

### 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, NOVEMBER 13, 2023**

The regular meeting of the City Council was held on Monday, November 13, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. City Councilors Absent: Wagner. Meeting adjourned at 8:18 PM.

Council President Ossing expressed his sorrow in the passing of Colleen M. Kerrigan, wife of City Clerk Steven Kerrigan and a moment of silence was observed in her memory.

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

ORDERED: That the Minutes of the City Council meeting, OCTOBER 23, 2023, **FILE**; adopted.

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

ORDERED: That the Communication from Council President Ossing, re: Notice of Reappointment of Michael Ossing as a member of the OPEB Board of Trustees pursuant to Order No. 13-1005335C, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$60,000.00 from the Executive Office for Administration and Finance, awarded to the Human Resources Department to be used to conduct a formal wage and classification plan; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$8,700.00 from the Executive Office for Administration and Finance, awarded to the Human Resources Department to be used to conduct an organizational review and analysis of current processes and procedures of the Human Resources Department; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$59,840.00 from the Executive Office of Public Safety and Security, awarded to the Police Department to be used for traffic enforcement measures focusing on impaired driving, speeding, distracted driving, and seatbelt safety; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$16,906.00 from the US Justice Department, Office of Justice Programs, awarded to the Police Department to be used to replace outdated equipment; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$1,350,000.00 from the Executive Office of Housing and Livable Communities, awarded to the Community Development Authority to be used for infrastructure upgrades and reconstruction of Winthrop Street that includes ADA compatibility; adopted.

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

ORDERED: That the Transfer Request in the amount of \$1,115,294.00 which moves funds from Meals Tax Revenue account to fund FY24 bond payments associated with Parks & Recreation improvements, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Auditor					FISCAL YEAR:	2024		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,380,261.58	\$1,115,294.00	27000	33086	Fund Bal-Parks & Fields Capital	\$1,115,294.00	19910009	49715	Transfer-Meal Local Option		\$0.00
	Reason:	Local options meals tax funding FY24 bond payments associated with parks & fields as per the FY24 budget process								
	\$1,115,294.00	Total			\$1,115,294.00	Total				

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

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement with Sartorius, a global biopharmaceutical company with plans to create the Sartorius North American Center for Bioprocess Solutions at 200 Donald J. Lynch Boulevard (Map 26, Parcel 9), referred to the **FINANCE COMMITTEE**; 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 Ordinance Amendment to Chapter 650 "Zoning" of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), **FILE**; adopted.

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

ORDERED: That the City Council President send a letter to the Commonwealth of Massachusetts, Division of Banks, re: License Application of Ventura Enterprises, LLC d/b/a Change Your Check to operate a check cashing business at 147 Main Street, asking them to deny the license **APPROVED**; adopted.

#### **Councilor Dumais Recused**

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

ORDERED: That there being no objection thereto set **MONDAY NOVEMBER 27, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric, to install Underground electric conduits, including necessary sustaining and protecting fixtures on Donald Lynch Boulevard beginning at a point approximately 550' northeast of the centerline of the intersection of Donald Lynch Boulevard and Bigelow Street, and to install underground facilities near 200 Donald Lynch Boulevard, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from resident, re: Opposition to the Proposed Zoning Amendment to Chapter 650 "Zoning" to amend §22 "Retirement Community Overlay Districts", **FILE**; 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, September 26, 2023.
- b) Commission on Disabilities, May 1, 2023.
- c) Conservation Commission, October 19, 2023.
- d) Planning Board, September 11, 2023 & September 18, 2023.
- e) Traffic Commission, July 26, 2023 & September 27, 2023.
- f) Zoning Board of Appeals, October 19, 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) Michael Winske & Bethany Weart, 22 Kane Drive, other property damage and/or personal injury.

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

#### **City Council Public Services Committee November 6, 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: Chair Landers, Councilor Irish and Councilor Brown.

Others present: Councilors Wagner, Dumais, Robey, Navin, Oram and Doucette.

Reports of Committee Continued:

**Order No. 22-1008553: Communication from the Planning Board re: Howes Landing Subdivision, recommending acceptance of GIKAS LANE as a PUBLIC WAY.**

**Order No. 22-1008691: Communication from Asst. Solicitor Jeremy McManus re: Howes Landing Subdivision and the acceptance of GIKAS LANE as a public way, w/historical documentation.**

Ward Councilor Navin supported acceptance indicating he visited the street and found the conditions are better than many other streets in the city.

Chair Landers read into the record 3/16/22 letter from the Planning Board recommending acceptance of Gikas Lane, 7 in favor; none opposed.

Chair Landers read into the record input from City Engineer DiPersio dated 11/6/23, indicating the road was paved five years ago and since that time the pavement has sustained some surface cracking. In 2022, the Engineering Division did an inspection of the roadway and commented to the Planning Board that pavement cracking was the only outstanding issue with the roadway and that acceptance could be recommended. As of this writing, the crack sealing remains the only outstanding issue. If the roadway is accepted as a public way, it will be added to the city's crack seal list for 2024.

