



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

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SEPTEMBER 10, 2012

Regular meeting of the City Council held on Monday, SEPTEMBER 10, 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 8:55 PM.

ORDERED: That the Minutes of the City Council Meeting, AUGUST 27, 2012, **FILE AS AMENDED**; adopted.

ORDERED: That the **CONTINUED PUBLIC HEARING** set for SEPTEMBER 10, 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, all were heard who wish to be heard, hearing recessed at 8:03 p.m.; adopted.

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from Sprint for modification of a wireless facility located at 75 Donald Lynch Blvd, Order No. 12-1005092A, all were heard who wish to be heard, hearing recessed at 8:11 p.m.; adopted.

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from Sprint for modification of a wireless facility located at 860 Boston Post Rd., Order No. 12-1005093A, all were heard who wish to be heard, hearing recessed at 8:16 p.m.; adopted.

ORDERED: It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy on a sewer contract dispute concerning 34 St. Martin Drive, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session, **APPROVED**; adopted.

Yea: 11- Nay: 0

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

ORDERED: That the City Clerk transfer request in the amount of \$3,000.00 which moves funds from Assistant City Clerk to Sick Leave Buy Back to fund costs associated with the resignation of an employee from the City Clerk's Office, be and is herewith refer to **FINANCE COMMITTEE**.

FROM:

Acct. # 11610002-50290 \$3,000.00
Assistant City Clerk

TO:

Acct. # 11620003-51920 \$3,000.00
Sick Leave Buy Back

ORDERED: That the Communication from the Mayor re: FY12 Year End Closing Update **FILE**; adopted.

ORDERED: That the Reappointment of Sheila Brecken to the Council on Aging for a period of four years to expire on May 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Metropolitan Area Planning Council (MAPC) presentation re: Technical Services for Zoning Overlay, **PLACE ON THE SEPTEMBER 24, 2012 CITY COUNCIL AGENDA**; adopted.

ORDERED: That the Communication from Attorney Mitrakas, on behalf of Logical Partners, LLC, re: amendment to the Application for Special Permit to construct a three Townhouse Condominium Unit on Map 68, Lot 466, 126 Pleasant St., Order No. 12-1005151, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

Councilor Tunnera abstained

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Metro PCS, LLC to extend time limitations to install a wireless communication facility onto the existing building located at 98 Pleasant St. to November 27, 2012 until 11:00 PM, **APPROVED**; adopted.

Councilor Tunnera abstained

ORDERED: That Communication from Cumberland Farms re: set of revised plans relative to the redevelopment project located at 412 & 418 Maple St., Order No. 12-1005081B, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass Mosquito Control Project re: Mosquito Control Update, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 23, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, August 14, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, July 26, 2012, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

A. Tandoori Grill Restaurant, 197-H Boston Post Rd W., other

Reports of Committees:

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

Order No. 11/12-1003052 – Application of Yan Chun Zhang d/b/a Japan Car Service for Livery License at 197 Boston Post Road West. Chief is without objection. Applicant stated that she operates the Japan One restaurant at Boston Post Road West and has plans to service students from the International Chinese Academy on Locke Drive. She stated that they approached her due to the language barrier when calling local taxi / livery companies. She plans to operate one vehicle at the present time; her application is for two vehicles. Councilor Clancy informed Mrs. Zhang that any additional drivers would have to submit their CORI and RMV driver history to the Chief of Police. Mrs. Zhang replied that the only other driver would be her husband. The Committee confirmed that he would also have to submit CORI and driver history. **Recommendation of the Public Services Committee is to approve the Livery License to Japan Car Services at 197 Boston Post Rd. 3-0.**

Order No. 12-1005095 – Application of Gerald Dumais for Junk Dealers License, d/b/a Dumais and Sons, d/b/a 67 Mechanic Street. Chief is without objection. Mr. Dumais stated that he has been open for many years and recently realized that he had not renewed his license. He stated that he is open one day per week at his Mechanic Street store. Mr. Dumais stated that he was told there are new requirements regarding CORI and reporting, and he has complied with the new requirement. Mr. Dumais questioned the difference between a Junk Dealer License and Pawn Broker License, and Chairman Landers stated that he would obtain the information and get back to him. **Recommendation of the Public Services Committee is to approve Junk Dealer License to Gerald Dumais 3-0.**

