

### 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, DECEMBER 20, 2021**

The regular meeting of the City Council was held on Monday, December 20, 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 8:51 PM.

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

**ORDERED:** That the Minutes of the City Council meeting, December 6, 2021, **FILE**; adopted.

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

That the CONTINUED 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, Order No 21-1008454A, all were heard who wish to be heard, hearing closed at 8:12 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:** The City Council hereby **APPROVES** the Acceptance of Federal Coronavirus Relief Fund (CARES Act) in the amount of \$3,511,279.00 from the Commonwealth of Massachusetts that was used to cover all costs associated with the Board of Health, PPE Supplies, Unemployment Claims, HVAC and cleaning of city buildings from March 1, 2020 through October 29, 2021; adopted.

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

**ORDERED:** The City Council hereby **APPROVES** the Acceptance of Coronavirus Local Fiscal Recovery Fund package in the amount of \$11,835,814.00 through the American Rescue Plan Act of 2021 (ARPA); adopted.

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 \$2,000.00 from the Cummings Community Giving Program in the name of employees Michael Burnell and Paul Bracken of New Horizons awarded to the Police Department to be used for community outreach programs; adopted.

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

ORDERED: That the Communication from the Mayor, re: Request that the City Council consider a Proposed Zoning Change regarding a portion of Jefferson Street, referred to the **URBAN AFFAIRS COMMITTEE** and **CARRIED OVER TO THE 2022/2023 LEGISLATIVE SESSION**; adopted.

**Councilor Dumais recused.**

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

**Suspension of the Rules requested to allow for a communication from Attorney Peter Tamm on behalf of Greatland Realty Partners, re: The Campus Master Concept Plan and Development Agreement – granted.**

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

ORDERED: That the Communication from Attorney Peter Tamm on behalf of Greatland Realty Partners, re: Master Concept Plan and Development Agreement for the Campus at Marlborough, **FILE**; adopted.

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

ORDERED: That the Proposed Master Concept Plan and Development Agreement with BH GRP TCAM Owner for the Campus at Marlborough within the RWMUOD Sub-District 2, referred to the **URBAN AFFAIRS COMMITTEE** and **CARRIED OVER TO THE 2022/2023 LEGISLATIVE SESSION**; adopted.

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

ORDERED: That the Request for Approval of a Flat Wall Sign, Bay State Physical Therapy, 771 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

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

ORDERED: That the Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY23 Appropriation in the amount of \$10,275,549.00, **FILE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk, re: Request to carry over to 2022/2023 session, Site Plan Application, Aubuchon Realty Company, Inc., 661 Boston Post Road East, **FILE**; adopted.

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

ORDERED: That the Application for Site Plan Review from 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, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk, re: Request to carry over to 2022/2023 session, Application for Special Permit by J&D Landscape Contractors, 101 Airport Boulevard, **FILE**; adopted.

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

ORDERED: That the Application for Special Permit from J & D Landscape Contractors, to construct and operate both a contractor's yard and landscape contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12, is carried over to the 2022/2023 Legislative Session, **APPROVED**; 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) School Committee, November 23, 2021.
- b) Conservation Commission, November 4, 2021.
- c) Historical Commission, November 18, 2021.
- d) Planning Board, October 18, 2021, November 8, 2021 & November 22, 2021.

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

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Paul Dickie, 34 Eldorado Drive, pothole or other road defect.
- b) David LeBlanc, 66 Neil Street, other property damage and/or personal injury.

Reports of Committees:

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

**City Council Public Services Committee  
Report and Minutes  
Monday – December 13, 2021**

The meeting convened at 6:45 PM and was held 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](http://www.marlborough-ma.gov)).

Voting members present: Chair Landers, Councilors Perlman, Irish.

Non-Voting members present: Ossing, Doucette, Dumais and Navin. Councilors Tunnera, Oram and Robey (arrived after the start of the meeting). Councilor Wagner absent.

Managers Present: DPW Commissioner Divoll and City Engineer DiPersio.

**11/22/21: Order No. 21-1008454: Petition from Mass Electric and Verizon NE to install two new poles P6-51 and P6-5 on Bartlett Street.**

(Note: Public Hearing continued to December 20, 2021 at request of petitioner.)

