

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY 19 P 2:53

1. Minutes, City Council Meeting, May 9, 2016.
2. PUBLIC HEARING On the Proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278.00 for review and appropriation in which this spending plan reflects an increase of 4.96% over the approved Fiscal Year 2016 budget, Order No. 16-1006553.
3. Communication from the Mayor re: Year-end transfer requests which moves funds from and to various accounts as noted on the attached spreadsheets which will cover expenses and balance accounts for FY16.
4. Communication from the Mayor re: transfer request in the amount of \$675,745.00 which moves funds from Undesignated to Overtime Snow & Ice, Snow Removal & Operating Expenses to fund the FY2016 Snow and Ice Deficit.
5. Communication from the Mayor re: Economic Development Corporation transfer request in the amount of \$647,580.00 which moves funds from Economic Development to MEDC Funding accounts to fully fund the FY17 operations and Walker Building Feasibility Study, X15/16-1006380.
6. Communication from the Mayor re: transfer request in the amount of \$62,400.00 which moves funds from Parks and Fields Capital to Interest on BAN to fund the City's interest payment obligations related to parks and recreation projects.
7. Communication from Mayor re: Community Compact Grant in the amount of \$5,000.00 awarded to the City to evaluate our economic competitiveness.
8. Communication from Mayor re: Dow Chemical Company grant in the amount of \$1,000.00 for general purposes associated with maintaining and beautifying our community.
9. Communication from the Mayor re: Deficit Spending for Snow & Ice Account, X15-1006108.
10. Communication from the Mayor re: Reauthorization of the Public Safety Revolving Fund.
11. Communication from the Mayor re: Reauthorization of the Council on Aging Revolving Fund.
12. Communication from the Mayor re: Reauthorization of the Parks and Recreation Revolving Fund.
13. Communication from the Mayor re: Appointments of Councilor David Doucette, Derek Chaves, & Laura Kyle to the Commission on Disabilities for terms of three years from date of City Council confirmation.
14. Communication from City Solicitor Rider re: Proposed Zoning Amendment-Lawful Pre-Existing Single and Two-family Residential Structures.
15. Application for LED Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd., to place a free-standing LED sign.
16. Communication from the Attorney Falk of Mirick O'Connell re: Easements for Atrium Place, X 16-1006366D
17. Communication from Kevin Erikson of Walker Realty LLC re: Apex Center – Proposed Master Plan and Development Agreement. (Plans and Maps may be viewed in the City Clerk's Office).
18. Communication from Attorney Bergeron of Mirick O'Connell re: Apex Center-Site Plan Review under the HRMUOD Ordinance, X16-1006443D.
19. Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane.
20. Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc. d/b/a Dumais and Sons Second Hand Store, 6 High St.

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.

21. Communication from State Lottery Commission re: KENO Monitor to existing KENO To Go at 7-Eleven, 92 Broad St.
22. Minutes, Conservation Commission, March 24, 2016.
23. Minutes, Board of Assessor's, May 4, 2016.
24. CLAIMS:
 - a. Jodi Gale, 26 Franklin St., other property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

25. **Order No. 16-1006534 – Transfer \$650,000.00 from Undesignated Funds to Capital Outlay Downtown account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$650,000.00 from the Undesignated Funds account to be used to set up a new Downtown Stabilization Account for economic development in the downtown area. **The Finance Committee voted 5 – 0 to approve the transfer.**
26. **Order No. 16-1006535 – Transfer \$43,500.00 from Undesignated Funds to Open Space Stabilization account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$43,500.00 from the Undesignated Funds account to the Open Space Stabilization account. **The Finance Committee voted 5 – 0 to approve the transfer.**
27. **Order No. 16-1006536 – Transfer \$20,714.00 from Collector's Salary account to Various Salary accounts.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$20,714.00 from the Collectors salary account to various salary line item accounts. The Finance Committee approved the reduction of the transfer by \$2,079.00 (eliminating the City Councilor Salary line item adjustment). **The Finance Committee voted 5 – 0 to approve the transfer of \$18,635.00.**
28. **Order No. 16-1006537 – Transfer \$10,480.00 from Events Coordinator to Fund Retirement in the Recreation Department.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$10,480.00 from the Event Coordinator account to fund the Recreation Department Director and Sick Leave Buy Back accounts for a retirement in the Recreation Department. **The Finance Committee voted 4-0 (Councilor Oram abstained) to approve the transfers.**
29. **Order No. 16-1006538 – Rescind Various Bonds Totaling More Than \$13,000,000.00.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting various bonds totaling more than \$13,000,000.00 be rescinded. The bonds are no longer available to be bonded for the particular projects. Rescinding the bonds will strengthen the City's position financially by lowering the amount of debt authorized and outstanding. **The Finance Committee voted 5 – 0 to approve the order to rescind the bonds.**
30. **Order No. 16-1006540 – Grant for \$1,119,210.00 for FY17 Chapter 90 Funds.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 identifying a \$1,119,210 FY17 Chapter 90 appropriation approved by the Legislature and signed by Governor Baker. **The Finance Committee voted 5 – 0 to accept and place on file.**
31. **Order No.16-1006512 – Transfer \$33,351.29 from Reserve for Salaries to Fire Department Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated March 31, 2016 requesting the transfer of \$33,351.29 from the Reserve for Salaries account to the Fire Department Sick Leave Buy Back account to fund a retirement in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfer.**

From Public Services Committee

32. **Order No. 16-106542 - Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main Street.** Police Chief Leonard approved the CORI report for Roger Gauthier of Savers and has no objection to the renewal of their Junk Dealer License. David Manoogian, an Attleboro attorney representing Savers, and Roger Gauthier, Store Manager for Savers, appeared before the committee to request renewal of their Junk Dealer License. Mr. Gauthier explained their store had increased their business by fourteen percent over this time last year and they work with the local community by making payment to community organizations as well. Mr. Gauthier stated they process about seventy-five percent of what is donated, priced and sent to the sales floor, and the other twenty-five percent is sent for recycling to developing countries.

Chairman Landers read through the conditions and waivers that are a part of their license which are as follows:

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.

8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.

9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.

2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.

3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Savers. The motion carried 3-0.

33. **Order No. 16-1006518 - Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard.** Police Chief Leonard has approved the CORI report for Antoine Bitar of Hannoush Jewelers and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Bitar explained the second hand jewelry business is almost non-existent as he hardly buys any gold, maybe one or two transactions per month. They also have a repair business for jewelry and watches and can create custom pieces as requested by customers which is their advantage over competitors. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Hannoush Jewelers. The motion carried 3-0.**
34. **Order No. 16-1006519 - Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard.** Police Chief Leonard has approved the CORI report for Sherein Khater of Best Buy Mobile and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Khater explained she took over as manager of this location last year and they had a profitable year. Ms. Khater explained the process for trade-ins and they provide the customer with a Best Buy gift card for use in purchasing accessories or other items. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Best Buy Mobile. The motion carried 3-0.**
35. **Order No. 16-1006521 - Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street.** Police Chief Leonard has approved the CORI report for Roman Kimyagarov of Arthur & Sons Shoe Repair and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Kimyagarov explained he does a little gold and silver buying but a majority of his business is the shoe repair. His customers bring him items, such as shoes and leather jackets, purchased at Savers and he repairs the heels and zippers for those items. **Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Roman Kimyagarov of Arthur & Sons Shoe Repair. The motion carried 3-0.**