

REGULAR MEETING
DECEMBER 7, 2020
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 DEC -3 P 12: 15

This meeting of the City Council will be held virtually on Monday, December 7, 2020 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, November 16, 2020.
2. JOINT TAX CLASSIFICATION PUBLIC HEARING with the Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2021.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 697 153 712 #. ****

3. Communication from the Mayor, re: Tax Classification Hearing Information and Tax Levy Offset Transfer Requests totaling \$1,213,384.01.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$21,600.00 from the Department of Environmental Protection awarded to the Department of Public Works to offset the rising costs of processing recyclable materials.
5. Communication from the Mayor, re: Gift Acceptance in the amount of \$7,500.00 from Digital Federal Credit Union (DCU) donated to the Police Department to support the departments youth programming efforts and the Christmas Heroes for Helpers program.
6. Communication from City Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 270 Building and Site Development §9 "Fees" as recommended by the Mayor and Building Commissioner, in proper legal form, Order No. 20-1008134.
7. Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, in proper legal form, Order No. 20-1008085B.
8. Communication from Assistant City Solicitor Jason Piques, re: Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., to amend condition #8 relative to the hours of operation for the medical and adult use marijuana retail establishment located at 416 Boston Post Road East, in proper legal form, Order No. 18/20-1007318H.
9. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Flat Wall Sign, Emporium Brasil, 581 Boston Post Road East, within the Wayside District.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

10. Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to February 28, 2021 at 11:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, consisting of 188 units in 4 buildings at 339 Boston Post Road East (McGee Farm), Order No. 20-1007995G.
11. Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY22 Appropriation in the amount of \$9,524,575.00.
12. Communication from Central MA Mosquito Control Project, re: Notice of 2021 Commission meeting dates.
13. Minutes of Boards, Commissions and Committees:
 - a) School Committee, October 13, 2020, October 27, 2020 & November 10, 2020.
 - b) Commission on Disabilities, October 6, 2020.
 - c) Conservation Commission, October 15, 2020 & November 5, 2020.
 - d) Council on Aging Board, October 13, 2020.
 - e) Marlborough Historical Commission, August 20, 2020 & October 15, 2020.
 - f) Library Board of Trustees, October 6, 2020.
 - g) Parks & Recreation Commission, October 7, 2020.
14. CLAIMS:
 - a) Flavia Sousa, 15 Hunter Avenue, #6A, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

15. **Order No. 20-1008119: Reappointment of Eileen Bristol for a 2-year term effective from date of confirmation.**
Recommendation of the Personnel Committee is to approve. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0.
16. **Order No. 20-1008120: Appointment of Mary Watson Avery to the Cultural Council for a 3-year term effective from date of Council confirmation.**
Recommendation of the Personnel Committee is to approve. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0.
17. **Order No. 20-1008131: Appointment Patrick Jones as Finance Director/Treasurer for a 3-year term effective from date of Council confirmation.**
Recommendation of the Personnel Committee is to approve. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0.

18. **Order No. 20-1008132: Appointment of Barbara Pellegrini Allen to the Commission on Disabilities for a 3-year term effective from date of Council confirmation.**

Recommendation of the Personnel Committee is to approve. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0.

From Finance Committee

19. **Order No. 20-1008134: Proposed amendment to the City Code, Chapter 270 Building and Site Development, section 9 Fees with proposed changes as recommended by the Mayor and the Building Commissioner.**

Recommendation of the Finance Committee is to approve. Councilors discussed the revised fee schedule with the Building Commissioner and Mayor. The proposed effective date of the changes is July 2021. The Commissioner submitted the city's Inspectional Services fees that have not changed since 2004 are low compared to eighteen (18) similar communities and the proposed changes will more accurately reflect the time to process permits.

Councilors asked for revised versions of tracked and clean copies prior to the meeting and that various forms of social media be used to provide advance notice of the new fees to the users—residents, developers and tradesmen.

By roll call the Finance Committee voted 5-0 to approve the amended fee schedule, Chapter 270 Building and Site Development, section 9 "Fees." (Roll Call Vote: In Favor: Councilors Dumais, Tunnera, Oram, Perlman and Irish).

From Urban Affairs Committee

20. **Order No. 20-1008085B: Application by Viewpoint Sign & Awning for an Electronic Message Board Sign on behalf of Dunkin Donuts, 269 East Main Street, Map 58, Parcel 69A.**

Recommendation of the Urban Affairs Committee is to approve as amended. The petitioner opened the meeting informing the committee that the new menu board would be part of a remodel of store including upgrade to ordering capabilities. There was discussion about the height bar that is on the back of the building and suggestion to put warning signage before customers turn the corner and find they cannot continue due to the clearance bar. The petitioner agreed to include a condition requiring signage to warn motorists of the clearance bar. The committee then continued discussion of the draft Special Permit decision the petitioner provided.

Changes were recommended as follows:

- Add a new #8 to Procedural Findings to read: At the public hearing no public spoke in favor or against the permit.
- Condition #1-delete letters a), b), and c) so it reads in part "and in addition the Menu sign shall be turned off when the restaurant is not open for business."
- Add in new condition #3 to place a sign on west side of property to warn motorists of height clearance.

Councilor Doucette moved to recommend approval of the LED electronic message (menu) sign permit as amended; the motion was seconded, and the vote carried 5-0. The chair will ask for a Suspension of Rules to have this referred to Solicitor to be put in proper form for vote at the December 7, 2020 meeting.