

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, APRIL 26, 2021

The regular meeting of the City Council was held on Monday, April 26, 2021 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 9:36 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, April 5, 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:

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

Yea: 11 – Nay: 0

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

Mayor Vigeant provided the City Council with an update on the vaccine rollout and the city's efforts regarding COVID-19.

ORDERED: That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new pole #5 and anchor which will allow for the removal of the pole and tree guy wire at 43 Berlin Road, Order No. 21-1008258, all were heard who wish to be heard, hearing closed at 8:19 PM, adopted.

Councilors Present: 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 Proposed Rezoning of land at 290 Hudson Street, identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 24, 2021**; 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 \$178,700.44 from the Massachusetts Department of Transportation (MassDOT) awarded to the DPW for a bike lane extension from the Assabet Valley Rail Trail to Main Street; 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 \$20,000.00 from the Executive Office of Public Safety & Security awarded to the Fire Department for the purchase of individual portable radios, mobile radios, and repeaters for the department's vehicles; 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 Tin Htway as Building Commissioner for a 3-year term from date of Council confirmation, referred to the **PERONNEL 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 MaryJo Nawrocki to the License Board for a 6-year term from date of Council confirmation, referred to the **PERONNEL 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 Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from date of Council confirmation and designation of Gregory Mitrakas as Chair, referred to the **PERONNEL 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 Reappointments to the Conservation Commission of Edward Clancy for a 3-year term to expire on April 26, 2024 in addition to Dennis Demers and David Williams for 2-year terms respectively to expire on April 23, 2023, referred to the **PERONNEL 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 Proposed Tax Increment Financing (TIF) Agreement with BJ's Wholesale Club, Inc. (attached) who will be leasing two buildings, comprising of 168,581 square feet located at 350 Campus Drive and 19,244 square feet located at 100 Campus Drive, Map 111, Parcel 1, referred to the **FINANCE COMMITTEE**; 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:

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

Yea: 11 – Nay: 0

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

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

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.

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Yea: 1 – Nay: 10

Yea: Robey.

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

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 24, 2021**; adopted.

Yea: 10 – Nay: 1

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

Nay: Robey.

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

ORDERED: That the Request for Approval of a Free-Standing Sign, Mobil, 656 Boston Post Road East, within the Wayside District, referred to the **URBAN AFFAIRS COMMITTEE**; 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 MAY 10, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric, to install a new pole #45/2 within the public right of way approximately 103' west of Pole 25-1 on Forest Street, 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 there being no objection thereto set **MONDAY, MAY 24, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit from Mina Property Group, LLC, to condition #20 (Signage) to allow for increased signage at 408 Maple Street, 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 Robey, seconded by the Chair to adopt the following:

ORDERED: That the Application for Site Plan Review from Attorney Brian Falk, on behalf of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, referred to **URBAN AFFAIRS COMMITTEE**; 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 the Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street, 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 Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Dumais recused.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, 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 Doucette, seconded by the Chair to adopt the following:

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

- a) School Committee, March 23, 2021.
- b) Board of Assessors, March 25, 2021.
- c) Conservation Commission, March 18, 2021.
- d) Historical Commission, March 18, 2021.
- e) Municipal Aggregation Committee, March 30, 2021.

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 CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Grayce DiCenzo, 5 Richardson Road, Hudson, pothole or other road defect.
- b) Downtown Marlborough LLC, 11 Court Street, other property damage and/or personal injury.
- c) Loreen Jaundoo, 218 Hemenway Street, residential mailbox claim (2a).
- d) Daniel McCarthy, 320 Cook Lane, 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 Wagner reported the following out of the Human Services Committee:

City Council Human Services Committee

April 12, 2021

Minutes and Report

The meeting convened at 7:00 PM

All members of the Human Services Committee were present in the Chamber:

Chair Wagner, Councilors Dumais and Irish

Also Present in Chamber: Councilors Ossing, Doucette, Landers and Navin, Councilors Perlman and Oram participating remotely.

Others Present: Mass General Brigham representatives Christopher Philbin and John Fernandez participating remotely.

