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2023 JUL 20 PM 1:30

CITY OF MARLBOROUGH
City Council Agenda

Monday, July 24, 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, June 26, 2023.
2. PUBLIC HEARING on the Petition from Lightpath, to install underground cable in conduit and other equipment within the public way on Cedar Hill Street near D'Angelo Drive, Order No. 23-1008925.
3. PUBLIC HEARING on the Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust, to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" §12(B) at 13-15 Mechanic Street, Order No. 23-1008926.
 - a) Communication from Robert Cucchi, 107 Westminster Drive in support of the project.
 - b) Communication from RMA Management, 40 Mechanic Street in opposition of the project.
4. Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – June 2023 Update.
5. Certification from Ward 4 Councilor Teona Brown as required under MGL Chapter 39 §23D ("Mullin Rule"), regarding the Application for a Wireless Special Permit from Kristen LeDuc on behalf of Dish Wireless to install three (3) Wireless Antennas and related equipment on the rooftop at 2 Mount Royal Avenue, Order No. 23-1008913.
6. Certification from Ward 4 Councilor Teona Brown as required under MGL Chapter 39 §23D ("Mullin Rule"), regarding the Application for Modification of Special Permit from Ralph Aronov on behalf of Green Gold Group, Inc., to amend the hours of operation, type of use, and to allow for internally illuminated signage at the adult use marijuana retail establishment located at 910 Boston Post Road East within the Wayside District, Order No. 20/23-1008062 (X 21-1008326 & 21-1008371).
7. Communication from the Mayor, re: Transfer Request in the amount of \$100,000.00 from Stabilization account to a new Homeless/Immigrant Population account for emergency related expenditures.
8. Communication from the Mayor, re: Grant Acceptances from the Executive Office of Public Safety & Security and State 911 Department as follows:
 - a) In the amount of \$199,964.00 to be used to offset personnel overtime costs in the Public Safety Dispatching Center.
 - b) In the amount of \$37,864.18 for equipment, quality assurance reviews of dispatch personnel and an offset of overtime costs.
 - c) In the amount of \$36,187.36 to be used to offset personnel training costs in the Public Safety Dispatching Center.

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: Bond Request in the amount of \$4,925,000.00, for public safety communication upgrades.
10. Communication from the Mayor, re: Streets Acceptance information.
11. Communication from the Mayor, re: Acceptance of Deed -In-Lieu of Foreclosure concerning parcels of land located off Mosher Lane identified as Map 10, Parcel 41, Map 10, Parcel 82, Map 11, Parcels 3 & 40.
12. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 125 "Personnel" §6 "Salary Schedule" and a Proposed Job Description pursuant to Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" to create a new position of Special Traffic Constable within the Police Department.
13. Communication from the Mayor, re: Proposed Amendments to the City Code, Chapter 125 "Personnel", §6 "Salary Schedule" and Proposed Job Descriptions pursuant to Chapter 125, "Personnel", §5 "Preparation of Classification Descriptions relative to positions for the Public Library, Assessors Office, and Public Facilities.
14. Communication from City Solicitor Jason Grossfield, re: Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, for hours of operation of a gas station (Shell Station) at 342 Boston Post Road East pursuant to Chapter 342 of the Code, in proper legal form, Order No. 23-1008870
15. Communication from Assistant City Solicitor Jeremy McManus, re: Application for a Wireless Special Permit from Kristen LeDuc on behalf of Dish Wireless to install three (3) Wireless Antennas and related equipment on the rooftop at 2 Mount Royal Avenue, in proper legal form, Order No. 23-1008913.
16. Communication from Attorney Sem Aykanian on behalf of SUCIU LLC d/b/a Exela Storage, re: Request to Extend Time Limitations until 10:00 PM on December 31, 2023, on the Application for a Special Permit to add additional storage units to a nonconforming storage facility located at 846 Boston Post Road East within the Wayside District, Order No. 23-1008823B.
17. Application for Special Permit from George Voyiatzis, to convert an existing building into a multi-family residential building consisting of 17 residential units in the Neighborhood Business District at 358 Lincoln Street.
18. Petition from Massachusetts Electric and Verizon New England, to install two new joint owned Poles (Pole 22-25 & 22-26) on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street.
19. Communication from Attorney Gemma Cashman on behalf of Trammell Crow Company, re: Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District".
20. Communication from MA Department of Public Utilities, re: Petition of MA Electric and Nantucket Electric d/b/a National Grid for Approval of a mid-term modification to its 2022-2024 Three-Year Energy Efficiency Plan.
21. Minutes of Boards, Commissions and Committees:
 - a) School Committee, June 13, 2023.
 - b) Board of Assessors, July 1, 2022 & November 4, 2022.
 - c) Conservation Commission, June 1, 2023 & June 15, 2023.
 - d) Historical Commission, April 27, 2023 & May 18, 2023.
 - e) Planning Board, May 22, 2023.
 - f) Traffic Commission, April 26, 2023.

22. CLAIMS:

- a) Jessica Culkin, 9 Johansen Drive, other property damage and/or personal injury.
- b) Robert Gilliam, 18 Sandini Road, other property damage and/or personal injury.
- c) Peter Johnson, 29 Morrissey Road, pothole or other road defect.
- d) Stephanie & Brian Ramirez, 15 Greenwood Street, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

23. **Order No. 23-1008883: Appointment of Robert Bourn, III as Plumbing and Gas Inspector for 3-year term from date of City Council confirmation pursuant to City Code Chapter 7, §79.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair, the committee voted to recommend approval of the appointment of Robert Bourn, III as Plumbing and Gas Inspector for a 3-year term from the date of City Council confirmation pursuant to City Code Chapter 7, §79. Vote 3-0.

24. **Order No. 23-1008884: Appointment of John Cain as Wiring Inspector for a 3-year term from the date of City Council confirmation pursuant to City Code Chapter 473 §1.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair, the committee voted to recommend approval of the appointment of John Cain as Wiring Inspector for a 3-year term from the date of City Council confirmation pursuant to City Code Chapter 473 §1. Vote 3-0.

25. **Order No. 23-1008885: Appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair, the committee voted to recommend approval of the appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028. Vote 3-0.

26. **Order No. 23-1008900: Appointment of Jonathon Friedman to the Commission on Disabilities for 3-year term from date of City Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair, the committee voted to recommend approval of the appointment of Jonathon Friedman to the Commission on Disabilities for 3-year term from the date of City Council confirmation. Vote 3-0.