



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Steven W. Kerrigan  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**SEPTEMBER 14, 2020**

Regular meeting of the City Council was held on Monday, September 14, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman, Robey & Wagner. Meeting adjourned at 9:24 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, August 24, 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 Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, Order No. 20-1008062, all were heard who wish to be heard, hearing closed at 8:44 PM; adopted.

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

At 8:36 PM Councilor Robey disconnected due to a technical issue.

At 8:37 PM Councilor Robey rejoined the meeting.

President Ossing called a recess at 8:44 PM and returned to open meeting at 8:47 PM.

ORDERED: That the Transfer Request in the amount of \$440,000.00 which moves funds from Economic Development to MEDC Funding to fund the purchase of 481 Elm Street as a potential site of the west-side fire station, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2021		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,264,262.52	\$440,000.00	27000099	42440	Economic Development	\$440,000.00	11740006	53950	MEDC Funding		\$0.00
	Reason:	Elm Street property purchase								
	\$440,000.00	Total			\$440,000.00	Total				

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Comptroller/Treasurer as submitted by the Mayor, refer to **FINANCE COMMITTEE and 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	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
Comptroller - Treasurer	\$130,531.79	\$133,142.43	\$135,805.27	\$138,521.38	\$141,291.81	\$144,117.64	\$147,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Director of Veterans' Services as submitted by the Mayor, refer to **FINANCE COMMITTEE and 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	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
Veterans' Director	\$63,933.94	\$65,212.62	\$66,516.87	\$67,847.21	\$69,204.15	\$70,588.24	\$72,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Job Description as updated for the Director of Veterans' Services position as submitted by the Mayor, refer to **FINANCE COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Paralegal as submitted by the Mayor, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED**.

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	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
Paralegal	\$51,200.33	\$52,224.34	\$53,268.82	\$54,334.20	\$55,420.88	\$56,529.30	\$57,659.89

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Job Description as updated for the Paralegal position as submitted by the Mayor, refer to **FINANCE COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Chapter 328 "Fees", making changes to §2 "Fire Department Fees" as recommended by the Mayor and Fire Chief, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED**; adopted.

**Yea: 11 – Nay: 0**

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

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 328, ENTITLED "FEES," AS FOLLOWS:

- A. Chapter 328, Section 328-2 entitled "Fire Department Fee Schedule" is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Type	Fee
Home fire/smoke	<u>\$100</u> <del>50</del>
Sprinkler	\$50
Blasting	<u>\$100</u> <del>50</del>
Alarm installation/replacement	\$50
Home occupancy	\$50
Insurance reports	<u>\$50</u> <del>0</del>
LPG storage	<u>\$100</u> <del>50</del>
Reinspections	\$50
Oil burners	<u>\$100</u> <del>50</del>
Temporary permits	\$50
Wet systems	\$50
Site assessment	<u>\$250</u> <del>50</del>
Underground tank storage	<u>\$100</u> <del>50</del>
Tank truck inspections	\$50
Underground tank removal	<u>\$100</u> <del>50</del>
Cutting/welding	<u>\$100</u> <del>50</del>
Aboveground tank storage	\$50
Flammable liquid storage	<u>\$100</u> <del>50</del>
Miscellaneous	\$50
Black powder storage	\$25
Smokeless powder storage	\$25
Burning permits	<u>\$40</u> <del>0</del>
Installation and maintenance of Fire Department and Police Department Communications system	\$50

- B. Effective Date. These amendments shall take effect on January 1, 2021.

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, in proper legal form, Order No. 20-1007948G, **MOVED TO ITEM 14**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i), **FILE**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Application for a Livery License from Eduard Zholudev d/b/a Easy Airport Limo Services, to operate at 15 Indian Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**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, July 14, 2020, July 28, 2020 & August 11, 2020.
- b) Cultural Council, September 8, 2020.
- c) Commission on Disabilities, March 10, 2020 & July 7, 2020.
- d) Fort Meadow Commission, September 19, 2019, May 21, 2020, June 18, 2020 & July 16, 2020.
- e) Historical Commission, July 23, 2020.
- f) Planning Board, July 20, 2020.
- g) Traffic Commission, July 29, 2020.
- h) Zoning Board of Appeals, August 10, 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) Kevin Shepard, 106 Violetwood Circle, other property damage and/or personal injury.

**Yea: 11 – Nay: 0**

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

## Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: September 8, 2020

Time: 7:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Voting Members Present: Chairman Landers and Councilor Irish; and Councilor Perlman remote participation

Other Members Present: Councilors Navin, Dumais and Doucette; and Councilor Oram remote

Also Present: Acting DPW Commissioner Ted Scott

**Order No. 20-1008042: Communication from Mayor Vigeant re: proposed amendment to the Code of the City of Marlborough, Chapter 540, Solid Waste, making changes to the Transfer Station, Resident Drop off Facility, operation and fees.**

Chair Landers provided an overview of the committee's action—the initial review in committee, the call for a public hearing to allow residents to submit input and the possibility of completing the review this evening in order to refer the matter back to the City Council on Monday, September 14, then asked Acting Commissioner Scott to take the podium.

Mr. Scott submitted info for the last calendar year, stating 221 stickers were issued to 62-64 year old seniors; 3000 to seniors 65 and over and disabled veterans, and explained the importance of stricter requirements for the maximum number of household bags (proposed 50) and number of allowable pay items (4), and the added fee for sticker upgrades, purchasable in \$100.00 increments for an additional four (4) pay items. Note: Twelve (12) household bags of residential solid waste are considered one (1) pay item, 48 additional bags will be allowed for an additional \$100.00 under this proposal.

