



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

APRIL 27, 2020

Regular meeting of the City Council was held on Monday, April 27, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing. Councilors Participating Remotely: Oram, Perlman, Robey, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Meeting adjourned at 9:45 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. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

Present: 11 – Absent: 0

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

ORDERED: That the Minutes of the City Council meeting, March 23, 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 MAY 18, 2020 AT 8:00 PM**; adopted.

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

The hearing was continued 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 MAY 18, 2020 AT 8:00 PM**; adopted.

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

The hearing was continued with no testimony being heard.

Yea: 11 – Nay: 0

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

ORDERED: That the FY 2021 Budget as recommended by the Mayor in the amount of \$173,983,364.00 which represents a 2.93% increase over the FY 2020 appropriation, **APPROVED**; adopted.

For the FY 2021 budget, the City Council adopted Order 20-1007966 (March 23, 2020) allowing for the abbreviated budget format that approves a salary amount and expenditure amounts for each departments budget.

Yea: 6 – Nay: 5

Yea: Wagner, Dumais, Tunnera, Irish, Navin, & Ossing.

Nay: Doucette, Landers, Oram, Perlman, & Robey.

President Ossing called a recess at 8:32 PM and called the meeting back to order at 8:34 PM.

ORDERED: That the Transfer Request in the amount of \$775,000.00 which moves funds from Undesignated Fund to Overtime-Snow & Ice, Snow Removal and Operating Expenses in the amounts of \$182,000.00, \$173,000.00 & \$420,000.00 respectively to fund FY 2020 deficit, **APPROVED**; adopted.

	DEPT:	DPW					FISCAL YEAR:	2020		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$6,916,216.00	\$775,000.00	10000	35900	Undesignated Fund	\$182,000.00	14001203	51390	Overtime-Snow & Ice		-\$181,193.91
	Reason:	To fund the snow & ice deficit for FY20								
					\$173,000.00	14001206	52960	Snow Removal		-\$172,512.02
	Reason:									
					\$420,000.00	14001206	57040	Operating Expenses		-\$419,082.60
	\$775,000.00	Total			\$775,000.00	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 \$188,711.00 which moves funds from Reserved for Salaries to various accounts to fund the recently ratified MMEA collective bargaining agreement for Fiscal Years 2019 to 2021, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Auditor					FISCAL YEAR:	2020	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$298,125.75	\$188,711.00	11990006	57820	Reserve for Salaries	\$5,670.00	11330002	50062	Finance Assistant	\$23,142.73
	Reason:				Reason:			Contractual Obligation	
					\$145.00	11330003	51430	Longevity	\$3.27
	Reason:				Reason:			Contractual Obligation	
					\$115.00	11330003	51920	Sick Leave Buyback	\$6.36
	Reason:				Reason:			Contractual Obligation	
					\$2,895.00	11350002	50062	Finance Assistant	\$12,223.62
	Reason:				Reason:			Contractual Obligation	
					\$2,345.00	11350002	50520	Principal Clerk	\$9,907.77
	Reason:				Reason:			Contractual Obligation	
					\$1,005.00	11350002	50770	Senior Clerk	\$4,254.82
	Reason:				Reason:			Contractual Obligation	
					\$2,640.00	11410002	50550	Head Clerk	\$11,151.08
	Reason:				Reason:			Contractual Obligation	
					\$2,010.00	11410002	50770	Senior Clerk	\$8,489.64
	Reason:				Reason:			Contractual Obligation	
					\$101.00	11410003	51920	Sick Leave Buyback	\$1.48
	Reason:				Reason:			Contractual Obligation	
					\$4,020.00	11440002	50770	Senior Clerk	\$16,979.25
	Reason:				Reason:			Contractual Obligation	

[illegible]

