

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, MAY 24, 2021

The regular meeting of the City Council was held on Monday, May 24, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers & Perlman. Councilors Participating Remotely: Oram, & Robey. Meeting adjourned at 9:30 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, May 10, 2021, **FILE**; adopted.

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, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street, Order No. 21-1008292, all were heard who wish to be heard, hearing closed at 8:21 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Proposed Rezoning of land at 290 Hudson Street, identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, Order No. 21-1008266, all were heard who wish to be heard, hearing closed at 8:26 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Proposed FY 2022 Budget in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation as presented by Mayor Vigeant, Order No. 21-1008291, all were heard who wish to be heard, hearing closed at 8:28 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 to add a new §61 “Temporary Moratorium for Multi-Family Housing Projects” for 90-days, Order No. 21-1008274, all were heard who wish to be heard, hearing closed at 8:36 PM, adopted.

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

ORDERED: That the 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, Order No. 17/21-1006800I, all were heard who wish to be heard, hearing closed at 8:41 PM, adopted.

Councilors Present: 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 That the Proposed Ordinance Amendment to Chapter 67 “Finance”, §26.1 “Departmental Revolving Funds” to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund, referred to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

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 67, Article V, Section 67-26.1, entitled “Departmental Revolving Funds.”, by **inserting** a new Section 67-26.1(E)(4) to read as follows:

4 Water and Sewer Revolving Fund

- a. Fund Name. There shall be a separate fund called the Water and Sewer Revolving Fund for the use of the Department of Public Works.
- b. Revenues. The City Auditor shall establish the Water and Sewer Revolving Fund as a separate account and credit to the fund all entrance fees paid for the purpose of connecting buildings to the municipal water and sewer systems.

- c. Purposes and Expenditures. During each fiscal year, the Commissioner of Public Works may incur liabilities against, and spend monies from, the Water and Sewer Revolving Fund for the purposes of infrastructure projects associated with the demand of all new development on the water and sewer systems.
- d. Reports. The Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balances.
- e. Fiscal Years. The Water and Sewer Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

II. By amending Chapter 67, Article V, Section 67-26.1, entitled “Departmental Revolving Funds.”, by **amending** Section 67-26.1(E)(3)(c) to read as follows:

- c. Purposes and expenditures. During each fiscal year, the Mayor may incur liabilities against, and spend monies from, the Public Safety Revolving Fund for the purposes of public safety related expenses.

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 Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund, the Council on Aging Revolving Fund and the proposed Water and Sewer Revolving Fund for FY 2022, referred to **FINANCE 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 That the Transfer Requests from the Department of Public Works (\$2,356,437.77) and Auditor (\$55,475.00) totaling \$2,411,912.77 to fund various accounts for the remainder of FY 21 as outlined in the transfer sheets, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Various				FISCAL YEAR:	2021		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$82,282.19	\$475.00	15430006	57710	Veterans Benefits	\$475.00	15430001	50080	Veterans Director	\$7,213.51
	Reason:	Benefits running lower than expected			Reason:	To fund step increase at higher salary ordinance			
\$5,000.00	\$5,000.00	11210004	53080	Audit Services	\$55,000.00	11940006	57410	Property Liability Ins	\$1,587.04
	Reason:	Audit complete			Reason:	To fund additional insurance for Library move			
\$37,745.62	\$33,000.00	11330002	50520	Principal Clerk					
	Reason:	Position filled end of March			Reason:				
\$4,203.23	\$4,203.23	11330002	50588	Part Time Mail Clerk					
	Reason:	Vacant position			Reason:				
\$97,500.00	\$12,796.77	11330006	57850	Bond Expense					
	Reason:	Bond expenses down from previous years			Reason:				
	\$55,475.00	Total			\$55,475.00	Total			

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
\$4,059,007.44	\$38,500.00	10000	35900	Undesignated Fund	\$38,500.00	83600	32918	Stabilization-Open Space	\$629,483.26
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2020 to Open Space Stabilization							
	\$38,500.00	Total			\$38,500.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Public Facilities					FISCAL YEAR:		2021
FROM ACCOUNT:							TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$732,937.77	\$732,937.77	27000099	48470	Insurance Proceeds over 150K	\$732,937.77	19300006	58255	Capital Outlay-Compost Bldg	\$0.00
	Reason:	Insurance Claims				Insurance proceeds for Compost Building damage			
	\$732,937.77	Total			\$732,937.77	Total			
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$4,059,007.44	\$1,042,000.00	10000	35900	Undesignated Fund	\$227,216.00	14001203	51390	Overtime-Snow & Ice	-\$227,215.36
	Reason:	To fund the snow & ice deficit for FY21							
					\$342,402.00	14001206	52960	Snow Removal	-\$342,401.79
	Reason:								
					\$472,382.00	14001206	57040	Operating Expenses	-\$471,386.56
	\$1,042,000.00	Total			\$1,042,000.00	Total			

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by Councilor Oram to adopt the following amendment:

That the Flat Wall Signs requested by Mobil, 656 Boston Post Road East, be required to have the sign lighting be turned off outside of business hours – DENIED.