Order No. 21-1008262: Ordered: That the Human Services Committee hold a public meeting to allow the Mass General Brigham leadership to present additional details regarding the Mass General Brigham proposed expansion...submitted by Councilor Wagner

A PowerPoint presentation dated April 2021 was submitted by hospital officials detailing the proposed MGB (formerly ‘Partners’) Integrated Care initiative to deliver care closer to home. The plan will develop multispecialty sites to offer primary care, behavioral health, specialty care, imaging, and ambulatory surgery all in one location, including in-person and digital care services. The presentation specifically addressed the Westborough project and its benefits to the MetroWest area.

Councilors asked questions about the expansion, specific details included in the PPT, and other matters regarding the MGB proposal.

Chair Wagner expressed concern for the impact of the proposed Mass General Brigham expansion on local healthcare institutions, especially Marlborough Hospital which has a history as a safety net hospital of administering care to the city’s most vulnerable public pay population yet relying on private payers to stabilize costs.

Hearing no further input, Chair Wagner thanked hospital officials for sharing additional details regarding the proposed expansion with the City Council.

Motion by Councilor Dumais, seconded by Chair, to accept and file. Motion carried 3-0

It was moved by Councilor Irish, seconded by Chair to adjourn; Motion carried 3-0

The meeting adjourned at 8:07 PM

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

ORDERED: That the Appointment of Robert Gustafson to the Retirement Board for a 3-year term effective on date of Council confirmation, **APPROVED**; adopted.

Yea: 9 – Nay: 0 – Present: 2

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

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

ORDERED: That the Transfer Request in the amount of \$158,128.90 for the Department of Public Works as requested by Commissioner Divoll, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$45,768	\$21,963.00	11990006	57820	Reserve for Salaries	\$34,106.04	60081003	51920	Sick Leave Buy Back	\$0.00
	Reason:	Salary reserve				Superannuation retirement			
\$178,528	\$12,143.04	14001101	50710	Junior Civil Engineer					
	Reason:	Excess due to vacancy							
\$178,528	\$52,022.86	14001101	50710	Junior Civil Engineer	\$20,022.86	60081001	50910	Head Treatment Plant Op	\$21,100.54
	Reason:	Excess due to vacancy				Due to retirement			
					\$25,000.00	14001506	54640	Park Maintenance	\$47,587.00
						Park maintenance projects			
					\$7,000.00	60085003	51310	Overtime	\$154.00
						To cover scheduled weekend maintenance overtime			
	\$86,128.90	Total			\$86,128.90	Total			
CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$178,528	\$36,306.00	14001101	50710	Junior Civil Engineer	\$50,000.00	60080004	53110	Legal Services	\$5,022.00
	Reason:	Excess due to vacancy				Due to upcoming legal expenses			
\$349,200	\$13,694.00	14001303	50740	Equipment Operators					
	Reason:	Excess due to vacancy							
\$36,751	\$22,000.00	60080001	50580	Assistant Chemist	\$22,000.00	60080006	55660	Pumping Station Maint	\$4,691.00
	Reason:	Excess to prior vacancy				For chemicals and maintenance project			
	\$72,000.00	Total			\$72,000.00	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: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 67, ENTITLED “FINANCE”, AS FOLLOWS:

- I. By amending Chapter 67 “Finance”, §28 “Principal Assessor; powers and duties,” by **amending** §28(E) to read as follows:
 - E. The Principal Assessor shall be qualified in accordance with the regulations of the Massachusetts Department of Revenue. The Principal Assessor shall possess a designation from the Massachusetts Association of Assessing Officers (MAAO) or shall obtain such designation within two years of confirmation. A Principal Assessor possessing a reciprocal designation shall obtain a MAAO designation within two years of confirmation. The Principal Assessor shall be responsible for maintaining any designation.

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 Irish, seconded by the Chair to adopt the following:

ORDERED: That the Job Description as updated for Principal Assessor position as submitted by the Mayor, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Human Services Committee hold a public meeting to allow the Marlborough Hospital leadership to present additional details regarding the Mass General Brigham proposed expansion, **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 There being no further business, the regular meeting of the City Council is herewith adjourned at 9:36 PM; adopted.

Yea: 11 – Nay: 0

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