



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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AUGUST 27, 2012

Regular meeting of the City Council held on Monday, AUGUST 27, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:49 PM.

ORDERED: That the Minutes of the City Council Meeting, JULY 23, 2012, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** set for August 27, 2012 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, Order No. 12-1005121, **CONTINUED UNTIL SEPTEMBER 10, 2012**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Application for Special Permit from Andy Candiello, agent for MetroPCS, to install a wireless communication facility onto the existing building located at 98 Pleasant St., Order No. 12-1005122, all were heard who wish to be heard, hearing recessed at 8:28 p.m.

Councilor Tunnera abstained

ORDERED: That the Nonunion Employee Salary transfer request in the amount of \$51,945.15 to fund a 2% cost of living increase for nonunion employees which will be effective from 07/01/12, refer to **FINANCE COMMITTEE**; adopted.

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			To Account			Salary Increase	Balance FY 13
		ORG	OBJECT	ACCOUNT DISCRIP	ORG CODE	OBJECT	ACCOUNT DISCRIP		
\$ 927,326.00	\$ 51,945.15	11990006	57820	Reserve Salaries	11210001	50010	MAYOR	1,573.62	68,089
						50321	EX AIDE	1,143.84	49,493
					11210002	50590	EX SECY	893.60	39,010
					11330001	50015	COMPTROLLER	1,874.68	81,116
					11330002	50588	PT Mail Clk	144.00	6,434
					11350001	50020	AUDITOR	1,492.46	64,577
					11410001	50160	ASSESSOR	1,380.38	68,220
					11440001	50042	COLLECTOR	1,492.46	63,935
					11110003	50070	CITY COUNCILORS	2,078.80	95,278
					11110002	50350	CITY COU SECY	1,143.84	49,493
					11110003	51430	LONG	57.20	2,860
						51920	SICK LEAVE	44.00	2,200
					11510001	50030	SOLICITOR	1,971.22	85,293
						50172	ASST SOLICITOR	1,595.58	69,039
						50174	PROCURE. OFF.	1,215.68	52,601
						50175	PARALEGAL	813.92	35,217
					11520001	50530	PERS DIRECTOR	1,492.46	64,576
						50532	PER ASST.	980.76	42,435
					11520002	50401	PT SR CLK	425.64	17,814
					11550001	50014	Dir Info Sys	1,013.18	43,839
					11610001	50050	CITY CLK	1,492.78	64,592
					11610002	50290	ASST CITY CLK	1,110.94	55,546
					11920001	50291	DIRECTOR	877.46	37,967
					11920003	51430	LONG	88.76	13,298
						51920	SICK LEAVE	67.50	9,807
					12100001	50140	POLICE CHIEF	2,021.12	87,452
					12100003	51432	LONG	126.32	157,254
						51920	SICK LEAVE	77.74	155,829
						51440	EDUC	505.28	514,962
						51410	FIRST RESP	50.54	48,461
					12200001	50130	FIRE CHIEF	1,827.82	80,868
					12200003	51480	EMT	91.40	203,730
						51440	EDUC	182.78	311,890
						51226	FIRST RESP	36.56	34,750
						51430	Long	91.40	174,146
						51920	SLBB	128.20	180,009
					12410001	50090	BLDG INSP	1,641.64	73,326
						50109	ENVIR. OFFICER	1,372.14	59,371
					12910001	51210	Emg Mgt Dir	139.38	6,388
					14001001	50600	DPW COMM	2,207.86	95,532
						50630	ASST COMM	1,828.18	79,104
					14001003	51430	LONG	201.82	14,740
						51920	SICK LEAVE	155.24	11,502
					14001101	50640	ENGINEER	1,828.18	79,104
					14920001	50110	REC DIRECTOR	1,268.02	54,866
					15120001	50605	SAN/ADMIN	1,298.42	56,181
					15120001	50220	SEALER	255.56	11,057
						50390	NURSE	1,208.82	52,304
						50391	PT NURSE	562.12	23,978
					15120003	51430	LONG	61.46	5,297
						51920	SICK LEAVE	46.50	3,832
					15410001	50190	COA DIR	1,273.60	55,227
					15430001	50080	VET DIR	954.20	41,287
					16100001	50230	LIBRARY DIR	1,432.84	62,264
						50657	REF LIB	914.88	39,586
					16100003	51259	PT REF LIB	1,129.30	49,120
					16100003	51262	Lib Page	561.08	25,121
								51,945.15	

Reason : To fund non union employees cost of living increase of 2%

ORDERED: That the Retiring Employee transfer request in the amount of \$50,904.00 which will move funds from Fringes to Sick Leave and Longevity to fund the cost associated with the retirement of a member of the Marlborough Police Department, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$50,904.00

Fringes

TO:

Acct. # 12100003-51920 \$48,816.00

Sick Leave

Acct. # 12100003-51342 \$2,088.00

Longevity

ORDERED: That the along with the City Council's approval of the FY 13 operating budget, a recommendation of adopting of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

ORDERED: That the resignation of Interim Chief Assessor Dan Brogie, effective September 7, 2012, **FILE**; adopted.