Yea: 2 – Nay: 9

Yea: Doucette & Oram.

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

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

ORDERED: That the Request for Approval of two Flat-Wall Signs (replacements), Mobil, 656 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 there being no objection thereto set **MONDAY, JUNE 21, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, 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: Communication from David Balducci, re: Letter of Opposition to the Application for Special Permit of Raising Cane's Restaurants, LLC to construct and operate a restaurant with two drive-thru service lanes at, 141 Boston Post Road West, **FILE**; adopted.

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:

ORDERED: That the Communication from Central MA Mosquito Control Project re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in June 2021, **FILE**; 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, April 13, 2021 & April 27, 2021.
- b) Conservation Commission, April 15, 2021.
- c) Council on Aging Board, March 9, 2021 & April 13, 2021.
- d) Planning Board, April 5, 2021 & April 26, 2021.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Monday, May 17, 2021
In Council Chambers
Minutes and Report**

FY2022 Municipal Operating Budget

Finance Committee members present in Chamber: Chair Irish; Voting Committee members Councilors Dumais, Oram, and Tunnera. Finance Committee voting member participating remotely: Councilor Perlman.

Others present in Chamber: Councilors Ossing, Navin, Wagner, Doucette and Landers; Mayor Vigeant; School Superintendent Michael Bergeron; Police Chief David Giorgi; City Auditor Diane Smith; IT Director Mark Gibbs; DPW Commissioner Sean Divoll and Executive Aide Trish Bernard.

Others participating remotely: Councilor Robey; Finance Director Patrick Jones; City Collector Eileen Bristol; HR Director Christine Purple; Recreation Director Chuck Thebado; Assistant DPW Commissioner Ted Scott; Assistant DPW Commissioner Chris LaFreniere; City Engineer Tom DiPersio; COA Director Trish Pope; Fire Chief Kevin Breen; City Solicitor Jason Grossfield; Conservation Officer Priscilla Ryder; Library Director Margaret Cardello; Veterans Agent Mike Hennessy; Schools Finance & Operations Director Douglas Dias; Health Director John Garside (arrived at 6:17 PM) and School Committee Member Dan Caruso.

The meeting convened at 6:00 PM.

Order No. 21-1008291 – Communication from Mayor Vigeant together with his proposed FY2022 Municipal Operating Budget in the amount of \$173,983,364.00.

The Finance Committee voting members and other members of the City Council reviewed the Mayor's letter dated May 6, 2021 requesting the approval of the Fiscal Year 2022 operating budget in the amount of \$173,983,364.00 and discussed various budget adjustments with department managers. The Mayor's proposal represents a level funded budget with no increases over FY2021. The Mayor's letter included the following highlights:

- 1) Health Insurance costs continue to rise. The recommended medical plan increases are 5% for EPO senior plans, 3% for PPO and 3% for EPO;
- 2) The School Department operating budget of \$66,654,566.00 represents a 'zero' increase for FY22;
- 3) Based on FY22 budget figures released by the House Committee on Ways and Means, overall local aid to Marlborough increased by \$426,092.00;
- 4) Even with a zero % increase in the budget, we need to be cognizant of an increase in taxes in the fall due to the rise in residential values;
- 5) Anticipated new growth for FY22 will add an additional \$2 million in tax revenue to help stabilize the residential tax rate;
- 6) Considering the economic impact from COVID-19 on state revenues, there are no additional capital projects planned other than those sent to the City Council in February to cover infrastructure projects and planned mill and overlay of streets. However, we are borrowing \$2M of the remaining portion of the \$5M (zero percent interest bond) that was authorized four years ago for the lead service replacement program.

Responding to request from Councilor Robey, Mayor Vigeant advised there should be no reason for a supplemental budget.

It was noted that a corrected page 98 of the FY2022 budget (rubbish collection and curbside recycling) as well as the FY2022 principal & interest payments on outstanding long-term debt (Aggregate Net Debt Service) will be submitted to councilors.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the Mayor's budget as submitted in the amount of \$173,983,364.00.

Roll Call Vote: All members in favor 5-0.

Motion by Councilor Oram, seconded by Chair, to adjourn the meeting.

Roll Call Vote: All in favor – Meeting adjourned at 8:02 PM.

