



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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**APRIL 26, 2010**

Regular meeting of the City Council held on Monday, APRIL 26, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Vigeant, Delano, Ferro, Elder, Clancy, and Landers. Absent were: Pope, Juairé, & Seymour. Meeting adjourned at 10:25 p.m.

ORDERED: That the minutes of the City Council Meeting April 5, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the Council President recognized Boy's Scout Pack 42, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.22 and P.23 on Forest St. due to a city road widening project, all were heard who wish to be heard, hearing recessed at 8:05 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Clancy, & Landers.**

**Councilors Absent: Pope, Juairé, & Seymour.**

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.35 and P.37 3' ± from present location to back of sidewalk due to a city road widening project on Forest St., all were heard who wish to be heard, hearing recessed at 8:07 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Clancy, & Landers.**

**Councilors Absent: Pope, Juairé, & Seymour.**

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.48 45' ± west of existing P.48 and install intermediate P.47-50 120' ± west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance on Forest St., all were heard who wish to be heard, hearing recessed at 8:09 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Clancy, & Landers.**

**Councilors Absent: Pope, Juairé, & Seymour.**

ORDERED: Now being the time set for the PUBLIC HEARING On the proposed Zoning Change from Moss Development, to request that City Council amend Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows: "For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site.", all were heard who wish to be heard, hearing recessed at 10:02 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Clancy, & Landers.**

**Councilors Absent: Pope, Juairé, & Seymour.**

ORDERED: That the transfer request in the amount of \$61,808.63 which moves funds as follows for expenses associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 11990006-51500 \$4,715.00

Fringes

Acct. # 11990006-51500 \$25,785.00

Fringes

Acct. # 10000-35900 \$31,308.63

Undesignated Fund

**TO:**

Acct. # 12100001-50510 \$4,715.00

Police Lieutenant

Acct. # 12100003-51920 \$25,785.00

Sick Leave Buy Back

Acct. # 12100003-51920 \$31,308.63

Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$7,637.56 from Firefighter to Gross Overtime to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 12200001-50450 \$7,637.56

Firefighter

**TO:**

Acct. # 12200003-51300 \$7,637.56

Gross Overtime

ORDERED: That the Central MA Regional Library Grant awarded to the Public Library in the amount of \$1,000.00 from the Central Massachusetts Regional Library System to develop a Playaway collection for the library, as outlined in MGL, Chapter 44, Section 53A to be used for purposes intended, **APPROVED**; adopted.

ORDERED: That a new salary ordinance proposal for the Council on Aging Program Coordinator, refer to **BACK TO MAYOR**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the 4-7 School located at 25 Union Street shall be named after 1<sup>st</sup> LT Charles Willis Whitcomb, a resident of Marlborough killed in action in 1864 during the Civil War Battle of Spotsylvania Courthouse, and that it shall henceforth be known as the 1<sup>ST</sup> LT Charles Willis Whitcomb School, refer to **VETERANS AFFAIRS COMMITTEE**; adopted.

**ORDERED:**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-14, entitled "Use regulations applicable in all districts," is hereby amended by deleting therefrom subsection B(2) in its entirety.
2. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Drive-in facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:
 

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	Y	Y	N	N
3. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Restaurant with drive-in or drive-thru facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:
 

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	Y	Y	N	N

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

**ORDERED:** That the Communication from the Department of Conservation and Recreation re: Sudbury Public Access Plan update, refer to **MAYOR AND CONSERVATION OFFICER**; adopted.

**ORDERED:** That the Communication from NSTAR Gas Company re: Condensed Financial Return for year 2009, **FILE**; adopted.

**ORDERED:** That the Communication from David Renzi and Linda Renzi Senecal re: donated contents of the Renzi Shoe Repair shop formerly located at 12 Main St., refer to **MAYOR AND HISTORICAL COMMISSION**; adopted.

**ORDERED:** That the Application of Andrew Youngman, d/b/a Arch Stanton, LLC, for Junk Dealer's license at 225 Cedar Hill St., 3<sup>rd</sup> Floor, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**ORDERED:** That the communication from Andy Candiello, on behalf of Metro PCS Massachusetts, LLC, re: request to extend time limitations to install a Telecommunications Facility onto the existing utility pole at 257 Donald Lynch Blvd., to May 26, 2010 at 11:00 PM, **APPROVED**; adopted.

**ORDERED:** That the minutes, Planning Board, March 22, 2010, **FILE**; adopted.

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

- A. April Lehrman, 25 Balcom Rd., other
- B. Joseph Bartulis, 3 Waterview Ter., Southboro, pothole or other road defect
- C. Downtown Marlboro, LLC, 17 Weed St., other property damage and/or personal injury
- D. David Giblin, 84 Ruggles St., Westborough, pothole or other road defect
- E. Marybeth Fantasia, 23 Walcott Cir., pothole or other road defect
- F. Carol Schwab, 2E Rotherham Way, Hudson, pothole or other road defect

## Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 10-1002509 – Transfer \$10,000.00 in DPW Fleet Accounts.** The Finance Committee reviewed the Mayor’s letter dated March 31, 2010 requesting the transfer of \$10,000.00 from the DPW Fuel & Lubricants account to the Repair/Maintenance Supplies account. **Recommendation of the Finance Committee is to approve 4-0.**

**Order No. 10-1002510 - Transfer \$106,915.00 within the Public Facilities Department.** The Finance Committee reviewed the Mayor’s letter dated March 31, 2010 requesting multiple intradepartmental transfer requests in the amount of \$106,915.00 for the Department of Public Facilities. **Recommendation of the Finance Committee is to approve 4-0.**

**Order No. 10-1002511 - Transfer \$11,300.00 from Senior Chemist Account to Pumping Station Maintenance and Interim Foreman Accounts.** The Finance Committee reviewed the Mayor’s letter dated March 30, 2010 requesting the transfer of \$11,300.00 from Senior Chemist Account to the Pumping Station maintenance account (\$10,100.00) and the interim foreman account (\$1,200.00). All accounts are in the DPW Sewer account. **Recommendation of the Finance Committee is to approve 4-0.**

ORDERED: That the reappointment of Barbara Fenby as a member of the Planning Board for a term of five years expiring the 1<sup>st</sup> Monday in February, 2015, **APPROVED**; adopted.  
(The reappointment of Edward Coveney is still in Personnel Committee)

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 540, ENTITLED “SOLID WASTE,” AS FOLLOWS:

Section 540-20, entitled “Issuance of stickers,” is hereby amended by adding thereto a new subsection F:

F. There shall be no annual fee for stickers issued to Marlborough residents who are disabled American veterans. Any Marlborough resident claiming status as a disabled American veteran, in addition to presenting a Massachusetts motor vehicle registration to prove Marlborough residence, shall also present proof of membership in the Disabled American Veterans or other suitable documentary proof of both veteran and disabled status.

**APPROVED**; adopted.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:25 p.m.; adopted.