

REGULAR MEETING
OCTOBER 21, 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 OCT 17 P 12:55

1. Minutes, City Council Meeting, October 7, 2019.
2. PUBLIC HEARING On the Proposed Amendment to Chapter 526 "Signs", relative to electronic signage including, specific regulations for multi-product LED price pump topper and video graphics array (VGA) color screen signs at gasoline stations, Order No. 19-1007791.
3. PUBLIC HEARING On the Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, Order No. 19-1007779.
4. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/café use at 121 Bolton Street, Order No. 19-1007780.
5. Communication from the Mayor, re: Transfer Request in the amount of \$150,000.00 from Undesignated Funds to Capital Outlay-DPW Projects, to fund mitigation payment pursuant to the Special Permit for the project at 421 Bolton Street.
6. Communication from the Mayor, re: Gift Acceptance in the amount of \$300.00 from Eye Physicians of Marlborough & Worcester for the Police Department to fund community outreach initiatives.
7. Communication from the Mayor, re: OPEB Trust Update.
8. Communication from the Mayor, re: Resignation of Richard Collins from the Council on Aging Board.
9. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit for Cameron General Contractors to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, in proper legal form, Order No. 19-1007703C.
10. Communication from City Clerk Steven Kerrigan, re: Municipal Election Call.
11. Communication from the Planning Board, re: Favorable Recommendation and recommendation for clarifying language on the Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, Order No. 19-1007756.
12. Application for Fuel Storage License, One Energy, Inc. for Underground storage of 24,000 gallons of Gasoline and 4,000 gallons of Diesel fuel, 121 Bolton Street, identified as Map 57, Parcel 289.
13. Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street.

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 Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, re: Petition for approval of their 2016-2018 Energy Efficiency Three-Year Term Report.
15. Communication from NSTAR Gas Company, d/b/a Eversource Energy, re: Petition for approval of its 2016-2018 Energy Efficiency Three-Year Term Report.
16. Minutes, Council on Aging, September 10, 2019.
17. Minutes, Fort Meadow Commission, September 20, 2018, May 16, 2019, June 20, 2019, July 18, 2019 & August 15, 2019.
18. Minutes, OPEB Trustees, September 25, 2019 & October 4, 2019.
19. Minutes, Parks & Recreation Commission, January 16, 2019, March 13, 2019, April 10, 2019 & June 5, 2019.
20. Minutes, Zoning Board of Appeals, September 17, 2019.
21. CLAIMS:
 - a) Tammy Booth, 655 Boston Post Road, #2208, Sudbury, other property damage and/or personal injury.
 - b) Alex Bogovich, 56 Nixon Road, Framingham, pothole or other road defect.
 - c) David Mavretic, 208 Wilson Street, other property damage and/or personal injury.
 - d) Jeffrey Simon, 30 Sheffield Terrace, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Operations & Oversight Committee

22. **Order No. 19-1007772: That Marlborough Police Chief David Giorgi discuss the City's contract with Critter Control and the department's Policy and Operating Procedures for Animal Control.**

The Operations and Oversight Committee met with Police Chief David Giorgi and Charlie Boulmetis of the Critter Control franchise for this area (the City's Animal Control contracted vendor) to discuss the policy and operating procedures for the City's Animal Control services.

Motion made by Councilor Robey, seconded by Chair, to accept and place on file the Order submitted by Councilor Robey. The motion carried 3-0.

From Personnel Committee

23. **Order No. 19-1007789: Communication from the Mayor, regarding Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022.**

The Personnel Committee met with Betty Evangelous and discussed her work as a member of the Board of Registrars. Mrs. Evangelous serves as the Democratic representative, former City Councilor Cindy Zomar serves as the Republican representative, and Linda Clark is the third member who is Unenrolled.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022. The motion carried 3-0.

24. **Order No. 19-1007777: Communication from the Mayor, regarding Reappointments to the Commission on Disabilities of Debra McManus, Anne Ryan, and Laura Kyle, for three-year terms from date of confirmation, in addition to John Usinas and Cheryl Soucy for two-year terms from date of confirmation.**

John Usinas, Laura Kyle, Cheryl Soucy, and Debra McManus appeared before the Personnel Committee and introduced themselves and gave a brief overview of their background and work as part of Marlborough's Commission on Disabilities.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointments to the Commission on Disabilities of Debra McManus and Laura Kyle, for three-year terms from date of confirmation, also John Usinas and Cheryl Soucy for two-year terms from date of confirmation. The motion carried 3-0.

From Public Services Committee

25. **Order No. 19-1007739A: Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer.** Albert Galvin, Design Engineer, National Grid explained the job is for a new three-phase commercial customer by installing an intermediary pole to keep the balance of the line spans on the street in order and stable. It can be brought across the street to a pole on their property and underground will be run from there.

Motion made by Councilor Doucette, seconded by Councilor Irish, to approve Order No. 19-1007739A with the following condition: The new pole should not be located within the City sewer easement. The pole location shall be marked out for approval by the City Engineer prior to the start of work. Motion carried 3-0.

From Urban Affairs Committee

26. **Order No. 19-1007703: Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive.**

The Urban Affairs Committee met with attorneys William Pezzoni (represented property owner) and Brian Blaesser (represented applicant), property owner Jon Delli-Priscoli, and transportation consultant, Bob Michaud of MDM Transportation Consultants, Inc. for a final review of the special permit application to construct a Senior Independent Living Multifamily Community at 96 Crowley Drive. The address was changed from 90 Crowley Drive to 96 Crowley Drive at the request of the City. The applicant appeared before the Site Plan Review Committee earlier in the day and their draft decision reflects the requested changes by the Site Plan Review Committee.

They continued discussion and reviewed the special permit conditions. There were no changes to conditions one through four (Construction in Accordance with Applicable Laws, Compliance with Applicable Laws, Site Plan Review, and Modification of Plans). The remaining conditions were reviewed and amended.

Motion made by Councilor Juaire, seconded by the Chair, to approve the special permit as amended. The motion carried 5-0.