

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT 11 P 4:14

1. Minutes, City Council Meeting, September 24, 2018.
2. PUBLIC HEARING On the Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street, Order No. 18-1007387.
3. Communication from the Mayor re: Certification of Free Cash in the amount of \$8,877,451.00.
4. Communication from the Mayor re: MA Cultural Council grant in the amount of \$12,500.00 awarded to the City which allows local arts and cultural organizations to apply for grant funding.
5. Communication from the Mayor re: Appointment of Fred Haas to the Library Board of Trustees.
6. Communication from Councilor Ossing re: Funding for New School, Library Renovation and West Side Fire Station.
7. Communication from Councilor Ossing re: Municipal Aggregation – Six Month Fixed Price Contract with Direct Energy Services, November 2018 through May 2019.
8. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment – Ancillary Retirement Communities, Legal Effect of Written Protests, Order No. 18-1007287B.
9. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment – Ancillary Retirement Communities, Order No. 18-1007287B.
10. Communication from City Solicitor, Donald Rider, re: Application for Special Permit, 27 Jefferson LLC, to build and operate an 11-unit condominium building, 27 Jefferson St, Order No. 18-1007245B.
11. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Apex Center – Open Space Covenant and Restriction in proper legal form, Order No. 16/17/18-1006443D-3.
12. Communication from Code Enforcement Officer, Pamela Wilderman re: Sign Change for Evviva Cucina, Order No. 16/17/18-1006443T & CC.
13. Communication from the Planning Board re: Reserved Recommendation, Proposed Zoning Amendment, Ancillary Auto Sales, Order No. 18-1007224B.
14. Communication from the Planning Board re: Favorable Recommendation, Proposed Zoning Amendment, Ancillary Residential Community, Order No. 18-1007287B.
15. Communication from Sandra Colligan & Thomas Code re: request to withdraw application for Special Permit to demolish and rebuilt home at 21 Patten Dr., Order No. 18-1007244C.
16. Communication from Peter Grahm, PG Realty Trust, re; request an extension of the reconstruction period of 2 years for 182 West Main St.
17. Communication from Attorney Falk re: E on Main, Proposed Village District Zoning Amendments, Order No. 18-1007404.
18. Application for LED Sign Special Permit, Main St. Bank, 81 Granger Blvd.

**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.**

19. Application for Special Permit from Marlborough TOTG, LLC d/b/a MCO & Associates, Inc. to increase lot coverage area of 80% to 84% for patio area of proposed restaurant at 57 Main St.
20. Communication from MCO & Associates President, Mark O'Hagan, re: Site Plan Approval Application for Tavern on the Green, 57 Main St.
21. Communication from various residents listed below re: Opposition of Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136R, X17-1006983A.

Myles Heffernan, 27 Clearview Dr.  
 Uma Ramachandra, 480 Farm Rd.  
 James Jumonville, 232 Phelps St.  
 William Mason, 11 Farmington Circle  
 Mollie Fulham, 145 Farmington Circle  
 Alison Fraser, 19 Farmington Circle  
 Edie Janiak, 146 Helen Dr.  
 Krishna Ramachandra, 480 Farm Rd.  
 Heffernan Rose, 27 Clearview Dr.  
 Christopher Coppola, 114 Naugler Dr.  
 John Giglio, 40 Farmington Circle  
 Patrick Duke, 135 Ames St.  
 Charles Brooks, 97 Bracken Dr.  
 Bryan Tambeau, 8 Peirce St.  
 Jackie Deveaux Dr.  
 Matthew Gatzunis, 38 Belmore Place  
 Colleen McCabe, 467 Stow Rd.  
 Robin McCabe, 467 Stow Rd.  
 Elizabeth Bannion, 24 Whispering Brook Rd.  
 Angela Moruzzi, 6 Whispering Brook Rd.

