

### **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 4, 2021**

The regular meeting of the City Council was held on Monday, January 4, 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 8:35 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 Landers, seconded by Councilor Doucette to nominate Councilor Dumais as President Pro Tempore for 2021.

Motion by Councilor Doucette, seconded by the Chair to close nominations for President Pro Tempore.

**Yea: 11 – Nay: 0**

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

The President called for the vote on the election of Councilor Dumais as President Pro Tempore for 2021.

**ORDERED:** That Councilor J. Christian Dumais be elected as the President Pro Tempore of the Marlborough City Council for 2021, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Landers, seconded by Councilor Tunnera to nominate Councilor Ossing as President of the City Council for 2021.

Motion by Councilor Ossing, seconded by Councilor Tunnera to close nominations for President of the City Council.

**Yea: 11 – Nay: 0**

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

The President Pro Tempore called for the vote on the election of Councilor Ossing as President of the City Council for 2021.

ORDERED: That Councilor Michael H. Ossing be elected as the President of the Marlborough City Council for 2021, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

Motion by Councilor Landers, seconded by Councilor Tunnera to nominate Councilor Robey as Vice-President of the City Council for 2021.

Motion by Councilor Tunnera, seconded by the Chair to close nominations for Vice-President of the City Council.

**Yea: 11 – Nay: 0**

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

The President called for the vote on the election of Councilor Robey as Vice-President of the City Council for 2021.

ORDERED: That Councilor Kathleen D. Robey be elected as the Vice-President of the Marlborough City Council for 2021, **APPROVED**; 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 2020 City Council Rules be adopted for operation of the Council in 2021, until such time as they may be reviewed and amended, **APPROVED**; 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 Minutes of the City Council meeting, December 21, 2020, **FILE**; 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 pursuant to Chapter 125 §10 of the Code of the City of Marlborough, the Mayor is authorized the flexibility to hire a Public Health Nurse at step three of the Public Health Nurse Salary Schedule (\$72,585.61) in addition a stipend of \$1,000.00 per month (\$12,000.00 annually) is authorized through December 2021 or until the declared state of emergency is lifted, **APPROVED**; 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 pursuant to Chapter 125 §10 of the Code of the City of Marlborough, the Mayor is authorized to advance Public Health Director John Garside to step seven of the Director of Public Health Salary Schedule (\$99,588.09), **APPROVED**; 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 Grant Acceptance in the amount of \$6,000.00 from the Brigham Family Trust awarded to the Police Department to be used to offset the cost of the Youth Police Academy; 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 Grant Acceptance in the amount of \$9,500.00 from the Massachusetts Emergency Management Agency (MEMA) awarded to the Fire Department to be used for the purchase of AED radios and emergency shelter equipment for firefighters; 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 there being no objection thereto set **MONDAY, FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, On the Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard (Quality Inn), referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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) Historical Commission, November 19, 2020.
- b) Planning Board, November 2, 2020, November 16, 2020 & December 7, 2020.
- c) Traffic Commission, October 28, 2020 & November 25, 2020.

**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) Keith Dwinells, 30 Schofield Drive, 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 Irish, 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. Chapter 270, Section 270-9(A), is hereby amended to read as follows:

Construction costs for all new buildings and structures will be determined from values as listed in the most current ICC Building Valuation Data. ICC Building Valuation Data is updated every six months. Permit fee is based on entire "Estimate Cost of Construction". Proof of costs is a signed contract.

- II. Chapter 270, Section 270-9(E), entitled "Fees", is hereby amended to read as follows:

**Type of Permit**

**Fee**

| <b>Building Residential</b> |   |  |
|-----------------------------|---|--|
|                             | 1 or 2 Family Residential Construction              | \$10 per \$1,000, \$50 Minimum               |
|                             | Renewable Energy (PV, Wind, Hydro) Storage Excluded | \$0.03 per watt Direct Current, \$50 Minimum |

