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CITY OF MARLBOROUGH

2018 MAR 29 P 1:01

1. Minutes, City Council Meeting, March 19, 2018.
2. PUBLIC HEARING On the Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East, Order No. 18-1007200.
3. PUBLIC HEARING On the Application for Special Permit from New England Hydroponics, to use an existing property for retail sales of gardening supplies, 19 Brigham Street, Unit 6, Order No. 18-1007199.
4. PUBLIC HEARING On the Proposed Zoning Map Amendment, Expansion of the Marlborough Village District, Order No. 18-1007195.
5. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, as it pertains to Article VI Section 650-36, Commercial Village Overlay District, Order No. 18-1007134, X16-1006668.
6. Communication from the Mayor re: Transfer request for Marlborough Economic Development Corporation (MEDC) Land Acquisition in the amount of \$1,075,000.00 which moves funds from Undesignated to MEDC to satisfy a Purchase and Sales Agreement.
7. Communication from the Mayor re: Reappointment of Assistant City Solicitor, Cynthia Panagore Griffin for a term to expire three years from date of confirmation.
8. Communication from the Mayor re: Councilor-At-large Michael Ossing re: Municipal Aggregation-Six Month Fixed Price Contract with Public Power May 2018-October 2018.
9. Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss pending litigation concerning a land use request involving property off Boston Post Road.
10. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Zoning Ordinance Amendment, Medical Marijuana Treatment Centers, in proper legal form, Order No. 18-1007163-1B, X18-1007151.
11. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Order to Accept Grant of Public Walking Trail Easement from Fairfield Marlborough Limited Partnership.
12. Communication from various residents as noted on the att'd re: Opposition to the Farm Road Retirement Community Overlay District, Order No. 18-1007136A.
13. Communication from Attorney Falk, Mirick O'Connell, re: Proposed Zoning Amendment, Section 650 §5.B-Ancillary Auto Sales.
14. Application for Renewal of Junk Dealers/Second Hand License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.
15. Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc. d/b/a Savers, 222A East Main St.
16. Application for Renewal of Junk Dealers/Second Hand License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Rd.

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17. Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, Dumais & Sons Second Hand Store, 65 Mechanic St.
18. Communication from Central Mass Mosquito Control Project re: Commencement of Larval Mosquito Control.
19. Minutes, Conservation Commission, March 1, 2018.
20. Minutes, Ad-Hoc Municipal Aggregation Committee, March 22, 2018.
21. Minutes, School Committee, February 13 & 27, 2018.
22. Minutes, Traffic Commission, January 31 & February 28, 2018.
23. Minutes, Board of Assessors, November 29, 2017.
24. CLAIMS:
 - a. Lyonel Jean-Pierre, 21 Reynolds Ct., residential mailbox claim 2(a).
 - b. Edward Bogle, 102 Naugher Ave., residential mailbox claim 2(a).
 - c. James Lukey, 37 Hurley Cir., pothole or other road defect & other property damage and/or personal injury.
 - d. Catherine LaJeunesse, 285 Hemenway St., residential mailbox claim 2(a).
 - e. Bih-Lin Cho, 81 Dowling Lane., residential mailbox claim 2(a).
 - f. Susan Soffan, 8 Pick Wicks Cir., Worcester, pothole or other road defect.
 - g. Andrew Starvaski, 55 Green St., #D158, Clinton, pothole or other road defect.
 - h. USA Motor Sport Inc. 433 Maple St., other property damage and/or personal injury.
 - i. Natasha Heimrath, 67 Denoncourt St., residential mailbox claim 2(a).

REPORTS OF COMMITTEES:

25. ORDERED: 1. That the City Council review the results of the FY18 abbreviated budget process. 2. That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the FY19 City budget. The City Council will assess the results in April 2019 to determine if the practice will continue. Refer to the Finance Committee.

Background: The City Council approved the abbreviated budget process for FY18 on April 24, 2017 (Order Number 17-1006856A). In its 2006 Financial Management Review of the City of Marlborough, the Massachusetts Department of Revenue recommended that the City adopt several best financial practices including approving the City budget with the salary and expenditure accounts for each department as opposed to the past practice of approving each individual line item. This recommendation was also made in the City's Fiscal Year 2016 audit performed by Roselli, Clark & Associates. Department heads would be able to add funds to their approved salary or expenditure accounts without City Council approval. The Auditor will provide a summary of all transfers within a department's budget each month to the City Council.

