



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MARCH 23, 2020

Regular meeting of the City Council was held on Monday, March 23, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Robey, Doucette, Dumais, Tunnera, Irish, and Landers. Councilors Participating Remotely: Oram, Perlman, Wagner & Navin. Meeting adjourned at 8:38 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. He thanked the Councilors who were in the Chamber in addition to the Councilors who are taking advantage of the ability to participate remotely. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

ORDERED: Pursuant to Massachusetts Governor Charles D. Baker's "Emergency Order Suspending Certain Provisions of the Open Meeting Law MGL c. 30A, §20" issued on March 12, 2020, the City Council is authorized to conduct its proceedings under the relief provided in the Emergency Order, and any or all members may participate remotely. This authorization shall apply to all subcommittees of the City Council, **APPROVED**; adopted.

At 8:04 PM Councilor Wagner dropped from the call, and it was noted by President Ossing.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Wagner.

Suspension of the Rules requested – granted.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Wagner.

At 8:06 PM Councilor Wagner rejoined the meeting through the conference call.

ORDERED: That the Mayor give an update on the City of Marlborough's response to the COVID—19, Coronavirus outbreak, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Minutes of the City Council meeting, March 9, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Public Hearing on the Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 – Contractor Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, is **CONTINUED UNTIL APRIL 27, 2020 AT 8:00 PM**; adopted.

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

The hearing was opened with no testimony being heard.

Yea: 11 – Nay: 0

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

ORDERED: That the Public Hearing on the Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, is **CONTINUED UNTIL APRIL 27, 2020 AT 8:00 PM**; adopted.

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

The hearing was opened with no testimony being heard.

Yea: 11 – Nay: 0

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

ORDERED: That the Transfer Request in the amount of \$55,000.00 which moves funds from Interest on BAN to Contract Services in the Building Department, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Building					FISCAL YEAR:	2020		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,012,400.00	\$55,000.00	13860006	59254	Interest on BAN	\$55,000.00	12410004	53140	Contract Services		\$0.00
	Reason:	Actual interest rate came in lower than budgeted amount					For on-call inspectional and plan review services			
	\$55,000.00	Total			\$55,000.00	Total				

Yea: 11 – Nay: 0

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

ORDERED: That, in order to reduce interest costs, the Treasurer (or the Acting Treasurer) with the approval of the Mayor is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, §21A of the Massachusetts General Laws, or pursuant to any other enabling authority, to refund all or any portion of the City's general obligation bonds outstanding as of the date of adoption of this Order; and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer (or the Acting Treasurer) is authorized to execute such documents, including, without limitation, a refunding trust agreement or escrow agreement with a bank or trust company, and take any action as may be necessary or desirable to carry out this transaction, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Reports of Committees:

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

**City Council Urban Affairs Committee
Tuesday, March 10, 2020; 7:00 PM– In Council Chambers
Minutes and Report**

Members Present: Chairman Katie Robey, Councilors Wagner, Navin, Landers and Doucette
Other Councilors: President Ossing
Also Present: Building Commissioner Cooke; Solicitor Grossfield; Asst. Solicitor Piques

The meeting convened at 7:00PM

Order No. 20-1007915: Proposed Zoning Amendment to Chapter 650 § 17 and §18 relative to Livestock Farms

The proposed ordinance will permit by right Chickens hens for personal use not to exceed either 6 hens or 12 hens, as stated in the Table of Uses. The raising or keeping of roosters, cocks or cockerels is prohibited. The slaughtering of Chickens hens for non-personal use is prohibited.

Chair Robey submitted that a City Council Public Hearing was held on February 24, 2020, and the Planning Board opened its Public Hearing on Monday, March 9. The Planning Board continued their hearing in order to receive additional input from the Board of Health. The Urban Affairs Committee discussed the role of the City Council to enact the ordinance to allow the raising or keeping of chickens and the role of the Board of Health to enact regulations to ensure the raising or keeping of animals in the City of Marlborough is done in such a way as to not create a public nuisance or inconvenience and to prevent the spread of disease including but not limited to rabies.

Councilor Landers moved to approve the amendments to Chapter 650 §17 and §18 relative to Livestock Farms, pending the recommendation of the Planning Board; the motion was seconded, and motion carried 5-0.

It was moved and seconded to adjourn; motion carried 5-0. The meeting adjourned at 7:16PM.

ORDERED: That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the Fiscal Year 2021 city budget, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Application for Renewal of Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Petition from Massachusetts Electric, to install a new pole and anchor #79-84 on Berlin Road, which will enable National Grid to remove the pole to tree guy wire, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED That the Transfer Request in the amount of \$473,846.52 which moves funds from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT for FY2021, **APPROVED**; adopted.

Councilor Ossing has filed a Disclosure of Appearance of Conflict of Interest.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2020		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$550,853.61	\$473,846.52	27000099	47750	Receipts Reserved-PEG Funds	\$473,846.52	89000	25581	Marlboro Cable Trust		\$0.00
	Reason:	To fund WMCT's operating budget for FY21 with PEG fees								
	\$473,846.52	Total			\$473,846.52	Total				

Yea: 11 – Nay: 0

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

ORDERED That the Transfer Request in the amount of \$400,000.00 from Undesignated Fund (Free Cash) to Stabilization – Open Space to replace the money used for the purchases of land on Bolton Street, **APPROVED**; adopted.

Councilor Dumais recused.

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Mayor						FISCAL YEAR:	2020		
	FROM ACCOUNT:						TO ACCOUNT:				
Available											Available
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$13,009,020.00	\$400,000.00	10000	35900	Undesignated Fund		\$400,000.00	83600	32918	Stabilization-Open Space		\$140,919.97
	Reason:	To use free cash for Bolton St property and return open space funds									
	\$400,000.00	Total				\$400,000.00	Total				

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais.

ORDERED That the Reappointment to the Community Development Authority Board (CDA) of David Morticelli for a three-year term to expire from date of confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED That the Appointment of Lynn Davine as Director of Human Resources for a three-year term from date of confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED That the Appointment of Michael Hennessy as Director of Veterans Services for a three-year term effective February 10, 2020, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED That the Reappointment of Beverly Sleeper as Chief Procurement Officer for a three-year term from date of confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED That the Appointment of Melynda Gallagher to the Parks and Recreation Commission for a three-year term from date of confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Council President Ossing thanked Councilors Oram, Perlman, Wagner & Navin for participating remotely. He also thanked Councilors Doucette, Dumais, Tunnera, Irish, Landers and Robey for coming in to participate in the meeting. He also thanked the Council and City Clerk's staff for their work in preparing for the meeting.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:38 PM; adopted.

Yea: 11 – Nay: 0

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