						\$575.00	11920002	50520	Principal Clerk		\$0.00
	Reason:						Contractual	Obligation			
						\$8,175.00	11920003	50560	Custodian		\$37,518.75
	Reason:						Contractual	Obligation			
						\$1,495.00	11920003	51300	Overtime		\$3,957.65
	Reason:						Contractual	Obligation			
						\$485.00	11920003	51920	Sick Leave Buyback		\$178.02
	Reason:						Contractual	Obligation			
						\$8,285.00	13032001	50292	Bldg Craftsman		\$71,273.85
	Reason:						Contractual	Obligation			
						\$6,060.00	13032001	50385	Electrician		\$37,891.40
	Reason:						Contractual	Obligation			
						\$2,200.00	13032001	50386	HVAC Tech		\$83,268.98
	Reason:						Contractual	Obligation			
						\$575.00	13032002	50141	Clerk		\$88.17
	Reason:						Contractual	Obligation			
						\$1,000.00	13032003	51300	Overtime		\$11,525.87
	Reason:						Contractual	Obligation			
						\$365.00	13032003	51920	Sick Leave Buy Back		\$2.74
	Reason:						Contractual	Obligation			

[illegible]

						\$7,115.00	12410002	50770	Senior Clerk		\$28,314.98
	Reason:					Reason:	Contractual Obligation				
						\$255.00	12410003	51920	Sick Leave Buy Back		\$0.00
	Reason:					Reason:	Contractual Obligation				
						\$2,440.00	14001002	50062	Finance Analyst		\$53,360.00
	Reason:					Reason:	Contractual Obligation				
						\$2,345.00	14001002	50520	Principal Clerk		\$9,907.81
	Reason:					Reason:	Contractual Obligation				
						\$2,640.00	14001002	50550	Head Clerk		\$11,146.09
	Reason:					Reason:	Contractual Obligation				
						\$2,625.00	14001002	50770	Senior Clerk		\$8,509.18
	Reason:					Reason:	Contractual Obligation				
						\$105.00	14001003	51920	Sick Leave Buy Back		\$2.50
	Reason:					Reason:	Contractual Obligation				
						\$2,345.00	61090002	50520	Principal Clerk		\$22,440.58
	Reason:					Reason:	Contractual Obligation				
						\$2,695.00	14920001	50166	Program Manager		\$11,392.52
	Reason:					Reason:	Contractual Obligation				
						\$2,010.00	14920002	50770	Senior Clerk		\$8,489.62
	Reason:					Reason:	Contractual Obligation				

				\$135.00	14920003	51920	Sick Leave Buy Back	\$2.15
	Reason:			Reason:	Contractual Obligation			
				\$4,925.00	15120001	50611	Assist Sanitarian	\$26,663.44
	Reason:			Reason:	Contractual Obligation			
				\$2,010.00	15120001	50770	Senior Clerk	\$8,489.64
	Reason:			Reason:	Contractual Obligation			
				\$2,155.00	15410001	50312	Outreach Worker	\$9,104.88
	Reason:			Reason:	Contractual Obligation			
				\$1,755.00	15410002	50584	Clerk Typist	\$7,485.52
	Reason:			Reason:	Contractual Obligation			
				\$2,010.00	15410002	50770	Senior Clerk	\$8,489.63
	Reason:			Reason:	Contractual Obligation			
				\$80.00	15410003	51920	Sick Leave Buy Back	\$2.84
	Reason:			Reason:	Contractual Obligation			
				\$2,430.00	16100001	50470	Childrens Librarian	\$10,262.30
	Reason:			Reason:	Contractual Obligation			
				\$2,345.00	16100001	50471	Young Adult Librarian	\$9,907.81
	Reason:			Reason:	Contractual Obligation			
				\$2,345.00	16100001	50480	Cataloguer	\$9,908.81
	Reason:			Reason:	Contractual Obligation			

							\$2,640.00	✓16100001	50656	Head Circulation		\$11,151.07
	Reason:						Reason:	Contractual Obligation				
							\$2,345.00	✓16100002	50520	Principal Clerk		\$9,907.83
	Reason:						Reason:	Contractual Obligation				
							\$2,010.00	✓16100003	50490	Library Staff		\$8,489.64
	Reason:						Reason:	Contractual Obligation				
							\$2,910.00	✓16100003	50860	Full Time Library Staff		\$12,257.52
	Reason:						Reason:	Contractual Obligation				
							\$8,035.00	✓16100003	51261	Part Time Clerks		\$47,989.28
	Reason:						Reason:	Contractual Obligation				
							\$2,280.00	✓15430001	50080	Veterans Director		\$7,707.81
	Reason:						Reason:	To fully fund through June 30th				
	\$188,711.00						\$188,711.00					

