

### **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, JUNE 26, 2023**

The regular meeting of the City Council was held on Monday, June 26, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Perlman & Robey. Absent: Brown. Meeting adjourned at 8:50 PM.

Council President Ossing expressed the sorrow of the City Council on the passing of former Ward 5 City Councilor John H. Frey, Jr. the youngest Councilor elected, and a moment of silence was observed in his memory.

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

**ORDERED:** That the Minutes of the City Council meeting, June 5, 2023, **FILE**; adopted.

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

**ORDERED:** That the Minutes of the Special City Council meeting, June 12, 2023, **FILE**; adopted.

That the **PUBLIC HEARING** on 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, all were heard who wish to be heard, hearing closed at 8:06 PM, adopted.

**Councilors Present: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Brown.**

That the **PUBLIC HEARING** on 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. 20/23-1008062E (X 21-1008326 & 21-1008371), hearing closed at 8:28 PM, adopted.

**Councilors Present: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Brown.**

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

**ORDERED:** That the Communication from the Mayor, re: Notification of appointment of ADA Compliance Officer, **FILE**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, 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 allowed from 475 to 950, in proper legal form, Order No. 23-1008872, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

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

ORDERED: That the Request for Approval for Replacement of two (2) Flat Wall Signs and a Free-Standing Sign, Fairfield Inn, 105 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), **APPROVED**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 “Zoning” §36 “Executive Residential Overlay District” (EROD) to increase the cap on the number of multifamily dwelling units from 475 to 950, Order No. 23-1008872, **FILE**; adopted.

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

ORDERED: That the Cost of Living (COLA) Base be increased from \$12,000.00 to \$13,000.00 pursuant to MGL Chapter 32 §103(j) on the recommendation of the Retirement Board, **APPROVED**; adopted.

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents’ concerns about mosquitos on various dates in July 2023, **FILE**; adopted.

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

ORDERED: That the Application for Taxi/Livery License from Tim Ending d/b/a Platinum Care Plus, to operate a Livery Service with one vehicle, 67 Forest Street, #267, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY JULY 24, 2023**, as the **DATE FOR 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, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY JULY 24, 2023**, as the **DATE FOR 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, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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, May 23, 2023.
- b) Council on Aging, May 9, 2023.
- c) Library Board of Trustees, September 6, 2022, January 3, 2023, February 7, 2023, March 7, 2023, & April 4, 2023.
- d) Planning Board, April 24, 2023 & May 8, 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) Edward Mcmanus, 44 Queens View Road, other property damage and/or personal injury.
- b) Minh Tran, 21 Mohican Path, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee**

**June 12, 2023**

**Minutes and Report**

The meeting convened at 7:10 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](http://www.marlborough-ma.gov).

Voting Members Present: Chair Irish, Councilors Dumais, Perlman, Brown and Oram.

Non-Voting Members Present: Councilors Ossing, Landers, Navin, Doucette, and Wagner. (Councilor Robey was absent.)

**Order No. 23-1008908: Communication from Mayor Vigeant together with various transfer requests for Capital Improvement Projects in the total amount of \$1,598,076.10 from Free Cash to accounts associated with the City Clerk's Office, Marlborough Police and Fire Departments, Info Technologies Department, Department of Public Works, and the Department of Veterans' Services.**

City Clerk Kerrigan, Police Chief Giorgi, IT Director Gibbs, DPW Commissioner Divoll and Asst. Commissioner Scott addressed the various transfer requests. Votes were taken separately as shown below:

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer of \$152,000.00 for new voting machines and booths in the City Clerk's Office. Vote 5-0

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the transfer of \$325,076.10 for three marked cruisers, 31 bullet proof vests and 60 new tasers. Vote 5-0

## Reports of Committee Continued:

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer of \$380,000.00 for the IT Department to complete the firewall replacement and vital security enhancements for the city's network. Vote 5-0

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the transfer of \$25,000.00 to replace mattresses in the Fire Department. Vote 5-0

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer of \$15,000.00 to replace all 15 veteran square's signs with a good quality galvanized metal sign to include a photo of the honored veteran. Vote 5-0

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the transfer of \$701,000.00 to replace numerous vehicles and upgrade the wash bay equipment in the Department of Public Works. Vote 5-0

At the suggestion of President Ossing, the committee voted to support a Suspension of the Rules to approve the transfers at the City Council meeting on June 26, 2023.

