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CITY OF MARLBOROUGH

2014 AUG 21 P 1:47

1. Minutes of the City Council Meeting, JULY 21, 2014.
2. Communication from the Mayor re: DPW transfer request in the amount of \$34,000.000 which moves funds from Parks and Fields Capital to Capital Outlay-DPW Projects to fund preliminary master planning and conceptual design of future turf field projects.
3. Communication from the Mayor re: Doubling of Tax Exemptions.
4. Communication from the Mayor re: Executive Office of Public Safety and Security's 2015 State 911 Department Training and Regulatory grant and Health and Human Services grant in the amounts of \$58,199.32 and \$45,000.00 awarded to the Police Department to help offset personnel costs associated with training and diversion of people who have committed minor crimes who would be better served with appropriate mental health services.
5. Communication from the Mayor re: BayPath Elder Services grants in the amounts of \$7,500.00 & \$5,000.00 to support a part-time transportation coordinator and related costs associated with transporting seniors and to support multicultural outreach programs for Latino and Portuguese residents.
6. Communication from the Mayor re: Demand Fee Increase Authorization.
7. Communication from the Mayor re: GE Healthcare EDIP Application Creating a North American Headquarters.
8. Communication from the Mayor re: Building Department Operations & Proposed Order Amending City Code.
9. Communication from the Mayor re: Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment.
10. Communication from City Solicitor, Donald Rider re: IPG Photonics Corporation's TIF Proposal.
11. Communication from City Solicitor, Donald Rider re: Proposed Easements to Massachusetts Electric Company for Senior Center.
12. Communication from City Solicitor, Donald Rider re: Proposed Acquisition of Indian Hill and Callahan State Park Access Easement.
13. Communication from Assistant City Solicitor, Cynthia Panagore-Griffin re: Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St. in proper legal form Order No. 14-1005485B.
14. Communication from City Clerk, Lisa Thomas, re: State Primary Election Call.
15. Application of Yan Chun Zhang d/b/a Japan Car Service for renewal of Livery License at 197 Boston Post Road West.
16. Communication from Attorney Falk of Mirick O'Connell re: Notice of Representation (City Council Order No. 91-3822A).
17. Communication from Central MA Mosquito Control Board re: Investigating Resident's Complaints on following dates: August 6, 13, 20 & 27.
18. Communication from Central MA Mosquito Control Board re: Mosquito Control Update.
19. Communication from USAA on behalf of Marshall Falk.
20. Communication from USAA on behalf of Robert Pierce.
21. Communication from Amica on behalf of John Farias.
22. Communication from Hanover Insurance Group on behalf of Skinner Inc.

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.

23. Minutes, License Board, June 25, 2014.
24. Minutes, Conservation Commission, June 19, 2014.
25. Minutes, Traffic Commission, June 24, 2014.
26. Minutes, Planning Board, July 7 & 21, 2014.
27. Minutes, Youth Commission, April 15, May 6, June 18, 2014.
28. Minutes, Fort Meadow Commission, June 19, 2014.
29. CLAIMS:
 - A. Colleen Dalton-Petillo, 11 Cobblestone Ln., Worcester, MA, pothole or other road defect
 - B. Francis Poulin, 42 Blanchette Dr., residential mailbox claim 2(a)
 - C. Arthur Oliveira, 14 Susan Rd. pothole or other road defect
 - D. Brian Cox, 355 Bolton St., other property damage and/or personal injury
 - E. Robert Michaud, 16 Brook Meadow Cir., Framingham, MA, pothole or other road defect
 - F. Kavi Siegel, 1 James St., Milford, MA, pothole or other road defect claim
 - G. Anna Clarke, 21 Tremont St., pothole or other road defect claim & other property damage and/or personal injury
 - H. Charles Daniels, 59 Kosmas St., pothole or other road defect
 - I. Kristin Ohanian, 23 Prospect St., Watertown, MA, pothole or other road defect
 - J. Ricardo Goncalves, 85 Broad St., pothole or other road defect

REPORTS OF COMMITTEES:

30. That the City Council Legislative and Legal Affairs Committee review the list of Special Municipal Employees so designated by vote of the City Council to determine if changes are in order. More specifically, some positions may no longer be in existence and others may have changed to make the designation inappropriate and/or inconsistent with the conflict of interest statute.Submitted by City Council President Pope
31. That the Marlborough Economic Development (MEDC) Corporation develop a plan for a part-time Events Manager position to lead and coordinate city-wide cultural events and activities including, but not limited to, the Labor Day Parade, Home for the Holidays, Heritage Day, Festival, Mayor's Summer Concert Series, and Halloween Horribles' Parade, as well as the creation of a seasonal Farmers' Market. And, Further Ordered, That the MEDC is directed to craft a proposed job description for such position along with salary range and furnish to the Public Services Committee for consideration accompanied by a transfer request from the Mayor.Submitted by: Councilor Landers

