



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

NOVEMBER 2, 2020

Regular meeting of the City Council was held on Monday, November 2, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman & Robey. Meeting adjourned at 8:27 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.

Yea: 11 – Nay: 0

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

ORDERED: That the Minutes of the City Council meeting, October 19, 2020, **FILE**; 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 \$154,964.00 from the Executive Office of Public Safety & Security awarded to the Police Department to be used to offset personnel overtime costs in the Public Safety Dispatching Center; 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 \$36,869.20 from the Executive Office of Public Safety & Security awarded to the Police Department to fund all mandatory trainings for Dispatch personnel; 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 \$27,841.74 from the Executive Office of Public Safety & Security awarded to the Police Department to fund the purchase of equipment, conduct quality assurance reviews and offset overtime costs for Dispatch personnel; 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 \$5,663.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Student Awareness of Fire Safety Programs (SAFE) for the students in Marlborough; 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 \$2,730.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Senior Awareness of Fire Safety Programs (SAFE) for the senior population in Marlborough; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Patrick Jones as Finance Director/Treasurer, for a 3-year term effective from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Barbara Pellegrini Allen to the Commission on Disabilities for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointments of James Confrey and Judy Kane to the Council on Aging Board for 4-year terms respectively to expire on the first Monday in May 2024 (May 6, 2024), **APPROVED**; 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 270 "Building and Site Development" §9 "Fees" as recommended by the Mayor and Building Commissioner, referred to the **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement (attached) with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC for a 79,000 square foot facility and parking facilities to be constructed at 100, 110, 250 & 350 Campus Drive, referred to the **FINANCE COMMITTEE**; 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 NOVEMBER 16, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure gas main as part of a system improvement on South Street between 417 South Street and Maple Street, referred to the **PUBLIC SERVICES COMMITTEE & ENGINEERING DEPARTMENT**; 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, October 1, 2020 & October 6, 2020.
- b) Planning Board, September 21, 2020 & October 5, 2020.
- c) Traffic Commission, August 26, 2020 & September 30, 2020.
- d) Zoning Board of Appeals, October 20, 2020.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Robey reported the following out of the Urban Affairs Committee:

City Council Urban Affairs Committee
Thursday, October 22, 2020; 7:00 PM
In Council Chambers and via Microsoft Teams
Minutes and Report

Voting members present in Chambers: Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Wagner and Councilor Navin.

Others in Chambers: Councilor Ossing and Councilor Irish.

Others attending Via Microsoft Teams: Councilors Oram and Perlman; for Local Roots NE Inc. Richard Olstein and Ron L'Ecuyer; and for WP Marlborough Brian Falk, Giles Ham and Michael Buckley

With all voting committee members in council chambers, the chair stated no roll call was necessary and votes would be by show of hands.

Order No.20-1008062: Application for Special Permit by Local Roots NE Inc to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100.

The petitioner opened the meeting with a power point reviewing the location and the floor plan. The committee then went thru the draft Special permit the petitioner provided. Changes were recommended as follows:

- Findings of Facts #11-change date of public hearing to Monday, September 14, 2020
- Findings of Facts #13. Change “zero members of public spoke in favor” to “no members”; strike “Zero members of public spoke in opposition to the Use” and insert: “An email from two residents dated August 3, 2020, was read into the record as being opposed.”
- Takes Following Actions: D. 1 Strike “patients and” so it reads-The Use will provide a safe and convenient location for adults to obtain marijuana products.
- Takes Following Actions: D. 16 Strike “The signage shown on the Plans is appropriate for the Use” and insert: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City’s Sign Ordinance.
- Takes Following Actions: D. 17 Strike “The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.” and insert “Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.”
- E. Conditions #6 c-delete “As shown on the Plans,” so it reads “The use shall have opaque exterior windows.”
- E. Conditions add in a new #14 Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hours of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail. (note this is a bit different than other permits in that it allows the Chief of Police to decide within the 60-day period that no detail is needed and the applicant can stop employing one.)

- Renumber 14 to 15.

The committee also discussed the hours of operation in light of another business requesting a modification to their special permit hours. It was felt this petitioner could make a request to modify depending on the outcome of that request and their own business plans.

Councilor Doucette moved to recommend approval of the special permit as amended, it was seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the November 2nd council meeting to have the petitioner's draft special permit decision, as amended, referred to the City Solicitor to be put in proper legal form for a final vote on November 16.

Order No. 20-1007995B: Application for Special Permit by WP Marlborough MA Owner, LLC, 339 Boston Post Road East, to construct a multifamily dwelling residential project. The committee began discussion on this project on October 14 with an overview of the plans. We continued discussion with the applicant going over traffic analysis. At the request of the applicant, this has been postponed in committee until late November as the applicant goes over comments made at the Oct. 14 meeting to see if there are changes that could be made.

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 Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 16, 2020 COUNCIL MEETING**; 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 8:27 PM; adopted.

Yea: 11 – Nay: 0

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