



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
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JULY 9, 2012

Regular meeting of the City Council held on Monday, JULY 9, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Ossing. Meeting adjourned at 8:40 PM.

ORDERED: That the Minutes of the City Council Meeting, JUNE 18, 2012, **FILE AS AMENDED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2012**, as date for a **CONTINUED PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 75 Donald Lynch Blvd., **ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2012**, as date for a **CONTINUED PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 860 Boston Post Rd., **ADVERTISE**; adopted.

ORDERED: That the **PUBLIC HEARING** set for July 9, 2012 on the Petition from National Grid to have underground primary cable crossing for D'Angelo Dr. to provide new service to Ken's Food, **TABLED UNTIL JULY 23, 2012**; adopted.

ORDERED: That the **PUBLIC HEARING** set for July 9, 2012 on the Petition from National Grid to install new intermediate P.4-51 on D'Angelo Dr. to provide new service to Ken's Food, **TABLED UNTIL JULY 23, 2012**; adopted.

ORDERED: That the Police transfer request in the amount of \$140,136.00 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheet to fund contract years 2010-2012 with the Massachusetts Coalition of Police (MASSCOP) Local 366 of the Marlborough Police Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:	Gen Government				FISCAL YEAR:	Police				
Available Balance	FROM ACCOUNT:			Account Description:	Amount	TO ACCOUNT:			Available Balance	
Amount	Org Code	Object			Amount	Org Code	Object	Account Description:		
\$927,326	\$140,136	11990006	57820	Reserve for Salaries	\$43,425	12100001	50820	Sergeants	\$693,887	
	Reason:	Funds are budgeted for FY 13				To Fund Labor Contract				
					\$11,397	12100001	50500	Captains	\$173,057	
	Reason:					To Fund Labor Contract				
					\$25,576	12100001	50510	Lieutenants	\$391,540	
	Reason:					To Fund Labor Contract				
					\$921	12100003	51360	O.T. Training	\$50,000	
	Reason:					To Fund Labor Contract				
					\$11,093	12100003	51310	OT Reg	\$260,000	
	Reason:					To Fund Labor Contract				
					\$1,627	12100003	51320	OT Court	\$203,000	
	Reason:					To Fund Labor Contract				
					\$135	12100003	51319	OT Cell Watch	\$7,000	
	Reason:					To Fund Labor Contract				
					Sub-Total				\$94,175	
CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:	Gen Government				FISCAL YEAR:	Police				
Available Balance	FROM ACCOUNT:			Account Description:	Amount	TO ACCOUNT:			Available Balance	
Amount	Org Code	Object			Amount	Org Code	Object	Account Description:		
					\$7,874	12100003	51920	Sick Leave BuyBack	\$157,204	
	Reason:					To Fund Labor Contract				
					\$27,503	12100003	51440	Educational Incentive	\$590,566	
	Reason:					To Fund Labor Contract				
					\$4,051	12100003	51342	Longevity	\$178,370	
	Reason:					To Fund Labor Contract				
					\$4,946	12100003	51490	Holiday	\$280,000.00	
	Reason:					To Fund Labor Contract				
					\$1,425	12100003	51450	Night Shift Diff	\$116,981	
	Reason:					To Fund Labor Contract				
					\$161	12100003	51410	First Responder	\$55,645	
	Reason:					To Fund Labor Contract				
					Sub Total				\$45,961	
					Sub Total Page 1				\$94,175	
					Total				\$140,136	

ORDERED: That the Employee Benefits transfer request in the amount of \$51,002.00 which moves funds from Fringes to Sick Leave to fund benefits associated with the retirement of an employee in the Marlborough Fire Department, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500

\$51,002.00

Fringes

TO:

Acct. # 12200003-51920

\$51,002.00

Sick Leave

ORDERED: That item 8 of the July 9, 2012 City Council meeting, Communication from City Solicitor Rider re: Acceptance of Ewald Ave. and Muir Way as Public Ways, Order No. 11/12-1002807A, **MOVED TO ITEM 24**; adopted.