Chair Landers read the comment from the City Engineer as follows:

**From:** Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>

**Sent:** Monday, December 13, 2021 7:14 AM

**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>

**Subject:** Order 1008454

To the Public Services Committee:

Regarding Order 21-1008454: Petition of Massachusetts Electric and Verizon New England, to install two new jointly owned Poles #6-51 at #6-5 on Bartlett Street, I offer the following:

- The attached Standard Conditions shall apply.
- The new pole 6-5 shall be not be located in the sidewalk.
- The proposed location of the new pole shall be marked on the ground and approved prior to start of work.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS

City Engineer

There were no questions from councilors. On a motion by Councilor Irish, seconded by Chair Landers, the committee recommends approval of the petition for two poles on Bartlett Street. Vote 3-0. Chair will request to suspend the rules to approve on December 20, 2021 so long as no issues are raised at the continued public hearing.

Motion made and seconded to adjourn. Meeting adjourned at 6:55 PM

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee  
Report and Minutes  
Monday – December 13, 2021**

This meeting convened at 7 PM and was held 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 on the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

Voting members present: Chair Irish, Councilors Dumais, Oram, Perlman, Tunnera.

Non-Voting members present: Ossing, Doucette, Robey, Navin, and Landers. Councilor Wagner absent.

Managers present: Mayor Vigeant; DPW Commissioner Divoll; City Engineer DiPersio

1. 11/22/21: **Order No. 21-1008449: Communication from Mayor Vigeant together with Proposed Ordinance, City Code, Chapter 608, "Water" s.11, "Entrance Fees" and Chapter 510 "Sewer" s.4, "Building Sewer Connections" to increase both water and sewer entrance fees based on significant demand on the system.**

City Engineer DiPersio addressed councilors regarding the revised fee which is based on significant demands on the city and will put the sewer connection and water entrance fees in the range of other comparable communities.

**On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the revised fees in Chapter 608 'Water' and Chapter 510 'Sewer' as submitted by the Mayor. Vote 5-0**

Reports of Committee Continued:

2. 12/06/21: **Order No. 21-1008468: That the Finance Committee review Condition #6 and #7 in Order No.19-1007762B (Green District Housing) to determine the fund where the payments shall be deposited and forwarded the information to the Mayor/Auditor to establish the account and submit transfers from the FY22 Undesignated account into the account “designated” by the City Council.**

Councilors reviewed the order submitted by Councilors Robey and Ossing requesting the City Council determine where the funds should be deposited from Conditions 6 and 7 in Order 19-1007762B (Green District Housing). The City received the Site 1 portion of Condition 6 (\$600,000) and the Site 1 portion of Condition 7 (\$822,500) and these funds are currently in the FY22 Undesignated fund account.

**On a motion by Councilor Oram, seconded by Chair, it is hereby Ordered: that the Mayor submit for City Council approval, the establishment of the ‘West Side Fire Station’ stabilization account together with a transfer in the amount of \$1,422,500 from the Undesignated Fund Account to the ‘West Side Fire Station Stabilization’ account. The motion carried 5-0**

On a motion by Councilor Perlman, seconded by Chair Irish, the meeting adjourned at 7:36 PM.

#### **Suspension of the Rules requested – granted.**

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 two new Poles P6-51 and P6-5 on Bartlett Street, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

1. The new pole P6-5 shall not be located in the sidewalk.
2. The proposed location of the new pole shall be marked on the ground and approved by the Engineering Division prior to the start of work.
3. Any necessary easements are to be obtained from affected property owners.
4. A street opening permit must be applied for by the proposed contractor performing the work.
5. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
6. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
7. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
8. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
9. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
10. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.

11. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
12. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
13. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**Suspension of the Rules requested – granted.**

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

ORDERED: At a regular meeting of the City Council held on Monday, DECEMBER 20, 2021, the following 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, having been read was **ORDERED ADVERTISED**; 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.

**Suspension of the Rules requested – granted.**

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

ORDERED: That the Mayor and City Auditor submit for City Council approval, the establishment of a new Stabilization Account, titled “West Side Fire Station Stabilization Account”, and it is further ORDERED, that the Mayor submit a transfer request in the amount of \$1,422,500.00 from the Undesignated Fund to the new “West Side Fire Station Stabilization account, **APPROVED**; adopted.

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

ORDERED: That the Proposed order to authorize the purchase of 100 Locke Drive for the purpose of building a new Fire Station, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

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

ORDERED: That the Proposed Amended Transfer Request relative to the acquisition of 100 Locke Drive for a new Fire Station clarifying the funding sources, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

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

ORDERED: That the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

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), is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

City Council President Ossing read a proclamation from the City Council and presented it to outgoing Councilor-Ward 4 Robert J. Tunnera.

City Councilor Tunnera spoke and thanked his family, the residents of Marlborough and the current and former members of the Council.

City Council President Ossing turned the podium over to Councilor Tunnera to adjourn the meeting.

Motion by Councilor Robey, 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 8:51 PM; adopted.