



CITY OF MARLBOROUGH
City Council Agenda

Monday, April 25, 2022
8:00 PM

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 APR 21 P 2:20

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 11, 2022.
2. CONTINUED PUBLIC HEARING on the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, Order No. 22-1008558A.
3. Communication from the Mayor, re: Acceptance of Gikas Lane as a Public Way, Order No. 22-1008553.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$3,000.00 from the Sudbury, Assabet and Concord Rivers Cooperative (SuAsCo) awarded to the Conservation Commission to be used to control the invasive oriental bittersweet at Ghiloni Park.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$51,885.00 from the Massachusetts Department of Public Health awarded to the Health Department to be used for clinic staffing, supplies, case investigation and COVID-19 preventative messaging.
6. Communication from the Mayor, re: Transfer Request in the amount of \$698,083.18 for the Department of Public Works, which moves funds from various accounts to Electricity (\$652,083.18) to cover the cost of higher usage during COVID-19 and Overtime (\$46,000.00) to cover costs in overtime due to hydrant flushing and water main breaks.
7. Communication from the Mayor, re: Transfer Request in the amount of \$44,000.00 for the City Clerk's Office, which moves funds from various accounts to Capital Outlay-Voting Equipment for the purchase of Poll Pads to be used during elections.
8. Communication from the Mayor, re: Transfer Request in the amount of \$75,000.00 which moves funds from Economic Development to MEDC to replenish the Economic Development Toolbox.
9. Communication from the Mayor, re: Reappointment of Joseph Bisol to the Council on Aging Board for a 4-year term to expire on May 4, 2026, and the Appointment of Zella Haesche to the Council on Aging Board for a 4-year term to expire on May 4, 2026.

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. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 125 §6 “Salary Schedule” to amend the salary for the Sealer of Weights and Measures.
11. Communication from the Mayor, re: FY 2023 Budget Recommendation in the amount of \$181,260,899.00 which represents a 4.18% increase over the FY 2022 appropriation.
(The Proposed FY 2023 Budget is available for viewing in the City Clerk’s Office and on the city website).
12. Communication from the Mayor, re: Veto of City Council Orders 21/22-1008402B-3 & 21/22-1008402A-2, relative to proposed Order to authorize the purchase of 100 Locke Drive and the Transfer Request in the amount of \$5,092,666.66.
13. Communication from Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to WP Marlborough MA Owner, LLC v. Marlborough City Council.
14. Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around pump station on Cullinane Drive.
15. Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle, 97 Neil Street.
16. Communication from Attorney Brian Falk on behalf of Post Road Realty, LLC, re: Request to modify the bedroom mix at the Green District, Simarano Drive (X 19-1007762C & 19-1007763B).
17. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 8, 2022 & March 22, 2022.
 - b) Conservation Commission, March 17, 2022.
 - c) Planning Board, March 14, 2022.
18. CLAIMS:
 - a) John Costanza, 99A Parmenter Road, Framingham, pothole or other road defect.
 - b) Dakota Grieco, 77 Tremont Street, #2, pothole or other road defect.

REPORTS OF COMMITTEES:

19. **ORDERED:** That the City Council vote to rescind Order No. 21-1008473 Acceptance of the Coronavirus Local Fiscal Recovery Fund (CLFRF) package in the amount of \$11,835,814.00.....Submitted by Councilors Perlman & Robey.

Background: The Mayor submitted a letter dated December 16, 2021, requesting the City Council approve the American Rescue Plan Act of 2021 (ARPA) CLFRF package for \$11,835,814.00. The Mayor's letter stated these funds can only be used for four broad purposes:

1. Addressing the public health emergency and/or negative economic impacts,
2. Investment in water, sewer, or broadband infrastructure,
3. Revenue loss due to the pandemic, and
4. Premium pay for essential workers

The Mayor's letter further states "It is our intent to use the large majority of these funds for investment in water and sewer projects."

The City Council approved the grant request at the December 20, 2021, City Council meeting with the understanding that the funds would be used for water/sewer infrastructure projects as stated in the Mayor's letter.

The Department of the Treasury issued the final rule on how the CLFRF funds can be used in 2022 with an effective date of April 1, 2022.

One of the new provisions of the final rule is the ability to use the first \$10 million of CLFRF funds for "general government services." The final rule lists some common examples of "general government services" to include construction of schools and hospitals, road building and maintenance and other infrastructure, health services, general government administration, staff and administrative facilities, environmental remediation, and provision of police, fire, and other public safety services (including the purchase of fire and police vehicles).

Based on the new provision on how to spend CLFRF funds, the City Council should vote to rescind Order No. 21-1008473. The Mayor can then resubmit the \$11,835,814.00 CLFRF grant, and the Mayor and City Council can have a collaborative discussion on how the funds can be used in accordance with the new guidance.

UNFINISHED BUSINESS:

From Personnel Committee

20. **Order No. 22-1008510A: Reappointment of John Usinas to the Disabilities Commission for a term of three years effective from the date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of John Usinas to the Disabilities Commission for a term of three years as submitted. Vote 3-0.

21. **Order No. 22-1008510B: Reappointment of Wayne Stanley to the Disabilities Commission for a term of three years effective from the date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Navin, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of Wayne Stanley to the Disabilities Commission for a term of three years as submitted. Vote 3-0.

From Public Services Committee

22. **Order No. 22-1008514: Application for Renewal of Taxi/Livery License from Katsunori Tanaka d/b/a Global Limousine & Tour Services, to operate a Livery Service (One Vehicle) at 17 Eager Court.**

Recommendation of the Public Services Committee is to APPROVE.

Chief Giorgi submitted no objection after review of the CORI. On a motion by Councilor Irish, seconded by the Chair, the committee recommended approval of the renewal of the Livery License for Katsunori Tanaka, d/b/a Global Limousine & Tour Services. Vote 3-0.

23. **Order No. 22-1008515: Application for Taxi/Livery License from Josiah Ihechukwu d/b/a ROA Health System, to operate a Livery Service (Two Vehicles) at 43 Bowstring Way.**

Recommendation of the Public Services Committee is to APPROVE.

Chief Giorgi submitted no objection after review of the CORI. On a motion by Councilor Irish, seconded by the Chair, the committee recommended approval of the new Livery License for Josiah Ihechukwu, d/b/a ROA Health System. Vote 3-0.

24. **Order No. 22-1008537A: Communication from Mayor Vigeant with Proposed amendment to the Code of the City of Marlborough, Chapter 510 "Sewers" §2 (D) "Use of Public Sewers".**

Recommendation of the Public Services Committee is to APPROVE.

Members of the City Council discussed the proposed changes requested by the Mayor to assist homeowners navigate the requirements of the public sewer ordinance. On a motion by Councilor Irish, seconded by the Chair, the committee recommends approval of the Mayor's proposed amendment as submitted. The betterment order remains in committee for further information. Vote 3-0.

From City Council

25. **Order No. 22-1008538A: Appointment of Catherine Usinas to the Disabilities Commission for a term of three years effective from the date of Council confirmation.**

On a motion by Chair Dumais and seconded, the appointment of Catherine Usinas to the Disabilities Commission for a term of three years effective from the date of Council confirmation, was removed from the Personnel Committee for action by the City Council on April 25, 2022, together with the reappointments of John Usinas and Wayne Stanley.