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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT 25 P 4: 22

1. Minutes, City Council Meeting, October 15, 2018 – not completed.
2. PUBLIC HEARING On the Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Road from the intersection of Simpson Road to the intersection of Fitzgerald Road, Order No. 18-1007427.
3. Communication from the Mayor re: Bond Authorization for the Public Library Project in the amount of \$23,780,902.00.
4. Communication from the Mayor re: Bond Authorization for a new Fire Station in the amount of \$10,000,000.00.
5. Communication from the Mayor re: workplace Charging Program grant in the amount of \$6,219.00 awarded to DPW to fund 50% of the cost to purchase two Level 2 Electric Vehicle Charging Stations.
6. Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss litigation involving property off Williams St.
7. From City Clerk: Request to reschedule Public Hearing for Order No. 17-1007424 - Special Permit Application from Marlborough Tavern on the Green, 57 Main Street, (Rowe Funeral Parlor) to increase lot coverage from 80% to 84% (December 3, 2018 next available date).
8. Communication from City Clerk, Lisa Thomas re: November 6, 2018 State Election Call.
9. Communication from City Solicitor, Donald Rider re: Mauro Farm Subdivision – Acceptance of Nolan Way, Spenser Circle & Reagin Lane as Public Ways.
10. Communication from City Solicitor, Donald Rider re: Mauro Farm Subdivision – Acceptance of Open Space Parcels.
11. Communication from the Planning Board re: Favorable recommendation of Proposed Zoning Amendment, Section 650 §40 pertinent to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District, Order No. 18-1007338A.
12. Communication from the Planning Board re: Favorable recommendation of Proposed Zoning Amendment, Section 650 §7, §17, new §39 & §41, pertinent to Neighborhood Business District, Order No. 18-1007337B.
13. Communication from Code Enforcement Officer, Pamela Wilderman re: Sign Special Permit application for Ventura X at Apex Center, Order No. 16/17/18-1006443.
14. Communication from Cross Roads Industrial Park-Parcel G, Hayes Memorial Drive, Northborough, MA re: Environmental Notification Form. (Report is available in the City Clerk's Office for viewing).
15. Communication from MA State Lottery Commission re: Keno to Go, Guatemala Market, 518 Lincoln St.

**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.**

## 16. CLAIMS:

- a) Nancy Ribot, 231 Elm St., other property damage and/or personal injury.
- b) Raymond Carreira, 39 Old Charter Rd., other property damage and/or personal injury.
- c) Matthew Monti, 21 Masciarelli Dr., pothole or other road defect.

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Personnel Committee

17. **Order No. 18-1007401 - Communication from the Mayor regarding Reappointment of Human Resources Director, David Brumby, for a term of three years to commence from date of City Council confirmation. Motion made by Councilor Landers, seconded by the Chair, to approve the reappointment of David Brumby as Human Resources Director. The motion carried 3-0.**
18. **Order No. 18-1007402 - Communication from the Mayor regarding Reappointment of Collector, Eileen Bristol, for a term of two years to commence from date of City Council confirmation. Motion made by Councilor Irish, seconded by the Chair, to approve the reappointment of Eileen Bristol as Collector. The motion carried 3-0.**
19. **Order No. 18-1007403 - Communication from the Mayor regarding Reappointment of Comptroller, Brian Doheny, for a term of three years to commence from date of City Council confirmation. Motion made by Councilor Landers, seconded by the Chair, to approve the reappointment of Brian Doheny as Comptroller. The motion carried 3-0.**
20. **Order No. 18-1007385 - Communication from the Mayor regarding Appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval. Motion made by Councilor Irish, seconded by the Chair, to approve the appointment of Melanie Whapham to the Marlborough Historical Commission. The motion carried 3-0.**
21. **Order No. 18-1007367- The Appointment of Monica Lucey to the Marlborough Cultural Council for a term to expire three years from date of confirmation. Motion made by Councilor Irish, seconded by the Chair, to approve the appointment of Monica Lucey to the Marlborough Cultural Council.**
22. **Order No. 18-1007334 - The Appointments of Samantha Perlman, Kathy Oliver Jones, and Gabriele Luzzi to the Cultural Council for terms expiring three years from date of confirmation and recognition of members Chair David Elmore, Sandra Pirie St. Amour and Kim Beauchemin for their services as their appointments will expire this fall. Motion made by Councilor Landers, seconded by the Chair, to approve the appointments of Samantha Perlman, Kathy Oliver Jones, and Gabriele Luzzi to the Cultural Council. The motion carried 3-0.**

