

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, JUNE 21, 2021

The regular meeting of the City Council was held on Monday, June 21, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:33 PM.

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

ORDERED: That the Minutes of the City Council meeting, June 14, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update on COVID-19 and city events.

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

ORDERED: That the 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, Order No. 21-1008307, **CONTINUED UNTIL JULY 19, 2021 AT 8:00 PM**, adopted.

Councilors Present: 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 Attorney Michael Brangwynne, re: Request for continuance of Public Hearing on the Application for Special Permit on behalf of Raising Cane's Restaurants, Order No. 21-1008307, **FILE**; adopted.

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

ORDERED: That the Communication from Attorney Michael Brangwynne, re: Letter sent to abutters informing them of requested continuance of Public Hearing for Raising Cane's Restaurant's, Order No. 21-1008307, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING on the Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District" (X 18-1007134B), Order No. 21-1008293, all were heard who wish to be heard, hearing closed at 8:54 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: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$7,500.00 from the Massachusetts Cultural Council to assist the Marlborough Downtown Village Cultural District with the overall cost of the food truck festival and support the local artisans with interactive exhibits; adopted.

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

ORDERED: That the Communication from the Mayor, re: Notification of 60-Day Appointment of Patrick Jones as Interim Tax Collector, effective June 25, 2021 at 5:01 PM, **FILE**; adopted.

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

ORDERED: That the Appointment of William Fowler to the Planning Board for a 5-year term to expire on February 2, 2026, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Appointment of Marcia Waldman to the Cultural Council for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of William Dunbar to the Conservation Commission for 3-year term to expire on February 2, 2024, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 "Temporary Moratorium for Multi-Family Housing Projects", Order No. 20-1008274A, **FILE**; adopted.

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

ORDERED: That the Request for Approval of a Flat Wall Sign (South Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD **APPROVED**); adopted.

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

ORDERED: That the Request for Approval of a Flat Wall Sign (North Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), **APPROVED**; adopted.

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

ORDERED: That the Communication from the Massachusetts State Lottery Commission, re: Application for a Keno License, Ginger Garden, 200 Boston Post Road East, **FILE**; adopted.

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

ORDERED: That the Council President send a communication to the MA State Lottery Commission, to record the City Council's opposition to the issuance of a Keno Monitor to existing Keno To Go agents, Lakeside Shell, 413 Lakeside Avenue and Marlboro Shell, 431 Lincoln Street, **APPROVED**; adopted.

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

ORDERED: That the Communications from various residents re: Opposition to 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, Order No. 21-1008277, **FILE**; adopted.

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 & July 2021, **FILE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Marlborough Industrial, LLC, re: Proposed Zoning Amendment to Chapter 650, §5 and §18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JULY 19, 2021**; adopted.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By amending Section 650-5, Definitions; word usage, to include the following new definition:

Hobby Vehicle Storage – the warehousing, maintenance, and repair of vehicles owned as part of a collection, provided that the vehicles shall be stored indoors in a building with a floor area not to exceed 17,000 square feet with an accessory building not to exceed a floor area of 3,000 square feet, the vehicles shall not be displayed outdoors for sale, and any maintenance or repair shall take place indoors and shall be limited to vehicles stored at the site.

2. By amending Section 650-18(36), Conditions for Uses, as follows (new text underlined):

"Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited."

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

ORDERED: That there being no objection thereto set **MONDAY, JULY 19, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to Construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, JULY 19, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to Construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18, be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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) Board of Assessors, April 20, 2021.
- b) Library Trustees, May 4, 2021.
- c) Planning Board, May 10, 2021 & May 24, 2021.
- d) Zoning Board of Appeals, May 18, 2021.

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

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

- a) Frederick O'Brien, 37 Turmaine Street, residential mailbox claim (2b).

Reports of Committees:

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

**City Council Urban Affairs Committee
Thursday, June 17, 2021 – 7:00 PM
Council Chambers
Minutes and Report**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Navin and Councilor Wagner.

Other councilors present were Councilor Ossing and Councilor Tunnera (left at 7:28 PM).

Others attending this meeting are included with each order's information.

Order No. 21-1008277: Application for Site Plan Review from Attorney Falk on behalf of WoHo to construct a mixed-use project within the Marlborough Village Zoning District at 28 South Bolton Street.

At the applicant's request this item was not taken up and remains in committee waiting further submissions.

Order No. 17-21-1006800I: Application for Modification of Special Permit by Mina Group LLC, to condition #20 signage, to allow for increased signage at 408 Maple Street for Meineke.

Reports of Committee Continued:

Pat Scorzelli from AutoMax was present to discuss the modification for signs. The chair reviewed the draft Modification to the special permit which showed the existing Monument Sign on Rt. 85 would be a change in name only from AutoMax Service Center to Meineke Car Care Center and one on front of building will have a name change from AutoMax Service Center to Meineke Car Care Center. The additional signs would be one on the north side of building showing Meineke Car Care Center as well as service descriptions over the 5 bays on north side of building. The chair pointed out some corrections to the draft as well as some questions for the City Solicitor on areas of draft.

