



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**MAY 7, 2018**

Regular meeting of the City Council held on Monday, May 7, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing; Robey; Doucette, Dumais, Tunnera; Irish and Landers. Meeting adjourned at 9:31 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 23, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Article VI, §650-22 Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198, **MOVED TO A LATER TIME WITHIN THIS MEETING TO ACCOMMODATE OTHER PERSONNEL WHO ARE CURRENTLY ATTENDING THE PLANNING BOARD MEETING**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 21, 2018** as date for a **PUBLIC HEARING** for the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

### **STREET CONSTRUCTION BOND**

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

**SEWER CONSTRUCTION BOND**

That the sum of \$1,800,000 (one million eight hundred dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

**WATER MAIN CONSTRUCTION BOND**

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**ORDERED:** That the following Transfer Request which moves money from Undesignated Funds to various Capital Outlay accounts as outlined in the spreadsheet refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Various					FISCAL YEAR:	2018	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$8,284,083.16	\$3,957,138.00	10000	35900	Undesignated Fund	\$1,239,000.00	19300006	58512	Capital Outlay-Fire	\$2,604.75
	Reason:	To fund equipment requests							
					\$2,491,508.00	19300006	58731	Capital Outlay-DPW	\$9,622.19
					\$206,500.00	19300006	58593	Capital Outlay-Police	\$19,291.32
	Reason:								
					\$5,130.00	19300006	56300	Capital Outlay-Voting Equipme	\$0.00
	Reason:								
					\$15,000.00	19300006	52451	Capital Outlay-COA	\$0.00
	Reason:								
	\$3,957,138.00	Total			\$3,957,138.00	Total			

**Councilor Ossing filed a disclosure statement in conjunction with this order.**

**ORDERED:** That the WMCT transfer request in the amount of \$355,519.00 which moves funds from PEG Fees to Marlborough Cable Trust to fund the remainder of WMCT'S FY19 Budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor					FISCAL YEAR:	2018	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$362,461.56	\$355,519.00	27000099	47750	PEG fees	\$355,519.00	89000	25581	Marlboro Cable Trust	\$0.00
	Reason:	To fund WMCT for FY19 operations							
	\$355,519.00	Total			\$355,519.00	Total			

**Suspension of the Rules requested – granted to allow the Fire Chief to speak to recognize & congratulate Andy Eich, Executive Director, New Horizons, and resident, Dwayne Thompson, who selected the Fire Department as the local organization he wanted to support.**

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance from Cummings Properties to the Fire Department in the amount of \$1,000.00 to purchase patch decals and challenge coins; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance from Dow Chemical Company to the Conservation Department in the amount of \$1,000.00 to support annual Project Clean Sweep and beautification of Marlborough; adopted.

ORDERED:

**A RESOLUTION  
TO APPLY FOR AND ACCEPT GRANT FROM THE COMMONWEALTH OF  
MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS FOR THE GHILONI PARK RENOVATION  
PROJECT**

WHEREAS, Ghiloni Park is a much-used recreational facility in the city and is in need of upgrades to continue to better serve the residence of Marlborough and

WHEREAS, 66 acres of the Ghiloni Park is dedicated to recreation purposes under M.G.L. c. 45, § 14 and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Ghiloni park includes a softball field, several soccer fields, basketball courts, a beach volleyball court, playgrounds, a skate park, a jogging track, a fitness station, walking paths, and a nature trail; and

WHEREAS, the main focus of the Master Plan is to renovate the park and in the first phase of renovation add and improve parking and improve the walking trail to make it more accessible; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund grant program; and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,146,915 (One million one hundred forty-six thousand, nine hundred fifteen dollars), and the City Council has voted on April 6, 2015 to authorize the bond funding in the amount of up to \$ 3,095,000 (three million ninety-five thousand) for municipal outdoor recreational facilities.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to accept a LWCF grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the LWCF grant to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: License to Encroach on Public Sidewalk Indemnification – M & O Kitchens Corp., d/b/a O’Hearns Tavern, Order No. 18-1007248, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Article VI, §650-22 Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198, all were heard who wish to be heard, hearing closed at 9:12 PM.

**Councilors Present: Delano, Doucette, Dumais, Tunnera Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.**

ORDERED: That Communication from various residents and companies re: Opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136C, **FILE**; adopted.

- a. P.J. Banacos, 104 Farm Road.
- b. Richard Bolt, no address given.
- c. Marconi Santos, The DaCosta Co., Inc, 655 Farm Road,

ORDERED: That the Communication from Attorney Falk on behalf of Route 20 Marlboro Properties, LLC (RK Centers), re: request to reschedule Public Hearing on Proposed Zoning Amendment concerning ancillary auto sales, 735 Boston Post Road East from June 4, 2018 to July 23, 2018, Order No. 18-1007224, **RESCHEDULE THE PUBLIC HEARING FROM JUNE 4, 2018 TO JULY 23, 2018, & READVERTISE**; adopted.