Motion made and seconded to adjourn; meeting adjourned at 7:53 PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee  
June 20, 2023  
Minutes and Report**

This meeting convened at 7:00 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](http://www.marlborough-ma.gov)).

Voting members: Chair Dumais, Councilors Navin and Doucette

Non-Voting members: Councilors Landers, Brown and Oram

**Order No. 23-1008884: Communication from Mayor with 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.**

**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**

**Order No. 23-1008883: Communication from Mayor with 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.**

**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**

Reports of Committee Continued:

**Order No. 23-1008885: Communication from Mayor with appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028.**

**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**

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

**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**

On a motion made and seconded, the meeting adjourned at 7:21 PM.

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

**City Council Public Services Committee  
June 20, 2023  
Minutes and Report**

This meeting convened at 7:30 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](http://www.marlborough-ma.gov)).

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

Also present were Councilors Ossing, Navin, Oram and Dumais.

DPW Commissioner Sean Divoll, Assistant DPW Commissioner Christopher LaFreniere and City Engineer Thomas DiPersio were present to address the proposed amendment to the sewer ordinance.

**Order No. 23-1008842: Application for Renewal of Junk Dealer License, Best Buy Stores, LP #840, d/b/a Best Buy, 769 Donald Lynch Boulevard.**

This renewal is postponed in committee as applicant was unable to attend due to time constraints.

Reports of Committee Continued:

**Order No. 23-1008860: Communication from Council President Ossing together with proposed amendment to the City Code, Chapter 510 “Sewers” §2 “Use of Public Sewers”.**

Chair Landers read the letter from President Ossing regarding proposed changes to the sewer ordinance submitted by Councilors Ossing and Ward One Councilor Wagner. Councilor Ossing explained the intent of the amendment is to promote collaboration between homeowners and the DPW to find the sewer stub when being required to connect to the city’s sewer system under the new ordinance. City Engineer DiPersio explained there are 425 +- parcels left to connect, 30 +- without plans. Assistant Commissioner LaFreniere further explained that, with good plans or without plans, contractors will still have extended exploration and excavation and using the camera is not always successful for various reasons, including shifting underground, crushed areas, etc. and that sometimes the best fix is to make a new connection. Councilors questioned DPW officials at length. Councilor Oram asked for more information regarding the number of ‘troublesome’ connections that have been reported since the new ordinance was adopted. DPW Commissioner Divoll stated the department could adopt a policy to use the camera to assist contractors and homeowners find the stub, in compliance with the existing ordinance. Councilor Ossing stated he would support postponing the proposed ordinance in committee while the DPW drafts a policy to assist contractors and homeowners find the stub.

**Motion by Councilor Irish, seconded by Chair, to postpone in committee, pending receipt from the DPW of the list of sewer connections requested by Councilor Oram and the DPW Policy to assist contractors and homeowners find the sewer stub as suggested by DPW Commissioner Divoll. Vote 3-0**

On a motion made, seconded, and approved, the meeting adjourned at 8:34 PM.

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

**City Council Urban Affairs Committee  
June 14, 2023 – 7:30 PM  
Minutes and Report**

The meeting convened at 7:33 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](http://www.marlborough-ma.gov).

Urban Affairs & Housing Committee voting members present: Chair Robey (arrived at 7:45 PM) Councilor Landers, Councilor Navin and Councilor Wagner. Councilor Doucette was absent.

Also present were Councilors Irish, Ossing, Dumais and Perlman.

Present for the applicant were Attorney Arthur Bergeron and Andrew Montelli, Post Road Residential, owner of property.

**Order No. 23-1008872: Communication from Attorney Falk on behalf of 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.**

Reports of Committee Continued:

With the Chair and Vice-Chair absent, President Ossing called the meeting to order at 7:33 PM, stating the Chair would arrive soon. He explained that this Order is to change three items-language affecting the vote of Council for special permit under this section, increasing the number of dwelling units from 475 to 950 and adding mixed-use development as an allowed use in this district.

Mr. Montelli discussed the impact on public services to city of the current phase of project. He had a conversation with the city dispatch and was able to report minimal calls by both fire and police to the site. He also mentioned the taxes, stating that phases one and two have placed them vying for top taxpayer with Avalon and TJX and if phases three and four come online, the units would double and the taxes would double, making them far above other tax payers in city.

The Chair stated the Planning Board had held its public hearing on June 5<sup>th</sup> and read the letter from the Planning Board offering a favorable recommendation on the proposed amendments and listing their reasons for approval.

Councilors spoke favorably about the project and the development team and supported the increase of units and adding mixed-use. The Chair did ask if there was any further comment on the language amending the vote of special permits with the new language potentially changing it from two-thirds to a simple majority; Attorney Bergeron stated there was none. The Chair stated this would be looked at by the city Legal Department to determine if this site meets the definition of an “eligible location” as defined in MGL Chapter 40A, §1A.

**Councilor Navin moved to recommend approval of the zoning changes, it was seconded and carried 4-0. The Chair will ask for a suspension of the rules to vote on the zoning amendment at the June 26<sup>th</sup> meeting.**

**The second item on the agenda was Order No. 23-1008721F: Proposed Ordinance amendments to Chapter 650 “Zoning” relative to certain provisions concerning mixed use and affordable housing.**

The Chair stated that she had created a draft for the committee to review that included draft language submitted on April 10, 2023, with some new language added as well as language in Order No. 22/23-1008721C that was vetoed by Mayor adjusted with President Ossing’s edits. The Solicitor had submitted some comments and Chair suggested the committee review that copy and go through the draft hoping to finish this preliminary review by 9:00 PM. Several comments and questions came up during the discussion. This remains in committee.

**Councilor Wagner moved to adjourn; motion received a second and carried 4-0. The meeting adjourned at 9:08 PM.**



**Suspension of the Rules requested – granted.**

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

ORDERED: That the Capital Transfer Request in the amount of \$1,598,076.10 which moves funds from Free Cash to Capital Outlay for various departmental needs as outlined, **APPROVED**; adopted.

		FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$1,964,940.48	\$1,598,076.10	10000	35900	Undesignated Fund	\$152,000.00	19300006	56300	Capital Outlay-Voting Equip	\$0.00		
	Reason:	To fund various capital requests					Polling equipment				
					\$325,076.10	19300006	58593	Capital Outlay-Police Dept	\$2,362.55		
						Cruisers, vests, tasers					
					\$380,000.00	19300006	58618	Capital Outlay-IT	\$0.00		
	Reason:						Firewall replacement				
					\$25,000.00	19300006	58512	Capital Outlay-Fire Dept	\$0.00		
	Reason:						Mattresses				
					\$15,000.00	19300006	52750	Capital Outlay-Veterans	\$0.00		
	Reason:						Galvanized square veterans signs				
					\$701,000.00	19300006	58731	Capital Outlay-DPW Equipment	\$58.57		
	Reason:						DPW Equipment				
	\$1,598,076.10	Total			\$1,598,076.10	Total					

**Suspension of the Rules requested – granted.**

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

ORDERED: THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 650 (Zoning), Section 650-36 (Executive Residential Overlay District), Subsection C(1), to read as follows (new text shown as underlined):
  - (1) 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 when only a simple majority vote is required pursuant to MGL c. 40A, § 9; site plan approvals shall require a simple majority vote.
- II. By amending Chapter 650 (Zoning), Section 650-36 (Executive Residential Overlay District), Subsection D(2), to read as follows (deleted text shown as ~~struckthrough~~, new text shown as underlined):



- (2) The following additional uses are permitted by special permit in the EROD:
- (a) Multifamily dwellings, provided that the total number of units within the entire EROD shall not exceed ~~475~~ 950.
  - (b) Restaurant, cafe with or without table service (including outside seating and service) without drive-through.
  - (c) Restaurant, cafe with or without table service (including outside seating and service) with drive-through, provided that said facilities have no dedicated driveway with a curb cut on a public way.
  - (d) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
  - (e) Retail sales and services.
  - (f) Brew pubs.
  - (g) Distilleries with attached restaurants.
  - (h) Accessory solar energy installations, including but not limited to rooftop systems and solar parking canopies.
  - (i) Uses allowed by special permit in the underlying zoning district.
  - (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.).

III. The effective date of these amendments shall be the date of passage.

**APPROVED.**

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

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 8:50 PM; adopted.