



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MAY 18, 2020

Regular meeting of the City Council was held on Monday, May 18, 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 10:07 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, May 4, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Ayoub Engineering on behalf of Lincoln 431 LLC, (Shell Station), 431 Lincoln Street, re: Request for an extension of time on the Public Hearing for Sign Special Permit to June 22, 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 Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, is **CONTINUED UNTIL JUNE 22, 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 Petition from Eversource Energy to install 30' of 2" IP gas main as a system improvement on Jefferson Street from the current end of gas main at 23 Jefferson Street to 27 Jefferson Street, Order No. 20-1007980, all were heard who wish to be heard, hearing closed at 8:20 PM; adopted.

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

ORDERED: That the Petition from Eversource Energy to install 30' of 2" IP gas main as a system improvement on Jefferson Street from the current end of gas main at 23 Jefferson Street to 27 Jefferson Street, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

1. That Jefferson Street be milled and paved from curb to curb by Eversource from the southernmost limit of their trench, all the way to the section that is to be milled as part of the multi-unit housing project that is presently under construction. The milling and final paving shall be coordinated with the developer so that all trenches – Eversource's and the developer's – will be within one contiguous curb-to-curb mill and overlay.
2. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this project.

Yea: 11 – Nay: 0

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

ORDERED: That the PUBLIC HEARING on the Petition from Eversource Energy to install a total of 500' of 4" IP gas main as a system improvement on Neil Street and Zompetti Street as outlined in the petition, Order No. 20-1007981, all were heard who wish to be heard, hearing closed at 8:25 PM; adopted.

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

ORDERED: That the Petition from Eversource Energy to install a total of 500' of 4" IP gas main as a system improvement on Neil Street and Zompetti Street as outlined in the petition, **APPROVED WITH THE FOLLOWING CONDITION;** adopted.

1. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this new project.

Yea: 11 – Nay: 0

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

ORDERED: That the PUBLIC HEARING on the Petition from Eversource Energy to install 200' of 4" IP gas main as a system improvement on Pleasant Street between Elm Street and Allen Court, Order No. 20-1007997, all were heard who wish to be heard, hearing closed at 8:31 PM; adopted.

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

ORDERED: That the Petition from Eversource Energy to install 200' of 4" IP gas main as a system improvement on Pleasant Street between Elm Street and Allen Court, **APPROVED WITH THE FOLLOWING CONDITION**; adopted.

1. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this new project.

Yea: 11 – Nay: 0

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

ORDERED: That the PUBLIC HEARING 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, Order No. 20-1007998, all were heard who wish to be heard, hearing closed at 8:37 PM; adopted.

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

ORDERED: That 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, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. That Brimsmead Street be milled and paved from curb to curb by Eversource throughout the limits of their trenches.
2. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this project.

Yea: 11 – Nay: 0

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

ORDERED: That the CONTINUED PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 relative to Contractor Yards and Landscape Contractor Yards and a Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, Order No. 20-1007947D, all were heard who wish to be heard, hearing closed at 8:50 PM; adopted.

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

President Ossing called a recess at 8:50 PM and returned to open meeting at 8:52 PM.

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – Spring 2020 Update, **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 \$366,493.00 which moves funds from Meals Tax Revenue Account to fund FY20 bond payments associated with Parks & Recreation improvements, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

	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
\$4,652,445.13	\$366,493.00	27000	33086	Fund Bal-Parks & Fields Capital		\$366,493.00	19910009	49715	Transfer-Meal Local Option		\$0.00
	Reason:	Local options meals tax funding FY20 bond payments associated with parks & fields as per the recap									
	\$366,493.00	Total				\$366,493.00	Total				

ORDERED: That the Transfer Request in the amount of \$79,500.00 which moves funds from Undesignated to Open Space Stabilization from wireless antenna payments received in FY20, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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
\$6,141,216.00	\$79,500.00	10000	35900	Undesignated Fund	\$79,500.00	83600	32918	Stabilization-Open Space		\$546,178.71
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2019 to Open Space Stabilization								
	\$79,500.00	Total			\$79,500.00	Total				

ORDERED: That the Transfer Request in the amount of \$10,182.60 which moves funds from Reserved for Salaries to various department accounts to fund provisions of the MMEA collective bargaining agreement, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Various					FISCAL YEAR:	2020		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$107,314.75	\$10,182.60	11990006	57820	Reserve for Salaries	\$5,182.60	11940006	51770	Retirement Fund		\$10.11
	Reason:				Reason:			Supplemental appropriation for military service		
	\$0.00				\$5,000.00	11610003	51440	Educational Incentive		\$0.00
	Reason:				Reason:			New condition of MMEA contract not budgeted		
	\$10,182.60	Total			\$10,182.60	Total				

