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2014 FEB -6 P 5:40

1. Minutes of the City Council Meeting, January 27, 2014.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries, Order No. 13/14-1005555B.
3. Communication from the Mayor re: Transfer requests in the amount of \$63,559.06 which moves funds from Fringe to Sick Leave Buy Back to fund costs associated with the retirements of members of the Police and Public Works Departments.
4. Communication from the Mayor re: Transfer request in the amount of \$12,000.00 which moves funds from Fringe to Actuarial Study to fund an actuarial study regarding our OPEB (Other Post-Employment Benefits) obligations.
5. Communication from the Mayor re: Transfer request in the amount of \$10,000.00 which moves funds from Fringe to Conference & Training to fund participation in the Supervisory and Leadership Development Program through the Collins Center for Public Management.
6. Communication from the Mayor re: Transfer request in the amount of \$1,710.00 which moves funds from P/T Nurse to Medical Supplies to fund higher than anticipated demand for flu vaccinations.
7. Communication from the Mayor re: Conservation Grant in the amount of \$2,000.00 from The Butler Family Foundation to assist with ongoing maintenance of the Felton Conservation Land and other conservation related maintenance.
8. Communication from the Mayor re: Deficit Spending for Snow and Ice Account
9. Communication from the Mayor re: Reappointments to the Disabilities Commission of Debra McManus for a term of two years, John Usinas for a term of three years, Richard Towle for a term of two years and Pat Winske for a term of three years.
10. Communication from the Mayor re: Retirement of DPW Commissioner Ronald LaFreniere.
11. Communication from the Mayor re: Appointment of John Ghiloni as DPW Commissioner for term of five years effective the day after his appointment.
12. Communication from the Mayor re: Proposed Amendment to Chapter 67, of the Code of the City of Marlborough relative to the Board of Assessors and position of Principal Assessor.
13. Communication from the Mayor re: Proposed Amendments to Chapter 67 and Chapter 510, of the Code of the City of Marlborough relative to the Comptroller-Treasurer responsibilities and the responsibilities of the Water Registrar.
14. Communication from Council President Pope re: Reappointment of Lisa Thomas as City Clerk for a three year term to expire on February 28, 2017.
15. From City Councilor Matthew Elder – Proposed Zoning Amendment, Medical Offices and Clinics allowed by right in the Business Zone, in proper legal form from City Solicitor Rider. Motion in order to refer to Urban Affairs, Planning Board, advertise and set a date for a Public Hearing.
16. Communication from City Solicitor Donald Rider re: Proposed Zoning Amendment, Dental Clinics containing the revisions recommended by the Committee, Order No. 13/14-1005578B.

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.

17. Communication from City Solicitor Donald Rider re: Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street, in proper legal form, Order No. 13/14-1005582D.
18. Communication from Tree Warden Christopher White re: Vegetation Management Plan 2014-2018.
19. Communication from Bohler Engineering on behalf of VNG Co. re: request to extend Time Limitations on Application for Special Permit, 413 Lakeside Ave. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and piping to February 28, 2014 until 5:00 PM, Order No. 13-1005581B.
20. Minutes, Board of Assessors, September 25, 2013 & January 23, 2014.
21. Minutes, Marlborough High School Council, January 8, 2014.
22. Minutes, Planning Board, January 13, 2014.
23. CLAIMS:
 - A. Yvonne Burton, 73 Minehan Lane, residential mailbox claim 2(a)
 - B. Krista Duane, 562 Hemenway Street, pothole or other road defect
 - C. Lorrain Galvin, 217 Miles Standish Drive, residential mailbox claim 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