Yea: 11 – Nay: 0

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

ORDERED: That the job description as proposed by the Mayor, relative to the position of Conservation Officer, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Mayor, re: Notification of renewal of 60-Day Appointments of Collector Eileen Bristol as Interim Treasurer, effective April 14, 2020 at 5:00 PM and Stephen Cirillo as Interim Comptroller, effective April 23, 2020 at 5:00 PM, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Proposed Zoning Amendment offered by President Ossing to Chapter 650 to add a new Section 38 creating the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 8, 2020**; adopted.

Yea: 11 – Nay: 0

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

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. That a new Section 38 be inserted into Chapter 650, as follows:

ARTICLE VI

§ 650-38 Large-scale Ground-mounted Solar Photovoltaic Overlay District

A. Purpose and Objectives:

- 1) The Large-scale Ground-mounted Solar Photovoltaic Overlay District (herein, also a “LGSPOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and which provide adequate financial assurance for the eventual decommissioning of such installations.
- 2) The provisions set forth in this section apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.

- 3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- B. Designation of overlay location; as-of-right use. For the purposes of this Section, the LGSPOD shall be superimposed on the other district(s) existing at the time that any land in any said underlying district is also included in the LGSPOD, as designated by the Marlborough City Council in accordance with M.G.L. c.40A, §5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 relating to the underlying zoning district not otherwise impacted by this Section shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section and any other provisions of the Zoning Ordinance, the provisions of this Section shall govern and control. The LGSPOD overlay zoning district is located on parcels identified in **Exhibit A** annexed hereto and incorporated by reference herein, and as indicated on the Zoning Map of the City of Marlborough. Said map is hereby made a part of this chapter and is on file in the office of the City Clerk.
- C. Definitions. As used in this section, following terms shall have the meanings indicated:
- As-of-Right Siting: As-of-Right Siting shall mean that development under this section may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, however said as-of-right development is subject to site plan review as provided under Chapter 270 Code of the City of Marlborough and this section. Projects cannot be prohibited but can be subject to reasonable regulation.
- Large-Scale Ground-mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.
- Solar Photovoltaic Installation: A solar photovoltaic array that is constructed at a location where other allowable uses of the underlying property may occur.
- Site Plan Review: Review by Site Plan Review conducted administratively in accordance with the procedures as governed by § 270-2 of the Code of the City of Marlborough and this section.
- Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
- Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.
- D. General Requirements for all large-scale ground-mounted solar photovoltaic installations. The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in designated overlay locations:

1. Compliance with Laws, Ordinances and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable security, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. Building Permit and Building Inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
3. Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.
4. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations shall undergo site plan review by Site Plan Review prior to construction, installation or modification as provided in § 270-2 of the Code of the City of Marlborough and in this section, as follows:
 - a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
 - b. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:
 - i. A site plan showing:
 1. Property lines and physical features, including roads, for the project site;
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fences or other screening structures;
 3. Drawings of the large-scale ground-mounted solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 4. One or three-line electrical diagram detailing the large-scale ground-mounted solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
 6. Name, address, and contact information for proposed system installer;
 7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 8. The name, contact information and signature of any agents representing the project proponent;
 9. Emergency services access points and through points; and

- ii. Documentation of actual or prospective access and control of the project site (see also sub-section E herein); and
 - iii. An operation and maintenance plan (see also sub-section F herein); and
 - iv. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - v. Proof of liability insurance in an amount, and for a duration, sufficient to cover loss or damage to persons and property;
 - vi. Description of financial surety that satisfies sub-section L herein; and
 - vii. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise informs abutters within 300' of the property line of the project site. Site Plan Review may waive documentary requirements as it deems appropriate.
- E. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installation.
- F. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- G. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to Site Plan Review that the utility company that operates the electrical grid where the installation is to be located has been informed of the large-scale ground-mounted solar photovoltaic installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Dimension and Density Requirements.
- a. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Front yard. The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the front yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - ii. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the side yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.