|                               |   |   |
|-------------------------------|---|---|
| <b>Building Commercial</b>    |   |   |
|                               | All Commercial Construction                                   | \$10 per \$1,000, \$100 Minimum   |
|                               | Suppression, Fire Alarm, HVAC, Sheet Metal, and/or Mechanical | \$10 per \$1,000, \$100 Minimum. If Permit Application is associated with active building permit, \$50  |
|                               | Renewable Energy (PV, Wind, Hydro) Storage Excluded           | \$0.03 per watt Direct Current, \$100 Minimum   |
| <b>Building Miscellaneous</b> |   |   |
|                               | Demolition, residential                                       | \$10 per Thousand of Total Construction Cost, \$50 Minimum. Accessory structures less than 200 SF, \$25 |
|                               | Demolition, commercial  | \$10 per Thousand of Total Construction Cost, \$100 Minimum   |
|                               | Solid Fuel/Wood/Coal Stoves/Fireplaces                        | \$50  |
|                               | Tents   | \$50 Residential, \$100 per year Non-residential  |
|                               | Pools, above ground and in ground                             | \$50 Above Ground, \$100 In Ground  |
|                               | Amusements  | \$15 per booth and/or ride, \$100 Minimum   |
|                               | Fences  | \$25  |
|                               | Sign Structure  | \$10 per Thousand, \$50 Minimum   |
|                               | Work/Jobsite Trailer  | \$100 per trailer   |
| <b>Occupancy</b>              |   |   |
|                               | Occupancy and Use Certificate to occupy existing space        | \$50 when no building permit is required  |
|                               | Occupancy and Use Certificate to occupy new space             | Included in Building Permits for new buildings  |
|                               | Temp CO Residential   | \$50 per 30 days, max 90 days   |
|                               | Temp CO Commercial  | \$200 per 30 days, max 90 days  |
| <b>Gas Residential</b>        |   |   |
|                               | New Construction 1 or 2 Family                                | \$150 per unit  |
|                               | New Construction 3+ units                                     | \$100 per unit  |
|                               | Appliance replacement or addition                             | \$40 + \$15 per unit after the 1st  |
| <b>Gas Commercial</b>         |   |   |
|                               | All Commercial Gas Work                                       | \$10 per Thousand, \$100 Minimum  |

|                             |   |  |
|-----------------------------|---|--|
| <b>Plumbing Residential</b> |   |  |
|                             | Residential 1 or 2 Family                     | \$150 per unit   |
|                             | Residential 3+ units                          | \$100 per unit   |
|                             | Residential Alterations (new or replacements) | \$40 + \$8 per unit after the 1st                          |
|                             | Residential Trailer Water or Sewer            | \$40   |
| <b>Plumbing Commercial</b>  |   |  |
|                             | All Commercial Plumbing                       | \$10 per Thousand, \$100 Minimum                           |
| <b>Wiring Residential</b>   |   |  |
|                             | New house construction 1 or 2 Family          | \$150 per unit   |
|                             | Service change                                | \$50 per 100 AMP, +\$25 per additional 100 AMPS            |
|                             | Renewable Energy Permit Fee                   | \$0.03 per watt Direct Current, \$50 Minimum               |
|                             | Minimum Permit Fee                            | \$10 per \$1000 of contract cost, minimum \$75             |
|                             | Oil or gas burner, Appliances, Swimming Pool  | \$75 each  |
| <b>Wiring Commercial</b>    |   |  |
|                             | New Construction or Addition                  | The greater of \$100 OR \$10 per \$1000 of wiring job cost |
|                             | Carnivals                                     | \$250  |
|                             | Signs and billboards                          | \$75   |
|                             | Temporary service                             | \$100  |
|                             | Renewable Energy (Not Storage)                | \$0.03 per watt Direct Current, \$100 Minimum              |
|                             | Institutional (Maintenance Permit)            | \$250 annually   |
| <b>Inspections</b>          |   |  |
|                             | Work Beginning before obtaining a Permit      | DOUBLE PERMIT FEE  |
|                             | Reinspection fee (ALL TRADES), each inspector | \$50 Minimum   |
|                             | After Hours Inspection - Detail               | \$400 Minimum  |
|                             | Gas Test                                      | \$40   |

| <b>Administrative Related Fees</b> |   |   |
|------------------------------------|---|---|
|                                    | Commercial Plan Review Fee  | 2 cents per SF over 5,000 SF, 1st 5,000 SF included in base fee |
|                                    | Permit Extension  | \$50  |
|                                    | Permit Revision with no added construction costs                                    | \$50  |
|                                    | Administrative Fee (Replacement Building Card, Zoning Letter, Change of Use Letter) | \$25  |