Chair Landers read into the record the Mayor's letter, dated 4/11/22, recommending councilors take time to visit the road to review and inspect before formal acceptance is considered. The road currently has multiple cracks that need to be sealed prior to its approval. It was noted that councilors visited the street to inspect the conditions per the Mayor's suggestion.

On motion by Councilor Irish, seconded by Brown, the committee voted to file the Planning Board's letter recommending acceptance of Gikas Lane as public way. Vote 3-0

On motion by Councilor Brown, seconded by Irish, the committee voted to recommend approval of the proposed order of acceptance for Gikas Lane and municipal easements in Howe's Landing subdivision in proper form from Asst. Solicitor in his communication dated 9/28/22.

On motion made by Councilor Irish, seconded Chair, the meeting adjourned at 7:49 PM.

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

**City Council Urban Affairs Committee  
November 6, 2023  
Minutes and Report**

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

Also present were Councilors Brown, Dumais, Irish, and Oram. Absent were Councilors Perlman and Ossing.

**Order No. 23-1008965: Communication from Attorney Falk on behalf of Somar Landscape, Inc. to construct and operate a Landscaper's Yard at Airport Industrial Park, 59 Airport Boulevard.**

## Reports of Committee Continued:

The chair opened the meeting by letting committee members know of two changes made to the draft Decision on a special permit—one in finding of Facts #5, changing “... “Proposed Site Plan of Use Area #16 Airport Boulevard” by Connorstone Engineering, with the last revision date of October 17, 2023” to read October 13, 2023 and “Proposed Landscape Plan of Use Area #16 Airport Boulevard” by Connorstone Engineering, with the last revision date of October 17, 2023” to read “...Engineering, dated October 17, 2023.”

Attorney Falk reviewed the draft Decision stating it was similar to one used for another landscaper at the same site. The chair read through the Conditions listed in the draft mentioning at #3 Site Plan Review, that she had failed to mention the input from department heads who had all said they had no issue except Building Commissioner who had noted they reserve right for future comments. No one had questions on the Conditions, Councilor Doucette commented this was a good use of the area which is designed for this type of business.

Councilor Doucette moved to recommend approval of the draft Grant of Decision and the Conditions for Somar Landscaping; motion was seconded and approved 5-0. The chair will ask for a suspension of rules at the Nov. 13 council meeting to have this referred to solicitor to be put in proper form.

The chair then took up the next item on agenda—

**Order No. 23-1008941: Communication from Attorney Gemma Cashman on behalf of Trammel Crow Company re: Proposed Amendment to City Code, Chapter 650 “Zoning” by adding a new section to create the “Sasseville Way Residential Zoning Overlay District.”**

The chair stated that she would like to have this meeting focus on the zoning changes and not on the proposed development as there were changes that would be discussed at next Planning Board Meeting. Attorney Michael J. Flannery from Goulston & Storrs introduced himself and passed out copies of a presentation outlining changes to the draft. The screen in council chambers wasn’t available so he read through the changes to zoning and copies were given to share among public in attendance. The chair noted these changes had been discussed at the last Planning Board meeting and stated one of her concerns is the building by right.

Because the committee is still waiting on a recommendation from the Planning board, this was tabled in committee and added to the Nov. 15 agenda pending a recommendation. If no recommendation is given at the Nov 13<sup>th</sup> Planning board meeting this will remain tabled in committee until a later date in Nov.

With no further business, Councilor Doucette moved to adjourn; the motion carried 5-0. The meeting adjourned at 8:33 PM.

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

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

ORDERED: That the City Clerk is directed to advertise the Tax Classification Public Hearing scheduled for Monday, December 4, 2023, **APPROVED**; adopted.

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

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

ORDERED: That the Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 27, 2023, COUNCIL MEETING**; adopted.

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

ORDERED: That the City Council for the City of Marlborough hereby accepts from the Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of MGL Chapter 121B, an economic development and industrial corporation within the meaning of MGL Chapter 121C, and a housing authority within the meaning of MGL Chapter 121B, created by Chapter 327 of the Acts of 1979, as amended by Chapter 380 of the Acts of 2004 and Chapter 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (the "Grantor"), in substantially the form as attached hereto in the Grant of Easement, a permanent easement over a certain portion of the Grantor's parcel of land located at Bolton Street Extension, Marlborough, Massachusetts, which parcel of land is shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 216.

**APPROVED**; adopted.

**Councilor Landers Recused.**

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

ORDERED: That the City Council for the City of Marlborough hereby accepts from the Marlborough Historical Society, Inc., with an address of 377 Elm Street, Marlborough, MA 01752, a gift of tangible personal property pursuant to MGL Chapter 44, § 53A1/2, specifically a sculpture of Marlborough historical figure Samuel Boyd, and the Mayor is authorized to execute a donation agreement, in substantially the form as attached hereto, on behalf of the City, **APPROVED**; adopted.

**Councilor Landers Recused.**

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.