



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JUNE 8, 2020

Regular meeting of the City Council was held on Monday, June 8, 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 9:46 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 18, 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 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 at 339 Boston Post Road East, **CONTINUED UNTIL JULY 20, 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 Proposed Zoning Amendment to Chapter 650 to add a new §38 relative to creating a Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, Order No. 20-1007975, all were heard who wish to be heard, hearing closed at 8:23 PM; adopted.

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

ORDERED: That the Transfer Request in the amount of \$485,133.00 which moves funds from Economic Development to MEDC to fund the FY21 operations of Marlborough Economic Development Corporation, **APPROVED**; adopted.

Yea: 10 – Nay: 1

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

Nay: Dumais.

		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		
<u>\$1,681,553.96</u>	<u>\$485,133.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>			<u>\$485,133.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>		<u>\$0.00</u>
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY21										
	\$485,133.00	Total					\$485,133.00	Total				

ORDERED: Pursuant to MGL c. 30B, § 16(e)(2), the City Council determines that advertising for the proposed purchase of the following parcel of land will not benefit the City's interest because of the unique qualities and location of the property:

A parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 244 containing 0.18 acres, more or less, located at 25 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 44607, Page 453. The person(s) having a beneficial interest in this parcel is Charles R. Platt as Trustee of the 25 Witherbee Street, Realty Trust and/or Christopher Forbes.

The above-identified parcel satisfies the requirements of said MGL c. 30B, § 16(e)(2), because: the land is uniquely located in close proximity to the existing Marlborough Library across Witherbee Street which can be utilized to increase off-street parking as the Library and its proposed expansion will not have enough parking to meet present or future demands.

And further, that the Mayor is authorized to negotiate and enter into a purchase and sales agreement to acquire said parcel, for a total purchase price of \$481,291.00, subject to the following conditions: (i) that, in accordance with MGL c. 43, § 30, the purchase price of the parcel shall not be more than 25% higher than the average assessed value of the parcel during the previous three years; and (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel. The Mayor is authorized to accept a deed pursuant to MGL. c. 40, § 3 for the parcel.

Pursuant to MGL c. 43, § 30, the City Council hereby authorizes an appropriation from Free Cash in the amount of \$481,291.00 as sufficient funds to pay for the purchase of said parcel.

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 \$481,291.00 which moves funds from Undesignated Fund to Capital Outlay-Land Acquisition to fund the purchase of 25 Witherbee Street, identified as Map 69, Parcel 244, **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	\$481,291.00	10000	35900	Undesignated Fund		\$481,291.00	19300006	58120	Capital Outlay-Land Acquisitio			\$0.00	
	Reason:	Purchase of 25 Witherbee Street property											
	\$481,291.00	Total				\$481,291.00	Total						

ORDERED: That the Transfer Request in the amount of \$22,219.15 which moves funds from Reserved for Salaries to various accounts to fund the recently ratified MMEA collective bargaining agreement, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

[illegible]

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
					\$1,752.87	11440002	50770	Senior Clerk		\$7,119.03
	Reason:				Reason:			Contractual Obligation		
					\$1,371.75	11550001	50210	Sr System Analyst		\$5,557.40
	Reason:				Reason:			Contractual Obligation		
					\$920.68	11550001	50213	Network Engineer		\$7,635.17
	Reason:				Reason:			Contractual Obligation		
					\$4,542.45	11920001	50292	Bldg Craftsman		\$11,141.70
	Reason:				Reason:			Contractual Obligation		
					\$1,202.19	11920001	50385	Electrician		\$4,856.16
	Reason:				Reason:			Contractual Obligation		
					\$1,179.85	12200002	50062	Finance Assistant		\$5,207.20
	Reason:				Reason:			Contractual Obligation		
					\$933.82	14001002	50062	Finance Analyst		\$4,451.43
	Reason:				Reason:			Contractual Obligation		
					\$1,014.85	14001002	50520	Principal Clerk		\$4,161.90
	Reason:				Reason:			Contractual Obligation		
					\$1,165.60	14001002	50550	Head Clerk		\$4,664.15
	Reason:				Reason:			Contractual Obligation		
					\$166.68	14001002	50770	Senior Clerk		\$4,269.27
	Reason:				Reason:			Contractual Obligation		

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
					\$876.44	14920002	50770	Senior Clerk		\$3,559.51
	Reason:				Reason:	Contractual Obligation				
					\$862.46	15410001	50312	Outreach Worker		\$3,896.44
	Reason:				Reason:	Contractual Obligation				
					\$525.08	15410002	50584	Clerk Typist		\$3,385.97
	Reason:				Reason:	Contractual Obligation				
					\$925.51	15410002	50770	Senior Clerk		\$3,510.44
	Reason:				Reason:	Contractual Obligation				
	\$22,219.15				\$22,219.15					

