



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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SEPTEMBER 21, 2020

Regular meeting of the City Council was held on Monday, September 21, 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 9:03 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, September 14, 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 ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, Order No. 20-1008085, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

President Ossing called a recess at 8:14 PM and returned to open meeting at 8:15 PM.

ORDERED: That the Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – September 2020 Update, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Sean Divoll as DPW Commissioner for a five-year term, and a request to start him at step two of the salary schedule and to grant 4-weeks' vacation time, refer to **PERSONNEL COMMITTEE**; adopted.

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: Proposed Amendment to Chapter 540 "Solid Waste", in proper legal form, Order No. 20-1008042B, **FILE**; 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) Conservation Commission, August 6, 2020 & August 20, 2020.
- b) Retirement Board, May 26, 2020 & June 30, 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 the Appointment of Michael Cabral to the Parks & Recreation Commission for a 3-year term to expire from date of Council confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Emily Wilde to the Cultural Council for a 3-year term to expire from date of Council confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

President Ossing called a recess at 8:26 PM and returned to open meeting at 8:30 PM.

Motion by Councilor Navin to amend proposed section 540-19 B(3) entitled “Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker” to change the number of pay items from “4 pay items” to :”6 pay items”.

APPROVED; adopted.

Yea: 10 – Nay: 1

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

Nay: Robey.

Suspension of the Rules requested to allow the Solicitor to speak – granted.

Yea: 11 – Nay: 0

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

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 AS FOLLOWS:

I. By amending Chapter 540 (“Solid Waste”), Article II (“Transfer Stations”) by deleting the words “Transfer Stations” in the title and replacing it with the words: “Resident Drop-Off Facility”.

II. By amending Chapter 540, Section 540-16, entitled “Provision for Station”, to read as follows:

§ 540-16 Provision for resident drop-off facility.

The City shall provide, either by contract or otherwise, a resident drop-off facility for the drop-off and transfer of residential solid waste and residential recycling, and may include residential compost, generated within the City.

III. By amending Chapter 540, Section 540-17, entitled “Use of landfill”, to read as follows:

§ 540-17 Use of landfill.

The Hudson Street landfill will be closed to public use. Further use of said landfill by the public will only be allowed under emergency conditions by the Department of Public Works or as otherwise approved by the City Council.

IV. By amending Chapter 540, Section 540-18, entitled “Definitions”, by deleting the existing section in its entirety and replacing it with the following:

§ 540-18 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this article:

RESIDENTIAL COMPOST: Discarded organic material such as yard trimmings, kitchen scraps, wood shavings, cardboard and paper that is converted to compost, which can be used for soil improvement or as a fertilizer.

RESIDENTIAL RECYCLING: Discarded material that can be converted into reusable material as defined by the Massachusetts Department of Environmental Protection.

RESIDENTIAL SOLID WASTE: Discarded material that is usual to housekeeping, which is not recycling or hazardous waste as defined by the Massachusetts Department of Environmental Protection.

- V. By amending Chapter 540, Section 540-19, entitled “Stickers”, by deleting the existing section in its entirety and replacing it with the following:

§ 540-19 Stickers; Use of Resident-Drop Off Facility

- (A) The resident drop-off facility shall be for the sole use of residents of the City of Marlborough. The department of public works shall issue permits in the form of stickers to be attached to each vehicle window. The department of public works shall adopt regulations for the administration of the resident drop-off facility consistent with this section.
- (B) Entrance for the use of the resident drop-off facility shall only be allowed to vehicles displaying a proper window sticker affixed to the lower, front corner of the driver’s side window. Said permit shall allow use of the facility on an annual basis, from July 1 through June 30 of each year, as follows:
 - (1) Residential Solid Waste / Residential Recycling Standard Sticker: \$50 annual fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
 - (2) Residential Recycling Only Sticker: No fee.
 - (3) Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker: No fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
 - (4) Sticker Upgrades: Purchasable in \$100 increments for an additional 4 pay items. 12 household bags of residential solid waste are considered 1 pay item.
 - (5) For purposes of this subsection, Pay Items are a single load of electronics, appliances and bulk waste as defined in the regulations.

- VI. By deleting Chapter 540, Sections 540-20, 540-21, and 520-22 in their entirety.

Adopt First Reading suspended; Second Reading; APPROVED; adopted.

Yea: 11 – Nay: 0

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

Passage to Enroll; APPROVED; adopted.

Yea: 11 – Nay: 0

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

Passage to Ordain; APPROVED; adopted.

Yea: 11 – Nay: 0

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

No objection to passage in one evening.

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.

Passage to Ordain; DENIED.

Yea: 7 – Nay: 4

Yea: Doucette, Dumais, Tunnera, Navin, Landers, Oram, & Perlman.

Nay: Wagner, Irish, Ossing, & Robey.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:03 PM; adopted.

Yea: 11 – Nay: 0

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