24. **Order No. 13-1005613 – Transfer \$94,414.90 from the Fringe Account to the Fire Department.** The Finance Committee reviewed the Mayor’s letter dated November 27, 2013 requesting two transfers from the Fringe account totaling \$94,414.90 to fund vacation buy back (\$48,704.98) and the retirement of a Firefighter (\$45,709.92) in the Fire Department. **The Finance Committee voted 5 – 0 to approve the two transfers.**
25. **Order No. 14-1005642 – Transfer \$100,000.00 from the Firefighter Salary Account to the Fire Department Overtime Account.** The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting the transfer of \$100,000.00 from the Firefighter salary account to the Overtime account to cover injuries, unanticipated retirements and illnesses in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfers.**
26. **Order No. 14-1005641 – Transfer \$168,090.00 and \$4,000.00 from Various Police Department Line Items to Cover Overtime and Training.** The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting two transfers:
Transfer \$168,090.00 from various Police Department line items to cover overtime due to retirements and injured officers.
Transfer \$4,000.00 from Court Overtime to training and Dues and Subscriptions for newly promoted officers.
The Finance Committee voted 5 – 0 to approve the two transfers.

27. **Order No. 14-1005643 – Transfer \$10,000.00 from the Custodian Account to the Custodian Overtime Account.** The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting the transfer of \$10,000.00 from the Custodian salary account to the Overtime account to cover weather related emergencies and building HVAC issues that required the call in of personnel. **The Finance Committee voted 5 – 0 to approve the transfers.**
28. **Order #13-1005614 A&B – Wiring Inspector Amendments to the General Code:** The Finance Committee reviewed the Mayor’s letter dated November 26, 2013 requesting a change to the General Code for the compensation of the Wiring Inspector and establishing an Assistant Wiring Inspector. Additionally, the letter requests a change to the salary ordinance for the Wiring Inspector, Assistant Wiring Inspector and Assistant Plumbing Inspector. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the following:
- **Order 13-1005614A** - Amending the General Code changing the compensation of the Wiring Inspector from per inspection to salary and establishing the position of an Assistant Wiring Inspector in the City Code compensated on a per inspection basis at the same rate of the Assistant Plumbing/Gas Inspector.
 - **Order 13-1005614B** - Revised salary ordinance for the positions of Wiring Inspector, Assistant Wiring Inspector, and Assistant Plumbing Inspector.

The Finance Committee agreed to support suspending the rules at the January 27, 2014 City Council meeting to report out the advertisement of the salary ordinance.

29. **Order No. 13-1005625 – Transfer \$17,500.00 from two Building Department Stabilization Accounts to fund Inspection Services.** The Finance Committee reviewed the Mayor’s letter dated December 12, 2013 requesting the transfer of \$17,500.00 from the two Building Department Stabilization Accounts to fund the Assistant Building Inspector salary adjustment, the part time Wiring Inspector salary, and fund the Assistant Plumbing Inspector at the new rate. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the transfers.

From Urban Affairs Committee

30. **Order No. 13-1005582** – Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street.
PUBLIC HEARING: JANUARY 13, 2014

The committee met with the applicants to review the Findings and Facts and Conditions and incorporate the suggestions of the committee, department heads and City Solicitor. The main changes were to set the final hours of operation, ban alcohol from the premises, and to require the Applicant/Landlord to submit as-built Site plans by May 31, 2014. The committee clarified the attachments to be incorporated into the final document.

Motion by Councilor Clancy to approve, as amended, carried 5-0.

Motion by Councilor Clancy for a suspension of the rules to refer to the City Solicitor to put the document in proper legal form for the next City Council meeting on February 10, 2014 carried 5-0.

31. **Order No. 13-1005578** – Proposed Zoning Amendment submitted by Councilor Clancy to amend the Medical and Dental Clinic Use by making them separate uses and by adding two new definitions – Medical Clinic and Dental Clinic and, further, to allow dental clinics as of right in the Business (B) district.

REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: JANUARY 13, 2014

Councilor Clancy walked the committee through his reasoning for requesting the change, and the committee incorporated two suggested changes from the Planning Board which were to limit the number of dentists on site to three (3), and strike the wording regarding persons not being capable of self-preservation (under anesthesia).

The City Solicitor agreed to incorporate the changes agreed upon by the committee into a clean document for placement on the January 27, 2014 regular meeting agenda.

A motion to approve as amended carried 5-0.