Roy Milton, 15 Clearview Dr.  
 Alex Korandanis, 11 Vine St.  
 Chris Penrod, 270 Berlin Rd.  
 Susan Glennon, 55 Tavitian Blvd.  
 Thomas Zichella, 55 Tavitian Blvd.  
 Mary Clerc, no address given  
 Andrea & Christian Crych, no address given  
 Steven Tambeau, 8 Peirce St.  
 Karen Tambeau, 8 Peirce St.  
 Deborah Medvedeff, 11-4 Avalon Ave.  
 David Query, 190 Pleasant St.  
 Jeffrey Holman, 35 Padula Dr.  
 Dawn Hanna, 35 Padula Dr.  
 Charles Keehan, 93 O'Malley Rd.  
 Eric Tripodi, 87 Bracken Dr.  
 Mary Joanne Litser, 119 Edinboro St.  
 Loretta Prior, 22 Whispering Brook Rd.  
 Patricia Keenan, 93 O'Malley Rd.  
 Lauren Koonan-Aran, 100 Phelps St. #24

22. Communication from various residents listed below re: Support of Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136R, X17-1006983A.

Michael Sadofsky, 424 Sudbury St.  
 Marie Fernald, 104 Mechanic St.  
 Josef Aguiar, 666 Farm Rd. #11  
 Sharon Martin, 48 King's Grant Rd.  
 Jodi Eldridge, 150 Ash St.  
 Joanne Honer, 87 Ahlgren Cir.  
 Kim Jones, 154 Lovelace Lane  
 Brenda Bracken, 287 Stow Rd.  
 Ramona Grady, 45D Curtis Ave.  
 Amber Aftosmis, 38 Beverly Dr.  
 Thomas Manell, 239 Wilson St.  
 Dianne Doucette, 153 Dicenzo Blvd.

William Elder, 713A Farm Rd.  
 John Pedreros, 87 Roundtop Rd.  
 Dorothy Keene, 31 Deerfield Run  
 Nancie Longo, 26 Westminster Dr..  
 Jenifer Dejesus, 799 Farm Rd.  
 Judith McDonald, 15 Daley Circle  
 Marilyn Mahoney, 22 Broad St., Apt 426  
 Kimberly Cohen, 22 Wright Dr.  
 Jeffrey Cohen, 22 Wright Dr.  
 Glenn Noland, 129 Taylor Rd.  
 James Breen Sr., 11 Robin Hill Rd

23. Communication from Christopher White, re: request to extend time limitations on Application for Special Permit to construct a 24' X 26' gage on nonconforming lot located at 22 Brimsmead St. until 10:00 PM on December 20, 2018, Order No. 18-1007320A.
24. Communication from Attorney Bergeron on behalf of Garden Remedies, Inc. re: request to extend time limitations on Application for Special Permit to operate a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment within an existing retail unit at Marlboro Square, 416 Boston Post Rd., until 10:00 PM on December 4, 2018, Order No. 18-1007318B.
25. Communication from Scott Dales on behalf of Avalon Marlborough II. re: request to extend time limitations on Application for Special Permit to build a 123-unit Luxury Apartment Community, located on a portion of 200 Forest St., until 10:00 PM on December 20, 2018, Order No. 18-1007314A.
26. Communication from Goulston&Storrs re: Request to Extend Sewer Connection Permit at Marlborough, 100 Campus Dr.

27. Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Rd. from the intersection of Simpson Rd to the intersection of Fitzgerald Rd.
28. Minutes, School Committee, September 11, 2018.
29. Minutes, Council on Aging, June 12, 2018.
30. Minutes, Ad-Hoc Municipal Aggregation Committee, September 27, 2018.
31. Minutes, License Board, August 15, & 22, 2018.
32. Minutes, Historical Commission, October 4, 2018.
33. Minutes, High School Council, October 2, 2018.
34. Minutes, Planning Board, September 10, 2018.