Councilor Doucette moved to recommend approval of the draft modification to the Special Permit for Mina Group as amended; motion was seconded. The vote carried 5-0.

As this would be reported out on Monday June 21 and typically lay on the table until the next regular meeting, the applicant requested we attempt to expedite the process so he didn't have to wait until July 19 for a final vote. The chair agreed to reach out to the City Solicitor with details of changes and question as discussed by the committee and ask for this to be reviewed and put in proper form for Monday, June 21. If the Solicitor is able to provide the revised decision in proper legal form to councilors on Monday, then a Suspension of Rules would be requested to add this matter to the agenda. Otherwise, it will be reported out and lay on table until July 19th.

Order No. 21-1008317: Request for approval of a Canopy for the drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay Zoning District.

Donna Brown permit manager; Jason Rosier, construction manager; and Michael Lawson, franchise owner, were present and reviewed their plans to add a canopy to the building to protect the employees who work outside taking orders. Details of the canopy and information that it has propane heaters within the canopy resulted in some committee members feeling they needed more details and input of the building commissioner. This order remains in committee.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 7:58 pm.

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

Suspension of the Rules requested to allow a late Communication from Assistant City Solicitor Jason Piques – granted.

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

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for Modification of Special Permit from Mina Property Group, LLC, to condition #20 (Signage) to allow for increased signage at 408 Maple Street, in proper legal form, Order No. 17/21-1006800, **FILE**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED:

IN CITY COUNCIL

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
Mina Property Group LLC
and
New England Auto Max, Inc.**

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
ORDER NO. 17/21-1006800K**

The City Council of the City of Marlborough hereby **GRANTS** the Application for Special Permit to Mina Property Group LLC (the “Applicant”) and New England Auto Max, Inc d/b/a AutoMax Service Center (the “Tenant”) to amend an existing special permit to conduct a business owned and operated by Tenant for the service, repair, and minor refinishing of automotive cars and trucks on land owned by the Applicant at 408 Maple Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. Mina Property Group is a Limited Liability Company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a principal place of business at 1199 Worcester Road, Framingham, MA 01701 hereinafter referred to as the “Applicant”.
2. New England AutoMax, Inc. d/b/a Automax Service Center is a corporation organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 1199 Worcester Road, Framingham, MA 01701 hereinafter referred to as the “Tenant”.
3. The Applicant is the owner of land in Marlborough, MA shown as Lots #7 and #8 in Plan Book #56, Plan #20, dated November 23, 1887 and recorded in the Middlesex South District Registry of Deeds said land owned being owned by the Applicant described in said Registry of Deeds in Book 44518 Page 294. Said Lots #7 and #8 are further known as 408 Maple Street, Marlborough, MA, as shown on the City of Marlborough Assessors Maps as a portion of Map 93, Parcel 65 (hereinafter referred to as the “Site”).
4. On December 4, 2017, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate an automobile service station at the Site (the “Use”) in accordance with Article V, § 650-17, and § 650-18(A)(25) of the Zoning Ordinance of the City of Marlborough, as further described in a document recorded at the Middlesex South Registry of Deeds in Book 70535, Page 186 (the “Original Special Permit.”).
5. The Applicant, on or about April 15, 2021 filed with the City Clerk of the City of Marlborough, an application to amend Condition No. 20 of the Original Special Permit in order to increase the allowed signage, under the provisions of MGL Chapter. 40A § 9 and the Marlborough Zoning Ordinance (the “Application”).
6. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a copy of the existing special permit dated December 4, 2017, and revised site plans for the Site in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit attached hereto as **“Attachment A”**.
7. The Application was certified by the Building Commissioner of the City of Marlborough acting on behalf of the City Planner for the City of Marlborough, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

8. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on May 24, 2021. The public hearing was held at Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on May 24, 2021.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use and the requested additional signage to be placed on the building and such issues with the City Council and members of the public.
11. At the public hearing, no members of the public spoke about the Use or submitted written comments about the use.
12. On June 17, 2021, the Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee (“Urban Affairs”) regarding the building and proposed signage changes.
13. Tenant AutoMax Service Center currently conducts its business at 408 Maple Street, Marlborough, MA.

**BASED UPON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site, with the increased signage set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit.
- D. The City Council incorporates by reference Finding D in the Original Special Permit.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant an amendment to amend Conditions 1, 20, and 27 of the Original Special Permit, as follows:

By amending Condition No. 1 by inserting the following sentence at the end of the original condition:

1. Incorporated into this amended special permit are plans as amended. See **“Attachment A”**.

By amending Condition No. 20 by inserting the following paragraphs at the end of the original condition:

20. Existing Signage. Existing street signage currently erected on the subject property is a monument-type sign that is consistent in size, lay-out and design, as is other existing signage on Route 85. The existing sign on Route 85 shall be replaced with the name Meineke. The additional existing Automax signage shall also be merely replaced with the name Meineke Service Center on the front of the building and shall meet the lighting criteria as set forth in the Special Permit.