Order No. 12-1005123 - Application of Richard Jenkins for Junk Dealer's License, d/b/a MetroWest Rubbish Service, 19 Indian Lane. Chief is without objection. Mr. Jenkins stated that he would cater to residential and small businesses for removal of items such as appliances, tires, couches and other similar items. He has received a permit from the Board of Health to remove solid waste and needs a junk dealer's license in case items removed have value attached to them. He will not have a store. Items will be immediately taken to be disposed or recycled. There will be no storage at 19 Indian Lane which is his home and is used for licensing purposes only. Replying to the Councilor Landers, Mr. Jenkins stated that there is some difficulty with supplying used goods to non-profits as he could not vouch against bedbugs or that items would be operational. Any goods he disposes would be treated as junk. He stated that he has used BP in Hudson and another company in Framingham who recycles a lot of items others do not recycle. **Recommendation of the Public Services Committee is to approve Junk Dealer License to Richard Jenkins d/b/a MetroWest Rubbish, 19 Indian Ln. 2-0.**

Suspension of the rules requested – granted

ORDERED: That the Petition from National Grid, to have underground cable crossing D'Angelo Drive to provide new service to Ken's Food, **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1) There is a 16" Water Main on the westerly side of D'Angelo Drive. Proper horizontal and vertical clearances must be maintained at/about this utility;
- 2) Any of NGrid's crossing(s) of the water main should be perpendicular. If possible other utility crossings should be perpendicular to said public utility lines (sewer and drainage);
- 3) Please provide a plan of your proposed infrastructure installations. Please make sure that existing utility information is indicated on plan;
- 4) Please provide typical section(s) of your proposed infrastructure installations (manhole(s), duct work, any encasements, etc.). Please make sure that horizontal and vertical clearances to other utilities are indicated on these typical details;
- 5) Finally, if the permit is approved, I will need as-built information in paper form and electronic form. I need this information because a City Roadway Capital Improvement Project is planned for D'Angelo Drive. This new information will be important to include on the roadway reconstruction plan.
- 6) Subject to approval of the Road Opening Permit by the City of Marlborough Engineering Division; adopted.

Suspension of the rules requested – granted

ORDERED: That the Petition from National Grid, to install new intermediate P.4-51 on D'Angelo Drive to provide new service to Ken's Food, **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1) There is a 16" Water Main on the westerly side of D'Angelo Drive. Proper horizontal and vertical clearances must be maintained at/about this utility;
- 2) Any of NGrid's crossing(s) of the water main should be perpendicular. If possible other utility crossings should be perpendicular to said public utility lines (sewer and drainage);
- 3) Please provide a plan of your proposed infrastructure installations. Please make sure that existing utility information is indicated on plan;
- 4) Please provide typical section(s) of your proposed infrastructure installations (manhole(s), duct work, any encasements, etc.). Please make sure that horizontal and vertical clearances to other utilities are indicated on these typical details;
- 5) Finally, if the permit is approved, I will need as-built information in paper form and electronic form. I need this information because a City Roadway Capital Improvement Project is planned for D'Angelo Drive. This new information will be important to include on the roadway reconstruction plan.
- 6) Subject to approval of the Road Opening Permit by the City of Marlborough Engineering Division; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council **APPROVES** the Police Department Grant in the amount of \$14,049.00 from the US Department of Justice Office, Edward Byrne Justice Assurances Grant to fund overtime, recertification, and supply costs for the Police Department's Rape Aggression Defense Systems (RAD) program; adopted.

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, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$51,002.00
Fringes

TO:

Acct. # 12200003-51920 \$51,002.00
Sick Leave

ORDERED: That the Appointment of Mr. Michael Gibson and Mr. Pascal Chenais to the Youth Commission whose terms will expire two years from date of approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Ms. Jeanne McGeough to the Council on Aging for a term of four years concluding on May 1, 2016, **APPROVED**; adopted.

ORDERED: That the Appointment of Richard Collins to the Council on Aging for a term of three years expiring May 1, 2016, **APPROVED**; adopted.

ORDERED: That the Application for Taxi License, Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill Street, Suite 200, refer **BACK TO PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 PM.