

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, OCTOBER 4, 2021

The regular meeting of the City Council was held on Monday, October 4, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Irish, Landers, Oram, Perlman & Robey. Councilors Absent: Tunnera & Navin. Meeting adjourned at 8:35 PM.

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

ORDERED: That the Minutes of the City Council meeting, September 27, 2021, **FILE**; adopted.

That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, Order No 21-1008395, all were heard who wish to be heard, hearing closed at 8:11 PM, adopted.

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

Councilors Absent: Tunnera & Navin.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptances in the amount of \$495.00 from the Assabet River Rail Trail (ARRT) and \$121.50 from Karen Ebner to be used for tree replacement along the Assabet River Rail Trail off Crowley Drive; adopted.

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

ORDERED: That Appointment of Donna Scalcione to the Council on Aging Board for a 4-year term from date of Council approval, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That Appointment of Raymond Magee to the Council on Aging Board for a 4-year term from date of Council approval, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 to extend the Housing Moratorium on the acceptance of any new multi-family housing projects through December 31, 2021, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, NOVEMBER 8, 2021.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN 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 650-61 entitled “Temporary Moratorium for Multi-Family Housing Projects”, said zoning ordinance amendment adopted by City Council Order No. 21-1008274, in order to extend the temporary moratorium, as follows:
 - a. Section 650-61(B)(1): Delete the following words in the first sentence: “ending 90 days from the date of approval of this zoning amendment by the City Council.” and replace them with the following: “ending December 31, 2021.”

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to WP Marlborough MA Owner, LLC v. Marlborough City Council, **MOVED TO AFTER ITEM 20** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Request for Executive Session to consider the purchase or value of real property located at 100 Locke Drive, **MOVED TO AFTER ITEM 20** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street, in proper legal form, Order No. 21-1008394, **MOVED TO ITEM 13** and **FILE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 8, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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 Aubuchon Realty Company, Inc., related to the proposed expansion and upgrade of the retail plaza within the Wayside District, at 661 Boston Post Road East, referred to the **URBAN AFFAIRS COMMITTEE**; 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) Fort Meadow Commission, April 21, 2021, May 27, 2021, June 17, 2021, July 15, 2021 & August 19, 2021.
- b) Traffic Commission, June 30, 2021.

Reports of Committees:

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

**City Council Urban Affairs Committee
Report and Minutes
Monday – September 29, 2021**

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

Other councilors present were Councilor Ossing and Councilor Irish. Councilor Perlman arrived at 7:12 PM.

Attorney Brian Falk was present for petitioner.

Order No. 21-1008344: Communication from Attorney 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.

This item had been postponed in committee. Discussion continued on an amended version of language for Hobby Vehicle Storage submitted by Attorney Falk. The changes included clarifying minor repair and personal land-based vehicles, clarifying that vehicles shall not be advertised for sale, major repairs or restoration must take place off-site and adding language for storage of fuel. The chair stated that after talking with the Building Commissioner and City Solicitor, two further amendments were suggested-adding words **incidental and accessory** after the word ‘minor’ and adding **passenger** after the words ‘personal land-based’.

Councilor Doucette moved to recommend adding **incidental and accessory** after the word ‘minor’, the motion was seconded; motion carried 5-0. Councilor Wagner moved to recommend adding in **passenger** after ‘personal land-based’, the motion was seconded; motion carried 5-0.

Councilor Doucette moved to recommend approval of the Proposed Council Order amending § 650-5 definitions by adding the amended definition for Hobby Vehicle Storage and amend § 650-18 (36) Conditions for Uses by adding in the words **hobby vehicle storage**, the motion was seconded; the motion carried 5-0.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 7:15 pm.

Councilor Dumais reported the following out of the Reprecincting Committee:

**City Council Reprecincting Committee
Report and Minutes
Monday – September 29, 2021**

Reports of Committee Continued:

This meeting convened at 7:30 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Acting Chair Wagner and Councilor Irish; Chair Dumais was absent.

Also in attendance were Councilors Doucette, Perlman, Robey, Navin, Landers and Ossing.

9-27-21 – Order No.21-1008403: Communication from City Clerk re: Proposed Reprecincting Map and Census Block Data—Refer to Reprecincting Committee (Special Committee announced by President Ossing to consist of: Chair Dumais; Councilors Wagner and Irish)

City Clerk Kerrigan explained the difference between Map #1 and Map #2, both approved by the state and his reasons for recommending minor changes to the initial state proposed Map. Map 2 keeps the Glenbrook neighborhood predominantly intact and reversed a change to Map 1 that impacted Lodi Road and Applewood Drive in Ward 6. The foremost goal of City Clerk Kerrigan was to retain voting places in their respective wards and to provide for convenient access to the polls.

The proposed reprecincting map will not impact the upcoming municipal election but will be effective for the 2022 state election. As in the past, the City Clerk's Office will use various means of notification available to notify voters of the changes, including but not limited to mailings and the city's website.