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$41,966.00 for the Police Department from the Department of Justice, to fund the purchase of protective equipment; 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 \$10,500.00 for the Police Department from the Executive Office of Public Safety, to be used for traffic enforcement focusing on impaired driving, speeding and distracted driving; 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 \$6,000.00 for the Police Department from the Executive Office of Public Safety, to be used for enforcement of safety laws related to motorists, pedestrians and bicycles; 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 \$2,065.80 for the Police Department from the Executive Office of Public Safety to be used for the purchase of 30 car seats to be distributed to Marlborough residents in need of an appropriate seat for their child; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Amendment to Proposed Salary Ordinance to Chapter 125 §6 relative to the Finance Director/Treasurer and Auditor positions, **FILE**; 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, June 8, 2020, the following proposed amendments to the Code of the City of Marlborough, having been read was **ORDERED ADVERTISED** as follows:

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 AS FOLLOWS:

- I. By amending Section 67-10(A), entitled "Comptroller-Treasurer; appointment, term and duties", by inserting the following sentences at the end of the existing paragraph: Alternatively, the Mayor may, subject to confirmation of the City Council, appoint a Finance Director/Treasurer for a term of three years to expire the day following his/her approval by the City Council. The Finance Director/Treasurer shall be the director of all financial management operations and shall perform all duties of the Comptroller-Treasurer as delineated by City Code.
- II. By amending Section 67-5 (Auditor, General Duties) by inserting the following sentence as subsection F: The Auditor shall assist and make recommendations to the Mayor in the development and evaluation of the capital and operating budgets and shall be responsible for preparation of budget documentation.
- III. By amending Chapter 125, entitled "Personnel", by adding to the salary schedule referenced in Section 125-6, the following:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Finance Director/ Treasurer	\$102,116.74	\$104,159.04	\$106,242.23	\$108,367.07	\$110,534.41	\$112,745.10	\$115,000.00
Auditor	\$102,116.74	\$104,159.04	\$106,242.23	\$108,367.07	\$110,534.41	\$112,745.10	\$115,000.00

This ordinance shall supersede and replace any existing rate for said positions (if applicable) in the current salary schedule.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That Proposed Amendments to the City Code to Chapter 67 and Chapter 125 as advertised and the Proposed job descriptions relative to the positions of Finance Director/Treasurer and Auditor, **POSTPONED UNTIL THE JUNE 22, 2020 CITY COUNCIL MEETING;** adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Laurent Lemieux as Plumbing Inspector 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: Pursuant to City Ordinance Section 125-10, the Mayor is authorized to appoint Laurent Lemieux as Plumbing Inspector at the Step 3 rate (\$72,212.26), given the extensive experience which Mr. Lemieux would bring to this position to the benefit of the City of Marlborough, **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: Upgrade of Board of Health/License Board Clerk from Senior Clerk to Principal Clerk effective May 25, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: The City Council hereby approves and authorizes the Mayor to execute the First Amendment to the Tax Increment Financing Agreement by and between the City of Marlborough, Global Life Sciences Solutions USA LLC (“Cytiva”) and Atlantic-Marlboro Realty, LLC, recognizing Cytiva as the successor in interest to GE Healthcare Bio-Sciences Corp. with respect to the original Tax Increment Financing Agreement effective November 10, 2014, **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: Standard and Poor’s affirmation of the Global Bond Rating of AAA for the City of Marlborough, **FILE**; 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: Favorable Recommendation and comments on the Proposed Zoning Amendment to Chapter 650 §5, §17 & §18 relative to Contractor Yards and Landscape Contractors Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, Order No. 20-1007947E, **FILE**; adopted.

Yea: 11 – Nay: 0

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

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

Yea: 11 – Nay: 0

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 §5, §17 & §18 relative to Contractor Yards and Landscape Contractors Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, Order No. 20-1007947E, be removed from the Urban Affairs Committee, **DENIED**; adopted.

Yea: 5 – Nay: 6

Yea: Tunnera, Irish, Landers, Ossing & Robey.

Nay: Wagner, Doucette, Dumais, Navin, Oram & Perlman.

ORDERED: That there being no objection thereto set **MONDAY JUNE 22, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 185' of 2" Intermediate Pressure plastic pipe as a gas main extension on Union Street from 215 Union Street towards Hollis 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 Communication from Commonwealth of Massachusetts Division of Banks, re: Public Comment on a license application filed by Marlboro Services, Inc. d/b/a Brasil Remessa, 576 Boston Post Road East, to operate as a check casher, **FILE**; 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 the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, May 12, 2020.
- b) Fort Meadow Commission, September 19, 2019.
- c) Historical Commission, April 30, 2020.
- d) Planning Board, April 27, 2020.
- e) Retirement Board, April 28, 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) Lisa Ann Trudeau, 29 Bellows Circle, residential mailbox claim (2a).

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 Application for Renewal of Junk Dealer/Secondhand Dealer License, Best Buy Stores LP #820, d/b/a Best Buy, 769 Donald J. Lynch Boulevard, **APPROVED**; adopted.

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 9:46 PM; adopted.

Yea: 11 – Nay: 0

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