From Public Safety Committee

23. **Order No. 18-1007414 - That officials from Eversource be invited to attend a meeting of the City Council Public Safety Committee to update the City Council on the status of gas lines and related infrastructure in the City of Marlborough. -Submitted by Councilor Tunnera. Motion made by Councilor Ossing, seconded by the Chair, to accept and place on file. The motion carried 3-0.**

24. **Order No. 18-1007413 - That the Public Safety Committee meet with the Chief of Police to discuss the feasibility of adopting a Do Not Knock Registry in the City of Marlborough which would allow residents to submit their property for inclusion on a No Solicitation Registry. Upon approval and issuance of a City of Marlborough door-to-door solicitation permit, each salesperson would be provided with a copy of the No Solicitation Registry. -Submitted by Councilors Oram and Juaire. Motion made by Councilor Ossing, seconded by the Chair, to allow the Police Department, at their discretion, to setup a registry for residents to sign up for a Do Not Knock List. The motion carried 2-0 (Tunnera absent). (Time for action has expired).**

From Urban Affairs Committee

25. **Order No. 18-1007198E - Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive. Motion made by Councilor Juaire, seconded by the Chair, to deny the Proposed Zoning Amendment to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive. The motion carried 3-2 (Councilors Landers and Tunnera opposed). (Time for action has expired).**

26. **Order No. 18-1007318 - Application for Special Permit from Attorney Bergeron on behalf of Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East. The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk of Mirick O'Connell and Dr. Karen Munkacy of Garden Remedies for review of their special permit application for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment at 416 Boston Post Road East. Mr. Falk reviewed the changes to the special permit conditions from the previous version:**

- A new condition "14. Police Detail" which requires a police detail at the site for the first sixty days after commencement of operations unless the Police Chief determines a detail is not required at certain times of the day.
- A new condition "15. Partial Use" which was in response to the Legal Department's question of what would happen if the facility were approved for medical use first and not adult use until a later date, this condition clarifies they would do a partial use by starting medical use once that license is obtained and commence adult use once that approval is received. Additional language to be included in the condition was as follows, "Similarly, if for any reason either of said uses ceases, either temporarily or permanently, the other use may continue."

The Police Chief described his review of the site and their security procedures and had no issues with the information provided to him. Chairman Delano requested the Police Chief have additional patrols in the area once the facility opens. Chairman Delano asked how enforcement of the age restriction is handled and Mr. Falk explained the Cannabis Control Commission has an enforcement division who administers the State law and Cannabis Control Commission regulations with respect to licensees. The discussion continued with the fact that the City of Marlborough Board of Health would have local enforcement of the facility and the City would not have to wait for the State to act if any violations were found.

**Motion made by Councilor Doucette, seconded by the Chair, to approve the special permit conditions for Garden Remedies, Inc. as amended. The motion carried 5-0.**

**Motion made by Councilor Doucette, seconded by the Chair, to approve the special permit decision for Garden Remedies, Inc. The motion carried 5-0.**

**Motion made by Councilor Doucette, seconded by the Chair, to accept from Garden Remedies, Inc. the Agreement to Extend Time Limitations until December 4, 2018. The motion carried 5-0. Item 24 of the October 15, 2018 City Council meeting was a communication to extend time limitations to 10:00 PM on December 4, 2018 which was approved.**

From City Council

27. **Order No. 18-1007364A – Proposed Ordinance change to Chapter 551, §1, Public Library Naming Rights. Ordered Advertised at the October 15, 2018 City Council Meeting. Advertisement will be published on October 31, 2018, therefore cannot be addressed until the November 19, 2018 City Council meeting to comply with the 10-day advertising period prior to passage.**
28. **Order No. 18-1007337B - Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District. ITEM WAS TABLED UNTIL THE OCTOBER 29, 2018 CITY COUNCIL MEETING.**