Councilor Tunnera reported the following out of the Legislative & Legal Affairs Committee:

**City Council Legislative Legal Affairs Committee
May 18, 2021
Minutes and Report**

The meeting convened at 6:30 PM and was held virtually with Councilors attending in person and/or remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Tunnera called the Roll – All members present:

Chair Tunnera and Councilor Landers in Chamber; Councilor Robey participating remotely.

Also in Chamber: Councilors Ossing, Doucette, and Dumais; Local Inspector/Code Officer Lippitt.

Participating Remotely: Councilor Oram, Councilor Perlman, Solicitor Grossfield, City Engineer DiPersio, DPW Commissioner Divoll and Code Officer Wilderman.

5-10-21—Order No. 21-1008221: Proposed City Code Amendment, Chapter 270 “Building and Site Development s.19 Fences in addition to s.24 Easements and Rights of Way—submitted by Councilor Doucette.

Solicitor Grossfield submitted a revised version to clarify the changes and remove any confusion for future inspectional services employees.

Councilor Doucette addressed the proposed amendments. He noted there were some issues in his condominium complex that were cleared up; however, he understood that permits were being required for fences three feet and less in height which in most communities would be allowed by right.

Councilor Robey submitted opposition to the proposed code changes.

Code Officers Wilderman and Lippitt addressed the amendments, speaking in favor of the changes.

By email dated May 17, 2021, Conservation Officer Ryder indicated she had no comments or input to the proposed changes.

City Engineer DiPersio suggested the following edits to the Solicitor's updated draft:

Change: Paragraph D. 45N (site distances) **to** (sight distances).

Delete: Section 650-41 in last line, paragraph D.

Reports of Committee Continued:

**Motion by Councilor Landers to recommend approval of the proposed amendments to the City Code re “Fences” as amended by Solicitor Grossfield and City Engineer, seconded by Chair Tunnera. Roll Call Vote: Robey No; Landers Yes; Tunnera Yes
Motion carried 2 in favor; 1 opposed.**

Motion made and seconded to adjourn; Roll Call Vote – All in favor:
Meeting adjourned at 6:52 PM.

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee
May 18, 2021
Minutes and Report**

The meeting convened at 7:30 PM and was held virtually with Councilors attending in person and/or remotely per the Governor’s orders and began with a Roll Call vote of committee members present.

Chair Landers called the Roll – All members present:

Chair Landers and Councilor Irish in Chamber; Councilor Perlman participating remotely.

Also Present in Chamber: Councilors Ossing and Doucette

Councilor Oram, Councilor Robey, Solicitor Grossfield, DPW Commissioner Divoll, City Engineer DiPersio participating remotely.

05-10-21 – Order No. 21-1008295: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Store, Donald J. Lynch Boulevard.

Robert Jamsa addressed the application.

Motion made by Councilor Irish, seconded by Chair, to recommend approval of the license subject to CORI approval by Police Chief.

Roll call Vote: All In favor: Irish, Perlman and Landers 3-0

05-10-21 – Order No. 21-1008296: Application for Renewal of Junk Dealer/Secondhand Dealer License by ecoATM, Kiosk at the Solomon Pond Mall.

Police Chief Giorgi has reviewed the CORI report and recommended renewal of the ecoATM license.

Hunter Bjorkman addressed the application.

Motion made and seconded to recommend renewal of the ecoATM junk dealer license.

Roll call Vote: All In favor: Irish, Perlman and Landers 3-0

03-08-21 – Order No. 21-1008230: Proposed amendment to the City Code, Chapter 510 Sewers s.2.(D), Use of Public Sewers as submitted by Mayor Vigeant.

Chair Landers read a letter from the Mayor into the record.

The Mayor addressed the proposed ordinance. The amendment lightens the existing restrictions currently in place and will require a sewer hookup where public sewer exists with any transfer of property with limited exceptions outlined in the draft ordinance.

Reports of Committee Continued:

The cost of adding sewer lines to several streets without public sewer has been costly and resulted in few homeowners connecting. Without written guidelines in place, the city cannot continue to move forward with additional sewer projects.

City Engineer DiPersio addressed the ordinance. The costs to build out and maintain the system, including 30 pumping stations, is costly especially when homeowners are not joining the system. The sale of the property is a practical time to require connection to the system as outlined in the new ordinance.

Councilor Ossing questioned the method to notify homeowners of the ordinance to ensure they are aware of the requirements when properties are sold.

Councilor Robey spoke in favor of clarifying the requirements.

Councilor Perlman asked for annual reporting of the numbers of homeowners connecting to the system.

Councilor Irish questioned title 5 and requirements, enforcement with foreclosures. Solicitor replied the matter could be reviewed.

