

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, APRIL 24, 2023

The regular meeting of the City Council was held on Monday, April 24, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:18 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, APRIL 10, 2023, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the: Proposed Amendment to Code of the City of Marlborough, Chapter 510 "Sewers" §2 "Use of Public Sewers" as submitted by President Ossing, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWERS," AS FOLLOWS:

I. Chapter 510, entitled "Sewers", Section 2 entitled "Use of Public Sewers", subsection (D), is hereby amended as following by adding the new subsection (D)(2):

(2) Where City Drawings do not exist that show the location of the sewer stub connection, the City will use available technology (camera/videos) to locate the sewer stub in a timely fashion to not impact the connection activities.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the "Vision for Donald Lynch Boulevard" document which includes a Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Reappointment of Stefanie Ferrecchia to the Community Development Authority for a 3-year term to expire on March 9, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: Reappointment of Dr. Joseph Tennyson to the Board of Health for a 3-year term to expire on February 2, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Reappointment of Debra McManus to the Commission on Disabilities for a 3-year term to expire on October 21, 2025, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That Reappointment of Linda Clark to the Board of Registrars for a 3-year term to expire on April 1, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Reappointments to the Conservation Commission for 3-year terms of John Skarin to expire on March 7, 2025, and Karen Paquin to expire on May 5, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Council of the City of Marlborough hereby **RESCINDS** a previously authorized but unissued amount of the following described loan order which is henceforth of no further force or effect:

The \$8,983,087.00 balance of the \$56,418,338.00 authorized to be borrowed for the construction of a new K-5 elementary school, duly adopted by Order of this Council and approved by the Mayor on May 1, 2018, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc. a biotech company with plans to purchase and operate a bio manufacturing facility and office space at 149 Hayes Memorial Drive (Map 99, Parcel 3), referred to the **FINANCE COMMITTEE**; adopted.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Deed conveying a certain parcel of land consisting of 9,387 square feet +/- known as the “Rail Spur Parcel” off Lincoln Street to the Marlborough Economic Development Corporation (MEDC), referred to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Public Input regarding the Application for Site Plan Approval from Attorney Brian Falk on behalf of JW Capital Partners, LLC, to build a mixed-use project at 57 Main Street in the Marlborough Village District, Order No. 22/23-1008694D, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY MAY 8, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc, d/b/a Savers, 222A East Main Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk on behalf of Marlborough Apartment Partners 2 LLC, re: Proposed Zoning Amendment to Chapter 650 "Zoning" §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND LEGAL DEPARTMENT AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 22, 2023**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, SECTION 650-36, AS FOLLOWS:

1. Amend Section 650-36.C(1) as follows (new text underlined):

The City Council shall be the permit granting authority for special permits and site plan approvals in the EROD. Special permits shall require a two-thirds-vote of the City Council, except as modified by M.G.L. c. 40A; site plan approvals shall require a simple majority vote.

2. Amend Section 650-36.D(2) as follows (deleted text in ~~striketrough~~, new text underlined):

- (a) Multifamily dwellings, provided that the total number of units within the entire EROD shall not exceed ~~475~~ 950.

- (j) Mixed-use development, consisting of a combination of by right or special permit residential/business uses as listed in this section (§650-36, et seq.)

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, March 28, 2023.
- b) Conservation Commission, March 16, 2023.
- c) Historical Commission, February 16, 2023.
- d) Planning Board, February 27, 2023.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Deborah Domings, 13 Middle Street, #1, other property damage and/or personal injury.
- b) Hasani Ewing, 59 Peltier Street, re, residential mailbox claim (2a).
- c) Linda Furbush, 7 Richard Road, re, residential mailbox claim (2b).
- d) Dominic Gould, 44 Greendale Avenue, other property damage and/or personal injury.
- e) Michael Tyo, 108 Goodale Street, residential mailbox claim (2a).

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee
April 19, 2023
Minutes and Report**

This meeting convened at 6:30 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present were Chair Landers, Councilor Irish and Councilor Brown.

Other Councilors present: Councilors Ossing and Perlman.

Order No. 23-1008840: Application for renewal of Junk Dealer License from Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.

Chief Giorgi notified the committee that applicant's CORI is in good standing; the Chief is without objection to the renewal of the license. Mr. Kimyagarov was present and was asked to provide an update on the health of his business since the pandemic. He reported his store is doing well. The pandemic does not appear to have an impact on the business any longer; the sale of used jewelry, including silver and gold, is satisfactory. The use of social media, Facebook and Instagram, to attract new business has resulted in new, younger customers bringing him high-end products for repair, including handbags, shoes, sneakers, gloves, and belts. Councilors expressed thanks for his positive feedback.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Vote 3-0

On a motion made, seconded, and approved, the meeting adjourned at 6:46 PM.