.... Submitted by Councilor Ossing

UNFINISHED BUSINESS:

From Finance Committee

26. **Order No. 18-1007178 – \$56,418,338.00 Bond for New K-5 Elementary School** - The Finance Committee reviewed the Mayor's letter dated February 22, 2018 requesting a \$56,418,338.00 bond for a new K-5 elementary school for 610 students located on Poirier Drive. **The Finance Committee voted 5 - 0 to approve the \$56,418,338.00 amended bond order and voted 5 – 0 to approved the advertising of the amended bond.**

From Personnel Committee

27. **Order No. 18-1007180 - Communication from the Mayor regarding the Appointment of William Doherty to the Parks and Recreation Commission for a term to expire three years from the date of City Council approval. Motion made by Councilor Irish, seconded by the Chair to approve the appointment of William Doherty to the Parks and Recreation Commission for a term to expire three years from the date of City Council approval. The motion carried 3-0.**
28. **Order No. 18-1007197 - Communication from the Mayor regarding the Reappointments of Robert Kays, Brenda Calder, and Mark Vital to the Parks and Recreation Commission for three year terms, expiring three years from the date of confirmation. Motion made by Councilor Irish, seconded by the Chair to approve the reappointments of Robert Kays and Mark Vital to the Parks and Recreation Commission for three year terms, expiring three years from the date of confirmation. The motion carried 3-0. Motion made by Councilor Landers, seconded by the Chair to approve the reappointment of Brenda Calder to the Parks and Recreation Commission for a three-year term, expiring three years from the date of confirmation. The motion carried 3-0.**
29. **Order No. 18-1007181 - Communication from the Mayor regarding the Appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from date of City Council approval. Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from date of City Council approval. The motion carried 3-0.**
30. **Order No. 18-1007133 - Communication from the Mayor regarding the Appointment of Jeffrey Cooke as Building Commissioner. Motion made by Councilor Irish, seconded by Chair, to approve the appointment of Jeffrey Cooke as Building Commissioner (three-year term). The motion carried 3-0.**

From Legislative and Legal Affairs Committee

31. **Order No. 17-1007097-1A & 2A, Communication from Mayor Vigeant regarding Proposed Lodging House Ordinances to comprehensively regulate lodging homes. Councilor Delano moved to remove this from the table; the vote carried 3-0.** The committee had been sent an updated Order 17-1007097-1B, which reflected changes made. The Solicitor's Office determined that for Order 17-1007097-2B, the fee assessed under Article IV, §324-4 of the City Code cannot be greater than \$50 so no change will occur and the order is pulled. These orders were advertised twice as part of Public Hearing and the changes being made aren't more restrictive so no further advertising is needed at this time. **Councilor Delano moved to approve the proposed lodging house ordinance and with it, the amendment to Chapter 351 listing the penalty fee. The motion carried 3-0.**
32. **Order No. 17/18-1007113A, Special Act to increase by two the number of retail all alcohol package store licenses available in the City of Marlborough as requested by the Mayor.** This order was carried over from 2017 and is a Home Rule Petition for Legislature to ask for two additional licenses for the sale of all alcohol beverages not to be drunk on the premises. It was originally proposed for specific businesses but now one will be for a potential developer and one will be available for future request. The licenses, when given out by the License Board, cannot be transferred, and must be returned to License Board to be given out to a new applicant. **Councilor Delano moved to approve the Order asking for a Special Act to increase by two the number of retail all alcohol package store licenses available in the City of Marlborough; the motion carried 3-0.**

From Urban Affairs Committee

33. **Order No. 18-1007163-1B, The Urban Affairs Committee met to discuss a proposed zoning petition submitted by Urban Affairs Chairman Delano that would amend the existing medical marijuana zoning ordinance to allow medical marijuana treatment centers within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough Town line to Massachusetts State Highway Route 495, and within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street and which have frontage on Massachusetts State Highway Route 20 (Boston Post Road), subject to provisions of local and state law, standards and regulations, and ordinances of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical Marijuana Treatment Center, agreements between the Medical Marijuana Treatment Center and the City of Marlborough, and a Special Permit from the City Council (the ‘Special Permit Granting Authority’). The Assistant City Solicitor provided an updated proposed order for the committee’s review. Motion made by Councilor Tunnera, seconded by the Chair, to refer to the City Council with a favorable recommendation, as amended. Motion to refer to the City Solicitor to be drawn in proper form. The motion carried 4-0. (X18-1007151).**