ORDERED: That the 2 Flat Wall signs 43.75 s.f. & 58.51 s.f. for Okami Sushi, 58 Apex Drive **APPROVED**; adopted.

ORDERED: That the Flat Wall sign 48 s.f., for Muse Paint Bar, 115-F Apex Drive, **APPROVED & FILE**, Awning for Muse Paint Bar, 15.75 linear feet; adopted.

ORDERED: That the Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Thomas Energy, 175 Lakeside Avenue, **FILE**; adopted.

ORDERED: That the Communication Department of Public Utilities, Condensed Financial Return for year-end December 31, 2017, NStar Gas Co, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 5, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 28, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, March 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, February 6, 2018 & March 6, 2018, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 28, 2018, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Tsu-Wei Kuang, 167 Kelleher Street, residential mailbox claim 2(a).
- b. Christopher Lowe, 25 West Hill Road, residential mailbox claim 2(a).
- c. Anthony Giorgi, 290 West Hill Road, other property damage and/or personal injury.
- d. James Porter, 116 Hudson Street, pothole or other road defect.
- e. Kathy & Steve Monti, 21 Masciarelli Drive, other property damage and/or personal injury.
- f. Ron Allard, 10 Masciarelli Drive, residential mailbox claim 2(a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday April 30, 2018  
In Council Chambers**

**Finance Committee Members Present:** Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

**Finance Committee Members Absent:** None

**Other Councilors in Attendance:** Councilor Clancy, Delano (not present for Items 4 and 5), Doucette, Juairé and Landers.

The meeting convened at 7:00 PM.

1. **Order No. 18-1007239 – Transfers \$400,000.00 from Open Space Stabilization to Purchase 19 Properties from the Community Development Authority (CDA).** The Finance Committee reviewed the Mayor's letter dated April 19, 2018 requesting a transfer of \$400,000.00 from the Open Space Stabilization account to the Marlboro CDA. The Marlboro CDA will convey 19 properties to the City of Marlboro. **The Finance Committee voted 5 - 0 to approve the transfer.**
2. **Order No. 18-1007219 – Transfer \$1,075,000.00 from Undesignated Funds to the Marlboro Economic Development Corporation (MEDC) for Land Acquisition.** The Finance Committee reviewed the Mayor's letter dated March 29, 2018 requesting a transfer of \$1,075,000.00 from the Undesignated Fund Account to the MEDC. The purpose of the transfer is to satisfy the Purchase and Sales agreement between the City, the MEDC and Geraldine Fossile, Trustee of Lincoln and Mechanic Realty Trust. **The Finance Committee voted 5 - 0 to approve the transfer.**
3. **Order No. 18-1007241 – Communication from the Mayor regarding City of Marlboro Management Letter for FY2017.** The Finance Committee reviewed the Mayor's letter dated April 19, 2018 that contained the Management letter for fiscal year 2017 from the outside auditors Roselli, Clark & Associates. The recommendations, findings and improvements made since the last audit were discussed. **The Finance Committee voted 5 - 0 to accept and place on file the letter and requested the Comptroller provide a summary of the City's response to the issues identified in the report by the end of the year.**

## Reports of Committee Cont'd:

4. **Order No. 18-1007242 - Local Options Marijuana Sales Tax.** The Finance Committee reviewed the Mayor's letter dated April 19, 2018 to accept Massachusetts General Law Chapter 64N Section 3 which would permit the City of Marlboro to impose a 3 percent local sales tax on the "sale or transfer of marijuana products by a marijuana retailer operating within the City." **The Finance Committee voted 5 – 0 to approve the Order to impose a 3% local sales tax of marijuana products by a marijuana retailer operating within the City. Councilor Juaire abstained from participating.**
5. **FY19 Finance Committee Budget Review Schedule:** The Finance Committee reviewed the timeline and schedule for the upcoming Finance Committee meetings to review the Mayor's FY19 budget. **The Finance Committee agreed to meet on May 8, 9, 14 and 15 to review the FY19 budget.**

**The Finance Committee adjourned at 9:23 PM.**

Councilor Robey reported the following out the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee  
Monday, April 30, 2018, 6:45 PM– In Council Chambers  
Minutes and Report

**Present:** Chairman Katie Robey, Councilor Landers & Councilor Delano.

**Also present:** Councilors Clancy, Irish, Doucette, Ossing, Dumais & Juaire and Assistant City Solicitor Cynthia Panagore Griffin. Councilor Oram and Mayor Vigeant were present for Agenda Item 2.