ORDERED: That the Reappointments of Jim Confrey and Brenda Costa to the Council on Aging for a period of four years expiring on May 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: 2012 State Primary Election Call, **FILE**; adopted.

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE PRIMARY ELECTION** will be held in the polling locations as noted below on **SEPTEMBER 6, 2012** as follows: Senator in Congress, Representative in Congress, Councillor, Senator in General Court, Representative in General Court (Thirteen and Fourth Middlesex District), Clerk of Courts, Register of Deeds and Sheriff.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

- WARD ONE: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.
- WARD TWO: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.
- WARD THREE: Prec. 1 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD THREE: Prec. 2 Raymond J. Richer School, 80 Foley Rd., Room 103
- WARD FOUR: Prec. 1 and 2 Boys & Girls Club, 169 Pleasant St.
- WARD FIVE: Prec. 1 Senior Center, 250 Main St.
- WARD FIVE: Prec. 2 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD SIX: Prec. 1 and 2 1LT Charles W. Whitcomb School, 25 Union St., Library
- WARD SEVEN: Prec. 1 and 2 Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Communication from the City Solicitor re: 93 Framingham Rd., Proposed Conveyance of a Portion of City-Owned Property, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2012**, as date for a **PUBLIC HEARING** on the Application for Special Permit from T-Mobile for minor upgrades to existing wireless facility at 157 Union St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
Councilors Seymour and Robey abstained

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Mitrakas, on behalf of Logical Partners, LLC, for Special Permit to construct a three Townhouse Condominium Unit on Map 68, Lot 466, 126 Pleasant St., refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE**; adopted.
Councilor Tunnera abstained

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Brian Falk, on behalf of 54 Main St. LLC, to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant replacing the existing Dunkin Donuts restaurant, which does not have a drive-thru service window at 54 Main St., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Beattie re: Public Acceptance of Dufrense Dr., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Gadbois to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI section 650-32 RESULTS WAY MIXED USE OVERLAY DISTRICT in accordance with the following proposed change, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ARTICLE VI

§650-32 – RESULTS WAY MIXED USE OVERLAY DISTRICT

A. Purpose and Objectives

The Results Way Mixed Use Overlay District (herein, also a “RWMUOD”) allows the application of supplemental land use controls within the boundaries of an certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).

For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD district is adjacent to Simarano Drive to the west, Forest Street to the north, and Puritan Way and Results Way to the east as indicated on the City Zoning Map and more particularly described in Exhibit "A" annexed hereto and incorporated by reference herein.

For the purposes of the Zoning Ordinance, a "Mixed Use Development" or "MUD" shall include any eligible use set forth in Section D, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site. Accordingly, Mixed Use Developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to Site Plan Approval in accordance §270.2 with the exception that the City Council is the Special Permit Granting Authority for Site Plan approval in the RWMUOD.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Exclusivity/Control

All uses and provisions of Article V of the Zoning ordinance relating to the underlying zoning district not otherwise impacted by this Section (§650-32 et. seq.) shall continue to remain in full force and effect provided however that the City Council shall be the Special Permit Granting Authority, if applicable. This Section (§650-32 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provision of any other applicable overlay district). In the event of any conflict between the provisions of this Section (§650-32 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

D. Eligible Uses

Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the RWMUOD:
 - (a) Research and development
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists
 - (c) Research and development including, without limitation, laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics
 - (d) Advanced manufacturing which shall include high technology manufacturing such as, but not limited to, laser technology, robotics, nanotechnology and computer associated design and software development
 - (e) Multifamily dwelling – up to 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
 - (f) Retail sales and services – up to 75,000sf of gross floor area, up to 10,000sf of gross floor area per establishment
 - (g) Hotels and motels
 - (h) Hotels with conference facilities and commercial uses
 - (i) Car parking lots, garages - “a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking vehicles at, above and/or below grade under a building or otherwise integrated into another structure
 - (j) Consumer service establishments
 - (k) Restaurant, café (with or without outside seating and service)
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
 - (m) Self-service laundry
 - (n) Dry Cleaning (pick up and drop off only)
 - (o) Drive through facilities associated with retail (e.g. banks; pharmacies) and food services

- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the RWMUOD:
 - (a) Multifamily dwelling – more than 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
- (3) The foregoing Sections notwithstanding, the uses set forth as follows are expressly PROHIBITED in the RWMUOD:
 - (a) Adult Bookstore, video store, paraphernalia store, movie theatre, live entertainment establishment
 - (b) Tattoo and body piercing parlors and shops
 - (c) Dye Works
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention

E. Dimensional Requirements

The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more MUD Structures. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the RWMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the RWMUOD.

F. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complimentary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

G Signage

Except as otherwise provided in this Mixed Use Ordinance, parking and circulation requirements shall conform with the provisions of Chapter 526 of the Marlborough General Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Application

An application for a Special Permit or Site Plan approval for a Mixed Use Development in the RWMUOD shall comply with the requirements of Section §650-59 et. seq. of the Zoning Ordinance.

I. Standards for Roadways and Drainage

- (1) Roadways - RWMUOD roadways to be accepted by the [City] as public ways shall be designed and constructed in accordance with the Rules and Regulations for the Subdivision of Land in the City. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Storm Water Management System - The RWMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

J. Amendments

After approval, the owner/developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an application pursuant to Section §650-59 of the Zoning Ordinance.

EXHIBIT A

A CERTAIN PARCEL OF LAND SITUATED ON THE SOUTHERLY SIDE OF FOREST STREET, WESTERLY SIDE OF INTERSTATE ROUTE 495 AND THE EASTERLY SIDE OF SIMARANO DRIVE IN THE CITY OF MARLBOROUGH, COUNTY OF MIDDLESEX, COMMONWEALTH OF MASSACHUSETTS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF SIMARANO DRIVE AND FOREST STREET, SAID POINT BEING THE NORTHWESTERLY CORNER OF HEREINAFTER DESCRIBED PARCEL; THENCE

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIVE HUNDRED SEVENTY AND NO HUNDREDTHS FEET (570.00'), A DISTANCE OF ONE HUNDRED FIFTY AND THIRTY-NINE HUNDREDTHS FEET (150.39') TO A POINT; THENCE

S 89° 18' 23" E A DISTANCE OF TWO HUNDRED SIX AND THIRTY-THREE HUNDREDTHS FEET (206.33') TO A POINT THENCE

EASTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND THIRTY AND NO HUNDREDTHS FEET (1030.00'), A DISTANCE OF THREE HUNDRED FORTY-THREE AND FORTY-TWO HUNDREDTHS FEET (343.42') TO A POINT; THENCE

N 71° 35' 25" E A DISTANCE OF FOUR HUNDRED FIFTY-SIX AND SIXTY-FOUR HUNDREDTHS FEET (456.64') TO A POINT; THENCE

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIVE HUNDRED SEVENTY AND NO HUNDREDTHS FEET (570.00'), A DISTANCE OF TWO HUNDRED TEN AND EIGHTY-FOUR HUNDREDTHS FEET (210.84') TO A POINT; THENCE

S 87° 13' 00" E A DISTANCE OF FOUR HUNDRED TWENTY-EIGHT AND NINETY-TWO HUNDREDTHS FEET (428.92') TO A POINT; THENCE

EASTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND THREE HUNDRED SIXTY-TWO AND NINETY-THREE HUNDREDTHS FEET (1362.93'), A DISTANCE OF FOUR HUNDRED ONE AND FIFTY HUNDREDTHS FEET (401.50') TO A POINT; THENCE

N 75° 54' 18" E A DISTANCE OF THREE HUNDRED EIGHTY-EIGHT AND THIRTY-EIGHT HUNDREDTHS FEET (388.38') TO A POINT IN THE WESTERLY LINE OF INTERSTATE ROUTE 495, THE PREVIOUS EIGHT (8) COURSES BOUNDING ON THE SOUTHERLY LINE OF FOREST STREET; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF TEN THOUSAND ONE HUNDRED FIFTY-TWO AND NO HUNDREDTHS FEET (10152.00'), A DISTANCE OF ONE THOUSAND SIXTY-SIX AND NINE HUNDREDTHS FEET (1066.09') BY THE WESTERLY LINE OF INTERSTATE ROUTE 495 TO A POINT; THENCE

S 78° 36' 23" W A DISTANCE OF FIVE HUNDRED THIRTY-EIGHT AND TWENTY-FIVE HUNDREDTHS FEET (538.25') TO A POINT; THENCE

S 27° 49' 51" W A DISTANCE OF ONE HUNDRED TWENTY-THREE AND THIRTY-SIX HUNDREDTHS FEET (123.36') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND ONE HUNDRED AND NO HUNDREDTHS FEET (1100.00'), A DISTANCE OF THREE HUNDRED AND EIGHTY-SIX HUNDREDTHS FEET (300.86') TO A POINT; THENCE

SOUTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF TWO HUNDRED TWENTY-THREE AND NO HUNDREDTHS FEET (223.00'), A DISTANCE OF TWO HUNDRED TWENTY-SEVEN AND NINETY-SIX HUNDREDTHS FEET (227.96') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FOUR HUNDRED FIFTY AND NO HUNDREDTHS FEET (450.00'), A DISTANCE OF FOUR HUNDRED EIGHTY-ONE AND SIXTY-EIGHT HUNDREDTHS FEET (481.68') TO A POINT; THENCE

S 42° 06' 53" W A DISTANCE OF ONE HUNDRED ELEVEN AND TWENTY-SIX HUNDREDTHS FEET (111.26') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FIVE HUNDRED TEN AND NO HUNDREDTHS FEET (510.00'), A DISTANCE OF FIVE HUNDRED SEVENTEEN AND NINETY-TWO HUNDREDTHS FEET (517.92') TO A POINT; THENCE

S 16° 04' 13" E A DISTANCE OF ONE HUNDRED FORTY-NINE AND NINETY-THREE HUNDREDTHS FEET (149.93') TO A POINT; THENCE

S 65° 34' 06" W A DISTANCE OF ONE HUNDRED THIRTY-SEVEN AND FIFTY-THREE HUNDREDTHS FEET (137.53') TO A POINT IN THE EASTERLY LINE OF SIMARANO DRIVE; THENCE

NORTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FIVE HUNDRED THIRTY AND NO HUNDREDTHS FEET (530.00') A DISTANCE OF ONE HUNDRED SIXTY-EIGHT AND TWENTY-TWO HUNDREDTHS FEET (168.22') TO A POINT; THENCE

N 53° 42' 50" W A DISTANCE OF ONE THOUSAND SIX HUNDRED EIGHTY-EIGHT AND NINETY HUNDREDTHS FEET (1688.90') TO A POINT; THENCE

NORTHWESTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF SIX HUNDRED FORTY-SEVEN AND NINETY HUNDREDTHS FEET (647.90'), A DISTANCE OF SIX HUNDRED FIFTY-THREE AND TWENTY-FIVE HUNDREDTHS FEET (653.25') TO A POINT; THENCE

N 04° 03' 18" E A DISTANCE OF TWO HUNDRED THIRTY-FIVE AND NINETY-TWO HUNDREDTHS FEET (235.92') TO A POINT; THENCE

NORTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FOUR HUNDRED SEVENTY-SEVEN AND FORTY-NINE HUNDREDTHS FEET (477.49'), A DISTANCE OF ONE HUNDRED FORTY-EIGHT AND SEVENTY-EIGHT HUNDREDTHS FEET (148.78') TO A POINT; THENCE

N 13° 47' 53" W A DISTANCE OF FOUR HUNDRED FORTY-ONE AND TWENTY-THREE HUNDREDTHS FEET (41.23') TO A POINT; THENCE

NORTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIFTY AND NO HUNDREDTHS FEET (50.00'), A DISTANCE OF SEVENTY-SEVEN AND NINETY-NINE HUNDREDTHS FEET (77.99') TO THE POINT OF BEGINNING. THE PREVIOUS SEVEN (7) COURSES BOUNDING ON THE SAID EASTERLY LINE OF SIMARANO DRIVE.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 109.47 ACRES AND IS MORE PARTICULARLY SHOWN ON A PLAN ENTITLED "COMPILED PLAN OF LAND IN MARLBOROUGH, MASS. & SOUTHBOROUGH, MASS." DATED NOVEMBER 23, 1994; PREPARED BY THE BSC GROUP, INC AND RECORDED WITH MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN NO. 1254 OF 1994.

MARLBOROUGH ASSESSOR'S MAP 101 PARCEL 2.

