

REGULAR MEETING
APRIL 26, 2021
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

2021 APR 22 P 1:55

This meeting of the City Council will be held virtually on Monday, April 26, 2021 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, April 5, 2021.
2. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new #5 and anchor which will allow for the removal of the pole and tree guy wire at 43 Berlin Road, Order No. 21-1008258.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 827 713 911 #. ****

3. Communication from Assistant City Solicitor Jason Piques on behalf of Councilor Irish, re: Proposed Rezoning of land at 290 Hudson Street, identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$178,700.44 from the Massachusetts Department of Transportation (MassDOT) awarded to the DPW for a bike lane extension from the Assabet Valley Rail Trail to Main Street.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$20,000.00 from the Executive Office of Public Safety & Security awarded to the Fire Department for the purchase of individual portable radios, mobile radios, and repeaters for the department's vehicles.
6. Communication from the Mayor, re: Appointment of Tin Htway as Building Commissioner for a 3-year term from date of Council confirmation.
7. Communication from the Mayor, re: Appointment of MaryJo Nawrocki to the License Board for a 6-year term from date of Council confirmation.
8. Communication from the Mayor, re: Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from date of Council confirmation and designation of Gregory Mitrakas as Chair.
9. Communication from the Mayor, re: Reappointments to the Conservation Commission of Edward Clancy for a 3-year term to expire on April 26, 2024 in addition to Dennis Demers and David Williams for 2-year terms respectively to expire on April 23, 2023.

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 the Mayor, re: Proposed Tax Increment Financing (TIF) Agreement with BJ's Wholesale Club, Inc. who will be leasing two buildings, comprising of 168,581 square feet located at 350 Campus Drive and 19,244 square feet located at 100 Campus Drive, Map 111, Parcel 1.
11. Communication from the Mayor, re: Request for the Council to adopt a 90-Day Housing Moratorium on the acceptance of any new multi-family housing projects.
12. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Free-Standing Sign, Mobil, 656 Boston Post Road East, within the Wayside District.
13. Petition from Massachusetts Electric, to install a new pole #45/2 within the public right of way approximately 103' west of Pole 25-1 on Forest Street.
14. Application for Modification of Special Permit from Mina Property Group, LLC, to condition #20 (Signage) to allow for increased signage at 408 Maple Street, X17-1006800H.
15. 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.
16. Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street.
17. Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.
18. Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
19. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 23, 2021.
 - b) Board of Assessors, March 25, 2021.
 - c) Conservation Commission, March 18, 2021.
 - d) Historical Commission, March 18, 2021.
 - e) Municipal Aggregation Committee, March 30, 2021.
20. CLAIMS:
 - a) Grayce DiCenzo, 5 Richardson Road, Hudson, pothole or other road defect.
 - b) Downtown Marlborough LLC, 11 Court Street, other property damage and/or personal injury.
 - c) Loreen Jaundoo, 218 Hemenway Street, residential mailbox claim (2a).
 - d) Daniel McCarthy, 320 Cook Lane, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

21. **Order No. 21-1008232: Communication from Mayor Vigeant with appointment of Robert Gustafson to the Retirement Board for a three-year term effective on the date of Council confirmation replacing David Keene whose term expired on January 31, 2021.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette to postpone; discussion with Mayor ensued, and Councilor Doucette withdrew his motion. Councilor Oram asked candidate if he could act without bias. Mr. Gustafson replied in the affirmative.

Motion by Councilor Landers to approve, seconded by Chair, to recommend approval of the appointment of Robert Gustafson to the Retirement Board for a three-year term effective the day after Council confirmation. Motion carried 3-0.

From Finance Committee

22. **Order No. 21-1008242: Transfer in the amount of \$158,128.90 for the DPW as requested by Commissioner Divoll (to fund the following: superannuation retirement, upcoming legal expenses, purchase of chemicals and maintenance at pump stations, costs for park maintenance projects and costs of scheduled weekend overtime at the west plant).**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval of the transfer. Chair Irish called the Roll: Motion carried 5-0.

23. **Order No. 21-1008244A: Proposed Amendment to Chapter 67 “Finance”, §28 “Principal Assessor; powers and duties” of the Code to amend qualifications of the Principal Assessor.**

Recommendation of the Finance Committee is to approve. Proposed Ordinance was properly advertised on April 9, 2021 and the 10-day requirement has been met. Answering Councilor Oram’s inquiry why the city is considering a full-time employee in favor of the contract with a professional assessing company, the Mayor stated working with the company was unique with the ability to access diverse expertise and although successful, he is exploring options.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the amendment to the City Code, Chapter 67, Finance, section 28, Principal Assessor, powers and duties. Chair Irish called the Roll: Motion carried 5-0.

24. **Order No. 21-1008244B: Proposed Updated Job Description for the position of Principal Assessor.**

Recommendation of the Finance Committee is to approve the Job Description. Per Chair Irish, the Principal Assessor is a 40-hour week position with minimum salary of \$97,435.48 to a maximum of \$109,773.45. Councilor Perlman suggested amendment to page 2 of the job description. Supervision Received: To add and/or Finance Director after Comptroller/Treasurer to complement makeup of the current Finance Team.

Motion by Councilor Perlman, seconded by Chair, to recommend approval of the job description as amended. Chair Irish called the Roll: Motion carried 5-0.

From Human Services Committee

25. **Order No. 21-1008249: That the Human Services Committee hold a public meeting to allow the Marlborough Hospital leadership to present additional details regarding the Mass General Brigham proposed expansion (submitted by Councilor Wagner).**

Recommendation of the Human Services Committee is to accept and place on file Motion by Councilor Irish, seconded by Chair, to accept and file. Motion carried 3-0.