**Order No. 18-1007248 - Communication from Tiffany O'Hearn, of O'Hearn's Tavern, 11b Florence Street, to add outdoor seating to their establishment.** The City Council adopted an Order to allow restaurants located on Main Street from 8 Hildreth Street on the east to 280 Main Street on the west to have tables and chairs upon the sidewalk fronting their establishment from May 1<sup>st</sup> to September 30<sup>th</sup>. If they want to serve alcohol outside, a separate license from License Commission is required. They would like to serve food/alcohol following the requirements of the downtown outdoor seating order, however since O'Hearn's is not located on Main Street, the order does not apply to them. The suggestion from Attorney Panagore Griffin was to grant a license and indemnification to allow O'Hearn's to place tables and chairs in front of their business as appearing in the sketch provided to the committee and with the same conditions of the adopted outdoor seating order. The Community Development Authority (CDA) currently owns the area where the tables/chairs would be placed. If the City Council approves an order before them to transfer that property to the City, then the City can grant the license.

Reports of Committee Cont'd:

**It was moved and seconded to grant a license and indemnification to O'Hearn's Tavern, 11b Florence Street with final language to be written by the City Solicitor specifying the license is effective simultaneous with the City owning property or with permission of the CDA, whichever comes first. It was agreed that the document should be on the agenda of the May 7th City Council meeting for vote so they can proceed with the alcohol license and start serving outside as soon as possible. The motion carried 3-0.**

**Order No. 18-1007239 - Communication from the Mayor regarding MCDA transfer request in the amount of \$400,000.00 which moves funds from Open space Stabilization to the Marlborough Community Development Authority to convey 19 properties to the city of Marlborough, including a large parcel on Winter Street abutting Stevens Park.** The Legislative & Legal Affairs held a joint meeting with Finance to discuss the Mayor's request. Chairman Ossing read the letter from the Mayor and began discussion on the transfer. The Finance Committee approved the transfer of \$400,000.00 from Open Space Stabilization to the Marlborough Community Development Authority (MCDA) for 19 parcels of property. The Legislative & Legal Affairs Committee then began discussion on the Order to accept title, by deed or deeds of conveyance from the MCDA to the fee simple interest in 19 properties delineated in the Order, including 1 on Winter Street, several on Main Street, and several on Newton, Florence and Weed Streets, but not including the structures or buildings thereon. An Order allowing the City Council to take by Eminent Domain the permanent easement interest in those same properties was also discussed.

**It was moved and seconded to approve the order to accept title for the land, excluding structures or buildings located thereon of 19 properties and to take by Eminent Domain the land, excluding structures or buildings located thereon, those same 19 properties. The motion carried 2-1.**

The Legislative & Legal Affairs Committee adjourned at 7:55 PM.

**Suspension of the Rules requested – granted.**

ORDERED:

**License to Encroach on Public Sidewalk and Indemnification**

WHEREAS, M&O Kitchens, Corp., duly incorporated in the Commonwealth of Massachusetts with a principle place of business at 11B Florence Street, Marlborough, MA, operating a restaurant known as O’Hearn’s Tavern located at 11B Florence Street, Marlborough, MA (being a portion of Assessors Map 70 Parcel 149) desires to use a portion of the sidewalk fronting said 11B Florence Street, Marlborough, MA for table service of food and beverages (hereinafter, “License Area”); and

WHEREAS the City of Marlborough (hereinafter, the “City”) wishes to allow the O’Hearn’s Tavern to use the License Area for table service of food and beverages;

WHEREAS the License Area is owned, as of May 1, 2018, by the Marlborough Community Development Authority (hereinafter, the “CDA”), but is the subject of a proposed purchase by the City together with other CDA-owned properties;

NOW, THEREFORE, the City of Marlborough, by and through its City Council (hereinafter, “the City”), grants to M&O Kitchens, Corp. (hereinafter, “Licensee”) permission to use the License Area for the limited purpose of outdoor dining on food and beverages associated with M&O Kitchens, Corp. and to place tables and chairs thereon for said purpose, and for no other purpose, under the terms and conditions stated below (hereinafter, “the license” or “this license”):

