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CITY OF MARLBOROUGH

2016 FEB -4 P 2:30

1. Minutes, City Council Meeting, January 25, 2016.
2. PUBLIC HEARING On the Petition from National Grid and Verizon New England, Inc. to relocate existing P12 and install new guy P12-84, and relocating P15, P18, P27, P28, P30 & P31 to accommodate road widening project on West Hill Rd., Order No. 16-1006427, X14-1005672A.
3. From President Clancy re: Amended City Council Committee Assignments for Legislative Year 2016 – Amend title of the Wireless Committee to reflect emerging technologies.
4. Communication from the Mayor re: Executive Office of Public Safety and Security Grants awarded to the Fire Department in the amounts of \$5,937.00 and \$3,115.00 respectively for Student Awareness Fire Education and for Senior Awareness Fire Education programs.
5. Communication from the Mayor re: Appointment of Gretta Holland as Parking Clerk effective upon approval.
6. Communication from City Solicitor Donald Rider, re: Designation of a specific parking space in front of the Police Station that will be reserved for residents to use so they can complete online sales and transactions, in proper legal form, Order No. 15/16-1006388.
7. Communication from City Solicitor Donald Rider, re: Howe's Landing Subdivision, Proposed Acceptance of Deed of Open Space Lot and Parcel A
8. Communication from Attorney Brewin re: Notice pursuant to MGL, c 61, §8 of intent to sell for use other than forest land, 421 Bolton St., Marlborough, Assessor's Map: 30-13 and 30-14. (Documents available for review in the City Clerk's Office)
9. Communication from Marc Cohen, on behalf of Arnco Sign Co. Inc., re: Sign Applications for Hilton Garden Hotel at 170 Forest St.
10. Communication from Attorney Bergeron on behalf of Ryan Development LLC re: Proposed Zoning Ordinance amendment as specified in the attached proposed Order.
11. Application for Junk Dealer's License, Gerciele Costa, Brazcom Wireless Inc., 223b Main St.
12. Communication from Attorney Bergeron on behalf of 110 Pleasant LLC re: Confirmation to City Council that construction of stockade fence as required by Special Permit will be completed by May 1, 2016, Order No. 15/16-1006395A, X-10-1002683B and 11-1002923F.
13. Minutes, Recreation Commission, September 9, 2015.
14. Minutes, Conservation Commission, December 17, 2015.
15. Minutes, Planning Board, April 27, June 15, December 7, 2015 & January 11, 2016.
16. Minutes, Traffic Commission, November 24, & December 16, 2015.
17. Minutes, Board of Assessor's, November 30, 2015.
18. Minutes, License Board, December 16, 2015 & January 8, 2016.
19. Minutes, School Committee, January 12, 2016.
20. Minutes, Council on Aging, January 12, 2016.
21. Minutes, Library Board of Trustees, January 5, 2016.
22. Minutes, Board of Health, January 5, 2016.

**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. CLAIMS:

- a. Daniel Figueroa, PO Box 302, Ashland, MA 01721, pothole or other road defect.
- b. Brian R. Theis, 26A Walnut St., other property damage.
- c. Michael Antonellis, 2 Memorial Dr., Northborough, MA 01532, pothole or other road defect.

## REPORTS OF COMMITTEES:

24. ORDERED: Be it ordained by the City Council of the City of Marlborough that the minimum exemption value of \$5,000 for personal property subject to taxation set forth in Order No. 05-100784A, dated April 11, 2005, by which Order the City accepted the provisions of M.G.L. chapter 59, § 5, clause 54th, be and is hereby modified under authority of said statute to a minimum exemption value of \$10,000 or less. ...Submitted by Councilor Ossing & Robey
25. ORDERED: That the Wireless Communications Committee work with the Building Commissioner and Legal Department on the drafting of an ordinance to permit free standing solar infrastructure in the City of Marlborough. Presently, solar installations are permitted by right on buildings and other structures but are not a permitted use when free standing structures. ...submitted by Councilor Doucette
26. ORDERED: That the City Council work with the Building Commissioner, Code Enforcement Officer and City Solicitor on the drafting of an ordinance to ensure that prompt remedial action is taken after a devastating event. Such an ordinance would provide tools for the Code Officer and other municipal officials to work with insurance companies and/or other professionals to expedite insurance and legal matters associated with such losses. The Broad Street fire has shown the need for tighter controls when nearby residents also suffered after this tragic loss when the burnt out remains of the property stood long after the fire to become a blighted, rodent infested, odorous site. ...Submitted by Councilors Juairé and Tunnera

## UNFINISHED BUSINESS:

**From Legislative and Legal Affairs Committee****27. Order No. 16-1006413: Order of Taking by Eminent Domain of Permanent Sewer Easements for Sudbury Street Project.**

Mr. Pilachowski informed the committee that the land taking is part of Phase II of the Sudbury Street Project and is necessary to connect existing sewer lines so residents can have access to city sewer instead of using a septic system. It involves 2 parcels of land--one on Harper Circle, Property H, and one on Sudbury Street, Property I. A concern was brought up regarding the location of sewer pipe relative to the location of septic systems. This will be researched by engineering as the project moves forward.