ORDERED: That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2021, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2021, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That no more than seventy thousand dollars (\$70,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2021, unless otherwise authorized by City Council and Mayor, **APPROVED**; 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 \$7,500.00 from Digital Federal Credit Union (DCU) for the Fire Department for state-of-the-art incident command training; 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 Cummings Properties Employee Direct Giving 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: At a regular meeting of the Marlborough City Council held on Monday, MAY 18, 2020, the following proposed amendment to the Code of the City of Marlborough, to amended Chapter 398 entitled "LICENSES AND PERMITS", to ensure consistency with MGL as amended by the 2016 Municipal Modernization Act, having been read was **ORDERED ADVERTISED AND POSTPONED TO THE JUNE 22, 2020 CITY COUNCIL MEETING.**

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 398, ENTITLED "LICENSES AND PERMITS," AS FOLLOWS:

I. Chapter 398, entitled "LICENSES AND PERMITS", is hereby amended as follows (new text shown as underlined, deleted text shown as ~~striketrough~~):

A. Section 398-2, entitled "List of delinquent taxpayers," is **amended** as follows:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as "the Tax Collector," shall annually, and may periodically~~upon request~~, furnish to each department, board, commission or division, hereinafter referred to as "the licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as "the party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointment of Kevin J. Breen as Fire Chief of the City of Marlborough for a five-year term effective July 1, 2020 to June 30, 2025, **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, Best Buy Stores LP #820, d/b/a Best Buy, 769 Donald J. Lynch Boulevard, **POSTPONED TO THE JUNE 8, 2020 CITY COUNCIL MEETING**; 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, Jean Rabelo, d/b/a Post Road Used Auto Parts of Marlboro, 785 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 Communication from Department of Conservation and Recreation (DCR), re: 2020 Forest Management Proposals for public review and comment, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from National Grid, re: 2020 Yearly Operational Plan (YOP) and Vegetation Management Plan (VMP), **FILE**; 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 Application for Special Permit by 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 at 339 Boston Post Road East, **FILE**; adopted.

Michael Davis, 162 Ewald Avenue

Diane McNally, 70 Linda Circle

Steven Peck, 64 Victoria Lane

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 28, 2020.
- b) Board of Assessor's, April 14, 2020 & April 22, 2020.
- c) Conservation Commission, March 5, 2020, April 9, 2020 & April 16, 2020.
- d) Library Trustees, March 3, 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) Frances Rodgers, 16 Nixon Road, Framingham, pothole or other road defect.

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: 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

APPROVED; adopted.

First Reading suspended; Second Reading, adopted.

Yea: 11 – Nay: 0

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

Passage to Enroll, adopted.

Yea: 11 – Nay: 0

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

Passage to Ordain; adopted.

Yea: 11 – Nay: 0

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

No objection to passage in one evening.

Motion made by Councilor Robey to approve the Proposed Zoning Ordinance to Chapter 650 §17 & §18 relative to Livestock Farms as recommended by the Urban Affairs Committee with an additional amendment by inserting language after the 3rd sentence in I (b) to read, “The selling of eggs is prohibited. No chicken coop shall be located between the street frontage and the primary structure front building line”.

President Ossing called a recess at 9:46 PM and returned to open meeting at 9:49 PM.

Motion made by Councilor Oram to amend the Proposed Zoning Ordinance to Chapter 650 §17 & §18 relative to Livestock Farms to include the Planning Board recommendation that there must be a minimum lot size of 8,000 square feet, **DENIED**.

Yea: 3 – Nay: 8

Yea: Irish, Tunnera & Oram.

Nay: Wagner, Doucette, Dumais, Navin, Landers, Ossing, Perlman & Robey.

ORDERED 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. The selling of eggs is prohibited. No chicken coop shall be located between the street frontage and the primary structure front building line.

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

APPROVED; adopted.

First Reading suspended; Second Reading, adopted.

Yea: 9 – Nay: 2

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

Nay: Tunnera & Oram.

Passage to Enroll, adopted.

Yea: 9 – Nay: 2

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

Nay: Tunnera & Oram.

Passage to Ordain; adopted.

Yea: 9 – Nay: 2

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

Nay: Tunnera & Oram.

No objection to passage in one evening.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 10:07 PM; adopted.

Yea: 11 – Nay: 0

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