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CITY OF MARLBOROUGH

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1. Minutes of the City Council Meeting, March 11, 2013.
2. PUBLIC HEARING On the Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street, Order No. 13-1005343.
3. PUBLIC HEARING On the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd, X-96/97-6754F, Order No. 13-1005342.
4. Communication from the Mayor re: Recognition and Swearing in of New Firefighter Recruits.
5. Communication from the Mayor re: Public Service Internship Program transfer request in the amount of \$25,000.00 which moves funds from Loan Origination Fee to Summer Employment Initiative which will allow the City to hire a maximum of twenty college interns for the remainder of FY2013 and to allow advertising well in advance of summer breaks.
6. Communication from the Mayor re: Comptroller's transfer request in the amount of \$6,176.00 which moves funds from Bond Issue Expense to Widows Pensions.
7. Communication from the Mayor re: Snow & Ice Deficit Spending Authorization, X-13-1005334.
8. Communication from the Mayor re: Final Regional Veterans District-Inter-Municipal Agreement (IMA).
9. Communication from the Mayor re: Reappointment of Police Chief Leonard for a term of four years to expire on the date of confirmation by City Council.
10. Communication from City Solicitor Rider re: Medical Marijuana Treatment Centers, Proposed Moratorium.
11. Communication from City Solicitor Rider re: Boston Scientific's Proposed Zoning Ordinance Amendment in proper legal form, Order No. 13-1005306B.
12. Communication from City Solicitor Rider re: Cumberland Farms Special Permit, 412 & 418 Maple St., in proper legal form, Order No. 12/13-1005220B.
13. Communication from the Planning Board re: Acceptance of Dufrense Dr. as a Public Way, Order No. 12/13-1005153B.
14. Communication from Logical Partners, LLC to extend time limitations for construction of three Townhouse Condominium Units at 126 Pleasant St. to May 15, 2013 until 5:00 PM, Order No. 12/13-1005151D.
15. Application for Junk Dealer's License, Michael Komapovsky, d/b/a Aaurus Art Gallery, 305 Lincoln St.
16. Minutes, Planning Board, February 25, 2013.
17. Minutes, Recreation Commission, February 13, 2013.
18. Minutes, Board of Assessors, March 6, 2013.
19. Communication from Liberty Mutual Insurance on behalf of H. Theresa Dangelo, 18 Airport Rd., North Grafton.

## 20. CLAIMS:

- A. Robert Emsley, 60 Emer Rd., pothole or other road defect
- B. Ralph Martino, 126 Ferrecchia Dr., other property
- C. David Ha, 123 Union St. other property damage
- D. Kayla Bennett, 39 Lincoln St. Hudson, pothole or other road defect
- E. Patricia A. McClay, 49 Teller St., residential mailbox claim 2(b)
- F. Alan Liverman, 13 Graham Path, residential mailbox claim 2(b)
- G. Angelo & Anna Puzella, 146 Barnard Rd., residential mailbox claim 2(b)
- H. Jessica Pameneau, 181 Boston Post Rd, E. lot 38, pothole or other road defect

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

- 21. **Order No. 13-1005318 – Transfer \$124,328.00 for DPW Mid Year Transfers.** - The Finance Committee reviewed the Mayor's letter dated February 7, 2013 requesting DPW transfers to fund line items associated with employee promotions, interim/temporary promotions due to absences and vacancies, and police overtime associated with water and sewer maintenance and repairs totaling \$124,328.00. **The Finance Committee voted 5 - 0 to approve the transfers.**
- 22. **Order No. 13-1005333 – Transfer \$30,000.00 Internal to the Assessor's Office.** - The Finance Committee reviewed the Mayor's letter dated February 21, 2013 requesting two transfers totaling \$30,000.00 to fund contracted appraisal services for the 4<sup>th</sup> quarter of FY2013. **The Finance Committee voted 5 - 0 to approve the transfers.**
- 23. **Order No. 12-1005204 – Transfer \$2,000,000.00 from Undesignated Funds to OPEB Stabilization Account.** - The Finance Committee reviewed the Mayor's letter dated November 1, 2012 requesting the transfer of \$2,000,000.00 from Undesignated Funds to the Other Post Employment Benefits (OPEB) Space Stabilization account to continue the City's financial plan to meet these unfunded responsibilities. **The Finance Committee voted 5 - 0 to approve the transfers.**

