



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JULY 25, 2016

Regular meeting of the City Council held on Monday, JULY 25, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Absent: Oram. Meeting adjourned at 9:24 PM.

ORDERED: That the Recognition of the Principal, Staff, and Students of the Cultural Exchange Program, presented with Proclamations, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting JUNE 20, 2016, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition of Comcast to evacuate and place 1-3" Schedule 40 PVC conduit across the alley-way that connects Main St. and Weed St. between buildings #200 Main St. and #194 Main St. Starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main St. for a distance of 21"+/-, Order No. 16-1006609, all were heard who wish to be heard, hearing recessed at 8:23 PM.

Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Ossing, & Robey.

Absent: Oram.

ORDERED: That the City Council of the City of Marlborough hereby elects to engage in the process to change health insurance benefits under Massachusetts General Laws, Chapter 32B, Sections 21 through 23, as amended, **APPROVED**; adopted.

Note: Although there are six Councilors as follows who are in direct conflict with this Order, the **Rule of Necessity**, allows these City Councilors to participate in the vote.

*Councilor Delano
Councilor Elder
Councilor Juairé
Councilor Tunnera
Councilor Landers
Councilor Clancy*

ORDERED: That the Communication from the Mayor regarding submission of applications to the Massachusetts Permit Regulatory Office to designate several Marlborough properties as 43D Priority Development Sites to now include the following sites:

44-298 Boston Post Rd. West
397 Williams St.

APPROVED; adopted.

ORDERED: That the Order of Acceptance of Permanent Easement from Bell Fund V Marlborough LLC, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Green Communities Competitive Grant from the MA Department of Energy Resources in the amount of \$194,336.00 to fund the installation of an Energy Management System for City Hall and fund the replacement of heat pumps which are located in each office in City Hall; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Community Compact Information Technology Grant from the Commonwealth of MA in the amount of \$15,000.00 to continue moving City Departments to Accela's Civic Platform to improve operations, streamline processes, and ease administration of Department workloads; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Award from Alexandria Szwarc, Marlborough Country Club in the amount of \$4,656.00 for the Police Department's K-9 Unit to offset cost of future training and equipment needs; adopted.

ORDERED: That the Appointment of Douglas Scott as Building Commissioner for a term to expire three years from date of City Council approval, **TABLED**; adopted.

ORDERED: That the Appointment of Dr. Joseph Tennyson to the Board of Health for a term to expire three years from the first Monday in February 2017 and to thank Dr. John Curran as his term expired, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of Robin Williams and James Griffin to the Board of Health for a term of two years expiring on the first Monday in February 2018, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three years to expire April 1, 2019, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Thomas Pope to the Zoning Board of Appeals for a term expiring five years from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

1. In Section 650-5.B, amending the definition of "Boardinghouse or Lodging House" to read as follows (new text underlined):

BOARDING HOUSE or LODGING HOUSE

A building or a portion thereof in which rooms or suites of rooms are let for fee as places of human habitation, either permanently or transiently, to four or more persons or which requires a license as required by MGL c. 140, § 22 et seq., as amended. The term "boardinghouse or lodging house" shall exclude convalescent homes, nursing homes, assisted living facilities, shelters, hotels and motels which are licensed as such pursuant to applicable state law.

2. Adding to the Table of Use Regulations, Section 650-17, a category for "Assisted Living Facilities" under "Residential Uses", as follows:

		Zoning District Abbreviations											
		RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use													
Assisted Living Facilities	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N

3. Adding to Section 650-18, Conditions for Use, new subsection 650-18.A(44) as follows:

(44) Assisted living facilities shall only be located on lots with an area of at least 10 acres and with at least 250 feet of frontage along Route 85.

4. Adding to Section 650-48.A a new item (16) as follows:

(16) Assisted living facility: half a space for each bed.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, SEPTEMBER 12, 2016**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Veterinary Hospital use in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), 58 Apex Dr., refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District., 22 Apex Dr., refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 29, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Dr., refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 29, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Crabtree Lake Williams LLC to amend Condition 2 of Special Permit, Order No. 08/09-1002051E in order to vary the method of securing completion of the Special Permit conditions and issuance of occupancy permits for individual condominium units as shown on Exhibit A, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 29, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT & T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT & T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple St., refer to **WIRELESS COMMUNICATION COMMITTEE, ADVERTISE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: Investigating resident's complaints about mosquitos on July 7, 13, 20, 27 and August 3, 10, 17, 24 & 31, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, May 18, 2016, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, May 24 & June 14, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 5, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 31, 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 30, April 27, May 25, & June 15, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, March 8, 2016, **FILE**; adopted.