Motion made by Councilor Irish to recommend approval of Map 2 and request the City Clerk to assemble the documentation to be placed on the October 18, 2021 Council agenda, seconded by Chair and approved. Vote 2-0.

Motion made by Councilor Irish to adjourn, seconded by Chair and approved.

Meeting adjourned at 8:14 PM.

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

Suspension of the Rules requested – granted.

ORDERED: That That the 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 the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 18, 2021 COUNCIL MEETING;** adopted.

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

ORDERED: That the portion of the public way identified on a plan entitled, “Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1” = 20’, January 2002,” which is attached hereto and incorporated herein by reference, and containing 316.41± square feet (the “Licensed Premises”), which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Michele Guadagnino and Michael Tutterman, based, however, upon the following conditions:

1. The license shall be on a temporary five-year basis, requiring further City Council approval five years from the date of adoption of this Order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees’ use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough’s winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

APPROVED; adopted.

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

ORDERED: That the Appointment of John Valade as Principal Assessor for a 3-year term from date of Council confirmation, **APPROVED;** adopted.

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

ORDERED: That the Appointment of Linda Warren to the Council on Aging Board for a 3-year term from date of Council confirmation, **APPROVED;** adopted.

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

ORDERED: That the Request for Approval of a Flat Roof Sign for “Val-U-Storage”, Val’s Plaza, 561 Boston Post Road East, within the Wayside District, **APPROVED;** adopted.

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

ORDERED: That the Request for Approval of a Flat Roof Sign, Val’s Plaza, 561 Boston Post Road East, within the Wayside District, is hereby **APPROVED** for the installation of a 108” X 36” sign panel that shall not be lettered but shall contain a blank white panel. Once a tenant has signed a lease, the applicant shall submit a new sign permit application to the Building Department specifying the business name to be included on the sign panel inside the 108” X 36” sign box. The new sign application shall not be subject to further City Council approval; adopted.

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

ORDERED: That the Job Description (attached) pursuant to Chapter 125 entitled "Personnel" §5 "Preparation of Classification Descriptions" of the Code, relative to the position of City Collector/Assistant Director of Finance, **APPROVED**; adopted.

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

ORDERED: That the Job Description (attached) pursuant to Chapter 125 entitled "Personnel" §5 "Preparation of Classification Descriptions" of the Code, relative to the position of Assistant Commissioner of Facilities, **APPROVED**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$93,243.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back and Longevity to fund recent retirements in the Department of Public Works and Police Departments, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Various					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,075,817.00	\$93,243.00	11990006	57820	Reserve for Salaries	\$31,375.00	12100003	51920	Sick Leave Buy Back		\$142,155.10
	Reason:							Retirement payout		
					\$22,189.00	14001303	51920	Sick Leave Buy Back		\$0.00
								Retirement payout		
					\$2,040.00	14001303	51430	Longevity		\$22,188.78
	Reason:							Retirement payout		
					\$34,106.00	14001103	51920	Sick Leave Buy Back		\$0.00
	Reason:							Retirement payout		
					\$3,533.00	14001103	51430	Longevity		\$10,879.63
	Reason:							Retirement payout		
	\$93,243.00	Total			\$93,243.00	Total				

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

ORDERED: That the Transfer Request in the amount of \$70,645.00 which moves funds from Assistant Building Commissioner to Contract Services to fund additional resources to assist within the Building Department, **APPROVED**; adopted.

		CITY OF MARLBOROUGH											
		BUDGET TRANSFERS --											
	DEPT:	Inspectional Services							FISCAL YEAR:	2022			
		FROM ACCOUNT:							TO ACCOUNT:				
Available												Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:			Balance	
\$82,360.00	\$70,645.00	12410001	50095	Asst Building Commissioner		\$70,645.00	12410004	53140	Contract Services			\$0.00	
	Reason:	Vacant position						Outsourcing of inspectional services					
	\$70,645.00	Total				\$70,645.00	Total						

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

ORDERED: Moved that the Marlborough City Council meet in Executive Session under Purpose 3 of the Open Meeting Law, MGL Chapter 30A §21(a)(3) to “discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body” regarding the pending matter, WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

The City Council will not re-convene in open session after the Executive Session.

APPROVED; adopted.

Yea: 9 – Nay: 0 – Absent: 2

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

Absent: Tunnera & Navin

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

ORDERED: Moved that the Marlborough City Council meet in Executive Session under Purpose 6 of the Open Meeting Law, MGL Chapter 30A §21(a)(6) to “consider the purchase, exchange, lease or value of real property” regarding the property located at 100 Locke Drive, as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s negotiating position.

The City Council will not re-convene in open session after the Executive Session.

APPROVED; adopted.

Yea: 9 – Nay: 0 – Absent: 2

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

Absent: Tunnera & Navin

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 PM; adopted.