

REGULAR MEETING
AUGUST 23, 2021
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

2021 AUG 19 P 2:00

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, August 23, 2021 at 8:00 PM. **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, July 19, 2021.
2. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, Order No. 21-1008355.
 - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 123 Boston Post Road West, Pole #7.
3. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, Order No. 21-1008356.
 - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 493 Boston Post Road West, Pole #1.
4. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on replacement Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), Order No. 21-1008357.
 - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 11 Atkinson Drive, Pole #22.
5. PUBLIC HEARING on the Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, Order No. 21-1008354.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$5,000.00 from BayPath Elder Services awarded to the Council on Aging to assist with the transportation needs for Marlborough Seniors.

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.

7. Communication from the Mayor, re: Gift Acceptance in the amount of \$10,000.00 from the late Paul & Marie Winske to the Council on Aging to assist seniors that participate in Senior Center activities.
8. Communication from the Mayor, re: Appointment of Linda Warren to the Council on Aging Board for a 3-year term from date of Council confirmation.
9. Communication from the Mayor, re: Notification of Mayoral appointment of Kevin McLaughlin to the Cultural Council for a 3-year term effective September 1, 2021 pursuant to MGL Chapter 10 §58.
10. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 67 §11(A) amending “Tax Collector; appointment, terms and duties” and Chapter 125 §6 “Salary Schedule” along with a Proposed Job Description pursuant to Chapter 125 §5 for the position of Tax Collector/Assistant Director of Finance.
11. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 7, Article IV “Department of Public Works” by adding a new §31(D) relative to the position of Assistant Commissioners, along with a Proposed Job Description pursuant to Chapter 125 §5 for the position of Assistant Commissioner of Facilities.
12. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 125 §6 “Salary Schedule” to amend the salaries for the Police and Fire Chiefs to be effective July 1, 2021.
13. Communication from Solicitor Jason Grossfield, re: Request for Special License for Temporary Charitable Purposes Sales – FEMARA, Inc., pursuant to MGL Chapter 101 §12A.
14. Communication from Solicitor Jason Grossfield, re: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #19 within the layout of Boston Post Road West (Route 20), in proper legal form, Order No. 21-1008294B.
15. Communication from Solicitor Jason Grossfield, re: Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), in proper legal form, Order No. 20/21-1007995.
16. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Free-Standing Sign, Local Roots, 910 Boston Post Road East, within the Wayside District.
17. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two (2) Flat Roof Signs, Val’s Plaza, 561 Boston Post Road East, within the Wayside District.
18. Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 and permission for NGRID to install three (3) 50K (120/208) transformers and underground riser-perm connection to customer at 121 Bolton Street.
19. Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street.
20. Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive.
21. Communication from Diane Nelligan of One Energy, Inc., re: Request for expedited processing of request from MA Electric and Verizon for the installation of a jointly owned pole, transformers, and underground riser-perm connection at 121 Bolton Street.
22. Communication from Attorney Robert Buckley, re: Revised language on the Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, Order No. 21-1008293B.

23. Communication from FEMARA, Inc., re: Request for grant of exemption from the Massachusetts Transient Vendor Law as allowed by MGL Chapter 101, §12A for their convention being held in Marlborough from September 10 – 12, 2021.
24. Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in August & September 2021.
25. Communication from Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid re: Approval of Deferral of major storm threshold amounts for calendar year 2020, DPU file # 21-75.
26. Communication from Commonwealth of Massachusetts Division of Banks, re: Public comment period on a proposed license application filled by Marlboro Services, Inc., d/b/a Brasil Remessa, to operate a check casher location at 38 Main Street pursuant to MGL Chapter 169A §3.
27. Communication from a resident in opposition of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995.
28. Communication from a resident of Forest Street, in support of the Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the "Commercial Village Housing Overlay District", Order No. 21-1008293.
29. Minutes of Boards, Commissions and Committees:
 - a) Conservation Commission, July 1, 2021.
 - b) Cultural Council, June 30, 2021.
 - c) Traffic Commission, May 26, 2021.
30. CLAIMS:
 - a) David Ringland, 77 Lincoln Street, Hudson, pothole or other road defect.

REPORTS OF COMMITTEES:

31. ORDERED: That the City Council President establish a City Council Re-Precincting Committee consisting of three members to review the 2020 census data provided by the Secretary of State's office and report back to the City Council by October 4, 2021.Submitted by President Ossing

UNFINISHED BUSINESS:

From Personnel Committee

32. **Order No. 21-1008336: Appointment of William Fowler to the Planning Board for a 5-year term to expire on February 2, 2026.**

Recommendation of the Personnel Committee is to APPROVE. Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

33. **Order No. 21-1008337: Appointment of Marcia Waldman to the Cultural Council for a 3-year term from date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE. Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

34. **Order No. 21-1008338: Reappointment of William Dunbar to the Conservation Commission for 3-year term to expire on February 2, 2024.**

Recommendation of the Personnel Committee is to APPROVE. Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

From Public Services Committee

35. **Order No. 21-1008276A: Petition from Massachusetts Electric, to install a new Pole #45-2 within the public right of way approximately 103' west of Pole 25-1 on Forest Street.**

Recommendation of the Public Services Committee is to APPROVE. Motion made by Councilor Perlman, seconded by Chair, to recommend approval. Approved 3-0.

36. **Order No. 21-1008292A: Petition from Massachusetts Electric, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street.**

Recommendation of the Public Services Committee is to APPROVE. Motion made by Councilor Perlman, seconded by Chair, to recommend approval. Approved 3-0.

37. **Order No. 21-1008294B: Petition of Verizon Wireless for the installation of small cell wireless facility to be located on the existing Pole within the layout of the public right of way at 237 Boston Post Road West (Route 20), Pole #19.**

Recommendation of the Public Services Committee is to APPROVE. Motion made by Councilor Perlman, seconded by Chair, to recommend approval of the decision and the petition by Verizon Wireless for a small cell wireless installation on Pole #19 within the layout of Boston Post Road West. Vote 3-0.

From Urban Affairs Committee

38. **Order No. 20/21-10079950: Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm).**

Recommendation of the Urban Affairs Committee is to DENY. Councilor Wagner moved to deny the Special Permit; the motion was seconded. Councilor Doucette asked for a Roll Call. Wagner-yes, Landers-present, Navin-yes, Doucette-yes, Robey-no. Motion to DENY carried 3-1.