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CITY OF MARLBOROUGH

2016 NOV 22 P 3:30

1. Minutes, City Council Meeting, November 14, 2016.
2. CONTINUED PUBLIC HEARING On the Proposed Amendment to City Code providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance, Order No. 16-1006702A.
3. From City Councilors Clancy and Robey: Certifications After Review of Evidence, Adjudicatory Public Hearing, Apex Development, Application for Special Permit to Operate a Drive-Through Restaurant Window, Order No. 16-1006632B.
4. Communication from the Mayor re: Request for Executive Session for the purpose of discussing an ongoing contractual matter involving property off Boston Post Road East.
5. Communication from the Mayor re: Recycling Dividends Program Grant acceptance in the amount of \$10,500.00 awarded to DPW to expend on approved equipment and activities as depicted in the scope of Grant.
6. Communication from the Mayor re: Appointment of Robert Levine as a member of the Zoning Board of Appeals for a term to expire three years from the date of City Council confirmation. Mr. Levine will be replacing Ted Scott who is now the DPW Assistant Commissioner of Operations.
7. Communication from City Solicitor, Donald Rider re: Proposed Zoning Amendment-Assisted Living Facilities in proper legal form, Order No. 16-1006631C.
8. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Application for Special Permit for a drive-thru window at Apex Center in proper legal form, Order No. 16-1006632C.
9. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Acceptance of Deed-in-Lieu-of-Foreclosure, Russell St., in proper legal form, Order No. 16-1006700.
10. Communication from MA Public Employee Retirement Administration Commission, (PERAC), re: Appropriation for Fiscal Year 2018.
11. Minutes, Planning Board, October 24, 2016.
12. Minutes, Zoning Board of Appeals, September 27, 2016.
13. Minutes, Library Board of Trustees, October 4, 2016.
14. CLAIMS:
 - a. Ann & Karen Leandres, 43 Maplewood Ave., other property damage.
 - b. Thelma Balser, 125 Framingham Rd., other property damage.
 - c. Boys & Girls Club, 169 Pleasant St., other property damage.
 - d. Curtis Square Condominium, 47A Curtis Ave., other property damage.
 - e. Silas Evangelista, 27 Brook St., other property damage.

REPORTS OF COMMITTEES:

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.

UNFINISHED BUSINESS:

From Operations & Oversight Committee

15. **Order No. 16-1006679 - That the City Solicitor contact the Department of Revenue and any other department at the state level for a legal opinion whether the City of Marlborough is legally allowed to overcharge residents on water and sewer bills as a result of old and faulty water meters that may have undercharged residents in previous readings. Motion made by Councilor Robey, seconded by Chair, to report Order No. 16-1006679 with no action. The motion carried 3-0.**

From Public Services Committee

16. **Order No. 16-1006705 - Communication from Attorney Twohig, on behalf of Hines Global REIT Marlborough Campus I LLC, to extend sewer connection permit for Campus at Marlborough, 100 Campus Drive. Motion made by Councilor Doucette, seconded by Chair, to approve. The motion carried 2-0. (Councilor Irish absent.)**

From Legislative and Legal Affairs Committee

17. **Order No. 16-1006700 – Acceptance of title, by deed in lieu of foreclosure, from Antoinette Dufault, also known as Sister Mary Francis, for land known on City of Marlborough Assessors' Map as Map 55 Parcel 210B, being approximately 43,966 SF, located on Russell St. Councilor Delano moved to recommend acceptance of the order – That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deed in lieu of foreclosure, from Antoinette Dufault, also known as Sister Mary Francis, of the Sisters of the Benedictine Center, 254 Still River Road, Still River, MA, to a certain parcel of land described herein as follows: That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 55 Parcel 210B, being approximately 43,966 S.F., and located on Russell Street, the motion was seconded and carried 3-0.**
18. **Order No. 16-1006458C - Reporting Obligations after a Devastating Event, Order 16-1006458A, with proposed new Article III of Chapter 485 of City Code to be entitled "Reporting Obligations After a Devastating Event." It was moved and seconded to amend Section 485-17. Reporting Obligations, A to read, "Within 72 hours after the City has sent, by first class mail and by certified mail, written notification to the owner of the building..." The motion carried 3-0. It was moved and seconded to ask for suspension of rules to put this in proper legal form and then to advertise. The motion carried 3-0. **ADVERTISED AS AMENDED AND TABLE UNTIL THE DECEMBER 19, 2016 MEETING AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF NOVEMBER 26, 2016.****

From Urban Affairs Committee

19. **Order No. 16-1006632 - Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant (Friendly's) with a Drive-thru, 157 Apex Drive. Motion made by Councilor Elder, seconded by Chair, to approve as amended. The motion carried 5-0. Motion made by Councilor Elder, seconded by Chair, to request a suspension of the rules at the next regular City Council Meeting on November 14, 2016 to send to the Legal Department to be placed in proper form. The motion carried 5-0.**

20. **Order No. 16-1006631A - Communication from Mirick O'Connell on behalf of BSL Marlborough Development LLC regarding Proposed Zoning Amendment to the City of Marlborough Zoning Ordinance Allowing Assisted Living Facilities along Bolton Street. The Committee discussed requesting a suspension of the rules at the next regular City Council meeting to forward to the City Solicitor to be placed in proper form for the City Council agenda on November 28, 2016. Motion made by Councilor Elder, seconded by Chair, to approve as amended. The motion carried 5-0.**

From City Council

21. **Order No. 16-1006719- DPW transfer request in the amount of \$1,650,000.00 which moves funds from Undesignated to Department of Public Works Solid Waste Disposal account to fund ongoing legal fees and settlement with WeCare Environmental, ORDERED TABLED UNTIL THE NOVEMBER 28, 2016 CITY COUNCIL MEETING.**