

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 29 P 3:10

1. Minutes of the City Council Meeting, November 26, 2012.
2. PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2013.
3. Communication from the Mayor re: Contract Services transfer request in the amount of \$15,000.00 which moves funds from Principal Assessor to Professional & Technical Services and another \$15,000.00 which moves funds from Senior Assessor to Professional & Technical Services to allow for continued funding until March 2013.
4. Proposed Zoning Amendment, concerning medical marijuana treatment centers, Sections 650-5, new section 650-32, from Council President Pope and Councilor Elder.
5. Communication from the Planning Board re: Results Way Mixed Use Overlay District.
6. Communication from MetroPCS Massachusetts, LLC re: request to extend time limitations on Application for Special Permit, 98 Pleasant St., to install a Wireless Communications Facility to March 31, 2013 until 12:59 PM, Order No 12-1005122C.
7. Communication from Construction Materials Service, Inc. re: request to extend time limitations on Application for Special Permit (to extend the 65 day requirement in which to hold the Public Hearing), 379 South St., to construct a new 2400 sq. ft. office building on a nonconforming property to January 8, 2013 until 9:00 PM, Order No 12-1005236.
8. Application for Special Permit from Crown Castle, on behalf of T-Mobile, to exchange six existing antennas on a cell tower, 445 Simarano Dr.
9. Application for Taxi License, Yan Fang Ye, d/b/a Ye's Taxi, 20 Devens St.
10. Minutes, Community Development Authority, October 25, 2012.
11. Minutes, Planning Board, November 5, 2012.
12. Minutes, Traffic Commission, October 23, 2012.
13. CLAIMS:
 - A. Antonio Braga, 51 Christie Way, Apt 53L, pothole or other road defect

REPORTS OF COMMITTEES:

14. ORDERED: The Operations and Oversight committee will investigate the reasons that various parts of the city have been having sporadic power outages, and what can be done to assure that our residents and businesses will have reliable electric service which is critical to all. The committee will endeavor to bring together whatever sources deemed appropriate for this purpose including representatives from National Grid, state officials, and local staff and officials. The goal will be to work collaboratively to find a quick resolution to this problem, and to inform the public of the city's progress in this regard.....Submitted by Councilor Delano

15. **ORDERED:** That the Commissioner of Public Works prepare a written report for submittal to the Operations and Oversight Committee that includes all residential and non-residential properties located outside the limits of the city that are currently benefitting from City of Marlborough water and sewer services; said report to include the status of all payments due, dates of connection and authorization to do so. Further Ordered, that the Commissioner and City Solicitor work with the Operations and Oversight Committee to suggest changes to the water and sewer ordinances that would create a uniform process by which any properties existing outside the limits of the City of Marlborough are granted permission to connect to Marlborough's municipal water and sewer systems as well as a fee schedule that would properly compensate the city for the use of these valuable resources. Said report should be made available to all members of the City Council on or before January 17, 2013.Submitted by Councilor Delano

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

16. **Order No. 12-1005149 – Proposed Conveyance of a Portion of City-Owned property, 93 Framingham Rd. Recommendation of the Legislative and Legal Affairs Committee is to recommend conveyance to Melanson Development Group a portion of municipal property at 93 Framingham Rd together with the following orders from the City Solicitor in proper form.**

[1ST ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having been notified by the Commissioner of Public Works, pursuant to M.G.L. c. 40, § 15, that the City's fee interest in a portion of municipal property taken for sewer purposes and located in part off Framingham Road, and identified and described as a portion of the land shown as Parcel 93A on Map 93 of the Marlborough Assessors Map,

and being more particularly shown as "Parcel 'D'" on a plan entitled "Plan of Land in Marlborough, MA, Owner: Celeste Walker, Executrix, 990 Center Street, Apt. #2, Jamaica Plain, MA 02130-3029, Prepared for: Melanson Development Group, Inc., P.O. Box 564, Woburn, MA 01801; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: November 29, 2010; Scale: 1" = 40'," containing 24,032 square feet (0.55 acres), more or less, said plan to be recorded in the South Middlesex Registry of Deeds,

is no longer needed for such purposes,

hereby declares, by a simple majority vote pursuant to M.G.L. c. 30B, § 16(a), that the fee interest in said Parcel D is available for disposition by sale, with the following restrictions on the subsequent use of said Parcel D:

1. the City reserves to itself a perpetual public sewer easement in, under, upon and through said Parcel D, for the purposes of maintenance, repair, construction or reconstruction of public sewer lines; for the installation, repair or replacement of additional sewer pipes or any other municipal utilities or services; and for passive recreation purposes; and
2. the City also reserves the right to excavate or disturb ground without responsibility for repairing the surface, whether with loam or seed, and hereby prohibiting the grantee, its heirs, successors or assigns from planting, installing or maintaining any bushes, plants, trees or a structure of any kind in or about said Parcel D, unless approved in advance by written approval of the Commissioner of Public Works of the City of Marlborough.

The above declaration shall be null and void unless, on or before January 1, 2014, the Marlborough Planning Board, pursuant to Chapter 650-28 of the Marlborough zoning ordinance, has granted to Melanson Development Group, Inc. an open space development special permit which incorporates said Parcel D as described above.

ORDER NO 12-1005149A

[2ND ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having declared in Order No. 12-1005149A, that the fee interest in said Parcel D is available for disposition by sale, with the use restrictions recited in said Order,

now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City's fee interest in said Parcel D to Melanson Development Group, Inc., of 5 Robertson Way, Woburn, Middlesex County, Massachusetts, for at least the minimum amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, and upon such other terms as the Mayor shall consider proper and consistent with the intent of this Order and at a sales price that would maximize the total economic return to the City.

ORDER NO 12-1005149B