

### **Councilors-at-Large**

Mark A. Oram  
Michael H. Ossing  
Samantha Perlman  
Kathleen D. Robey



### **Ward Councilors**

Ward 1 – Laura J. Wagner  
Ward 2 – David Doucette  
Ward 3 – J. Christian Dumais  
Ward 4 – Robert J. Tunnera  
Ward 5 – John J. Irish  
Ward 6 – Sean A. Navin  
Ward 7 – Donald R. Landers, Sr.

### **Council President**

Michael H. Ossing

### **Council Vice-President**

Kathleen D. Robey

## **CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, JANUARY 25, 2021**

The regular meeting of the City Council was held on Monday, January 25, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Wagner, Oram, Perlman & Robey. Meeting adjourned at 8:47 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.**

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

**ORDERED:** That the Minutes of the City Council meeting, January 4, 2021, **FILE**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

**ORDERED:** That the Communication from City Council President Ossing re: City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2021, **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 Speedy Auto Repair, Inc., to relocate an existing auto body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive Zoning District; with a land area of less than one acre in addition to a preexisting nonconforming structure on the site, Order No. 20-1008162, all were heard who wish to be heard, hearing closed at 8:17 PM; adopted.

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

President Ossing called a recess at 8:18 PM and returned to open meeting at 8:19 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Krista Holmi as Chief Procurement Officer for a 3-year term effective the day after Council confirmation, replacing Beverly Sleeper who will be retiring on April 3, 2021, referred to the **PERSONNEL COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Jonathan Steinberg to the Board of Assessors for a 3-year term from date of Council confirmation, replacing Anthony Arruda who recently retired after 40 years of service, referred to the **PERSONNEL COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Shanissa Sampson to the Parks & Recreation Commission 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.**

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$250.00 from Andrea Bibi of BB Realty awarded to the Police Department to support the K-9 program; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$1,000.00 from The Marlborough Foundation awarded to the Council on Aging to be used for plants in the greenhouse; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: Pursuant to MGL c. 40 §4A and MGL c. 115 §10, the Mayor is authorized to enter into an inter-municipal agreement (“IMA”) relative to the “Marlborough-Sudbury Regional Veterans’ District”, to continue to enable the Director of the Marlborough Veterans’ Services Department to perform the duties of such office for Sudbury and to share the services and costs associated with doing so per attached IMA agreement, referred to the **VETERANS AFFAIRS COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,504,785.40 which moves funds from Undesignated Fund (Free Cash) to OPEB Trust pursuant to the financial policy of the city, referred to the **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
\$15,047,854.00	\$1,504,785.40	10000	35900	Undesignated Fund	\$1,504,785.40	87500	35900	OPEB Trust		\$12,287,064.87
	Reason:	Transfer funds to OPEB trust								
	\$1,504,785.40	Total			\$1,504,785.40	Total				

**Yea: 11 – Nay: 0**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$1,504,785.40 which moves funds from Undesignated Fund (Free Cash) to Undesignated Stabilization pursuant to the financial policy of the city, referred to the **FINANCE COMMITTEE**; adopted.

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
\$15,047,854.00	\$1,504,785.40	10000	35900	Undesignated Fund	\$1,504,785.40	83600	32925	Undesignated Stabilization	\$15,294,571.21
Reason:		To increase undesignated stabilization funds							
\$1,504,785.40		Total			\$1,504,785.40	Total			

**Yea: 11 – Nay: 0**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$579,275.76 from Undesignated Fund (Free Cash) to Miscellaneous Mitigation account to be used to finish mitigation costs related to trench repair, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		DPW				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$15,047,854.00	\$579,275.76	10000	35900	Undesignated Fund	\$579,275.76	31040506	59573	FY20 Streets Reconstruction	\$1,325,323.20
Reason:		Funds received from Eversource							
\$579,275.76		Total			\$579,275.76	Total			

