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CITY OF MARLBOROUGH
2012 OCT 11 P 1:19

1. Minutes of the City Council Meeting, September 24, 2012.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Mitrakas, on behalf of Logical Partners, LLC, to construct a three Townhouse Condominium Unit on Map 68, Lot 466, 126 Pleasant St. which includes a recent communication regarding an amendment, Order No. 12-1005151A.
3. PUBLIC HEARING On the Application from Attorney Gadbois to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI, section 650-32 RESULTS WAY MIXED USE OVERLAY DISTRICT, Order No. 12-1005154.
4. Communication from the Mayor re: Police transfer request in the amount of \$75,985.00 which will move funds from Reserve for Salaries to various accounts to fund the Police Patrol Officers Association contract.
5. Communication from the Mayor re: Assessor's transfer request in the amount of \$13,800.00 which moves funds from Principal Assessor to Professional & Technical Services to fund the contract associated with appraisal services.
6. Communication from the Mayor re: Appointment of Harold Scheid and Bradford Dunn of Regional Resource Group, Inc. to the position of Chief Assessor and Board of Assessor's respectively, which will allow the Board of Assessors to carry out their duties for the remainder of this calendar year.
7. Communication from the Mayor re: Appointment of Ronald Saloman and Elizabeth Evangelous to the Board of Registrars.
8. Communication from the Mayor re: Proposed Order Concerning Transfer of Care, Custody, Management, and Control of a Certain Portion of Land at Memorial Beach.
9. Communication from the Council President Pope re: Appointments of Councilors Clancy and Delano to the Municipal Aggregation Committee.
10. Application from David Scarfo, agent for T-Mobile, for Special Permit for minor upgrades to existing telecom site located at 342 Lincoln St.
11. Communication from Metro PCS, LLC, re: request to extend time limitations to install a wireless communication facility onto the existing building located at 98 Pleasant St. to December 20, 2012 until 12:59 PM, Order No. 12-1005112B.
12. Communication from Cumberland Farms Inc. re: request to extend time limitations on application for Special Permit, 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels to January 31, 2013 until 4:00 PM, Order No 12-1005081C.
13. Communication from Attorney Bergeron on behalf of Lazy Dog re: Withdrawal of Request for Pool Table License, Order No. 12-1002808B.
14. Communication from Executive Office of Energy and Environmental Affairs re: Environmental Notification Form (ENF) for the Sudbury St. Area Water and Sewer Project. (Packet is available for viewing at the City Clerk's office)
15. Minutes, Traffic Commission, June 26 & August 28, 2012.
16. Minutes, Council on Aging, September 11, 2012.
17. Notice of Massachusetts Torte Claim on behalf of James Coggins.
18. CLAIMS:
 - A. Edward McManus, 44 Queen's View Rd, other

REPORTS OF COMMITTEES:

19. **ORDERED:** That the City Council of the City of Marlborough hereby accepts the provisions of M.G.L. c. 59, § 5N, which authorizes the City to establish a program for residents of the City of Marlborough and who are veterans as authorized by the US Congress to participate in a property tax abatement program in exchange for community service in accordance with the requirements put forth in the statute. **AND, FURTHER, THAT** the City Council of the City of Marlborough adopt provisions for the proper implementation of the program.....Submitted by Councilor Jenkins

UNFINISHED BUSINESS:

From Finance Committee

20. **Order 12-1005143 – Transfer \$51,945.15 to Fund Non-Union Employee Salaries.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2012 requesting the transfer of \$51,945.15 from Reserve for Salaries to fund a 2% increase for nonunion employees for fiscal year 2013. **Recommendation of the Finance Committee is to approve a transfer of \$49,856.35 for all nonunion employees except the City Council 5-0. The City Council salaries will remain level funded.**
21. **Order 12-1005144 – Transfer \$50,904.00 to Fund Retirement of a Police Officer.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2012 requesting the transfer of \$50,904.00 from Fringes to Sick Leave Buy back and Longevity accounts to cover the retirement of a Police Officer. **Recommendation of the Finance Committee is to approve 5-0.**

