

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, NOVEMBER 22, 2021**

The regular meeting of the City Council was held on Monday, November 22, 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 9:00 PM.

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

ORDERED: That the Minutes of the City Council meeting, November 8, 2021, **FILE**; adopted.

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

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

ORDERED: That the Reappointment of Councilor Michael Ossing to the OPEB Board of Trustees for a two-year term, **FILE**; adopted.

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

Suspension of the Rules requested to allow Mayor Vigeant to speak—granted.

ORDERED: That the Transfer Request in the amount of \$1,204,784.00 which moves funds from Meals Tax Revenue Account to fund FY22 bond payments associated with Parks & Recreation improvements, **APPROVED** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Auditor				FISCAL YEAR:		2022	
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$1,287,593.92	\$1,204,784.00	27000	33086	Fund Bal-Parks & Fields Capital	\$1,204,784.00	19910009	49715	Transfer-Meal Local Option	\$0.00
Reason:		Local options meals tax funding FY22 bond payments associated with parks & fields as per the FY22 budget process							
	\$1,204,784.00	Total			\$1,204,784.00	Total			

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

ORDERED: That the: Proposed Amendment to the Code of the City of Marlborough, Chapter 608 “Water” §11 “Entrance Fees” and Chapter 510 “Sewer” §4 “Building Sewer Connections” to adjust both water and sewer entrance fees based on significant demand on the system as submitted by the Mayor, referred to the **FINANCE COMMITTEE** and **CARRIED OVER TO THE 2022/2023 LEGISLATIVE SESSION**; 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 608 (“Water”), Section 608-11 (“Entrance Fees”) by **inserting a new A(2)(c)** to read as follows:

(c) Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.00 per square foot of building area.
- II. By **amending** Section 608-11(B)(3) to read as follows (new text shown as underlined):

Commercial or industrial subdivision or development. The entrance fee shall be \$3,000 for each connection of the secondary or branch mains or mains to the City main, plus the nonresidential entrance fee listed in § 608-11A for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §608-11(A)(2)(c).
- III. By amending Chapter 510 (“Sewer”), Section 510-4 (“Building Sewer Connections”) by **inserting a new A(1)(c)[3]** to read as follows:

Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.67 per square foot of building area.
- IV. By **amending** Section 510-4(A)(6)(c) to read as follows (new text shown as underlined):

(c) Commercial or industrial subdivision or development. The entrance fee shall be \$5,000 for each connection of the secondary or branch main or mains to the City main, plus the nonresidential entrance fee listed in Subsection A(1)(c) for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §510-4(A)(1)(c)[3].
- V. Effective Date. These amendments shall take effect upon passage and shall apply to connections for nonresidential uses that have not received a building permit as of the effective date of these amendments.

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

ORDERED: That the Communication from the Mayor, re: Proposed Zoning Amendment to the Code of the City of Marlborough, Chapter 650 “Zoning” §17, §18 and §32 relative to the regulation of marijuana uses incorporating recent regulatory amendments by the Cannabis Control Commission (CCC), referred to **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: OPEB Trust Update, **FILE**; adopted.

Mayor Vigeant addressed the City Council on the proposed Master Concept Plan and Development Agreement for The Campus.

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

ORDERED:

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
GARDEN REMEDIES, INC.**

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
ORDER NO. 21-1008417C
X 18/20-1007318**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. (the “Applicant”) to amend an existing special permit to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the tenant of a commercial retail unit located at 416 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the “Site”). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road East, Suite 6, Marlborough, MA 01752.
3. On November 5, 2018, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the “Use”) in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the “Original Special Permit”).
4. On December 7, 2020, the City Council of the City of Marlborough voted to grant an amended special permit authorizing expanded operating hours for the Use in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance, recorded at the Middlesex South District Registry of Deeds in Book 76747, Page 587 (the “Amended Special Permit”).

5. On September 30, 2021, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Finding D.16 of the Original Special Permit in order to update the signage for the Use, under the provisions of Massachusetts General Laws Chapter 40A, Section 9, and the Zoning Ordinance (the "Application").
6. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site, and proposed sign renderings (the "Proposed Signs") attached hereto as "Attachment A."
7. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance 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 for the City of Marlborough 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 Monday, November 8, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on November 8, 2021.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
11. At the public hearing, no members of the public spoke in opposition to the Use or submitted written comments about the Use.
12. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and the Amended Special Permit, which are expressly incorporated in this Decision by reference.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site, with the Proposed Signs, 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, in the Original Special Permit, and in the Amended 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, in the Original Special Permit, and in the Amended 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, except as modified in this Decision.