- iii. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the rear yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
- b. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

I. Design Standards.

- a. Lighting. Lighting of large-scale ground-mounted solar installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale ground-mounted solar installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- b. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Chapter 526 of the Code of the City of Marlborough. A sign consistent with the City's sign ordinances shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large-scale ground-mounted solar.
- c. Utility Connections. Reasonable efforts, as determined by Site Plan Review, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- d. Screening. Every abutting property, private way, private driveway, and public way shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation.
- e. Topsoil. No topsoil shall be removed from the site. Said topsoil shall be stockpiled on site and used to stabilize the site with a minimum cover of 6 inches cover of loam. Any topsoil remaining after stabilization shall be stockpiled on site for use during decommissioning.

J. Safety and Environmental Standards.

- a. Emergency Services. The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Chief of the Marlborough Fire Department. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. Every means of shutting down the large-scale ground-mounted photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and ordinances.

K. Monitoring and Maintenance.

- a. Large-scale Ground-mounted Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access or through road(s). Landscaping and fencing, including vegetation used for screening, shall be maintained in good condition.
- b. Modifications. After the required permits, have been issued, the Building Commissioner may approve minor non-material modifications to a large-sale ground-mounted solar photovoltaic installation. All major material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required permits shall require approval by Site Plan Review.

L. Abandonment or Decommissioning.

- a. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has been discontinued by reaching the end of its useful life, reaching the end of a lease term without renewal or extension, or having been abandoned (as provided in paragraph L.b. herein) shall be removed as herein provided. The owner or operator shall physically remove the installation no more than 150 days after the date of said discontinued operations. The owner or operator shall notify Site Plan Review by certified mail of the proposed date of discontinued operations and plans for removal by decommissioning. Decommissioning shall consist of:
 - i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion, including use of any remaining topsoil stockpiled on site. Site Plan Review may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Building Commissioner. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
 - c. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through a cash escrow account with interest retained for escalating decommissioning costs, bond or otherwise, to cover the cost of removal in the event that the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Site Plan Review, but in no event in excess more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by Site Plan Review. Such surety will not be required for municipally owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Site Plan Review may request the proponent to provide an update of the fully inclusive estimate of costs associated with removal every five years following the issuance of a building permit. Site Plan Review may require the proponent to provide additional surety based on the updated cost estimate.
- M. The effective date of these amendments shall be the date of their passage.

EXHIBIT A

The newly established Large-scale Ground-mounted Solar Photovoltaic Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 30, Parcel 4

Assessors Map 30, Parcel 4C.

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Salary Ordinance Amendment relative to Chapter 125 §6, which removes and adds salary rates from the schedule and establishes rates by Order not Ordinance, in proper legal form, Order No. 20-1007929A, **FILE**; adopted.

Yea: 10 – Nay: 1

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

Nay: Oram.

ORDERED: That the Communication from the Zoning Board of Appeals, re: Letter of support Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 relative to Contractor Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, Order No. 20-1007947A, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That Communication from Attorney Mark Bourbeau on behalf of Marlborough HUB LLC, re: Proposed Rezoning of land off Valley Street, identified as Map 82, Parcel 125, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 22, 2020**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, **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 Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **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 Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Second Hand Store, 65 Mechanic Street, **APPROVED**; adopted.

Councilor Dumais recused.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais.