ORDERED: That the Application for Junk Dealer's License, Andrew Spaventa, d/b/a ecoATM, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Livery License, Marc Marlegni, d/b/a Toy Motorsports, LLC, 896 Boston Post Rd. East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, July 9, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, June 12, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, May 31, June 14 & 28, 2012, **FILE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 12-1005140 – Police Grant for \$14,049.00. The Finance Committee reviewed the Mayor's letter dated July 23, 2012 requesting the approval of a grant from the US Department of Justice Office for cost's associated with implementing the Rape Aggression Defense System program. **Recommendation of the Finance Committee is to approve the grant 4 - 0.**

Order No. 12-1005119 – Transfer \$51,002.00 for Fire Department Retirement. The Finance Committee reviewed the Mayor's letter dated July 5, 2012 requesting the approval of a \$51,002.00 transfer from the Fringes account to fund the benefits associated with the retirement of an employee in the Fire Department. **Recommendation of the Finance Committee is to approve the transfer 4 – 0.**

Councilor Tunnera reported the following out of the Personnel Committee:

Order No. 12-1005133 - Appointments by Mayor Vigeant of Stephen Zepf to the Youth Commission effective on date of confirmation by City Council for a term of three years and Michael Gibson & Pascal Chenais to the Youth Commission effective on date of confirmation by City Council for a term of two years. Recommendation of the Personnel Committee is approve Michael Gibson and Pascal Chenais 2-0 – Stephen Zepf remains in committee as he was unable to attend.. Seymour was absent.

Order No. 12-1005135 - Appointment of Jeanne McGeough to the Council on Aging for a term of four years expiring on May 1, 2016. Recommendation of the Personnel Committee is approve 2-0. Seymour was absent.

CITY OF MARLBOROUGH										
--BUDGET TRANSFERS --										
DEPT:		Gen Government			FISCAL YEAR:		Police			
		FROM ACCOUNT:			2013		TO ACCOUNT:			Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
					\$7,874	12100003	51920	Sick Leave Buy Back	\$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					

Suspension of the rules requested – granted

ORDERED: That the transfer request in the amount of \$36,355.90 which will fund the negotiated benefits for Department of Public Work's Local 888 for fiscal years 2013, 2014, and 2015, **APPROVED**; adopted.

		From Account					TO Account			
		General Gov't					DPW Various Accounts			
Available	Amount	ORG	OBJECT	Account Disc	Amount	Description	Org	Object	Available	
\$ 927,326.00	\$ 36,355.90	11990006	57820	Reserve for Salaries	\$ 5,363.20	Foreman	14001301	50690	\$ 252,689.00	
					\$ 927.12	Longevity	14001303	51430	\$ 46,356.00	
					\$ 669.62	Sick Leave	14001303	51920	\$ 33,481.00	
					\$ 209.00	Meals	14001303	51990	\$ 4,025.00	
					\$ 4,000.00	Edu Incentive	14001303	51440	\$ 3,600.00	
					\$ 756.68	OT	14001303	51310	\$ 32,637.00	
					\$ 5,363.20	Foreman	14001501	50690	\$ 256,556.00	
					\$ 653.70	Longevity	14001503	51430	\$ 32,685.00	
					\$ 103.16	Sick Leave	14001503	51920	\$ 14,309.00	
					\$ 27.00	Meals	14001503	51990	\$ 690.00	
					\$ 4,000.00	Edu Incentive	14001503	51440	\$ 5,100.00	
					\$ 536.00	OT	14001503	51310	\$ 24,252.00	
					\$ 4,022.40	Foreman	61090001	50690	\$ 189,516.00	
					\$ 1,340.80	Chief Plt Opr	61090001	50780	\$ 63,172.00	
					\$ 378.60	Longevity	61090003	51430	\$ 18,292.00	
					\$ 742.42	Sick Leave	61090003	51920	\$ 34,543.00	
					\$ 215.00	Meals	61090003	51990	\$ 4,140.00	
					\$ 4,000.00	Edu Incentive	61090003	51440	\$ 7,000.00	
					\$ 3,048.00	OT	61090003	51310	\$ 144,119.00	
	Reason: To fund DPW Foreman Labor Contract.				\$ 36,355.90					

Suspension of the rules requested – granted

ORDERED: That the appointment of Deborah Fox as Collector for a term to expire one year from August 27, 2012, **APPROVED**; adopted.

Suspension of the rules requested – granted

ORDERED: That the Appointment of Mr. Michael Mendoza as Building Commissioner effective on date of confirmation by City Council for a term of three years, **APPROVED**; adopted.

ORDERED: The City of Marlborough has worked hard to meet its 40B percentage, while other towns have fallen way short. This site is prime commercial property, and adding a residential complex on it will significantly diminish its value and subsequent tax revenue to the city, refer to **ZONING BOARD OF APPEALS**; adopted.

ORDERED: That the Application for Taxi License, Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill Street, Suite 200, **TABLED UNTIL THE SEPTEMBER 10, 2012 CITY COUNCIL MEETING**; adopted.

At Council President Pope's request to recess at 9:47 PM and return to open meeting at 8:49 PM, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:49 PM.