- 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 modify Finding D.16 of the Original Special Permit in order to update the signage for the Use as shown in “Attachment A” hereto, by deleting Finding D.16 in its entirety and inserting in its place the following:

16. Signs and signage:

Finding: The Proposed Signs are appropriate for the Use.

All other conditions of the Original Special Permit and the Amended 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, Section 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 the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council’s office, the Building Department, and the City Solicitor’s office.

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 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 AGENDA ITEM #20**; 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, §61 “Temporary Moratorium for Multi-Family Housing Projects” to extend the date to December 31, 2021 as requested by the Mayor, **FILE**; adopted.

Suspension of the Rules requested – Motion by Councilor Robey to remove from the Urban Affairs Committee, Order No. 21-1008414, proposed Zoning Amendment to extend the temporary moratorium for multi-family housing projects – granted.

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 §61 “Temporary Moratorium for Multi-Family Housing Projects” to extend the moratorium on the acceptance of any new multi-family housing projects through December 31, 2021, **DENIED**; adopted.

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 Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY DECEMBER 6, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install two new Poles P6-51 and P6-5 on Bartlett Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from National Grid, re: Public Notice for review and comment on the 2022 Yearly Operational Plan (YOP) and Vegetation Management Plan (VMP), referred to the **BOARD OF HEALTH; CONSERVATION COMMISSION & DEPARTMENT OF PUBLIC WORKS** and **FILE**; adopted.

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

ORDERED: That the Communications from the Department of Public Utilities, re: Notice of Filing and Public Hearing on items below, **FILE**; adopted.

- a) Petition of Eversource Gas Company for approval of its Three-Year Energy Efficiency Plan for 2022 through 2024.
- b) Petition of NSTAR Gas Company (d/b/a Eversource Energy) for approval of its Three-Year Efficiency Plan for 2022 through 2024.
- c) Petition of MA Electric and Nantucket Electric for approval of its Three-Year Energy Efficiency Plan for 2022 through 2024.
- d) Petition of NSTAR Electric (d/b/a Eversource Energy) of its Three-Year Energy Efficiency Plan for 2022 through 2024.

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, October 26, 2021.
- b) Board of Assessors, September 8, 2021.
- c) Conservation Commission, October 21, 2021.
- d) Library Board of Trustees, September 7, 2021 & October 5, 2021.
- e) OPEB Trust, November 9, 2021.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
Report and Minutes
Monday – November 9, 2021**

This meeting convened at 6:15 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).

Voting and non-voting members present: Chair Dumais; Councilors Doucette, Landers, Wagner, Robey, Navin, and Ossing.

Non-voting members absent: Councilors Perlman, Tunnera, Irish, and Oram.

10-18-21 – Order No. 21-1008428B: Reappointment of Priscilla Ryder as Conservation Officer for a three-year term from date of Council confirmation. Motion by Councilor Doucette to recommend approval of the reappointment of Priscilla Ryder, seconded by Councilor Landers, and approved as submitted. Vote 3-0

Motion by Councilor Doucette to adjourn; seconded by Chair and approved.

Meeting Adjourned: 6:25 PM

Councilor Robey reported the following out of the Personnel Committee:

**City Council Urban Affairs Committee
Report and Minutes
Monday, October 25, 2021 7:30 PM
Continued on Tuesday, November 9, 2021 6:30 PM**

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

Other councilors present on October 25 were Councilors Dumais, Perlman, Oram, Ossing, Tunnera and Irish.

Other councilors present on November 9 were Councilors Dumais, Oram and Ossing.

Other councilors absent on November 9 were Councilors Perlman, Irish and Tunnera.

City Engineer Tom DiPersio was present at both meetings. Attending for the petitioner at both meetings were Kevin Sheehan, Greatland Realty; David Gillespie, Avalon Bay; Daniel Keches, Civil Engineer VHB, and Peter Tamm, attorney Goulston & Storrs.

Order No 21-1008404: Proposed Master Concept Plan and Development Agreement submitted by Attorney Peter Tamm on behalf of the Campus at Marlborough in the Results Way Mixed Use Overlay District (RWMUOD).

Reports of Committee Continued:

On October 25 the committee had received the following documents:

1. a letter from Attorney Peter Tamm dated Sept. 22, 2021 outlining the materials
2. Attachment #1 Proposed Master Concept Plan also known as Exhibit B referenced on page 2 of Dev. Agreement
3. Attachment #2 Proposed Development Agreement
4. Attachment #3 Fiscal Impact Analysis
- 5 Attachment #4 Traffic Analysis
6. Exhibit A the legal description of property, referenced on page 1 of Dev Agreement
7. Exhibit C Transportation Mitigation, referenced on page 4 Section 2.02 Transportation
8. Exhibit D Environmental Strategies, referenced on page 4 Section 2.04 Environmental Strategies
9. Email from City Engineer Tom DiPersio with his comments on the Development Agreement
10. an updated Master Concept Plan in response to comments from City Engineer Tom DiPersio as well as response from applicant to Mr. DiPersio's comments.
11. email from the mayor's office which included proposed language for phasing of the project.