From Urban Affairs Committee

- 24. **Order No. 13-1005306B - Communication from Attorney Arthur Bergeron requesting changes to the City of Marlborough's Zoning Ordinance on behalf of Boston Scientific who recently announced plans to build large, new office building at its existing campus here in Marlborough and to relocate its headquarters here.** The proposed zoning ordinance will allow for the development of this project. Atty. Bergeron outlined the proposed changes which would take part throughout the City but is specifically being sought to permit Boston Scientific to add a new building on their campus. Building Commissioner Mendoza stated that the three changes would not have any real impact throughout other parcels in the City, and the Commissioner had no concern about the proposed amendment.

**Motion made by Councilor Clancy, seconded by the Chair, to approve the first three changes, in three separate motions. The Chairman requested that the committee table further discussion on the fourth proposed change regarding building height. Vote 5-0 to recommend approval of the proposed amendment, deleting all reference to building height.**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

25. **Order No. 12/13-1005220A, X-12-1005081 - Application for Special Permit from Cumberland Farms Inc., 412 and 418 Maple Street and Walker Street to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5AM to midnight.** The hours of operation have been amended from the 24-hour operation sought under its prior submission. -REFER TO URBAN AFFAIRS  
PUBLIC HEARING: DECEMBER 17, 2012

The Chair read the changes to the proposed conditions discussed at the previous meetings, with other input from the City Solicitor and Atty. Lombardo.

Attorney Lombardo resisted the committee's language regarding the city's sign ordinance and the language that the city has implemented in various special permits.

Councilor Jenkins informed the committee that he would not be supporting the project as the ward representative and urged other members of the committee to join him in opposition.

**Motion by Councilor Clancy to recommend approval, with the Chair giving a courtesy second to the motion. Vote 3 in favor; 2 opposed (Elder and Landers)**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

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**From Operations and Oversight Committee**

26. **Order No. 12-1005262 - Communication from Mayor submitting for City Council endorsement the MEDC Master Plan titled "Building the New Marlborough Economy" (a hard copy and digital files have been filed with the City Council Office.)** The Master Plan provides a roadmap that identifies goals for future growth and economic development for the foreseeable future. Having a fully endorsed Master Plan will provide a vital tool that can guide the City's growth for years to come. -REFER TO OPERATIONS & OVERSIGHT

The committee discussed the MEDC Master Plan including the executive summary, which are both very comprehensive, lengthy documents. Chairman Delano recommended adding a City Council preamble as a way to put the body's stamp of approval on the document. Councilor Elder agreed, adding that the preamble sets a good tone of what we would like to focus on as a city. Councilor Landers also expressed support for the MEDC Plan and the proposed preamble.

The Committee discussed the preamble making minor changes to the Chairman's draft.

**Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the Master Plan Preamble, as amended. Vote 3-0**

**From Public Services Committee**

27. **Order No. 13-1005286A - Communication from John Breslouf, President of JBS Development, LLC, requesting Acceptance as Public Way of GRAVES LANE together with required easements in the subdivision entitled The Residence at Oak Crest.** Solicitor Panagore Griffin submitted all required documents and certified that the documents are in proper legal form for acceptance by the City Council. By February 12, 2013 letter to the Marlborough City Council, Chairman Barbara Fenby forwarded the Planning Board recommendation and vote taken on December 3, 2012 to endorse the November 15, 2012 Plan of Acceptance of Graves Lane & Municipal Easements. **On a motion made by Councilor Clancy, seconded by the Chair, the Public Services Committee recommends the acceptance as a Public Way of GRAVES LANE, together with required easements in the subdivision entitled The Residence at Oak Crest. Vote 2-0.**