#### REPORTS OF COMMITTEES:

35. ORDERED: That the Ad-Hoc Municipal Aggregation Committee review Council Order 17-1006881 regarding item #2 "The goal of Municipal Aggregation is to require that the R-1 (residential) class rates be lower than the prevailing National Grid Fixed Basic Service Rate" and report back to the City Council. The purpose of the review is to determine if there may be a financial benefit to the residents of Marlboro by entering into agreements for longer electricity supply contracts that may contain greater savings over the long run but may be occasionally slightly higher than National Grid Fixed Basic Service Rate. ....Submitted by Councilor Ossing
36. ORDERED: That the following Act of the Massachusetts Legislature be referred to the Legislative/Legal Affairs Committee and Traffic Commission for review and, if deemed appropriate, a suitable location chosen for such reserved parking space at the city hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registration plate issued pursuant to section 2 of chapter 90: SECTION 9. Chapter 40 of the General Laws is hereby amended by inserting after section 22A½ the following section: Section 22A¾. (a) A municipality may designate a parking space at the city or town hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space shall be available during the normal business hours of the city or town hall for use by such veteran without charge. The municipality shall erect and maintain a sign designating such a parking space that shall bear the words "Veteran Parking Only – this space is reserved for those who have served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense". The parking space shall only be used by a veteran that meets the requirements of this subsection. (b) A violation of subsection (a) shall be punished by a fine of \$100 and the city or town may provide for the removal of a vehicle in the manner provided in section 22D. The penalty shall not be a surchargeable offense under section 113B of chapter 175. Submitted by Councilors Robey and Juaire

#### UNFINISHED BUSINESS:

##### From Finance Committee

37. **Order No. 18-1007382 – Transfer \$8,412.20 from Receipts Reserved Transportation Network Companies (TNC) Surcharge to Capital Outlay Police Equipment.** The Finance Committee reviewed the Mayor's letter dated September 6, 2018 requesting a transfer of \$8,412.20 from Receipts Reserved from the 2017 Marlboro TNC (Uber/Lyft) surcharges to the Capital Outlay Police Equipment for the purchase of additional traffic enforcement equipment. **The Finance Committee voted 5 - 0 to approve the transfer.**

38. **Order No. 18-1007352 – Transfer \$254,000.00 from Receipts Reserved Public, Educational and Government (PEG) Fund to Information Technology (IT) Equipment Account.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2018 requesting a transfer of \$254,000.00 from the Reserved Receipts PEG Fund to the IT equipment account to purchase new computers for the Library, upgrade the City’s existing Network storage device, cyber security training and install security cameras at the schools. **The Finance Committee voted 5 - 0 to approve the transfer.**
39. **Order No. 18-1007365 – Salary Ordinance Amendment and Transfers (\$7,100.00)– Human Resources Assistant and Manager of Communications Technology.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2018 requesting an amendment to the salary ordinance for two positions:
- The Finance Committee voted 5 - 0 to amend the salary ordinance for the Human Resources Assistant to increase the salary and change the four step salary schedule to a seven step salary schedule.
  - The Finance Committee voted 5 - 0 to amend the salary ordinance to create a new position “Manager of Communications Technology” that will develop, manage and implement communications technology projects.
  - The Finance Committee voted 5 - 0 to approve the transfer of \$7,100.00 from Reserve for Salaries to Human Resource Assistant (\$3,410.00) and Electrician (\$3,690.00) to fund the changes to the salary ordinance.
  - The Finance Committee voted 5 - 0 to advertise the Human Resources Assistant and Manager of Communications Technology salary ordinances. **Publication of Advertisement was October 3, 2018. Ten-day period has been satisfied.**

From Legislative & Legal Affairs Committee

40. **Order No. 18-1007363 Communication from the Mayor regarding Home Rule Petition-Liquor License.** The Mayor’s letter of August 23, 2108 was read into the record. The legislature has denied the April 2018 Home Rule Petition by City Council for 2 licenses for all alcoholic beverages not to be drunk on the premises. Additionally they have required the petition identify Kennedy’s Market on Maple Street by name with a 2-year window for them to apply for the license. If not granted within 2 years, the license would expire. It will still be up to the License Board to grant the license. **It was moved and seconded to approve the Home Rule petition as requested. The motion carried 3-0.**
41. **Order No. 18-1007369 Communication from City Solicitor Donald Rider regarding Benchmarks Deed of ten acres to the city of Marlborough.** The letter from Solicitor Rider was read into the record. In it he explains that as part of the Special Permit granted to BSL Marlborough Development LLC (Benchmark) they would convey to the city approximately 10 acres of land at the site. It was noted that the mitigation payment of \$150,000 due within 60 days of the issuance of the Building Permit for the Site has been paid. **It was moved and seconded to accept Benchmark’s executed and recorded Deed of the donated Land to the City for all municipal purposes. The motion carried 3-0.**