Reports of Committee Continued:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
April 19, 2023
Minutes and Report**

This meeting convened at 7:00 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members Present: Chair Irish, Councilors Perlman, Brown and Oram. (Councilor Dumais absent).

Other Councilors Present: Councilors Ossing, Landers, Robey, Doucette; Councilor Navin arrived at 7:28 PM.

Others Present: MEDC Executive Director Meredith Harris, Operations Director Linda Martins and WMCT-TV Executive Director Ryan Mylar.

Order No. 23-1008850: Communication from Mayor Vigeant, together with two Transfer requests totaling \$748,290.00 (\$448,290.00 for Operating Budget and \$300,000.00 for the Economic Development Toolbox) from Economic Development to MEDC Funding for FY2024.

MEDC Executive Director Meredith Harris and Director of Operations Linda Martins addressed the Mayor's request. The use of the toolbox was discussed at length; councilors were happy that the funds are available to both new and existing businesses. Councilors discussed many items including contract services, the shuttle bus, the health of the city's vacancy rate, the work of MEDC to assist large and small businesses alike, cooperation between MEDC and the Chamber of Commerce, including a seat for Meredith on the Chamber board. Meredith noted that Welly's was a recipient of toolbox funding for a planned new restaurant at the site of the former Fish Restaurant at South Bolton and Granger Boulevard.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfers to fund the toolbox and the FY2024 operating budget.

Vote 4-0 (Dumais absent).

Order No. 23-1008851: Communication from Mayor Vigeant together with Transfer request in the amount of \$393,854.64 from PEG Funds [Public Educational and Government Access Channels] to Marlborough Cable Trust to fund WMCT-TV's operations and capital requests for FY2024.

WMCT-TV Director Ryan Malyar addressed the Mayor's request and provided an update on existing, new and public access programming involving all aspects of the community including the City Council and School Committee meetings, Mayoral and School Superintendent updates, MHS sports, Shamrock's football, Chamber of Commerce, and others including some bilingual programming. Ryan outlined the staffing levels at the station and although enthusiastic about the great amount of work accomplished with a small but dedicated staff, he would look to the future to establish a new position to work on greater youth programming. Ryan replied to Councilor Oram that station programming can be found on You-Tube and directly on the WMCT-TV website, <https://www.wmct-tv.com>.

Reports of Committee Continued:

**On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer to fund WMCT-TV operations and capital requests.
Vote 4-0 (Dumais absent).**

Motion made and seconded to adjourn; meeting adjourned at 7:58 PM.

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee
April 19, 2023
Minutes and Report**

This meeting convened at 8:03 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Urban Affairs & Housing Committee voting members present: Chairman Katie Robey, Councilor Doucette, Councilor Landers, and Councilor Navin. (Councilor Wagner was absent).

Also present were Councilors Brown, Irish, Oram, Ossing and Perlman and Mayor Vigeant.

Order No. 22/23-1008721D: Communication from Mayor Vigeant re: Veto of City Council Order 22/23-1008721C: Ordinance Amendments to Chapter 650 'Zoning' relative to certain provisions concerning mixed use and affordable housing.

The chair read the Mayor's letter dated March 24, 2023, which notified the Council of his veto of Order No. 22/23-1008721C. The Mayor offered remarks on his veto and Councilor Ossing went through his comments on the Mayoral veto and proposed amendment to the Order which would reduce the 15% affordable units for developments of 8 or more and remove the sentence requiring 20 units to have 20% affordable units. His suggestion was to let the Mayor's veto stand and then reintroduce the Order with his suggested amendment.

After comments from councilors, the chair suggested the best way forward was to let the Mayor's veto stand and then have the chair submit a new order that includes the suggested changes of Councilor Ossing but leaves everything else in place. This new Order could then be referred to Urban Affairs and included with the other proposed amendments that are currently in Urban Affairs. There was also discussion for need to introduce language that would provide for varying percentages of the Area Median Income (AMI) for the affordable components of a project and the chair would work on language for an Order.

The consensus of committee was to report this out with no recommendation of the committee but to let the vote on the veto occur at the April 24th council meeting.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:58 PM.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the City Council hereby upholds the Mayoral Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 “Zoning”, relative to certain provisions concerning mixed-use and affordable housing, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the City Council Order 22/23-1008721C, Proposed Ordinance Amendments to Chapter 650 “Zoning”, relative to certain provisions concerning mixed-use and affordable housing, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:18 PM; adopted.