



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 MAY 16 PM 1:15

CITY OF MARLBOROUGH

City Council Agenda

Monday, May 20, 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, May 6, 2024.
2. PUBLIC HEARING on the Proposed Fiscal Year 2025 Operating Budget as submitted by Mayor Dumais in the amount of \$196,610,886.00 which represents a 4.69% increase over the Fiscal Year 2024 appropriation, Order No. 24-1009160.
3. PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 "Zoning" to create the Donald Lynch Boulevard District (DLB), Order No. 24-1009147.
4. Communication from the Mayor, re: Transfer Request in the amount of \$83,103.00 which moves funds from and to various accounts for the Department of Public Works and City Clerks' Office, in addition to Transfer Requests totaling \$644,060.00 from Free Cash to Open Space Stabilization (\$25,000.00) and Snow & Ice (\$619,060.00).
5. Communication from the Mayor, re: Transfer Request in the amount of \$165,000.00 from Free Cash to Labor Day Parade (\$50,000.00) and DPW Projects (\$115,000.00) to support the Labor Day Parade and new Dog Park.
6. 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 2025.
7. Communication from the Mayor, re: Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" relative to the Part-Time Clerk within the Fire Department.
8. Communication from the Mayor, re: Appointment of Marylou Vanzini to the Council on Aging Board for a term of 4-years to expire on May 1, 2028.
9. Communication from the Mayor, re: Acceptance of the Hazard Mitigation Plan (2024).
(The Hazard Mitigation Plan is available for viewing in the City Clerk's Office and on the city website).
10. Communication from City Solicitor Jason Grossfield, re: Proposed Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project pursuant to Special Permit Condition #6, Green District, Phase 2 (Simarano Drive).

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.

11. Communication from City Solicitor, Jason Grossfield, re: Request for Executive Session regarding the City of Marlborough v. Town of Northborough (Civil Action No. 1685CV01772) – Authorization of Settlement Agreement and Intermunicipal Agreement for Wastewater Treatment and Disposal with the Town of Northborough.
12. Communication from Assistant City Solicitor Jeremy McManus, re: 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.
13. Communication from Assabet Superintendent-Director Ernest Houle, re: Proposed Establishment of Stabilization Fund by Assabet Regional Vocational Technical School District pursuant to MGL Chapter 71, §16 G1/2.
14. Communication from Attorney Mark Donahue on behalf of Calverde Naturals, LLC, re: Requests to extend time of commencement of construction to December 31, 2024 and commencement of retail sales operations to December 31, 2025 pursuant to the Special Permit granted on June 7, 2021, Order No. 21-1008214C.
15. Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on D'Angelo Drive, at a point approximately 568' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50' C1.2 midspan Pole #2-50 between Poles 2 and 3. A 25 kva transformer fused at 10 will be installed on the new midspan.
16. Application from Ghost Light Players, re: Request for local approval of a One-Day Beano (Bingo) License pursuant to MGL Chapter 10, §38 to be issued by the MA Lottery Commission.
17. Minutes of Boards, Commissions and Committees:
 - a) School Committee, April 30, 2024.
 - b) Cultural Council, March 6, 2024.
 - c) Historical Commission, March 21, 2024.
 - d) Planning Board, April 8, 2024.
18. CLAIMS:
 - a) Roger Clapp, Jr., 25 Hillcrest Road, pothole or other road defect.
 - b) Jason Parker, 4 St. Mary's Way, pothole or other road defect.
 - c) Wanusa Lobo Menezes, 578 Bigelow Street, pothole or other road defect.
 - d) Wanusa Lobo Menezes, 578 Bigelow Street, pothole or other road defect.

REPORTS OF COMMITTEES:

From Urban Affairs Committee

19. **Order No. 24-1009099: 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.**

Recommendation of the Urban Affairs Committee is to APPROVE.

The chair opened the meeting at 8 PM and read thru the comments of Managers: Conservation, Board of Health and Fire Department had no comments. Police Chief Giorgi stated his initial concern re safety at the facility and potential for outside congestion were addressed in D8 language where the facility will be locked during the hours of operation and the waiting area will be inside the facility to minimize the potential for loitering outside. Building Commissioner Htway stated he would defer to the City Solicitor for the determination of requested relief from dimensional requirements. City Engineer DiPersio asked that the dimensional requirements of 650-31(c) that are not met be documented in the decision. The chair stated the amended draft special permit language clarifies the dimensional waivers.

The chair read the April 11, 2024, legal opinion from Assistant Solicitor McManus that the City Council may grant a waiver of the zoning requirement prohibiting narcotic detoxification and/or maintenance facilities within 1,000 feet of a school as a reasonable accommodation under the American Disabilities Act, 42 U.S.C. § 12132. The chair reviewed the petitioner's draft decision on a special permit and noted the date of today's meeting would be added in Section 7 of the Findings of Facts and noted in the yellow highlighted language in Section 9 delineating the dimensional requirements. In the conditions, the new plans provided by petitioner should be included as exhibits and added as appropriate to either condition 2 or 5.

Councilor Doucette moved to recommend approval of the Decision on a Special Permit and its Conditions for Alta Behavioral Health LLC as amended; the chair seconded the motion and the vote carried 5-0.