ORDERED: That item 9 of the July 9, 2012 City Council meeting, Communication from City Solicitor Rider re: Acceptance of Cleversy Drive as a Public Way, Order No. 11/12-1003095A, **MOVED TO ITEM 25**; adopted.

ORDERED: That item 10 of the July 9, 2012 City Council meeting, Communication from the Planning Board re: Subdivision Acceptance, Forest Grove Subdivision, Ewald Ave. and Muir Way and Easements, Order No. 11/12-1002807A, **MOVED TO ITEM 24**; adopted.

ORDERED: That item 11 of the July 9, 2012 City Council meeting, Communication from the Planning Board re: Subdivision Acceptance, Elm Farm Valley Estates, Cleversy Dr., Order No. 11/12-1003095A, **MOVED TO ITEM 25**; adopted.

ORDERED: That the Communication from Marlborough Retirement Board Director, Margaret Shea, re: FY2013 Operating Budget, **FILE**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Cumberland Farms, Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels, Order No. 12-1005081A, to an extension of thirty days beyond the applicable statutory time-frame in which City Council must render a decision, **APPROVED**; adopted.

Councilor Seymour abstained

ORDERED: That there being no objection thereto set **Monday, August 27, 2012** as date for a **PUBLIC HEARING** on the Petition from NGrid to relocate existing P. 2, 25' in a NE direction from existing location and installation of a new anchor off of relocated P. 2 on Manning St, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **AUGUST 27, 2012** as date for a **PUBLIC HEARING** on the Application for Special Permit from Andy Candiello on behalf of MetroPCS Massachusetts, LLC, to install a Wireless Communications Facility onto the existing building located at 98 Pleasant St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Application, Junk Dealer's License, Richard Jenkins, d/b/a MetroWest Rubbish Service, 19 Indian Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Jenkins abstained

ORDERED: That the Communication from Board of Selectmen, Town of Shrewsbury, re: Development of a More Effective Approach to Establishing a More Consistent Financial Relationship with the Commonwealth, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 29, 2012, **FILE**; adopted.

Reports of Committees:

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

Order No. 12-1004083A - Application for Taxi License, Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill Street, Suite 200. Chief Leonard has reported that CORI report is in order. Driver history has not been submitted. **Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval of a Taxi License to Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill Street, Suite 200 subject to receipt of driver history by the Chief of Police and further report by the Chief of Police to the City Council prior to the next regular meeting on July 23, 2012. Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 12-1005013 - Application for Junk Dealer's License, Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery, 149 Main St. Chief Leonard has reported that CORI is in order. **Motion made by Councilor Jenkins, seconded by Councilor Clancy, to recommend approval of the renewal Junk Dealer's License to Sergey Yeghiyan, C.T.C. Gold & Diamond Refinery, 149 Main Street. Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 12-1005042 - Application for Junk Dealer's License by Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Blvd. Chief Leonard has reported that CORI is in order. **Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval of the renewal of a Junk Dealer's License to Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Blvd. Recommendation of the Public Services Committee is to approve 3-0.**

Suspension of the rules requested – granted

ORDERED: That the interim appointment of Deborah Fox as Collector, refer to **PERSONNEL COMMITTEE**; adopted.

Suspension of the rules requested – granted

ORDERED: That the \$ 200.00 gift presented to the City of Marlborough for the purchase of Blue Bird box supplies for the Felton Conservation Land located on Elm St., **APPROVED**; adopted.

Suspension of the rules requested – granted

ORDERED: That the Application for Junk Dealer's License, Thomas Zampini d/b/a Metal Man Recycling LLC, 51 Lacombe St., **APPROVED**; adopted.

ORDERED: That the Appointments of Patricia Zilembo, Kelly French and Joan D'Onofrio to the Youth Commission of which Patricia will serve as Chair for a term of three years from date of approval and Kelly and Joan will serve a term of two years from date of approval, **APPROVED**; adopted.

ORDERED: That the Appointments Mark Vital and Nancy Klein to the Recreation Commission for terms of three years from date of approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Robert Page to the Zoning Board of Appeals with term to expire May 5, 2017, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor re: appointment of Councilor Robert Tunnera to the Commission on Disabilities, **FILE**; adopted.