**Yea: 11 – Nay: 0**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$39,447.00 from various departments for FY 21, which moves funds from and to accounts as noted on the spreadsheet, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2021		
		FROM ACCOUNT:						TO ACCOUNT:		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Available Balance
\$76,260.00	\$30,492.00	11990006	57820	Reserve for salaries	\$5,572.00	11510001	50175	Paralegal		\$16,964.80
	Reason:				Reason:	To cover pay increase through June 30th				
					\$3,440.00	15120001	50605	Director of BOH		\$38,698.63
	Reason:				Reason:	To cover pay increase through June 30th				
					\$7,380.00	15430001	50080	Veterans Director		\$20,213.31
	Reason:				Reason:	To cover pay increase through June 30th				
					\$14,100.00	14001103	51183	Planning Board Members		\$600.00
	Reason:				Reason:	To fully fund through June 30th				
\$10,935.00	\$2,500.00	11620004	53932	Election Programming	\$1,460.00	11610002	50770	Senior Clerk		\$18,450.96
	Reason:	Surplus			Reason:	To fund comp time paid out in January				
\$8,294.52	\$685.00	11610004	53180	Clerks-Professional & Tech	\$1,725.00	11610001	50050	City Clerk		\$37,345.68
	Reason:	Surplus			Reason:	To fully fund through June 30th.				
\$38,414.46	\$5,770.00	11410002	50550	Head Clerk	\$5,770.00	11410004	53180	Assessors-Prof & Tech		\$0.00
	Reason:	Surplus due to a retirement			Reason:	To fully fund RRG contract through June 30th				
	\$39,447.00	Total			\$39,447.00	Total				

**Yea: 11 – Nay: 0**

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

**ORDERED:** That the Request for a Free-Standing Sign, Brasileirinho Market, 581 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

**ORDERED:** That the Request for a Flat Wall Sign, CBD and Co., LLC, 1031 Boston Post Road East, #102, within the Wayside District, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric to install a new solely owned pole #5 in the public right of way on North Bigelow Street to accommodate substation expansion, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to March 31, 2021 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, at 339 Boston Post Road East (McGee Farm), **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, November 24, 2020 & December 8, 2020.
- b) Conservation Commission, November 19, 2020 & December 3, 2020.
- c) Library Trustees, December 1, 2020.
- d) Planning Board, December 21, 2020.
- e) Registrars of Voters, September 16, 2019.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIM, refer to the **LEGAL DEPARTMENT**; adopted.

- a) David Adrian, 56 Elm Street, #10, Worcester, pothole or other road defect.
- b) Mary Dalpe, 164 Lakeshore Drive, other property damage and/or personal injury.
- c) Linda Powazinik, 27 Libby Avenue, 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.**

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**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 125 (“Personnel”), Section 125-10, entitled “Starting minimum rate”, by **inserting** a new Section 125-10(C) to read as follows:
  - C. Notwithstanding anything to the contrary in this chapter, for all other employees, in order to reflect an employee’s prior experience or performance, the Mayor is authorized to waive any two steps on a salary schedule established under this chapter, at time of hiring, subject to available appropriation of funds. Any waiver of more than two steps shall require approval by the City Council.
- II. By amending Chapter 125 (“Personnel”), Section 125-18, entitled “Vacations”, by **inserting** a new Section 125-18(A)(4) to read as follows:
  - (4) Notwithstanding anything to the contrary in this chapter, for all other employees, in order to credit an employee’s experience in prior public or private employment, the Mayor is authorized to grant an increase of up to one (1) additional week of annual vacation time which may be made effective at time of employment. Upon granting, said additional time shall accrue on a pro-rated basis per completed month in that calendar year, and thereafter shall be received annually. Any increase in annual vacation time above one (1) week shall require approval by the City Council.

**Suspend First Reading; Adopt Second Reading; APPROVED.**

**Yea: 9 – Nay: 2**

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

**Nay: Perlman & Robey.**

**Passage to Enroll; APPROVED.**

**Yea: 9 – Nay: 2**

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

**Nay: Perlman & Robey.**

**Passage to Ordain; APPROVED.**

**Yea: 9 – Nay: 2**

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

**Nay: Perlman & Robey.**

**No objection to passage in one evening.**

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

**ORDERED** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:47 PM; adopted.

**Yea: 11 – Nay: 0**

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