UNFINISHED BUSINESS:

From Urban Affairs Committee

32. **Order No. 13/14-1005247F - Proposed Zoning Ordinance, Medical Marijuana Treatment Centers.**
 The Proposed Zoning Ordinance for Medical Marijuana Treatment Centers includes comments from councilors from the prior Urban Affairs Committee meeting as well as any suggestions made by the Planning Board as a result of their Public Hearing. A communication from the Planning Board regarding action taken at its regular meeting on July 7, 2014 was read into the record. By a vote of 5-0 the Planning Board voted to send a favorable recommendation to the City Council regarding the changes to the City of Marlborough Zoning Ordinance to include Medical Marijuana Treatment Centers. The Board noted a concern that the restrictions imposed by the proposed ordinance seem excessive seeing there are significant licensing constraints at the state level already in place. Chairman Delano read through the

changes to the Zoning Ordinance and the recommendation of the Urban Affairs Committee is to approve as amended.

Motion made by Councilor Landers, seconded by Chair, to approve as amended the proposed Zoning Ordinance for Medical Marijuana Treatment Centers. Carries 3-0. (Clancy and Tunnera absent)

33. **Order No. 13/14-1005247G - Communication from the Planning Board re: Favorable Recommendation Pertinent to Proposed Zoning Amendment Section 650-5, New Section 650-32 Concerning Medical Marijuana Treatment Centers. (No action taken after moving to Reports of Committee from last meeting)**

34. **Order No. 14-1005880A - Communication from the Mayor re: Proposed Draft LED Sign Ordinance. The Urban Affairs Committee met to discuss the proposed draft LED Sign Ordinance as drafted by an LED sign committee. The proposed ordinance would define LED signs and place reasonable controls on their use within the City of Marlborough. They will be allowed through a Special Permit process where there will be limits on their allowed locations, brightness, and display colors. Motion made by Councilor Clancy, seconded by Chair, to approve as amended. Carries 5-0. (Item was advertised July 28, 2014).**

35. **Order No. 14-1005785B - Application for Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main Street. Robert Stauber of Gensler Architectural Firm previously appeared before the Urban Affairs Committee on July 8, 2014 to present their request on behalf of Bank of America for a Special Permit to modify the existing drive-thru at 223 East Main Street. Mr. Stauber examined the possibility of modifying the site to prohibit left turns on exit at the request of the committee. He reported to the committee that making any such change would interfere with the current traffic circulation causing the site to become less safe. They propose the installation of 24 x 24 no left turn signs on both sides of the driveway and a large right turn only arrow painted in the driveway to discourage left turns off the site. President Pope, Acting Chair, read through the Special Permit Conditions. Motion made by Councilor Tunnera, seconded by Chair, to recommend approval of the Application for Special Permit from Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main Street. Carries 4-0. Delano recused/Clancy absent; President Pope ex-officio, Acting Chairman**

From Finance Committee

36. **Order No. 14-1005873 – Transfer \$33,580.00 from Building Department Contract Services to Various Inspector Salary Accounts:** The Finance Committee reviewed the Mayor's letter dated July 2, 2014 requesting a transfer of \$33,580.00 from the Building Department Contract Services account to various inspector salary accounts. The funds are necessary to support inspection activities at Avalon Bay and are offset by mitigation payments made to the city. **The Finance Committee voted 5 – 0 to approve the transfers.**

