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CITY OF MARLBOROUGH

2018 MAY -3 P 2: 25

1. Minutes, City Council Meeting, April 23, 2018.
2. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Article VI, §650-22 Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198.
3. Communication from the Mayor re: FY19 Budget Recommendation in the amount of \$162,833,467.00 which represents a 3.99 % increase over last year's total operating appropriation. (The Proposed FY19 Budget book is available for viewing in the City Clerk's office).
4. Communication from the Mayor re: Capital Projects request with detailed narratives att'd.
5. Communication from the Mayor re: 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.
6. Communication from the Mayor re: Fire Department Grant in the amount of \$1,000.00 from Cummings Properties to purchase patch decals and challenge coins.
7. Communication from the Mayor re: Conservation Department grant in the amount of \$1,000.00 from Dow Chemical Company to support annual Project Clean Sweep and beautification of Marlborough.
8. Communication from the Mayor re: Grant Acceptance & Resolution, which in part, accepts a Land & Water Conservation Fund grant from the MA Executive Office of Energy & Environmental Affairs for Ghiloni Park Improvements.
9. 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.
10. Communication from various residents and companies re: Opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136C.
 - a. P.J. Banacos, 104 Farm Rd.
 - b. Richard Bolt, no address given.
 - c. Marconi Santos, The DaCosta Co., Inc, 655 Farm Rd.
11. 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 Rd., East from June 4, 2018 to July 23, 2018, Order No. 18-1007224.
12. Communication from Code Enforcement Officer, Pamela Wilderman re: Apex Sign requests as follows:
 - a. Flat Wall sign for Okami Sushi, 43.75 s.f.
 - b. Flat Wall sign for Okami Sushi, 58.51 s.f.
 - c. Flat Wall sign for Muse Paint Bar, 48 s.f.
 - d. Awning for Muse Paint Bar, 15.75 linear feet.
13. Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Thomas Energy, 175 Lakeside Ave.
14. Communication Department of Public Utilities, Condensed Financial Return for year-end December 31, 2017, NStar Gas Co.
15. Minutes, Conservation Commission, April 5, 2018.
16. Minutes, Traffic Commission, March 28, 2018.

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.

17. Minutes, Retirement Board, March 27, 2018.
18. Minutes, Library Board of Trustees, February 6, 2018 & March 6, 2018.
19. Minutes, License Board, March 28, 2018.
20. CLAIMS:
 - a. Tsu-Wei Kuang, 167 Kelleher St., residential mailbox claim 2(a).
 - b. Christopher Lowe, 25 West Hill Rd., residential mailbox claim 2(a).
 - c. Anthony Giorgi, 290 West Hill Rd., other property damage and/or personal injury.
 - d. James Porter, 116 Hudson St., pothole or other road defect.
 - e. Kathy & Steve Monti, 21 Masciarelli Dr., other property damage and/or personal injury.
 - f. Ron Allard, 10 Masciarelli Dr., residential mailbox claim 2(a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

21. **Order No. 18-1007208 – Transfers \$17,807.50 from Reserve for Salaries to DPW Forestry & Parks Sick Leave Buy Back account** - The Finance Committee reviewed the Mayor's letter dated March 15, 2018 requesting a transfer of \$17,807.50 from the Reserve for Salaries Account to the DPW Forestry & Parks Sick Leave Buy Back account for an employee retirement. **The Finance Committee voted 4 - 0 to approve the transfer.**

From Personnel Committee

22. **Order No. 18-1007196 - Communication from the Mayor regarding the Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February 2021. Motion made by Councilor Landers, seconded by the Chair, to approve the reappointments of Robin Williams and Jim Griffin. The motion carried 2-0.**
23. **Order No. 18-1007220 - Communication from the Mayor re: Reappointment of Assistant City Solicitor, Cynthia Panagore Griffin for a term to expire three years from date of confirmation. Motion made by Councilor Landers, seconded by the Chair, to approve the reappointment of Cynthia Panagore Griffin. The motion carried 2-0.**

From Public Services Committee

24. **Order No. 18-1007220B - Petition of National Grid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East. Motion made by Councilor Doucette, seconded by the Chair, to approve the petition. The motion carried 3-0.**
25. **Order No. 18-1007211 - Application for Renewal of Junk Dealer's/Second Hand License, ecoATM, LLC, 601 Donald Lynch Boulevard. Motion made by Councilor Doucette, seconded by the Chair, to approve the license renewal. The motion carried 3-0.**
26. **Order No. 18-1007212 - Application for Renewal of Junk Dealer's/Second Hand License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street. Motion made by Councilor Irish, seconded by the Chair, to approve the license renewal. The motion carried 3-0.**
27. **Order No. 18-1007225 - Application for Renewal of Junk Dealers/Second Hand License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard. Motion made by Councilor Irish, seconded by Councilor Doucette, to approve the license renewal. The motion carried 3-0.**

28. Order No. 18-1007226 - Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc. d/b/a Savers, 222A East Main Street.

The following conditions and waivers are part of their license:

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 license renewal. The motion carried 3-0.

- 29. Order No. 18-1007227 - Application for Renewal of Junk Dealers/Second Hand License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road. Motion made by Councilor Doucette, seconded by Councilor Irish to approve the license renewal. The motion carried 3-0.**
- 30. Order No. 18-1007228 - Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, Dumais & Sons Second Hand Store, 65 Mechanic Street. Motion made by Councilor Irish, seconded by the Chair to approve the license renewal. The motion carried 3-0.**

From Urban Affairs Committee

31. **Order No. 17/18-1007054B - Application for Special Permit to construct an Ancillary Residential Community in a single 28-unit building to be built at 615 Williams Street in conjunction with the Village at Crane Meadow Retirement Community. Motion made by Councilor Juare, seconded by the Chair, to deny the special permit application. The motion carried 5-0.**
32. **Order No. 18-1007163-2B (X18-1007151): Review of Proposed Zoning Ordinance Amendment to Chapter 650, several subsections as it pertains to Adult (formerly "Recreational") Use Marijuana.** The Urban Affairs Committee met with Assistant City Solicitor Panagore Griffin for a discussion of the draft document for "Adult Use Marijuana, Marijuana Accessories Retail, and Marijuana Cultivator, Testing Lab, Manufacturer or Transporter and Revisions to Medical Marijuana Treatment Centers which enable integration of these other uses into Section 650-32", dated April 6, 2018. Assistant City Solicitor Panagore Griffin made changes to the draft regulations based upon the previous meeting of the Urban Affairs Committee held on March 6, 2018 as well as State regulations. During their review of the document the committee made several amendments:
- 4. (47) (a) Remove reference to "Massachusetts State Highway";
 - 4. (47) (e) No outside displays or storage of marijuana, related supplies, equipment, or educational materials is permitted;
 - 9. B. It was requested this paragraph be made more concise;
 - 11. Definitions: Marijuana Accessories – Councilor Doucette made a motion, seconded by the Chair to include the word "exclusively" to the definition "devices or materials of any kind that are exclusively intended or designed for use in planting," The motion did not carry, 1-3.

Councilor Ossing encouraged the Urban Affairs Committee to report its recommendation of the amended ordinance out of committee and request the Legal Department place it in final form while awaiting the Planning Board's recommendation.

Councilor Juare recused.

Motion made by Councilor Doucette, seconded by the Chair, to approve as amended. The motion carried 4-0.