1. The License Area is identified in its approximate location on the GIS aerial plan attached hereto as Exhibit “A,” which exhibit is made a part hereof.
2. The license shall be effective from the date of approval by the CDA of this license or from the date of the City’s purchase from the CDA of said sidewalk fronting 11B Florence Street, Marlborough MA, whichever occurs earlier in time, until September 30, 2018. Thereafter, subject to the terms and conditions of this license, this license shall run from year to year starting on May 1<sup>st</sup> and ending on September 30<sup>th</sup>. Licensee may not place tables and chairs on the License Area until the start of business on May 1st, and Licensee must remove all tables and chairs at the close of business on September 30th.
3. Licensee shall not allow any use of the tables and chairs in the License Area after 10 PM.
4. Licensee acknowledges that the License Area is, as of May 1, 2018, owned exclusively by the CDA in fee and that it may be owned exclusively by the City in fee, and that regardless of which entity owns the land in fee, this license is not a grant of interest in the License Area or in any other portion of CDA or City property.
5. Licensee acknowledge that this license is exclusive to Licensee and that no other person(s) or entity(ies) has the permission of the City to utilize the License Area for any purpose other than for dining on products purchased at the O’Hearn’s Tavern.

6. Licensee agrees that it shall not allow loitering or other use of the License Area which is not related to dining on products purchased at the O'Hearn's Tavern.
7. Licensee agrees to indemnify and hold harmless the CDA and the City, their officers, employees and agents from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction or defect in the public way abutting the License Area or in the License Area, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of the Licensee to place tables and chairs upon License Area and to allow the utilization by third parties of said License Area. The indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage of the Licensee.
8. The City's Building Commissioner or his agents may revoke the license for violation of the terms and conditions of this license.
9. Service of alcoholic beverages out-of-doors in the License Area shall require a separate license from the Licensing Board and any appropriate State approvals.
10. Said tables and chairs shall not interfere with accessible path of travel for handicapped individuals, per the Americans with Disabilities Act and all other applicable laws and regulations.
11. Signs shall not be permitted except in accordance with City's Sign Ordinance.
12. All applicable federal, state, and City policies, regulations and ordinances, as amended, shall remain in full force and effect.
13. Licensee agrees to abide by its terms and conditions, and acknowledges that said license may be revoked by the City of Marlborough for breach of any condition contained therein.

*This is a legally binding document. By signing, Licensee acknowledges that it has had an opportunity to review with its Attorney.*

**APPROVED;** adopted.

ORDERED: That the DPW transfer request in the amount of \$17,807.50 which moves funds from Reserve for Salaries to Forestry Parks, Sick Leave Buy Back to fund retirement payout of a recent retiree, **APPROVED**; adopted.

		CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2018				
		FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Available Balance	
\$407,140.00	\$17,807.50	11990006	57820	Reserve for salaries		\$17,807.50	14001503	51920	Forestry Parks - slbb		\$0.00	
	Reason:						Retirement payout					
	Reason:											
	Reason:											
	Reason:											
	Reason:											
	\$17,807.50	Total				\$17,807.50	Total					

ORDERED: That the Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February 2021, **APPROVED**; adopted.

ORDERED: That the Reappointment of Assistant City Solicitor, Cynthia Panagore Griffin for a term to expire three years from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand License, ecoATM, LLC, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc. d/b/a Savers, 222A East Main Street, **APPROVED WITH FOLLOWING CONDITIONS AND WAIVERS**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, Dumais & Sons Second Hand Store, 65 Mechanic Street, **APPROVED**; adopted.

**Councilor Dumais recused.**

ORDERED:

**NOTICE OF DECISION  
DENIAL OF SPECIAL PERMIT**

In City Council  
Order No. 17/18-1007054D

Application of:  
Williams Street Holdings, LLC  
2000 Commonwealth Avenue  
Auburndale, MA 02466

Locus:  
615 Williams Street  
Marlborough, MA  
Marlborough Assessors Map 113, Parcel 6

**DECISION**

On a motion to deny a special permit for Williams Street Holdings, LLC, 2000 Commonwealth Avenue, Auburndale, MA 02466, to build and operate at 615 Williams Street in Marlborough, Massachusetts a 28-unit ancillary residential community in a single apartment building, in conjunction with the Village at Crane Meadow retirement community, the City Council of the City of Marlborough voted eleven (11) to zero (0) in favor of the motion to deny. The motion therefore carried and the special permit was DENIED.

The denial was due to the fact that the special permit application had been based on a section in the Marlborough Zoning Ordinance, namely, Chapter 650-22.C(14), which had been duly deleted by Marlborough City Council Order No. 11-1002806-1A, effective May 4, 2011.

**Yea: 11 – Nay: 0**

**Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.**

**Nay: None.**

ORDERED: That the Proposed Zoning Ordinance Amendment to Chapter 650, several subsections as it pertains to Adult (formerly “Recreational”) Use Marijuana **TABLED AND REFERRED TO LEGAL TO PLACE IN PROPER LEGAL FORM FOR THE MAY 21, 2018 CITY COUNCIL MEETING**; adopted.

**Councilor Juairé recused.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:31 PM.