

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 5, 2023

The regular meeting of the City Council was held on Monday, June 5, 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 8:48 PM.

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

ORDERED: That the Minutes of the City Council meeting, MAY 22, 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, MAY 25, 2023, **FILE**; adopted.

That the CONTINUED PUBLIC HEARING on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, pursuant to Chapter 342 “Gasoline Stations and Car Washes” §2 “Exceptions” of the Code to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis, Order No. 23-1008870A, all were heard who wish to be heard, hearing closed at 8:21 PM, adopted.

- a) Communication from Attorney James Hall on behalf of Colbea Enterprises, LLC, re: Memorandum in support of Petition for 24-hour operation of gas station/convenience store (Shell Station) at 342 Boston Post Road East, Order No. 23-1008870A.

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

That the PUBLIC HEARING on the Application for Special Permit from Andy Fitz, on behalf of JP Morgan Chase Bank to install a drive-thru ATM for the Chase Bank branch to be located at 189 Boston Post Road West, Order No. 23-1008890, all were heard who wish to be heard, hearing closed at 8:34 PM, adopted.

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

Suspension of the Rules requested – granted.

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

ORDERED: That the Reappointment of Nena Bloomquist to the Library Board of Trustees for a 3-year term to expire August 26, 2024, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Reappointment of Paul Gould to the Fort Meadow Commission for a 3-year term to expire on February 24, 2026, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

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

Suspension of the Rules requested – granted.

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, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

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

Suspension of the Rules requested – granted.

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

ORDERED: That the Reappointment of John Skarin to the Conservation Commission for 3-year term to expire on March 7, 2025, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the That the Reappointment of Karin Paquin to the Conservation Commission for 3-year term to expire on May 5, 2026, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Reappointment of Ellen Silverstein to the Board of Assessors for a 3-year term to expire on September 8, 2026, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Reappointment of David Morticelli to the Community Development Authority for a 3-year term to expire on March 23, 2026, **APPROVED**; adopted.

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, referred to the **FINANCE COMMITTEE**; 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					

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

ORDERED: That the Communication from the Mayor, re: Proposed Zoning Amendments to Chapter 650 "Zoning" to add a new §37A "Multi-Family MBTA Housing Overlay District" relative to Multi-Family Zoning Requirements for MBTA Communities, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to JW Capital Partners, LLC and Marlborough TOTG LLC v. City of Marlborough (Land Court No. 23 MISC 000199), **MOVED TO THE END OF AGENDA & FILE**; 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 June 2023, **FILE**; adopted.

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

ORDERED: That the Request by the Sudbury Companies of Minute and Militia for a Temporary Sign at the corner of Route 20 and Hagar Road from September 23, 2023, to October 1, 2023, for the 2023 Colonial Faire and Muster at the Wayside Inn, **APPROVED**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY JUNE 26, 2023**, as the **DATE FOR 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, referred to the **PUBLIC SERVICES COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY JUNE 26, 2023**, as the **DATE FOR 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, 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 9, 2023.
- b) Conservation Commission, April 6, 2023 & May 4, 2023.
- c) Cultural Council, April 26, 2023.
- d) Traffic Commission, March 29, 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) Emma LeBlanc, 244 Glen Street, other property damage and/or personal injury.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

City Council Finance Committee

May 25, 2023

Minutes and Report

This meeting convened at 7:15 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 Dumais, Perlman, Brown and Oram.

Non-Voting Members Present: Councilors Ossing, Landers, Navin, Robey, Doucette, and Wagner.

Finance Director Jones, City Auditor Smith and DPW Commissioner Divoll addressed the following orders.

Order No. 23-1008878: Communication from Mayor Vigeant with Transfer Request in the amount of \$600,500.00 from Reserve for Salaries and Undesignated Fund to FIRE DEPARTMENT PAYROLL accounts to cover contractual obligations for the Fire Department.

Reports of Committee Continued:

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer under a Suspension of the Rules at the meeting on June 5, 2023. Vote 5-0

Order No. 23-1008879: Communication from Mayor Vigeant with Transfer Request in the amount of \$94,037.90 from Undesignated Fund to Fringes to cover the shortfall in the 1% non-pensionable stipend paid to all city employees.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer. Vote 5-0

Order No. 23-1008880: Communication from Mayor Vigeant with Transfer Request in the amount of \$9,102.00 from Undesignated Fund to Substance Abuse Coordinator to fund the position for the remainder of the year.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the transfer. Vote 5-0

Order No. 23-1008882: Communication from Mayor Vigeant requesting Council authorization to set spending limits for the following accounts: Parks and Recreation Revolving Account: \$1,275,000.00; Council on Aging Revolving Account: \$150,000.00; Public Safety Revolving Account: \$203,000.00; Water and Sewer Revolving Account: \$500,000.00.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the transfer. Vote 5-0

Motion made and seconded to adjourn; meeting adjourned at 7:45 PM.

Suspension of the Rules requested – granted.

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

ORDERED: That the Transfer Request in the amount of \$600,500.00 from Reserve for Salaries and Undesignated Fund (Free Cash) to Fire Department payroll accounts to cover contractual obligations for the Fire Department, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Fire				FISCAL YEAR:		2023	
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$5,089,564.80	\$259,600.00	10000	35900	Undesignated Fund	\$25,449.78	12200001	50334	Battalion Chief	\$74,757.59
	Reason:	To fund the ratified Fire Union contract							
\$340,900.00	\$340,900.00	11990006	57820	Reserve for Salaries	\$275,585.94	12200001	50450	Firefighter	\$607,829.56
					\$21,594.50	12200001	50800	Fire Captains	\$68,036.70
					\$41,957.59	12200001	50810	Fire Lieutenants	\$127,851.71
					\$378.55	12200003	51481	OT-Special Services	\$5,759.15
					\$33,566.39	12200003	51300	Additional Gross OT	\$282,561.44
					\$2,462.41	12200003	51324	OT-Vehicle	\$12,458.69

		CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Fire						FISCAL YEAR:	2023			
		FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Available Balance	
						\$5,495.92	12200003	51328	Call Fire OT		\$40,638.12	
						\$106,378.57	12200003	51920	Sick Leave Buy Back		\$61,035.60	
						\$29,936.35	12200003	51490	Holiday		\$92,227.62	
						\$7,919.57	12200003	51430	Longevity		\$14,306.10	
						\$20,688.89	12200003	51440	Educational Incentive		\$41,800.38	
						\$9,339.75	12200003	51450	Night Shift Differential		\$23,420.21	
						\$13,348.70	12200003	51480	EMT		\$26,283.91	
						\$6,397.09	12200003	51226	First Responder		\$16,223.50	
	✓ \$600,500.00	Total				\$600,500.00	Total					

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

ORDERED: That the Proposed Fiscal Year 2024 Operating Budget as submitted by Mayor Vigeant in the amount of \$188,751,024.00 which represents a 4.57% increase over the Fiscal Year 2023 appropriation, **POSTPONED UNTIL THE JUNE 12, 2023, CITY COUNCIL MEETING**; adopted.

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

ORDERED: That the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council* (Land Court No. 23 MISC 000199), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

The City Council will not re-convene in open session after the Executive Session.

APPROVED; 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 8:48 PM; adopted.