| <b>110 ANNUAL INSPECTIONS – Fee Schedule</b> |  |   |   |                              |                                       |
|--|--|---|---|------------------------------|---------------------------------------|
| Use Group                                    | Use Group  | Use Group Descriptions                          | Minimum Inspections                       | Maximum Certification Period | Fees for Maximum Certification Period |
| A-1  | Assembly - Theaters over 400 Capacity  | With Stage and Scenery Movie Theater            | Semi-Annual                               | One Year                     | \$150                                 |
|  |  | Movie Theater                                   | Semi-Annual                               | One Year                     | \$150                                 |
| A-1  | Assembly - Theaters 400 or less Capacity                                     | With Stage and Scenery Movie Theater            | Annual                                    | One Year                     | \$75                                  |
|  |  | Movie Theater                                   | Annual                                    | One Year                     | \$75                                  |
| A-2  | Restaurants, Assembly Night Clubs or similar uses                            | Over 400 Capacity                               | Semi-Annual                               | One Year                     | \$150                                 |
| A-3  | Assembly Lecture Halls, Recreation Centers, Terminals, Locations of Worship. | Over 400 Capacity                               | Semi-Annual                               | One Year                     | \$125                                 |
|  |  | 400 or Less Capacity                            | Annual                                    | One Year                     | \$50                                  |
| A-4  | Assembly   | Low Density, Recreation & Similar Uses          | Prior to Issuance of each new Certificate | Five Years                   | \$40                                  |
| A-5  | Assembly   | Stadiums, Bleachers, Places of outdoor assembly | Prior to Issuance of each new Certificate | One Year                     | \$40+\$15 per 1000 over 5000.         |

|     |   |                        |   |            |   |
|-----|---|------------------------|---|------------|---|
| E   | Educational   | Educational            | Prior to Issuance of each new Certificate | One Year   | \$50  |
| E   | Day Care  | Child Day Care Centers | Prior to Issuance of each new Certificate | One Year   | \$50  |
| I-1 | Group Home  |                        | Prior to Issuance of each new Certificate | One Year   | \$50  |
| I-2 | Residents incapable of self-preservation: hospitals, nursing homes, mental hospitals, certain day care facilities |                        | Prior to Issuance of each new Certificate | Two Years  | \$75 per 100 beds, +\$2 per 10 beds over 100.   |
| I-3 | Residents Restrained: prisons, jails, detention centers, etc.   |                        | Prior to Issuance of each new Certificate | Two Years  | \$75 per 100 beds, +\$2 per 10 beds over 100.   |
| I-4 | Adult and/or child day care facilities.   |                        | Prior to Issuance of each new Certificate | One Year   | \$50  |
| R-1 | Hotels, Motels, Boarding Houses, etc.   |                        | Prior to Issuance of each new Certificate | One Year   | \$40 per 10 rooms, +\$1 per room over 10 rooms, Minimum \$100.                                  |
| R-1 | Detoxification Facilities   |                        | Prior to Issuance of each new Certificate | Two Years  | \$75  |
| R-2 | Multi-Family  |                        | Prior to Issuance of each new Certificate | Five Years | \$75 per 3 dwelling units, +\$2 per dwelling after 3.   |
| R-2 | Dormitories and R-2 Congregate Living   |                        | Prior to Issuance of each new Certificate | One Year   | \$40 per 10 rooms, +\$1 per room over 10 rooms, Minimum \$100.                                  |
| R-2 | Summer Camps for Children   |                        | Annual                                    | One Year   | \$15 per 100 beds, +\$8 per 100 beds after the first 100 beds, +\$15 for each assembly building |



|     |   |                         |                                 |                                    |   |
|-----|---|-------------------------|---------------------------------|------------------------------------|---|
| R-3 | Residential Care facilities licensed by DDS or DMH  |                         | Annual                          | One Year                           | \$75 per 100 beds, +\$2 per 10 beds over 100. |
| R-4 | Residential care/assisted living facilities ( $\leq 16$ persons)  |                         | Annual                          | One Year                           | \$75 per 100 beds, +\$2 per 10 beds over 100. |
| R-5 | Residential Special Occupancy   | Limited Group Residence | Annual                          | One Year                           | \$75 per 100 beds, +\$2 per 10 beds over 100. |
| Any | Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed. |                         | Annual as per M.G.L. c. 10, §74 | One Year as per M.G.L. c. 10, § 74 | \$75  |
| Any | House Museums (as recognized by Massachusetts Historical Commission)  |                         | Annual                          | One Year                           | \$50  |
| Any | Fire Escapes, etc. per 780 CMR 10.00: <i>Means of Egress</i>  |                         | Five Years                      | Five Years                         | \$50  |

III. Effective Date. These amendments shall take effect on July 1, 2021.

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

**Yea: 11 – Nay: 0**

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

**Passage to Enroll; APPROVED.**

**Yea: 11 – Nay: 0**

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

**Passage to Ordain; APPROVED.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, 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 8:35 PM; adopted.

**Yea: 11 – Nay: 0**

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