42. **Order No. 16/17/18-1006443D-2 Communication from Assistant City Solicitor Cynthia Panagore Griffin, regarding Apex Center's revised Open Space Plan & revised Open Space Covenant and Restriction.** Having been tabled at the March 12, 2018 L & L meeting, it was moved and seconded to removed this from the table; the motion carried 3-0. The August 23, 2018 letter from Assistant City Solicitor Cynthia Panagore Griffin was read into the record. At the March meeting there was discussion on the language of the Covenant and Exhibit A, the Open Space Exhibit. At the suggestion of department heads, Walker Realty was asked to revise the map showing defined boundaries of the Open Space and make some changes to the Covenant. Those changes were included in the revised documents and reviewed by the committee. It was made clear the land delineated in Exhibit A is to be left substantially in its natural state as undevelopable open space in accordance with the terms of the Covenant. It was also noted that there is still work to be completed on sewer lines and the public walking trail that are part of the Development Agreement and acceptance of the Covenant doesn't release Walker Realty from finishing those items. **It was moved and seconded to accept the revised Open Space Plan and the revised Open Space Covenant and Restriction and refer to Legal Department to be placed in proper legal form. The motion carried 3-0.**

From Veterans Affairs Committee

43. **Order No. 18-1007364: Communication from the Mayor regarding Marlborough Public Library Naming Rights.** Chairman Juairé read a letter from Mayor Vigeant, dated August 23, 2018, which requested the City Council revise the City Code to allow the Board of Library Trustees to name public assets located in and at the Marlborough Public Library. The chairman also read a letter from the Veterans Council, dated September 14, 2018, which did not want to see the Board of Library Trustees have authority to rename the library in its entirety but had no issue if interior rooms and sections are named for donors to the library renovation project. Assistant City Solicitor Panagore Griffin explained the proposed ordinance change would not eliminate the existing naming rights, as those would remain the same, but would allow the Board of Library Trustees to name its interior and outdoor spaces by developing a well thought out policy. Assistant City Solicitor Panagore Griffin further explained that similar to the School Committee, the Board of Library Trustees has care, custody, management and control of the grounds it oversees which is governed by statute. **Motion made by Councilor Ossing, seconded by the Chair, to approve the proposed ordinance to amend Chapter 551 to allow the Board of Library Trustees to name its interior spaces and exterior grounds as requested by the Mayor. The motion carried 3-0. (Requires advertising).**

From Urban Affairs Committee

44. **Order No. 18-1007337: Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, sponsored by Councilors Ossing and Irish.** The Urban Affairs Committee met with Cynthia Wall of Metropolitan Area Planning Council (MAPC) to review the proposed zoning amendment for the Neighborhood Business District. The purpose of the zoning is to revitalize the Lincoln Street area not with an overlay but underlying zoning changes. It is hoped the amended zoning will spur economic growth beneficial to the City. Ms. Wall explained the process for developing good zoning is based upon good planning. She reviewed the proposed allowed uses, those uses not allowed or allowed by special permit in the petition. After Ms. Wall's presentation, the committee reviewed the zoning and decided upon the following changes, Comprehensive Developments would be allowed by Special Permit, dry-cleaning drop-off retail would be allowed by right, and the City Council would be responsible for the Waiver as Part of Special Permit or Under Site Plan Review as part of C. (4). **Motion made by Councilor Doucette, seconded by the Chair, to approve as amended subject to Planning Board feedback and recommendation from their September 24, 2018 public hearing. The motion carried 5-0.**