024 state budget earmark funding.
7. Communication from the Mayor, re: Proposed Fiscal Year 2025 Operating Budget in the amount of \$196,593,381.00 which represents a 4.68% increase over the Fiscal Year 2024 appropriation. Along with Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" for new and existing positions.
(The Proposed FY 2025 Budget is available for viewing in the City Clerk's Office and on the city website).
8. Communication from City Solicitor Jason Grossfield, re: Release of Restrictive Covenant, 66 Village Drive, in proper legal form, Order No. 24-1009137.
9. Communication from the Retirement Board, re: MGL Chapter 32, §103(j) Cost of Living increase (COLA).

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.

10. Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
11. Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc, d/b/a Savers, 222A East Main Street.
12. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 26, 2024 & April 9, 2024.
 - b) Board of Assessors, March 3, 2023, April 21, 2023, April 28, 2023, June 27, 2023, September 7, 2023, November 30, 2023 & March 8, 2024.
 - c) Commission on Disabilities, September 11, 2023.
 - d) Council on Aging, February 20, 2024 & March 12, 2024.
 - e) Planning Board, March 11, 2024.
 - f) Traffic Commission, March 27, 2024.
13. CLAIMS:
 - a) Michael Batista, 119 Berlin Road, residential mailbox claim (2b).
 - b) Sujatha Krishnan, 159 Stearns Road, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

14. **Order No. 24-1009129: Transfer Requests from the Economic Development Revenue Fund to the Marlborough Economic Development Corporation in the amount of \$762,465.00 to fund the FY2025 Operating Budget and \$150,000.00 to replenish the existing Toolbox fund to continue to support MEDC's small business financial incentive grant programs.**

Recommendation of the Finance Committee is to APPROVE.

The Chair read the communication from Mayor Dumais. Director Harris discussed the proposed operating budget and the toolbox program with councilors. Councilors were extremely supportive of the efforts by Director Harris and her staff. Although Councilor Oram supported additional funding to replenish the toolbox, he expressed concern regarding other aspects of the budget and opposed the increase in the part time administrative position from part-time to full-time with benefits, accounting for approximately \$20,000.00.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer in the amount of \$762,465.00 to fund the FY2025 Operating budget. Vote 4-1 Oram opposed.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer of \$150,000.00 to replenish the Toolbox fund. Vote 5-0.

From Urban Affairs Committee

15. **Order No. 23-1009137: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East).**

Recommendation of the Urban Affairs Committee is to APPROVE.

The chair read a portion of Attorney Brewin's April 4, 2024, letter detailing the Master Deed for the property limits the occupancy to persons over 55. The Special Permit for this project designated two units as affordable and the resale of those units limited to a "price not greater than the maximum price allowed in this area for affordable owner-occupied single family townhouse units, according to the current DHCD criteria for affordability."

Attorney Brewin explained that although this language was in the special permit, DHCD had never accepted the units as affordable due to their being limited to persons over 55 and that the owner has been paying property taxes at full value with exception of a few years due to an abatement. Mr. LeDuc would like to either sell the property or transfer it to his children but would like to have the deed restriction removed to be able to sell at full market value and Attorney Brewin created a draft release of restrictive covenant deed.

The chair stated she has spoken to our legal counsel and the suggestion was for the committee to endorse the concept of releasing the affordable housing restriction on Unit 3 and refer it to legal department to draft proper language that would be on a future council agenda.

Councilor Navin moved to refer the request to release the affordable housing restriction on Unit 3, 66 Village Drive to the legal department to be put into proper form and on a future council agenda; it was seconded, and the motion carried 5-0.