ORDERED: That the Application for Junk Dealer's License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main St., **APPROVED**; adopted.

ORDERED: That item 10 of the July 9, 2012 City Council meeting, Communication from the Planning Board re: Subdivision Acceptance, Forest Grove Subdivision, Ewald Ave. and Muir Way and Easements, Order No. 11/12-1002807A, **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that EWALD AVENUE be accepted as a public way

from WILSON STREET to LINDA CIRCLE

and

that MUIR WAY be accepted as a public way

from EWALD AVENUE to Terminus

and that their appurtenant easements be accepted as municipal easements, all as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance, Ewald Avenue & Municipal Easements" (2 sheets), Date: December 30, 2003, Latest Revision Date: December 11, 2009, Scale: 1" = 40', prepared for City of Marlborough, MA, Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, which plan is to be recorded herewith

and

Plan entitled, "Plan of Acceptance, Muir Way & Municipal Easements" (1 sheet), Date: December 30, 2003, Latest Revision Date: December 11, 2009, Scale: 1" = 40', prepared for the City of Marlborough, MA, Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, which plan is to be recorded herewith.

Title to the roadways known as EWALD AVENUE and MUIR WAY, and title to all the municipal easements, including a cross country drainage easement across Lots 17, 16, 15, 14 and 13A, shown as DRAINAGE EASEMENT on the Muir Way plan above; a

drainage easement across Lot 35, shown as DRAINAGE EASEMENT on sheet 1 of the Ewald Avenue plan above; a 20' drainage easement lying northerly of Boston Post Road, shown as PROPOSED 20' DRAINAGE EASEMENT on Lot 2A on a plan entitled "Easement Plan of land in Marlborough, Mass., Owned by: John Hartley," Date: October 1997, Scale 1"=60', which plan is recorded at the Middlesex South District Registry of Deeds at Book 27948, Page 363 as Plan 1297 of 1997; and a flowage easement lying northerly of Boston Post Road, shown as PROPOSED FLOWAGE EASEMENT on Lot 2A on said Plan 1297 of 1997, has been granted to the City of Marlborough in a quitclaim deed from Richard Terrill, Trustee of Forest Grove Realty Trust u/d/t dated June 10, 1997, recorded with the Middlesex South Registry of Deeds in Book 27627, Page 525, said deed to be recorded herewith at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

EWALD AVENUE and MUIR WAY be accepted as public ways and their appurtenant easements be accepted as municipal easements in the City of Marlborough.

Yea: 10 – Absent: 1

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Landers, Ossing, Pope, Oram & Robey

Absent: Ossing

ORDERED: That item 11 of the July 9, 2012 City Council meeting, Communication from the Planning Board re: Subdivision Acceptance, Elm Farm Valley Estates, Cleversy Dr., Order No. 11/12-1003095A, **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that CLEVERSY DRIVE be accepted as a public way

from ELM STREET to Terminus

and that the appurtenant easements be accepted as municipal easements as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40", which plan is to be recorded herewith.

Title to the roadway known as CLEVERSY DRIVE, and title to all the municipal easements, including a utility easement within Lots 4, 5 and 12 running from Millham Street to Cleversy Drive shown as 30' WIDE UTILITY EASEMENT TO CITY OF MARLBOROUGH; a drainage easement within Lot 10, shown as DRAINAGE EASEMENT "A" TO CITY OF MARLBOROUGH on said plan; a drainage easement within Lots 8 and 10, shown as DRAINAGE EASEMENT "B" TO CITY OF MARLBOROUGH; and a flowage easement within Lots 8 and 10, shown as FLOWAGE EASEMENT TO CITY OF MARLBOROUGH on said plan, has been granted to the City of Marlborough in a quitclaim deed from Niel Fossile and Geraldine Fossile, Trustees of Elm Farm Realty Trust, u/d/t dated September 15, 2000, recorded with the Middlesex South Registry of Deeds in Book 31824, Page 160, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

CLEVERSY DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

Yea: 10 – Absent: 1

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Landers, Ossing, Pope, Oram & Robey

Absent: Ossing

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:40 PM.