From Operations and Oversight Committee

37. **Order No. 14-1005875 - Communication from the Mayor re: Senior Center Budget. Mayor Vigeant and Commissioner Ghiloni appeared before the Operations and Oversight Committee to provide a status update of the Senior Center project and explain any overruns.** Commissioner Ghiloni explained the status of the two current change orders and a third change order that is pending as a result of recommendations from Site Plan Review. The committee would like to receive regular updates on the status of the project and will keep the Order in committee for that purpose. However the committee will recommend that the Partners Healthcare gift be made available for the expenses and budget of the Senior Center. **Motion made by Councilor Delano, seconded by the Chair that the Operations and Oversight Committee recommend against reducing the approved \$6.5 million bond by \$750,000.00; and, further, that the Partners Healthcare gift in the amount of \$750,000 be available to use toward the expenses of the Senior Center. Carries 3-0.**
38. **Order No. 14-1005883 - Communication from the Mayor re: Informational Letter Concerning City Towing Contracts.** Mayor Vigeant indicates his letter was for informational purposes and requires no action by the City Council. He explains the new arrangement with the three towing companies under contract with the City. Under the new contract, the towing companies will pay an annual fee of \$1500.00 to the City for the privilege of serving on the Police Tow Rotation List, will alternate towing responsibilities by week; the City will no longer charged for the towing of its vehicles and all tow drivers will submit to a CORI check with the Police Chief. **Motion made by Councilor Delano, seconded by Chair to recommend that the City Council accept the communication from the Mayor and place on file. Carries 3-0.**
39. **Order No. 14-1005886 - Communication from Jean & Michael Morrisey, 43 Sonia Drive re: Baby Safe Haven Signs.** Mr. and Mrs. Morrisey appeared before the committee to request approval for the placement of Baby Safe Haven signs at designated facilities (Marlborough Hospital, Police Station, and Fire Station). The Morriseys will provide detailed information regarding the signs and their proposed placement on Marlborough's designated facilities as requested by the committee. **Motion made by Councilor Delano, seconded by Chair to recommend approval of the placement of Baby Safe Haven signs at designated facilities in the City of Marlborough. Carries 3-0.**

From Legislative and Legal Affairs Committee

40. **Order No. 14-1005881 - Communication from Mayor re: Order of Taking by Eminent Domain; Order of Acceptance of Deeds; Order Transferring Care, Management and Control to the conservation Commission; and Determination of Unique Acquisition in area known as Deer Foot Park.**
Councilor Clancy recused himself due to conflict as member of Conservation Commission.
Mayor Vigeant began by stating he had turned what he thought was a simple project over to legal department only to have it turn into a major project. Assistant Solicitor Panagore-Griffin detailed the research required to be able to complete the work necessary to have these parcels, which are land-locked by conservation land, ready to be transferred to the Conservation Commission. The 3 orders were taken separately.
- *Eminent Domain Order of Taking for certain portion of land located off of Concord Road in area known as "Deer Foot Park."* **Motion made and seconded to approve the Order of Taking for 7 parcels of land specified in Order, motion carried 2-0-1 (Clancy abstain)**
 - *Order of Acceptance of Deeds for purposes of augmenting the Desert Conservation Area with privately owned parcels of land.* **Motion was made and seconded to approve the Order of Acceptance**

of Deeds specifying 7 parcels of land and 2 accounts available for the appropriation of money for said purpose, motion carried 2-0-1 (Clancy abstain).

- *Order transferring to the Conservation Commission of the City of Marlborough for conservation purposes the care, custody, management and control of lots in the area known as Deer Foot Park. Motion was made and seconded to approve the order specifying eleven lots in area known as Deer Foot Park to be transferred to Conservation Commission, motion carried 2-0-1 (Clancy abstain).*

The chair then discussed the letter from Beverly Sleeper, Procurement Officer for City of Marlborough, which clarifies that the city is able to waive the advertisement requirements of MGL c. 30B, S16 with respect to the Plan of Lots of Deer Foot Park. That determination, as well as the names of the parties having a beneficial interest in the property, the location and size of property and proposed purchase price will be published in the July 16, 2014 edition of the Commonwealth's Central Register. Publishing must be done not less than 30 days before the City accepts the deeds. Thirty days works out to be August 15, 2014, so this must lay on the table until the Council's August 25th meeting when final action can occur.

41. **Order No. 14-1005882 - Eminent Domain Order of Taking for Certain Strips of Land for the Purpose of Reconstructing and Maintaining Simarano Drive.**

The mayor's July 2, 2014 letter requests this be done as a necessary step as part of the \$1.65 million MassWorks grant awarded to city last year with the taking to acquire permanent and temporary easements for guardrails, repaving and new sidewalks on Simarano Drive. The Assistant Solicitor informed the committee that an appraisal report for the properties is expected week of August 15, 2014. That report will be included in the packet for the August 25th meeting when final action can occur. Funds to pay the damages are available in construction funds from the grant so no further appropriation is needed. She also clarified that Puritan Way as listed in the order is now called Value Way. **Motion made and seconded to approve the Eminent Domain Order of Taking delineating the temporary and permanent easements for 12 addresses for purposes of reconstructing and maintaining Simarano Drive, motion carried 3-0.**

From City Council

42. **Order No. 14-1005802A - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd. Recommendation of the City Council to Table until next City Council meeting.**
43. **Order No. 14-1005803A - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd. Recommendation of the City Council to Table until next City Council meeting.**