From Public Services Committee

22. **Order No. 12-1005156 - Application for Livery License, Marc Marlegni, d/b/a Toy Motorsports, LLC, 896 Boston Post Rd. East.** Chief Leonard is without object to the grant of a livery to Toy Motorsports, LLC at 896 Boston Post Road East. The CORI is in order. Applicants operate an existing business in Marlborough, Toy Motorsports, at 896 Boston Post Road East. Applicants will begin the new livery operation with one (8-passenger) vehicle that will be stored in the yard at 896 Boston Post Rd. East and overnight there is available garage space. Toy Motorsports performs mild winterization, boat wrapping and works with dealerships on after-market items. The business has been in operation for three years. The livery operation will provide transportation to customers for events such as concerts, proms, sporting events, weddings and airport runs. In the future, they may consider adding a second vehicle, such as a Chevy Tahoe, for executive transportation. **Recommendation of the Public Services Committee is to recommend approval, seconded by Jenkins, of a livery license to Marc Marlegni, d/b/a Toy Motorsports, LLC, 896 Boston Post Road East 3-0.**

23. **Order No. 12-1005155 - Junk Dealer's License, Andrew Spaventa, d/b/a ecoATM, 601 Donald Lynch Blvd.** Chief Leonard is without objection to the grant of a Junk Dealer License to ecoATM. The CORI is in order. A local representative will appear as noted on package submitted/cc: councilors' mailboxes 9/17/12. ecoATM is an unmanned kiosk that will be placed in the common area of the mall in a space set aside for vending or carts. Customers can deposit their old cellular devices and will be paid cash for them at the time of transaction. Every transaction is verified by a live attendant in the ecoATM call center via webcam. The information from each transaction including pictures of the person, the device, and the ID are sent real time via internet to ecoATM's database. Law enforcement can choose to receive reports by whichever frequency and method they choose; for example, realtime via an online reporting tool or daily or weekly reports via hardcopy mail or email. Tom Tullie, father of ecoATM's Chief Executive Officer, President and Chairman, Tom Tullie, addressed the committee. Mr. Tullie stated that local contact information will be noted on the machine and available from 8AM to 12 midnight. During questioning by the committee, Mr. Tullie stated that even if there is no value in the cell phone deposited in the machine, the phone will be accepted and disposed of in a proper manner. The kiosk will be emptied as often as required. **Recommendation of the Public Services Committee is to recommend approval seconded by Jenkins, of a Junk Dealer's License to Andrew Spaventa, d/b/a ecoATM, 601 Donald Lynch Blvd. 3-0.**
24. **Order No. 12-1005153 - Communication from Attorney Beattie, re: Acceptance as Public Way of Dufrense Drive.**
The Committee discussed the acceptance with Atty. Beattie.
- **Vote/Action taken: Motion made by Councilor Clancy, seconded by Jenkins, to refer to the Planning Board for their required recommendation to the City Council as to the acceptance of Dufrense Drive as a Public Way in the City of Marlborough 3-0.**
 - **Vote/Action taken: Motion made by Councilor Clancy, seconded by Jenkins, to refer to the Legal Department requesting submission to the City Council of the required Order of Acceptance and related documents in proper legal form 3-0.**
25. **Order No. 12-1005121A - National Grid, Petition, to relocate existing P. 2 25' in a NE direction from existing location and installation of a new anchor off relocated P. 2 on Manning St.** Email and sketch plan from City Engineer attached to the package. The City Engineer respectfully requests that the petition be approved subject to his final approval and attached sketch indicating the location of the proposed pole and the guy anchor. Crystal Tognazzi from NGrid discussed the petition with committee members. The existing pole fell during a storm. The new pole will maintain 8' clearance from the hydrant and will be erected in conformance with amended sketch plan submitted by the City Engineer. Responding to Councilor Clancy, Ms. Tognazzi stated that the yellow guard on guy wire is maintained and NGrid should be contacted for its replacement if necessary. **Recommendation of the Public Services Committee is to recommend approval, seconded by Jenkins, of the NGrid Petition to relocate existing Pole 2 on Manning Street, subject to final approval by City Engineer, Tom Cullen and per the attached sketch indicating the location of the proposed pole and the guy anchor 3-0.**