

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2014 JUL 17 P 12: 29

1. Minutes of the City Council Meeting, JULY 7, 2014.
2. RESCHEDULED PUBLIC HEARING: On the Petition of NStar to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St, Order No. 14-1005848A.
3. PUBLIC HEARING: On the Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street, Order No. 14-1005884.
4. Communication from the Mayor re: Acceptance of Massworks Grant Fund in the amount of \$1,650,000.00 awarded to the City of Marlborough through the Executive Office of Housing and Economic Development (EOHED).
5. Communication from the Mayor re: Federal Emergency Management Grant Acceptance in the amount of \$22,500.00 awarded to the Fire Department to replace equipment with the Department's self-contained breathing apparatus.
6. Communication from the Mayor re: Open Space and Recreation Plan.
7. Communication from the Mayor re: Appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015. Ms. Williams will replace outgoing Board member John Rowe.
8. Communication from the Mayor re: IPG Photonics Tax Increment Finance Agreement.
9. Communication from the Mayor re: Designation of School Committee Positions as Special Municipal Employees-Exemption to Serve as Host Families for International Students.
10. Communication from City Solicitor Rider re: Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., in proper legal form, Order No. 14-1005820A.
11. Communication from City Solicitor Rider re: Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd., in proper legal form, Order No. 14-1005821A.
12. Communication from the Planning Board re: Non-favorable Recommendation to Accept Lacombe St. Ext. as a Public Way.
13. Communication from the Planning Board re: Favorable Recommendation Pertinent to Proposed Zoning Amendment Section 650-5, New Section 650-32 Concerning Medical Marijuana Treatment Centers, Order No. 12/13/14-1005247F.
14. Communication from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc., re: to extend time limitations on application for Special Permit, to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Road West, to September 30, 2014 until 5:00 PM, Order No. 14-1005761C.
15. Communication from Attorney Gadbois re: Site Plan Approval, Hilton Garden Inn, 170 Forest St., Order No. 14-1005727B. (Hilton Garden Plans are available for viewing in City Clerk's Office).
16. Minutes, Planning Board, June 16, 2014.
17. Minutes, Zoning Board of Appeals, June 3, 2014.

**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.**

## 18. CLAIMS:

- A. William & Sandra DeOliveira, 60 Mosher Lane, other property damage and/or personal injury
- B. Anna Gleason, 6 Gleason St. Ext., other property damage and/or personal injury
- C. Meghan O'Brien, 15 White Terr., other property damage and/or personal injury
- D. Alyson McDonald, 15 Daley Cir., pothole or other road defect claim
- E. Elizabeth Correia, 96 Church St., other property damage and/or personal injury
- F. Leslie Meyers, 223 Vega Rd., residential mailbox claim 2(a)
- G. Bai Chen, 250 Campus Dr., pothole or other road defect claim

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Legislative and Legal Affairs Committee**

19. **Order No. 14-1005800 - Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane.**

The Legislative and Legal Affairs Committee met to discuss Order No. 14-1005800, Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane as requested in a May 1, 2014 letter to the City Council from Mayor Vigeant. The Assistant City Solicitor provided the committee with a revised order which included the amount for damages that was missing in the original documents. Committee members also received revised, as of June 27, 2014, Exhibit "A" which includes the 4 sheets of plans entitled "Road Acceptance & Easement Plan of Land in Marlborough, Massachusetts, Prepared for City of Marlborough, October 10, 2013, revised June 27, 2014, by Bruce Saluk & Associates, Marlborough, MA. The Assistant City Solicitor informed the committee that no funds are needed as there has been money encumbered from the bond for the Sudbury Street Sewer Project. The City Engineer informed the committee that City Council adoption at the July 21<sup>st</sup> meeting will keep the project on schedule and allow the work to begin August 1<sup>st</sup>.

**The Legislative and Legal Affairs Committee voted 2-0 to approve, as amended, the Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane, and those certain sewer easements located on Farrington Lane.**

**From Public Services Committee**

20. **Order No. 14-1005822A - Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet.** David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Mr. Edgar states this project will allow AT&T to update their existing service by installing about twenty feet of conduit from a Verizon manhole just outside of one of the driveways to the property line where it will tie into a handhold already placed on mall property. Chairman Landers confirms the project will take no more than half a day and will follow all conditions as set forth by the City of

Marlborough Public Works Department. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

21. **Order No. 14-1005823A - Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet.** David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Chairman Landers visited the site earlier in the day and hadn't realized the State owns the property under the overpass. Mr. Edgar indicates they have obtained the necessary permit from the State and will perform all work in that area in accordance with their provisions as well as the City of Marlborough Public Works Department. Chairman Landers confirms the project will take no more than a day to complete. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
22. **Order No. 14-1005802 - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd.** David Losh, General Manager of Best Buy Store #1966, appears before the committee to answer questions regarding the application. The Best Buy Trade-in Program began in 2009 and they have had no issues with the program. Customers' trade in their old mobile devices and any value not spent on a new mobile device is received as a Best Buy Gift Card. Best Buy reports to various organizations for law enforcement, making sure all documentation is adequate. Trade-in devices are held in store for thirty days and they are then sent out to one of their partners, either to be refurbished and reused as a replacement for an insurance claim or sent to one of their various charity organizations. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #820 pending approval of the CORI for Kevin DeGray, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
23. **Order No. 14-1005803 - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd.** David Losh is the General Manager of Best Buy Store #1966, the location within the mall that deals with mobile devices. They receive a substantial amount of trade-ins, about five to six per week during their slow period over the summer. They follow all the same policies and procedures as Best Buy Store, LP #820. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #1966 pending approval of the CORI for David Losh, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
24. **Order No. 14-1005824 - Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St.** Police Chief Leonard has approved the CORI report for Gerald Dumais of Dumais and Sons and has no objection to the renewal of his Junk Dealer's License. Mr. Dumais has owned a second hand store in Marlborough for ten to fifteen years. He does not buy anything, but does clean out homes for a fee and then sells the items at his store location. Code Enforcement Officer Pam Wilderman has sent violation notices to Mr. Dumais for his property at 316 Lincoln Street. Mr. Dumais states a substantial amount of debris has been removed and plans to have the property cleaned up by the end of the week. Mr. Dumais questions why the condition of his property on Lincoln Street should affect his Mechanic Street business location. Chairman Landers states it is because the Lincoln Street address is sometimes a depository for his business. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Gerald Dumais d/b/a Dumais & Sons, pending recommendation of Code Enforcement Officer regarding violation notices for 316 Lincoln Street. Carries 2-0.**

**From City Council**

25. **Order No. 14-1005804A** - Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd. **Recommendation of the Public Services Committee is to report out with no recommendation from Committee and Table until next City Council meeting.**