



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MAY 4, 2020

Regular meeting of the City Council was held on Monday, May 4, 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 9:05 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, April 27, 2020, **FILE**; 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 \$542,524.00 which moves funds from and to various accounts within the DPW budget to fund various projects, services and contractual obligations, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:	2020		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$195,408	\$70,000.00	14001303	50740	Equipment Operators	\$150,000.00	11920006	52469	Repairs & Maint-Munici	\$28.00
	Reason:	Excess due to vacancy				Walker renovation/elevator repair/asbestos removal and demo at Bolton St property. DPW masonry repairs			
\$106,210	\$80,000.00	14001101	50710	Junior Civil Engineer					
	Reason:	Excess due to vacancy							
\$143,698	\$100,000.00	14001501	50690	Foreman	\$100,000.00	14001506	54640	Park Maintenance	\$2,543.00
	Reason:	Excess due to vacancies				Bucket truck rental, mulch + machine landscape at Bolton St property, Senior Center landscaping and fencing			
	\$250,000.00	Total			\$250,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:	2020		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$134,228	\$40,000	61090001	50740	Equipment Operators	\$99,000.00	60081006	55950	EWWTWP	\$12,057.00
	Reason:	Excess due to vacancy					Increase in cost & use of chemicals. Replace		
						motors and pumps.			
\$72,426	\$59,000	60080001	50630	Asst. Commissioner-DPW					
	Reason:	Excess due to vacancy							
\$220,266	\$60,000	14001503	50740	Equipment Operators	\$98,500.00	60085006	55980	WWWTWP	\$1,617.00
	Reason:	Excess due to vacancy / workers comp					Increase in cost & use of chemicals.		
						Upgrade of SCADA system			
\$13,754	\$5,500.00	14001002	50062	DPW Financial Analyst					
	Reason:	Excess due to step increases							
\$46,664	\$24,000	13032001	50292	Building Maint Craftsman					
	Reason:	Excess due to vacancy							
\$32,963	\$9,000	13032001	50385	Electrician					
	Reason:	Excess due to step increase/ employee with no pay							
	\$197,500	Total			\$197,500.00	Total			

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2020			
		FROM ACCOUNT:					TO ACCOUNT:				
Available											Available
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$81,412	\$70,000.00	13032001	50386	HVAC		\$95,024.00	13032006	52469	Repairs & Maint		\$14,909
	Reason:	Excess due to vacancy					Contracted HVAC work				
\$19,024	\$19,024.00	14003006	53142	Protection Services							
	Reason:	Due to cancelled services									
\$7,240	\$6,000.00	14001103	51240	Temporary Part-Time Help							
	Reason:	Excess due to COVID19									
	\$95,024.00	Total				\$95,024.00	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 \$3,000.00 which moves funds from Interest on Ban to Veterans Benefits to fund Chapter 115 Veteran Benefits through the remainder of the fiscal year, **APPROVED**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS -										
	DEPT:	Veterans						FISCAL YEAR:	2020			
		FROM ACCOUNT:					TO ACCOUNT:					
Available											Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance	
\$957,400.00	\$3,000.00	13860006	59254	Interest on BAN		\$3,000.00	15430006	57710	Veterans Benefits		\$20,190.73	
	Reason:	Actual interest rate came in lower than budgeted amount					Monthly benefits running higher than expected					
	\$3,000.00	Total				\$3,000.00	Total					

Yea: 11 – Nay: 0

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

ORDERED: That Transfer Request in the amount of \$2,100.00 which moves funds from Reserved for Salaries to fund the vacation and sick leave time owed to a part-time employee being laid off, **APPROVED**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS--										
	DEPT:	City Council					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	\$2,100.00	11990006	57820	Reserve for Salaries		\$2,100.00	11110002	50401	Part Time Admin Assist		\$3,907.89	
	Reason:						To fund vacation and sick leave payout					
	\$2,100.00	Total				\$2,100.00	Total					

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$6,573.13 from the Commonwealth of Massachusetts Department of Fire Services which will be used to offset the cost of purchasing washer-extractor equipment for cleaning Fire Department turnout gear; adopted.

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$3,840.00 from the Commonwealth of Massachusetts Department of Fire Services which will be used for the purchase of replacement personal protective equipment for the Fire Department; adopted.

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$5,000.00 from DuPont Electronics & Imaging for the Fire Department to purchase self-use fire escape devices; adopted.

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$100.00 from Noreen Bucchino for the Police Department K-9 unit; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Planning Board, re: Unfavorable Recommendation and comments on the Proposed Zoning Ordinance Amendment, Chapter 650, §17 & §18 relative to Livestock Farms, **FILE**; 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, JUNE 8, 2020** as **DATE FOR PUBLIC HEARING**, On the Application for Special Permit from Attorney Brian Falk, on behalf of WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District to be known as Volaris Marlborough, consisting of 188 units in 4 buildings to be located at 339 Boston Post Road East, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a logbook for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety

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 200' of 8" IP gas main as a system improvement on Pleasant Street between Elm Street and Allen Court, 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 200' of 8" IP gas main as a system improvement on Brimsmead Street from Short Street to 65 Brimsmead Street, refer to **ENGINEERING DEPARTMENT**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Council President send a communication to the MA State Lottery Commission, to record the City Council's opposition to the issuance of a Keno Monitor to the existing Keno To Go agent, Season's Corner Market #58, 342 Boston Post Road East, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communications from various residents listed re: Opposition to LED Sign Special Permit for 431 Lincoln LLC (Shell Station), 431 Lincoln Street, **FILE**; adopted.

Ann-Marie Peltier, 46 Pleasant Street
Susan Peltier, 46 Pleasant Street
Melissa Peltier, 46 Pleasant Street

Josephine Daly, 406 Lincoln Street, #209
Sebastien Guillot, 406 Lincoln Street, #306

Yea: 11 – Nay: 0

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

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

- a) School Committee, April 14, 2020.
- b) Cultural Council, April 15, 2020.
- c) Planning Board, April 6, 2020.
- d) Retirement Board, February 25, 2020 & March 31, 2020.
- e) Zoning Board of Appeals, April 14, 2020.

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 Proposed Zoning Amendment to Chapter 650 §17 & §18 relative to Livestock Farms, **POSTPONED UNTIL THE MAY 18, 2020 CITY COUNCIL MEETING**; adopted.

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:

- I. Section 18 of Chapter 650, entitled “Conditions for uses,” is hereby amended by:
 - a. Amending paragraph (12), entitled “Livestock farms” as follows (new text shown as underlined):

(12) Livestock farms. The raising of or keeping of a small flock of poultry (other than Chicken hens), less than 10, or of saddle horses, private kennel, livestock, or other farm animals for use only by residents of the premises, provided further, that adequate open space is available for their care.
 - b. Inserting the following paragraph:

(49) Chicken hens, personal use. The raising or keeping of female chickens (*Gallus gallus domesticus*) 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 Chicken hens for non-personal use is prohibited.
- II. Section 17 of Chapter 650, entitled “Table of Uses,” is hereby amended by inserting the following:

	RR	A1	A2	A3	RB	RC	RCR	NB	B	CA	LI	I	MV	WAYSIDE
Chicken hens, personal use (6 or fewer) (49)	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Chicken hens, personal use (between 7 and 12) (49)	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N

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 9:05 PM; adopted.

Yea: 11 – Nay: 0

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