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CITY OF MARLBOROUGH

2018 MAY 31 P 2:30

1. Minutes, City Council Meeting, May 21, 2018.
2. PUBLIC HEARING On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, Order No. 18-1007288.
3. Communication from the Mayor re: Council on Aging Grant in the amount of \$3,500.00 from Massachusetts Council on Aging (MCOA) to further foster Marlborough's efforts in becoming an Age Friendly Community.
4. Communication from the Mayor re: Police Department Gift Acceptance in the amount of \$100.00 from resident Irene Grassby.
5. Communication from the Mayor re: Reappointment of Chief David Giorgi as Keeper of the Lockup for a term of one year.
6. Communication from the Planning Board re: Conditional Favorable recommendation of proposed Zoning Ordinance Amendment, §650-22, Retirement Community Overlay District, Order No. 18-1007198.
7. Communication from Central MA Mosquito Control Project re: Responding to residents' concerns about mosquitos in their area on the following dates May 31 & June 6, 13, 20, & 27.
8. Communication from Hank DeBardeleben, 118 Broadmeadow Street, Unit E re: Concerns about environmental impacts relative to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
9. Communication from Gina DiMatteo, re: Additional signature of Levon Gulbankian, relative to protest in opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
10. Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
  - a. Asif Hansan, 241 Boston Post Road West
  - b. Tony Cerqueira, 34 Marien Lane
  - c. Andrew Tsou, 124 Broadmeadow Street, Unit D  
Trustee, Willows of Marlborough Condominium
  - d. Clifford Drezek, Post Office Box 509
  - e. William Gonzalez, Post Office Box 5688
  - f. Joan Campbell, 118 D Broadmeadow Street
  - g. Kevin Labadini, 355 Boston Post Road West,  
Clean & Green Car Wash
  - h. Matthew Evangelous, 128 South Bolton Street
  - i. Sharon Bessette, 40 Mechanic Street, RMA  
Management LLC
  - j. Kenneth Lacourse, 40 Mechanic Street
  - k. Gary Lynde, 7 Ash Street
  - l. Lynn Faust, 40 Mechanic Street, Suite 300
  - m. Amy Crue, 65 Boston Post Road West
  - n. Alexis Barrile, 31 Tremont Street, #2
  - o. John Phillip, 65 Boston Post Road West  
Suite 200
  - p. Keith Burke, 151 Ewald Avenue
  - q. Evelyn Fontanez, 799 Farm Road, #13
  - r. Geovannie Figueroa, 38 Kane Drive
  - s. Keannah Figueroa, 38 Kane Drive
  - t. Diane Mullahy, 799 Farm Road
  - u. Bette Ann Barberio, 805 Farm Road
  - v. Peo Nathan, 65 Boston Post Road West
  - w. Joe Trolla, 4 Lan Drive, Westford  
Ryan Development LLC
  - x. Ann Barberio, 805 Farm Road
  - y. Robert Bakalyar, 799 Farm Road, #5
11. Minutes, Conservation Commission, April 19, 2018.
12. Minutes, Board of Health, April 10, 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.**

13. Minutes, Planning Board, April 23, 2018 & May 7, 2018.
14. Minutes, Commission on Disabilities, April 10, 2018.
15. Minutes, Zoning Board of Appeals, May 22, 2018 (Two Hearings)
16. Minutes, Library Board of Trustees, April 3, 2018.
17. Minutes, Traffic Commission, April 25, 2018.
18. Minutes, Retirement Board, April 24, 2018.
19. CLAIMS:
  - a. Dara Howorth, 136 Brewer Street, Northborough, pothole or other road defect.
  - b. Richard Aldrich, 117 Bolton Street., other property damage and/or personal injury.
  - c. Jeff & Marjorie Pechet, 23 Turner Ridge Road, other property damage and/or personal injury.

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

20. **Order No. 18-1007262-1 – FY18 Capital Project Requests - Bond for \$5,450,000.00 and Undesignated Fund Transfers for \$3,957,138.00:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of three bonds totaling \$5,450,000.00 for Capital Projects and a transfer of \$3,957,138.00 from the Undesignated Fund Account to purchase Department Equipment. The Finance Committee took the following actions:
  - **Order #18-1007262-1: Street Construction Bond – voted 5 - 0 to approve.**
  - **Order #18-1007262-2: Sewer Construction Bond – voted 5 - 0 to approve.**  
The Comptroller will provide a revised bond order to correct the written dollar amount.
  - **Order #18-1007262-3: Water Main Construction Bond – voted 4 – 1 to approve (Councilor Oram opposed).**
  - **Order #18-1007262-4: Transfer \$3,957,138.00 from Undesignated Funds to Purchase Capital Equipment for the Department of Public Works (DPW), Public Facilities, Fire Department, Police Department, City Clerk and Council on Aging:** The Finance Committee took the following actions:
    - **The Finance Committee voted 5 - 0 to approve \$2,491,508.00 for DPW and Public Facilities Equipment.**
    - **The Finance Committee voted 5 - 0 to approve \$1,239,000.00 for Fire Department Equipment.**
    - **The Finance Committee voted 5 - 0 to approve \$206,500.00 for Police Department Equipment.**
    - **The Finance Committee voted 5 - 0 to approve \$5,130.00 for City Clerk Department Equipment.**
    - **The Finance Committee voted 5 - 0 to approve \$15,000.00 for Council on Aging Department Equipment.**

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to advertise the three bonds. **NOTE: THE THREE BONDS WERE ADVERTISED ON FRIDAY, MAY 25, 2018, THEREFORE THESE ITEMS CANNOT BE FURTHER ADDRESSED UNTIL THE JUNE 18, 2018 CITY COUNCIL MEETING SO AS TO COMPLY WITH THE TEN-DAY PERIOD REQUIRED PRIOR TO ACTION BY THE CITY COUNCIL.**

From Urban Affairs Committee

21. **Order No. 18-1007137 (X17-1006983A): Communication from Attorney Falk on behalf of David Skarin, regarding Proposed Zoning Amendment, Rail Trail Overlay District, 19 Ash Street.** The Urban Affairs Committee met with Attorney Arthur Bergeron and his client David Skarin on their request for a proposed zoning amendment to create a Rail Trail Overlay District. Chairman Delano read from a Planning Board letter, dated April 24, 2018, in which they made a favorable recommendation to the City Council for the proposed zoning amendment with the following additional recommendations:

- Retail and restaurant use be allowed only along Lincoln Street.
- The property at 19 Ash Street be restricted to residential use only.
- The “Fossile Property” should be included in the Assabet River Rail Trail Overlay District.

The following changes were agreed upon to the Proposed Zoning Amendment for the Rail Trail Overlay District:

– C. Eligible Uses, Dimensional Controls:

(1) a. and b. – Language shall be added to these two sections that these uses shall apply only to parcels with frontage on Lincoln Street.

– It shall be stated that the property at 19 Ash Street be restricted to Residential Use Only.

**Motion made by Councilor Juaire, seconded by the Chair, to approve the proposed Rail Trail Overlay District as amended. The motion carried 4-0 – Amended Ordinance in proper form from Solicitor Rider attached.**

From City Council

22. **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. TABLED UNTIL THE JUNE 4, 2018 MEETING TO GET CLARIFICATION IF THIS IS AN EXCISE OR SALES TAX.**