The chair began discussion on the comments of Mr. DiPersio beginning with the Revised Concept Plan submitted in response to his comments. Those revisions include adding a Locus Plan showing the minimum 40% Open Space, outlining walking route on sidewalks, a Proposed Summary Table showing approximate total area of existing buildings and a Proposed Parking Summary table outlining parking areas on site, and showing the Amenity Area.

Discussion then began on the revised Development Agreement. Attorney Tamm reviewed the phasing and the impact of market conditions with plans to submit Site Plan for both the Bio-Ring 5 building and the residential component. There was discussion about the housing piece relative to phasing, the moratorium's effect on housing, and the mayor's proposal but nothing was finalized. Other changes made to the Development Agreement include outlining a process for assessment/future acceptance of Martinangelo Drive as a public way, to specify that the existing Sewer Connection Permit be allowed to lapse, and each site plan submittal would be subject to the established rules for water/sewer, and changes were made in Exhibit C -Transportation Mitigation and Exhibit D-Environmental Strategies following input from city engineer. This was postponed in committee.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. Meeting adjourned at 9:02 PM.

On November 9 the committee continued discussion on the newly revised Development Agreement. Further changes were made including changing "once constructed" to "once completed" in paragraph on parking structure under construction; updating the date on Concept Plan to October 25, 2021; removing language in Section 2.01 Housing that discusses using the contribution for affordable housing and adding in that the City Council would designate a fund to transfer the money when received in that section as well as Section 2.03 Fire/Public Safety; adding in language to 2.04 Environmental Strategies to incorporate renewable energy such as solar, wind, geothermal; adding to Exhibit D Environmental Strategies promotion of safe, shared usage of bicycles with signage and stripping.

Reports of Committee Continued:

There was a lengthy discussion on the phasing of project and mitigation with several ideas presented. Attorney Tamm offered a proposal to amend the mitigation for fire/public safety for an initial payment of \$25,000 within five days of the full execution of the Development Agreement and thereafter for a second payment of \$75,000 payable upon the earlier of (1) the issuance of an occupancy permit for the first new commercial building or (2) the passage of 36 months from date of signing the Development Agreement. This proposal was submitted to cover concerns on phasing of commercial buildings.

Councilor Doucette moved to approve the amended Development Agreement and amended Master Concept Plan incorporating prior changes and those made on November 9. The motion was seconded and carried 5-0.

The petitioner will make the changes approved at this meeting and send out a revised copy. The chair will ask for a Suspension of Rules at the November 22 meeting to have this referred to the solicitor to be put in proper form for inclusion of the December 6 agenda.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. Meeting adjourned at 9:04 PM.

Suspension of the Rules requested – granted.

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

ORDERED: That the Proposed Master Concept Plan and Development Agreement submitted by Attorney Peter Tamm on behalf of the Campus at Marlborough and within the Results Way Mixed Use Overlay District (RWMUOD), as amended by the Urban Affairs Committee, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 6, 2021 CITY COUNCIL MEETING**

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

ORDERED: That the Appointment of Christopher Firicano as City Collector/Assistant Director of Finance for a 2-year term to expire the day following approval by the City Council, **APPROVED**; adopted.

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

ORDERED: That the Appointment of Donna Scalcione to the Council on Aging Board for a 4-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 Raymond Magee to the Council on Aging Board for a 4-year term from date of Council confirmation, **APPROVED**; adopted.

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

ORDERED: That the Reappointment of Mark Gibbs as Director of Data Processing for a 3-year term from date of Council confirmation, **APPROVED**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$146,288.00 which moves funds from PEG Funds to IT Equipment to fund the purchase of an electronic time system and equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:	IT					FISCAL YEAR:	2022		
	FROM ACCOUNT:					TO ACCOUNT:			
									Available
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$146,288.00	27000099	47750	Receipts Reserved-PEG Funds	\$146,288.00	19300006	58618	IT Equipment		\$0.00
Reason:					Implementation, setup of electronic time submittal				
\$146,288.00	Total			\$146,288.00	Total				

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: 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, in proper legal form, Order No 21-1008417, **FILE**; adopted.

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

ORDERED: That agenda item #20 – Application for Modification of Special Permit of Garden Remedies, Inc., requesting an update to the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, Order No 21-1008417, **FILE**; adopted.

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

ORDERED: 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.

Yea: 11 – Nay: 0

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:00 PM; adopted.