Mrs. Panagore Griffin informed the committee that there were errors in the Council Order submitted to the City Council. The total area for the Sudbury Street property is correct in the Description of Land Taken but is listed in the Awards column incorrectly; it should be 11,762 +/- square feet, not 11,265. The total land area taken for the Sudbury Street project is incorrect in the Description of Land Taken and the Awards column; it should be 6,067 +/- square feet, not 5,067. The Award amount for this property should read \$7,585, not \$6,335. This information will be corrected and provided to councilors for final consideration.

**It was moved and seconded to recommend approval of Order No.16-1006413, Eminent Domain Order of Taking for 302 Sudbury Street and 49 Harper Circle. Motion carried 2-0.**

**From Operations & Oversight Committee****28. Order No. 15-1006388: The City of Marlborough designate a specific parking space in front of the Police Station that will be reserved for Marlborough residents to use so they can safely complete online sales and transactions. The parking space will be encouraged to be used during daylight hours for everyone's safety and monitoring purposes. The Marlborough Police Department will keep the area under video surveillance.**

The Operations and Oversight Committee met with Police Chief Mark Leonard for a discussion of designating an area outside of the Marlborough Police Department as a location for residents to safely complete online sales and transactions. Chief Leonard was supportive of the idea and explained the area is already under video surveillance so it would be a matter of designating a space or area as the location for that purpose. The only expense would be creation of a sign that designates the area as an internet purchase location notifying people they are under video surveillance. Several other communities have done this as well and he was not aware of any issues with it.

**Motion made by Councilor Robey, seconded by Chair, to approve the order and refer to the Legal Department for proper form. The motion carried 3-0.**

**From Finance Committee**

29. **Order No. 16-1006408 – Transfer \$123,827.16 from Reserve for Salaries to the Deputy Chief account and Sick Leave Buy Back account:** The Finance Committee reviewed the Mayor’s letter dated January 7, 2016 requesting the transfer of \$123,827.16 from the Reserve for Salaries Account to the following accounts to cover the retirements in the fire department:

- \$19,478.46 – Deputy Chief account
- \$104,348.70 – Sick Leave Buy Back

**The Finance Committee voted 5 – 0 to approve the transfers.**

30. **Order No. 16-1006407 – Transfer \$419,376.81 from Insurance Proceeds to fund the Capital Outlay Accounts for the DPW Salt Shed and Library Equipment:** The Finance Committee reviewed the Mayor’s letter dated January 7, 2016 requesting the transfer of \$419,376.81 from the Insurance Proceeds account to fund the following accounts:

- \$318,872.83 to Capital Outlay Salt Shed
- \$100,503.98 to Capital Outlay Library

**The Finance Committee voted 5– 0 to approve the transfers.**

31. **Order No. 16-1006411 – Request to Spend an Additional \$1,000,000.00 in the Parks and Recreation Revolving Fund for Fiscal Year 2016:** The Finance Committee reviewed the Mayor’s letter dated January 7, 2016 requesting authorization to spend an additional \$1,000,000.00 from the Parks and Recreation Revolving Fund to improve several parks in FY16. **The Finance Committee voted 5 – 0 to approve the additional spending in the Parks and Recreation Revolving Fund for FY16.**

32. **Order No. 16-1006406 – Capital Bond Request for FY16 for \$10,700,000.00:** The Finance Committee reviewed the Mayor’s letter dated January 7, 2016 requesting the approval of 4 bonds totaling \$10,700,000.00. **The Finance Committee took the following actions:**

- **Street Construction bond for \$6,350,000 – approved 4 – 0 (Councilor Irish abstained). The Finance Committee approved the bond order to add the “guidelines established by the Division of Local Services within the Massachusetts Department of Revenue” to reflect the 15 year bond.**
- **Water Meter bond for \$650,000 – approved 5 – 0**
- **Sewer Construction bond for \$350,000 – approved 5 – 0**
- **Water Main Construction bond for \$3,350,000 – approved 5 – 0**

**The Finance Committee approved requesting a suspension of the rules at the January 25, 2016 City Council meeting to request to advertise the bonds. NOTE: THESE FOUR BOND ITEMS WILL BE ADVERTISED ON SATURDAY, FEBRUARY 6, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE FEBRUARY 22, 2016 CITY COUNCIL MEETING AS THE ADVERTISEMENT CANNOT BE PUBLISHED IN TIME TO COMPLY WITH THE TEN DAY PERIOD PRIOR TO THE FEBRUARY 8, 2016 CITY COUNCIL MEETING.**

33. **Order No.16-1006405 – Transfer \$1,825,000.00 from Undesignated Funds to Department Equipment and Facility Improvements:** The Finance Committee reviewed the Mayor’s letter dated January 7, 2016 requesting the transfer of \$1,825,000.00 for the purchase of department equipment and facility upgrades. **The Finance Committee voted 5 – 0 to approve the transfers.**