

REGULAR MEETING

APRIL 8, 2019

TIME: 8:00 PM

IN CITY COUNCIL

ABSENT

LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:

ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 APR -4 P 2:00

1. Minutes, City Council Meeting, March 25, 2019.
2. PUBLIC HEARING On the Application for Special Permit from Fabricio DaSilva, to construct a new 5 x 18 front porch on an existing structure, 3 Jonas Court, Order No. 19-1007570.
3. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Chapter 650, §5, §17, §18 & §48 relative to adding Food Trucks to the Table of Uses, Order No. 19-1007543.
4. PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Brian Falk on behalf of St. Mary's Credit Union, re: Rezoning of land located on John Street, Order No. 19-1007569.
5. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street, Order No. 19-1007571.
6. Communication from Councilor Ossing, re: Municipal Aggregation – Six-month fixed price contract with DYNEGY, May, 2019 through October, 2019.
7. Communication from the Mayor, re: Transfer Request in the amount of \$699,088.00 which moves funds from Economic Development to MEDC Funding to fund the FY20 operations.
8. Communication from the Mayor, re: Reimbursement Acceptance for the Fire Department in the amount of \$7,409.02 from FEMA for storm expenditures from the snow event of March 13, 2018.
9. Communication from the Mayor, re: Donation Acceptance in the amount of \$3,000.00 for the Fire Department from Dwayne Thompson, Michael Burnell and Andrew Eick of Cummings Properties, LLC to be used for employee appreciation.
10. Communication from the Mayor, re: Donation Acceptance in the amount of \$20.00 for the Police Department from Marilyn Gaudette to be used for summer programs.
11. Communication from the Mayor, re: Reconsideration of Order No. 18-1007441A, Electric Vehicle Charging Stations.
12. Communication from City Solicitor, Donald Rider, re: Special Permit for Marc Buchan, to demolish the existing one story single-family dwelling and construct a new two-story single-family dwelling on the same foundation footprint at 180 Cullinane Drive, in proper legal form, Order No. 19-1007512B.
13. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive, in proper legal form, Order No. 18/19-1007452D (X18-1007198G).

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.

14. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 which will create the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, Order No. 19-1007533A.
15. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, land off Valley Street, Order No. 19-1007552A.
16. Communication from the Planning Board, re: Decision for Colbea Enterprises, LLC, Request for Sign Variance, 342 Boston Post Road East.
17. Application for Renewal of Junk Dealer/Second Hand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street.
18. Petition from MA Electric to install a new pole 47-84 to use as a stub pole for poles 47 and 47-5 on Bolton Street.
19. Minutes, School Committee, March 12, 2019.
20. Minutes, Board of Assessors, March 20, 2019
21. Minutes, Conservation Commission, March 7, 2019.
22. Minutes, Council on Aging, February 11, 2019.
23. Minutes, Historical Commission, March 7, 2019.
24. Minutes, License Board, February 11, 2019, February 27, 2019 & March 21, 2019.
25. Minutes, Planning Board, March 11, 2019.
26. Minutes, Retirement Board, February 26, 2019.
27. Minutes, Traffic Commission, February 27, 2019.
28. CLAIMS:
 - a) Meryl Cheney, 5 Whispering Pine Drive, Milford, pothole or other road defect.
 - b) Andrea Kotufo, 103 Cook Lane, pothole or other road defect.
 - c) Christine McCarthy, 73 Wayside Inn Road, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

29. **Order No. 19-1007527: Reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval.** Patricia Pope has been a Marlborough resident for the past thirty-two years, worked in and around the community during that time, and has been at the Senior Center for just over three years. She provided an update for the second-floor renovations which will help with the forty-five to fifty programs they run per week for their 1,720 members. **Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval. The motion carried 3-0.**

From Finance Committee

30. **Order No. 19-1007578A – Revision to Municipal Aggregation Order:** The Finance Committee reviewed the Order submitted by Councilor Ossing on February 25, 2019 to revise the Municipal Aggregation Order No. 17-1006881. The revised order will allow the City to enter into longer electrical supply contracts to provide stability and predictability for electrical supply rates while potentially providing greater savings to Marlboro residents than the current process. **The Finance Committee voted 5 - 0 to approve the following revised Municipal Aggregation order:**

1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
 - The Mayor
 - Two City Councilors (appointed by the City Council President)
 - The Chief Procurement Officer
 - The DPW Commissioner (or designee)
 - A quorum shall consist of a minimum of 3 members
4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

From Urban Affairs Committee

31. **Order No. 18/19-1007452D (X19-1007198G): Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive.** The Urban Affairs Committee met with William Pezzoni of Day Pitney, LLP and Brian Blaesser of Robinson + Cole for a review of their proposed zoning petition relative to a Multifamily Retirement Community at 90 Crowley Drive. They previously appeared at Urban Affairs Committee on March 12, 2019 and there were no objections to their proposal, but several councilors were unable to attend, and the Chairman wished to provide them the opportunity to speak with the proponents. Mr. Pezzoni reviewed the map of the proposed zoning area and the text description with Councilors and noted where they had inadvertently deleted Pleasant Street and should have included West Hill Road. They also had previously discussed traffic and parking and there were no further questions about the proposed zoning amendment. **Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed zoning ordinance as amended. The motion carried 5-0. Motion made and seconded to refer to the Legal Department to place in proper legal form. The motion carried 5-0.**

32. **Order No. 19-1007512B: Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive.** The Urban Affairs Committee met with Marc Buchan on his request to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint at 180 Cullinane Drive. Mr. Buchan explained he purchased the property three-years prior and wished to build a new two-story, two-bedroom, single-family home on the existing footprint. The property required extensive clean-up which he performed and now wants to build a new house on the site. The ward councilor, President Clancy, gave a history of the site and supported the applicant's proposal. City Solicitor Rider suggested the following two amendments as noted in *italics* below:

Construction in Accordance with Applicable Laws. *Demolition and* construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modifications with *prior written* approval of the Building Commissioner.

City Solicitor Rider suggested inclusion of a condition that "All work performed at the site shall be in compliance with this special permit decision."

Motion made by Councilor Doucette, seconded by the Chair, to amend the special permit decision as suggested by the City Solicitor and refer back to Council with a favorable recommendation. The motion carried 4-0.

33. Communication from City Solicitor, Donald Rider, re: Request for Executive Session to discuss litigation strategy involving a property off Williams Street.