The changes will allow the city to offset the costs associated by those users continually disposing of more solid waste and other items than the average user, and controlled tracking of items is proposed.

- Councilors Navin and Oram expressed concern for the elimination of the 62-64-year-old senior reduced rate.
- Councilors Robey and Doucette suggested minor edits to further clarify (B)(5), bulk waste.

Councilors continued to question Mr. Scott, resulting in the following suggested, highlighted change to the Mayor's proposal.

Page 2.

V. Chapter 540-19 Stickers; Use of Resident Drop Off Facility

(B) (5) For purposes of this subsection, Pay items are a single load of electronic and bulk waste as defined in the regulations.

Replying to Chair Landers, Mr. Scott stated that he supported the proposed minor change(s) to (B)(5) requested by Councilors Robey and Doucette.

**Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the amendment to section B(5). Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0**

**Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the ordinance as amended.**

**Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0**

Motion made and seconded to adjourn: Approved by Roll Call vote: Yes: Perlman, Irish, Landers. The meeting adjourned at 7:58PM.

Councilor Dumais reported the following out of the Personnel Committee:

**Marlborough City Council Personnel Committee  
Tuesday, September 8, 2020  
In City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street**

**Members Present:** Chairman Dumais, Councilors Doucette and Landers

**Other Councilors:** Councilors Navin and Irish; Councilors Oram, Perlman and Robey remote

**Also Present:** Michael Cabral and Emily Wilde remote

The meeting convened at 6:48PM.

**Order No. 20-1008079: Appointment of Michael Cabral to the Parks & Recreation Commission for a term to expire three years from the date of City Council confirmation.**

The committee questioned Mr. Cabral and expressed appreciation for his volunteerism in the city, most notably as a constant presence at the Food Pantry during the increased needs caused by Covid-19 and his willingness to serve as a member of the commission. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0

**Recommendation of the Personnel Committee is to approve the appointment of Michael Cabral to the Parks & Recreation Commission for a term to expire three years from the date of City Council confirmation.**

**Order No. 20-1008080: Appointment of Emily Wilde to the Cultural Council for a term to expire three years from the date of City Council confirmation.**

Ms. Wilde stated as a transplant to the city in 2015, her work at the library helped her gain an appreciation for the city's rich diverse culture, leading to the Cultural Council appointment where she hopes to share her ideas to expand opportunities for music, art, and food. At the request of Chair Dumais, Emily explained her teaching experiences. Councilor Perlman stated she was looking forward to working with Emily as a member of the Cultural Council. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0.

**Recommendation of the Personnel Committee is to approve the appointment of Emily Wilde to the Cultural Council for a term to expire three years from the date of City Council confirmation.**

Motion made and seconded to adjourn;

The meeting adjourned at 7:09PM.

**ORDERED:** That the City Council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district (Submitted by Councilor Perlman), refer to **URBAN AFFAIRS COMMITTEE**; adopted.

**Yea: 10 – Nay: 1**

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

**Nay: Ossing.**



ORDERED THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

**APPROVED.**

**First Reading suspended; Second Reading, adopted.**

**Yea: 8 – Nay: 3**

**Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.**

**Nay: Tunnera, Irish & Ossing.**

**Passage to Enroll, adopted.**

**Yea: 8 – Nay: 3**

**Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.**

**Nay: Tunnera, Irish & Ossing.**

**Passage to Ordain; adopted.**

**Yea: 8 – Nay: 3**

**Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.**

**Nay: Tunnera, Irish & Ossing.**

**Councilor Ossing objected to passage in one evening – matter will be placed on agenda of September 21, 2020.**

ORDERED That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, in proper legal form, Order No. 20-1007948G, **FILE**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED

**DECISION ON A LED SIGN SPECIAL PERMIT  
IN CITY COUNCIL**

LED Sign Special Permit  
Lincoln St. LLC, 431  
431 Lincoln Street  
Order No. 20-1007948H

**DECISION ON AN LED SIGN SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 20-1007948H**

The City Council of the City of Marlborough hereby **GRANTS** the application for a LED Sign Special Permit to Lincoln Street 431, LLC (the “Applicant”) for the property located at 431 Lincoln Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant is the owner of the property located at 431 Lincoln Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 69, Parcel 96 (the “Site”) and maintains a filling station with a convenience store.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate a digital display sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a +/- 75.3” x 72.9” double-faced sign with a red and green digital display consisting of a +/- 25.5” x 58.5” and a 13.8” x 34.9” LED Numeral signs displaying the price of fuel (the product specifications are attached hereto as **Exhibit A**). The total digital display area is 14.4 sq. ft. The Sign is to be located below an internally illuminated sign at the premises.
4. In connection with the Application, the Applicant submitted a photograph of the Site depicting the sign as presently installed on the Site and the proposed 24” LED electronic pricing panels for Regular Gas and 12” LED electronic pricing panels for Diesel Gas.
5. The Marlborough City Council held a public hearing on the Application on Monday, July 20, 2020.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to application for a LED sign special permit under the EMC and Digital Display Sign Ordinance.

- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby **GRANTS** the Applicant a special permit for the Sign, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough and shall be turned off when the service station is not open for business and all other extraneous signage shall be removed from the Site;
  2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

**Yea: 9 – Nay: 2**

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

**ORDERED** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM; adopted.

**Yea: 11 – Nay: 0**

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