Councilors Doucette expressed concerns with the ordinance indicating betterments should be reviewed. Councilor Oram agreed with betterments and reaching out to other communities for input. DPW Commissioner Divoll explained his experience with betterments indicating they can be very costly to the homeowner.

Mayor Vigeant stated it would be unfair to levy betterments at this time when they have never been levied in the history of the city.

Motion by Councilor Irish, seconded by Chair, to recommend approval of the proposed amendment to the City Code, Chapter 510 Sewers s.2 (D), Use of Public Sewers, as submitted by Mayor Vigeant.

Roll call Vote: All In favor: Perlman, Irish and Landers 3-0.

Motion made and seconded to adjourn; Roll Call Vote: In favor: Perlman, Irish, Landers
Meeting adjourned at 8:53 PM.

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

**City Council Urban Affairs Committee
Tuesday, May 11, 2021; 7:00 PM
Via Teams & Council Chambers
Minutes and Report**

Per the Governor's orders, this meeting began with a Roll Call vote of committee members present and the chair identifying other councilors participating in the meeting. Roll Call-Chairman Katie Robey, present; Councilor Landers, present; Councilor Wagner, present; Councilor Doucette, present; and Councilor Navin, present.

Other councilors present were Councilor Dumais, Councilor Ossing and Councilor Perlman. City Solicitor Jason Grossfield was also in attendance. Others attending this meeting are included with each order's information.

Reports of Committee Continued:

Order No. 21-1008214 Application for Special Permit from Calverde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West

Present for this item were Steve and Kelly Tomasello, owners; Michael Allen, Head of Security; Mark Donahue, attorney at Fletcher Tilton; and Randy Miron from Boehler Engineering. The applicant confirmed they have received a Provisional License from the Cannabis Control Commission, they are building the new site with a lease for the pad to RK Plaza, and they have signed a Host Community Agreement.

The chair began reviewing the Draft Decision on a Special Permit. It was agreed that for Number 8 the Solicitor would come up with language to remove reference to Rule 5 of the Rules and Regulations as it is in error and add language specific to documents we have received. In Number 9 the reference to Rule 4, items a-m would be removed as the reference is to wrong number. In the Conditions, Number 8 listed hours. It was agreed to amend those to be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.; a new Condition would be added replicating the Police Detail language from previous special permits for recreational marijuana establishments; and a new Condition that applicant must be open for business within three (3) years of receiving the final approval for the special permit.

Councilor Doucette moved to recommend approval for the Special Permit as amended; it was seconded. Chair Robey called the Roll; all committee members voted yes, and the motion carried 5-0. The chair will ask for a Suspension of Rules at May 24 Council Meeting to have this referred to Solicitor to be put in proper legal form.

Order No. 21-1008216 Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code.

Present for this item were Peter Tamm and Paul Momnie, attorneys with Goulston & Storrs; Phil Dorman from Greatland Realty Partners; Dan Keches from Vanasse Hangen Brustlin, Inc. (vhb), a civil engineering company; and David Gillespie from Avalon Bay. Also present were Kevin Breen, Marlborough Fire Chief and Tom DiPersio, City Engineer.

The chair began discussion on proposed amendment to allow for hazardous and toxic chemical manufacturing as well as the recommendation from Planning Board to have Biosafety Hazard Level 3 Labs be by special permit. The chair read the Planning Board's letter into the record. Chief Breen offered comments and there was healthy discussion on the topics with the applicant offering to bring new language at the next meeting. Discussion was also held on what the map information should include, and the applicant would discuss further with Solicitor Grossfield.

The matter remains in committee with May 25th as a date to continue discussion.

Order No. 20-1007995B Special Permit Application, Wayside Residential, 339 Boston Post Road East

This item was on agenda to update committee. As the extension was approved at the May 10 Council meeting, and applicant wasn't at meeting no update was given.

It was moved and seconded to adjourn. Chair Robey called the Roll; all committee members voted yes, and the meeting adjourned at 8:58 pm.

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

Suspension of the Rules requested to allow action on the FY 2022 Budget – granted.

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 FY 2022 Budget as recommended by the Mayor in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation, **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:

Suspension of the Rules requested to allow action on the Special Permit Application for Calverde Naturals – granted.

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 Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM**; 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, **APPROVED**; 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, Dennis Demers and David Williams for 3-year term respectively to expire on April 26, 2024 **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 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, **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 the Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **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 Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.

8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

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, **APPROVED**; 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, **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 City Solicitor be invited to attend a future Urban Affairs meeting to provide general information to its members regarding Approval and Denial of Special Permit Applications that may be referred to it. The information can include Massachusetts case law as well as other general information, **FILE**; 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 Approval of a Flat Wall Sign, Best Value Kitchen & Bath, 796 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 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 9:30 PM; adopted.

Yea: 11 – Nay: 0

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