

REGULAR MEETING
JUNE 21, 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 JUN 17 P 1:45

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, June 21, 2021 at 8:00 PM. **PUBLIC ATTENDANCE IS 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, June 14, 2021.
2. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19.
3. PUBLIC HEARING on the Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, Order No. 21-1008307.
 - a) Communication from Attorney Michael Brangwynne, re: Request for continuance of Public Hearing on the Application for Special Permit on behalf of Raising Cane's Restaurants, Order No. 21-1008307.
 - b) Communication from Attorney Michael Brangwynne, re: Letter sent to abutters informing them of requested continuance of Public Hearing for Raising Cane's Restaurant's, Order No. 21-1008307.
4. PUBLIC HEARING on the Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District" (X 18-1007134B), Order No. 21-1008293.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$7,500.00 from the Massachusetts Cultural Council to assist the Marlborough Downtown Village Cultural District with the overall cost of the food truck festival and support the local artisans with interactive exhibits.
6. Communication from the Mayor, re: Notification of 60-Day Appointment of Patrick Jones as Interim Tax Collector, effective June 25, 2021 at 5:01 PM.
7. Communication from the Mayor, re: Appointment of William Fowler to the Planning Board for a 5-year term to expire on February 2, 2026.
8. Communication from the Mayor, re: Appointment of Marcia Waldman to the Cultural Council for a 3-year term from date of Council confirmation.
9. Communication from the Mayor, re: Reappointment of William Dunbar to the Conservation Commission for 3-year term to expire on February 2, 2024.

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 Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, Order No. 20-1008274A.
11. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign (South Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
12. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign (North Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
13. Communication from the Massachusetts State Lottery Commission, re: Application for a Keno License, Ginger Garden, 200 Boston Post Road East.
14. Communication from the Massachusetts State Lottery Commission, re: Installation of a Keno To Go Monitor at two locations, Lakeside Shell, 413 Lakeside Avenue and Marlboro Shell, 431 Lincoln Street.
15. Communications from various residents re: Opposition to the Application for Site Plan Review of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, Order No. 21-1008277
16. Communication from Central MA Mosquito Control Project re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in June & July 2021.
17. Communication from Attorney Brian Falk on behalf of Marlborough Industrial, LLC, re: Proposed Zoning Amendment to Chapter 650, Section 5 and Section 18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District.
18. Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to Construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17.
19. Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to Construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18.
20. Minutes of Boards, Commissions and Committees:
 - a) Board of Assessors, April 20, 2021.
 - b) Library Trustees, May 4, 2021.
 - c) Planning Board, May 10, 2021 & May 24, 2021.
 - d) Zoning Board of Appeals, May 18, 2021.
21. CLAIMS:
 - a) Frederick O'Brien, 37 Turmaine Street, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

22. **Order No. 21-1008303: Proposed Ordinance Amendment to Chapter 67 “Finance”, §26.1 “Departmental Revolving Funds” to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund.**

Recommendation of the Finance Committee is to approve; Advertising requirement has been met. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

23. **Order No. 21-1008304A: That no more than Three Hundred Fifty Thousand (\$350,000.00) Dollars shall be expended from the Parks and Recreation Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

24. **Order No. 21-1008304B: That no more than One Hundred and Twenty Thousand (\$120,000.00) Dollars shall be expended from the Public Safety Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

25. **Order No. 21-1008304C: That no more than Seventy Thousand (\$70,000.00) Dollars shall be expended from the Council on Aging Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

26. **Order No. 21-1008304D: That no more than Five Hundred Thousand (\$500,000.00) Dollars shall be expended from the Water and Sewer Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

27. **Order No. 21-1008305: Transfer Requests from the Department of Public Works and Auditor totaling \$2,411,912.77 to fund various accounts for the remainder of FY2021 as outlined in the transfer sheets.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

28. **Order No. 21-1008313: Transfer Request in the amount of \$546,738.00 which moves funds from Economic Development to MEDC to fund the FY 2022 operations of Marlborough Economic Development Corporation.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Dumais, seconded by Chair, to recommend approval as requested. Vote 5-0.

From Personnel Committee

29. **Order No. 21-1008270: Appointment of Mary Jo Nawrocki to the License Board for a 6-year term from the date of Council confirmation.**

Recommendation of the Personnel Committee is to approve with a term to expire June 1, 2022. Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointment for an amended term to expire 6/1/22 per legal opinion from the City Solicitor. Vote 2-1 (Landers opposed).

30. **Order No. 21-1008271: Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from the date of Council confirmation and the designation of Gregory Mitrakas as Chair.**

Recommendation of the Personnel Committee is to approve the reappointment of Gregory Mitrakas with a term to expire June 1, 2024 and David Bouvier with a term to expire June 1, 2026. Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointments for terms as amended to expire per legal opinion from the City Solicitor:

Gregory Mitrakas for a term to expire 6/1/24 David Bouvier for a term to expire 6/1/26
Vote 2-1 (Landers opposed).

31. **Order No. 21-1008315: Reappointments to the Conservation Commission of Karin Paquin for a term to expire May 5, 2023, John Skarin for a term to expire March 7, 2022 and Allan White for a term to expire March 2, 2024.**

Recommendation of the Personnel Committee is to approve Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0.

32. **Order No. 21-1008316: Reappointments to the Parks and Recreation Commission of Robert F. Kays, William F. Doherty, Jr. and Mark A. Vital for 3-year terms respectively to expire on April 2, 2024.**

Recommendation of the Personnel Committee is to approve Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0.

From City Council

33. **Order No. 21-1008221: Proposed Ordinance Amendment to Code, Chapter 270 "Building and Site Development Article V "Fences" relative to §19 "Permit Required" in addition to §24 "Easements and Rights of Way".**

Recommendation of the Legislative & Legal Affairs Committee is to approve as amended. Action POSTPONED to the JUNE 21, 2021 City Council meeting; Advertising requirement has been met.

34. **Order No. 21-1008230: Proposed Ordinance Amendment to the City Code, Chapter 510 "Sewers" §2(D) "Use of Public Sewers" as submitted by Mayor Vigeant.**

Recommendation of the Public Services Committee is to approve as amended. Action POSTPONED to the JUNE 21, 2021 City Council meeting; Advertising requirement has been met.