ORDERED: That there being no objection thereto set **MONDAY MAY 18, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Eversource Energy to install 30' of 2" IP plastic gas main as a system improvement on Jefferson Street from the current end of gas main at 23 Jefferson Street to 27 Jefferson Street, refer to **ENGINEERING DEPARTMENT**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That there being no objection thereto set **MONDAY MAY 18, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Eversource Energy to install a total of 500' of 4" IP plastic gas main as a system improvement on Neil Street and Zompetti Street as outlined in the petition, refer to **ENGINEERING DEPARTMENT**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Vedi Naturals, LLC, re: Request to Extend Time Limitations to July 21, 2020 at 10:00 PM, on the Application for Special Permit to operate an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing), **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Minor Modification of an LED Sign Special Permit, from Ayoub Engineering, Inc., on behalf of Nouria Energy (Shell Station) 413 Lakeside Avenue to add electronic Diesel Price Panel to an existing Electronic Message Board Gas Pricing Sign, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Notice of Filing and CANCELLED Public Hearing, and Extension of Deadline for Written Comments, Department of Public Utilities, NSTAR Gas Company d/b/a Eversource Energy, DPU 19-120, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

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

- a) School Committee, January 28, 2020, February 11, 2020, February 25, 2020, March 10, 2020 & March 24, 2020.
- b) Board of Assessors, February 21, 2020 & March 12, 2020.
- c) Conservation Commission, February 20, 2020.
- d) Historical Commission, February 20, 2020.
- e) Library Trustees, February 4, 2020.
- f) Planning Board, February 24, 2020, March 9, 2020 & March 23, 2020.
- g) Traffic Commission, January 29, 2020.

Yea: 11 – Nay: 0

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

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

- a) Dianne Bass, 251 Pleasant Street, other property damage and/or personal injury.
- b) JoAnne Hansen, 181 West Hill Road, residential mailbox claim (2b).
- c) Dan Hedin, 102 Liberty Street, other property damage and/or personal injury.
- d) Jonathan Pekar, 46 East Dudley Street, residential mailbox claim (2a).
- e) William Poirier, 35 Windmill Drive, residential mailbox claim (2a).
- f) Thomas Tucker, 11 Hawkins Lane, other property damage and/or personal injury.
- g) Verizon, 3300 Fernbrook Lane, Plymouth, MN, other property damage and/or personal injury.

Yea: 11 – Nay: 0

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

ORDERED: That the City of Marlborough vote to establish stipend or hourly rates for the following positions as set forth below, **FILE**; adopted.

<u>Position</u>	<u>Rate</u>
Planning Board Member	\$150 Per Planning Board Meeting Attended
Zoning Board of Appeals Member (including associate member)	\$150 Per Zoning Board of Appeals Meeting Attended
Detention Assistant	Not to Exceed \$18 Per Hour
Parking Enforcement Officer	Not to Exceed \$18 Per Hour
Mail Clerk	Not to Exceed \$18 Per Hour
Crossing Guard	Not to Exceed \$18 Per Hour

Yea: 11 – Nay: 0

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

Motion made by Councilor Irish to amend the language of the Ordinance as submitted by the City Solicitor and insert the following:

ORDERED At a regular meeting of the Marlborough City Council held on Monday, APRIL 27, 2020, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “**PERSONNEL**”, Section 6 entitled “**SALARY SCHEDULE**” having been read was **ORDERED ADVERTISED**; 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 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Social Service Coordinator	Upon Passage	\$15.4903	\$16.1094	\$16.7540	\$17.6143

II. By deleting from the salary schedule referenced in Section 125-6: any reference to salary rate for the following positions: Planning Board Member, Zoning Board of Appeals Member (including associate member), Detention Assistant, Parking Enforcement Officer, Mail Clerk and Crossing Guard and replacing with the following:

<u>Position</u>	<u>Rate</u>
Planning Board Member	\$150 Per Planning Board Meeting Attended
Zoning Board of Appeals Member (including associate member)	\$150 Per Zoning Board of Appeals Meeting Attended
Detention Assistant	Not to Exceed \$18.00 Per Hour
Parking Enforcement Officer	Not to Exceed \$18.00 Per Hour
Mail Clerk	Not to Exceed \$18.00 Per Hour
Crossing Guard	Not to Exceed \$18.00 Per Hour

Yea: 11 – Nay: 0

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:45 PM; adopted.

Yea: 11 – Nay: 0

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