New Signage. Upon granting of this Amendment there will be new additional signage of similar construction consistent with the existing signage currently on the building on the side of the front left corner of the building facing Route 85 and 5 new signs over the 5 service bays.

All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance, and shall be as shown on the Building Plan.

By amending Condition No. 27 by inserting the following paragraph at the end of the original condition:

27. All plans, renderings and other documentation provided by the Applicant as part of this Amendment of a Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council’s Urban Affairs Committee are herein incorporated into and become a part of this Amendment of Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.

In accordance with the provisions of Massachusetts General Laws Chapter 40A, §11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before a Building Permit is issued. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council’s office, the Building Department, and City Solicitor’s Office.

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 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.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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

ORDERED: That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2022, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

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

ORDERED: That no more than one hundred twenty thousand dollars (\$120,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2022, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

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

ORDERED: That no more than seventy thousand dollars (\$70,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2022, unless otherwise authorized by City Council and Mayor, **APPROVED;** adopted.

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

ORDERED: That no more than five hundred thousand dollars (\$500,000.00) shall be expended from the Water and Sewer Revolving Fund during fiscal year 2022, unless otherwise authorized by City Council and Mayor, **APPROVED;** adopted.

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

ORDERED: 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, **APPROVED;** 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
\$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 Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available 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

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			

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

ORDERED: That the Transfer Request in the amount of \$546,738.00 which moves funds from Economic Development to MEDC to fund the FY22 operations of Marlborough Economic Development Corporation, **APPROVED**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
		DEPT:	Mayor						FISCAL YEAR:	2021		

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 term to expire on June 1, 2022, **APPROVED**; adopted.

(Councilor Landers opposed).

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

ORDERED: That the Reappointment of Gregory Mitrakas with a term to expire June 1, 2024 and David Bouvier with a term to expire on June 1, 2026 to the License Board and designation of Gregory Mitrakas as Chair, **APPROVED**; adopted.

(Councilor Landers opposed).

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

ORDERED: That the Reappointments to the Conservation Commission of Karin Paquin for a term to expire on May 5, 2023, John Skarin for a term to expire on March 7, 2022 and Allan White for a term to expire March 2, 2024, **APPROVED**; adopted.

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

ORDERED: That the Reappointments to the Parks & Recreation Commission of Robert F. Kays, William F. Doherty, Jr. and Mark A. Vital for 3-year terms respectively to expire on April 2, 2024, **APPROVED**; adopted.

Motion by Councilor Tunnera, 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:

III. By amending Chapter 270, Article V (Fences), Section 270-19, entitled "Permit required", by **inserting** a new Section 270-19(D) to read as follows:

D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-45N (Sight Distance), or 2) a fence that is not located in the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Attachment 2.

IV. Chapter 270, Article V (Fences), Section 270-24(A), entitled "Easements and rights-of-way" is hereby **amended** to read as follows:

A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

(Councilor Dumais & Councilor Robey opposed).

Motion by Councilor Landers, 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 BY AMENDING CHAPTER 510, ENTITLED "SEWERS," AS FOLLOWS:

I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended to read as follows:

D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the City and abutting on any street, alley or right-of-way in which there is now or may in the future be located a public sanitary sewer of the City, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the following time limits:

- (i) Where said public sewer now exists at the time of the effective date of this clause, the connection shall be completed: (a) prior to transfer of the property, (b) prior to change in use of a structure as set forth in Chapter 650, Zoning, (c) prior to an increase in the sewage design flow applicable to a structure for purposes of Title 5, 310 CMR 15.000, of the State Environmental Code, or (d) upon failure of any system under said Title 5, 310 CMR 15.000, whichever shall occur first.
- (ii) Where said public sewer is constructed and/or located after the effective date of this clause, the connection shall be completed: Within 180 days after date of official notice by the commissioner that the public sewer is available for connection.

For purposes of this subsection, the term “transfer” shall mean the conveyance of any interest in real property, with or without consideration, including by deed, lease, or assignment, but excluding: (a) taking a security interest in a property, including but not limited to issuance of a mortgage; (b) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (c) a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (d) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, out right or in trust; or the death of a spouse; and (e) the appointment of or a change in a guardian, conservator, or trustee.

An exemption from the connection requirement in this section may only be granted upon application to the board of health, and with the recommendation of the city engineer for reasons of either: (a) extraordinary site conditions due to which the land cannot be drained into such sewer, or due to weather conditions limiting the ability to connect, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board, or (b) for a period of five (5) years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. 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 9:33 PM; adopted.