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: July 19, 2016

Time: 6:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 6:30 PM – Adjourned: 6:38 PM

Present: Chairman Tunnera; Personnel Committee Member Councilor Elder; Councilor Irish (absent).

Also Present: Karen Bento; Derek Chaves; Laura Kyle; Councilor David Doucette; Mayor Arthur Vigeant.

Order No. 16-1006607 - Appointment of Karen Bento to the Library Board of Trustees for a term to expire three years from the date of City Council approval. Recommendation of the Personnel Committee is to approve the appointment of Karen Bento to the Library Board of Trustees. Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 2-0 (Councilor Irish absent).

Order No. 16-1006577 - Appointments of David Doucette, Derek Chaves and Laura Kyle to the Commission on Disabilities for terms of three years from the date of City Council confirmation. Recommendation of the Personnel Committee is to approve the appointments of Derek Chaves, Laura Kyle, and David Doucette to the Commission on Disabilities. Motion made by Councilor Elder, seconded by the Chair, to approve the three appointments to the Commission on Disabilities. The motion carried 2-0 (Councilor Irish absent).

Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 2-0 (Councilor Irish absent). The meeting adjourned at 6:38 PM.

Reports of Committees Cont'd:

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: July 19, 2016

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 5:43 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaire, Tunnera and Landers; and Councilors Clancy and Doucette.

Also Present: Jason Parillo (Back Bay Sign Company); Vrej Askanian (Discount Gas Station).

Order No.16-1006579 - Application by Back Bay Sign, 65 Industrial Way, Wilmington, MA on behalf of CareWell Urgent Care for a Special Permit to place a 29" x 99" LED illuminated Message Board Sign on a freestanding sign at 757 Boston Post Road East for the UMass Memorial Walk-In Urgent Care Center. The Urban Affairs Committee met with Jason Parillo of Back Bay Sign Company representing CareWell Urgent Care for a discussion of sign that includes an electronic message center (EMC) for their new location at 757 Boston Post Road East. The entirety of the sign (top portion and EMC) can be no more than sixty square feet and the City regulations require the EMC to not be more than twenty-five percent of the allowable sign face, fifteen square feet for this particular sign. They agreed to the standard conditions plus the addition of a condition that required the EMC be no more than fifteen square feet. **Motion made by Councilor Elder, seconded by Chair, to approve as amended. The motion carried 5-0.**

Order No.16-1006517 - Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street. The Urban Affairs Committee met with Vrej Askanian of the Discount Gas Station for a discussion of an LED illuminated sign for gas pricing only. The applicant had outstanding site work which required completion per the Site Plan Review Committee. The Urban Affairs Committee agreed to recommend approval of the application pending completion of the site requirements once they received confirmation of completion from the City Engineer. The standard conditions for the sign would apply to its operation. **Motion made by Councilor Juaire, seconded by Chair, to approve the application. The motion carried 5-0.**

Motion made by Councilor Juaire, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 5:43 PM.

ORDERED: That the Mayor meet with the Operations and Oversight Committee to discuss ancillary uses of the Senior Center, in direct opposition to what was discussed with the City Council. The Council was assured that the Center would only be used for activities for seniors, but the Veterans Agent was recently moved there, refer to **OPERATIONS AND OVERSIGHT COMMITTEE AND CITY SOLICITOR TO OFFER HIS LEGAL OPINION AS TO WHO HAS CARE, CUSTODY AND CONTROL OF THE SENIOR CENTER**; adopted.

ORDERED: That all City Councilors be given the choice to opt out of all paper communications and be allowed to bring a tablet or laptop to council meetings for informational purposes, refer to **RULES COMMITTEE**; adopted.

ORDERED: That the Mayor and City Council President establish a special committee to consider sites for a new fire station in the west side of the City and notify the City Council of said appointments on or before the August 29, 2016 City Council meeting, refer to **MAYOR & COUNCIL PRESIDENT**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc. d/b/a Dumais and Sons Second Hand Store, 6 High St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, EcoATM, Inc., 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM.