

RECEIVED
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CITY OF MARLBOROUGH

2017 JAN -5 P 3:50

1. Organizational Meeting.
2. Minutes, City Council Meeting, December 19, 2016.
3. Communication from the Mayor re: Proposed Housing Plan Order to temporarily cease City Council consideration of new proposals for housing developments in the City for a six-month period.
4. Communication from the Mayor re: Formula Grant acceptance in the amount of \$67,030.00 awarded to the Council on Aging to provide classes, transportation and administrative support as depicted in the scope of the Grant.
5. Communication from the Mayor re: Marlborough EMPG 2017 Grant acceptance in the amount of \$9,460.00.00 awarded to Emergency Management to purchase two video recording cameras for two police cruisers.
6. Communication from the Mayor re: Order of Grant and Acceptance of Easements Regarding City-owned Land-Rt. 85/Maple St., Reconstruction Project.
7. Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-Rt.85/Maple St. Reconstruction Project.
8. Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-East Main St. Reconstruction, Order No. 16-1006732.
9. Communication from the Planning Board regarding their approval of Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance. Order No. 16-1006702B.
10. Communication from Attorney Ericksen re: Revised color renderings for proposed Friendly's restaurant, Order No. 16-1006735A.
11. Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln St. until on or before March, 14, 2017, Order No. 16-1006634B.
12. Minutes, Assabet Valley Technical High School, November 15, 2016.
13. Minutes, Conservation Commission, October 20 & November 17, 2016.
14. Minutes, Traffic Commission, October 25, 2016.
15. Minutes, Library Board of Trustees, December 6, 2016.
16. CLAIMS:
 - a. Patricia Hafer, 108 Andrews Rd., other property damage.
 - b. Kevin Paquin, 167 Farrington Lane, other property damage.
 - c. Meghan Deraad, 264 W. Hill Rd., other property damage.
 - d. Paul Bates, 100 Goodale St., other property damage.

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.

REPORTS OF COMMITTEES:

From Finance Committee

17. **Order No. 16-1006718A & B-** At a regular meeting of the Marlborough City Council on December 19, 2016, the Proposed Amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non-union) to Administrative Assistant, changing the Position of the Financial Assistant (non-union) to DPW Financial Assistant and all positions on the Step 7 Schedule shall work a 40-hour week was **ORDERED ADVERTISED. TABLE UNTIL THE FOLLOWING MEETING AFTER JANUARY 9, 2017 AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017.**
At a regular meeting of the Marlborough City Council on December 19, 2016, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries in its entirety was **ORDERED ADVERTISED. TABLE UNTIL THE FOLLOWING MEETING AFTER JANUARY 9, 2017 AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017.** (Salary Ordinance is available in the City Clerk's Office)
18. **Order No. 16-1006761 – Acceptance of the Provisions of MGL c. 44 Section 53F ¾.** The Finance Committee reviewed the Mayor's letter dated December 1, 2016 requesting the approval of an order accepting the provisions of MGL c. 44 Section 53F ¾ which would create a separate revenue account for receipts received in connection with the City's franchise agreements with cable providers. **The Finance Committee voted 5 – 0 to approve the order accepting the provisions of MGL c. 44 Section 53F ¾. Note that Councilor Ossing read a disclosure that was filed with the City Clerk's office per MGL c. 268A section 23(b)(3).**
19. **Order No. 16-1006762 (X-92-4412) – Order Repealing Order 92-4412 Which Established the Watershed Protection and Acquisition Fund.** The Finance Committee reviewed the Mayor's letter dated December 1, 2016 requesting the repeal of order 92-4412 which established the Watershed Protection and Acquisition Fund. **The Finance Committee voted 5 - 0 to approve the order to repeal Order 92-4412.**

From Legislative and Legal Affairs Committee

20. **Order No. 16-1006702B - Proposed Amendment to City Code providing Zoning Board of Appeals 100 days to file a decision on an appeal or variance.** ZBA chairman wrote to Solicitor Rider requesting City Code be updated to be in conformance with MGL C. 40A s. 15 which allows 100 days for ZBA to file its decision on an appeal by a petitioner or Building Commissioner and states 100 days as timeframe for failure to act before an appeal or petition is deemed approved. This matter was referred to Planning Board and L&L. The Council's public hearing was continued to Nov. 28th when ZBA vice-chairman Ralph Loftin spoke in favor; the Planning Board held their public hearing on Dec. 5th and voted favorably to support the zoning change and a letter from them should be on the Council's Dec. 19 agenda. **It was moved and seconded to recommend approval of the zoning changes to Section 650-58 Subsection C3 which will change current 75 days to 100 days to hold a public hearing upon receipt of appeal or petition and C4 which will change current 75 days to 100 days period when failure to act will cause the appeal or petition to be deemed approved; motion carried 2-0.**

21. **Order No-16-1006732 - Order of Taking by Eminent Domain of permanent and temporary easements on E. Main St. for the purposes of reconstruction, construction and maintenance of improvements to E. Main St.** Received letter from Mayor dated Nov. 9th explaining the Order of Taking by Eminent Domain parcels, a letter from commissioner Ghiloni asking for the easements, as well as maps showing all the parcels related to E. Main St. construction. The work is funded thru a MassWorks Grant so no appropriation is needed for this. The project includes 15 separate parcels of miscellaneous size at 48, 56, 59, 60, 79, 83-A, 87, 95, 99, and 114 E. Main St.; 19, 21, & 38 Brown St.; & 15 Sawin St. with either temporary or permanent easements and various awards totaling \$8,779 to be paid for the takings. Also received a memo from City Engineer DiPersio stating temporary easements are for grading, driveway, walkway and stone wall reconstruction and permanent easements are “aerial” for overhead wires to cross private property due to utility pole relocation. Solicitor Rider informed us of two changes that will be made to the Order before it is on the agenda for final Council vote. One is an error by VHP in the numbering of map pages-1st page is 1 of 6, then it goes 2-5 of 7 and back to 6 of 6, 2nd is in the Description of Land Taken, items #1, 2, 3, 4, 9, 10, 12, 13 & 14 where it states the temporary easement will be terminated “on and after the third anniversary” which should read second anniversary. **It was moved and seconded to recommend approval of Order 16-1006732 with corrections to be done by Solicitor Rider before final vote; motion carried 2-0.**

From Personnel Committee

22. **Order No. 16-1006654 - The Reappointments of the following individuals to the Council on Aging with staggered terms: Leslie Biggar to a three-year term expiring in May 2019; and Rose Marie Elwood, Jeanne McGeough and Pat Gallier to two year terms expiring May 2018.** Recommendation of the Personnel Committee is to approve the reappointments of Rose Marie Elwood, Jeanne McGeough, Pat Gallier, and Leslie Biggar to the Council on Aging. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. The motion carried 3-0.**
23. **Order No. 16-1006727 - The Cultural Council Appointments as follows: Stephan D’Alessandro and Jessica Bowen to the Cultural Council for a term of three years and Reappointments of Mark Bartlett and Melissa Vera for a term of three years which expired in August 2016.** Recommendation of the Personnel Committee is to approve the reappointment of Melissa Vera and appointments of Jessica Bowen and Stephan D’Alessandro to the Cultural Council. Mark Bartlett was unable to attend the meeting and his reappointment remained in the Personnel Committee. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment of Melissa Vera and appointments of Stephan D’Alessandro and Jessica Bowen. The motion carried 3-0.**
24. **Order No. 16-1006728 - The Reappointment of Auditor, Diane Smith, for a term of three years to commence upon City Council approval.** Recommendation of the Personnel Committee is to approve the reappointment of Diane Smith as Auditor. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**
25. **Order No. 16-1006729 - The Reappointment of Chief Procurement Officer, Beverly Sleeper, for a term of three years to commence upon City Council approval.** Recommendation of the Personnel Committee is to approve the reappointment of Beverly Sleeper as Chief Procurement Officer. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

26. **Order No. 16-1006733 - The Reappointment of Lisa Thomas as City Clerk for a term of three years to expire on February 28, 2020. Recommendation of the Personnel Committee is to approve the reappointment of Lisa Thomas as City Clerk. Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**