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CITY OF MARLBOROUGH

2013 AUG 22 P 1:25

1. Minutes of the City Council Meeting, July 22, 2013.
2. PUBLIC HEARING On the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17, entitled "Table of Uses," by regulating the business uses entitled "Power laundries and dry cleaning" so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district and in the Commercial Automotive (CA) district, Order No. 13-1005481.
3. PUBLIC HEARING On the Application for Special Permit from Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio located within an Industrial District where private indoor or outdoor recreation may only be allowed through Special Permit, 38 Brigham St., Order No. 13-1005483.
4. PUBLIC HEARING On the Application for Special Permit for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, 19 Brigham St., Unit 6., Order No. 13-1005482.
5. Communication from the Mayor re: Senior Center Bond Request in the amount of \$6,500,000.00 for construction of a new Senior Center at Ward Park.
6. Communication from the Mayor re: Ward Park Bond Request in the amount of \$3,000,000.00 for the Renovation of the Courts, Fields and Parking at Ward Park.
7. Communication from the Mayor re: Resolution in Support of MassWorks Grant Application.
8. Communication from the Mayor re: Doubling of Tax Exemptions.
9. Communication from the Mayor re: Executive Office of Health and Human Services (EOHHS) Grant awarded to the Police Department in the amount of \$45,000.00 to be utilized for the City's Jail Diversion Program which is carried out in conjunction with Advocates, Inc.
10. Communication from the Mayor re: Bay Path Elder Services, Inc. Grants awarded to the Council on Aging in the amounts of \$5,000.00 each to provide for continuation of educational and enrichment programs targeted towards our Portuguese and Latino populations and to enhance our scheduled senior transportation services to area stores and area retail locations.
11. Communication from the Mayor re: Emergency Management Performance Grant awarded to the City in the amount of \$9,030.00 which reimburses for costs associated with local emergency preparedness training and emergency management equipment and upgrades, including new hardware for the ID systems utilized by the Personnel Office.
12. Communication from the Mayor re: Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment.
13. Communication from the Mayor re: Reappointment of Diane Smith as City Auditor for a term of three years.
14. Communication from the Mayor re: Appointment of Nancy Stevens as a Regular member of the Zoning Board of Appeals to complete the term of Bob Page due to expire on May 5, 2017 and Robert Levine as an Alternate member of the Zoning Board of Appeals to serve a two year term beginning from his date of confirmation by City Council.
15. Communication from the Mayor re: Appointment of Brian DuPont to the Planning Board for a five year term to expire on February 5, 2018 to replace longtime member Clyde Johnson.

16. Communication from the Mayor re: SCRPT (Senior Citizen Property Tax Work-Off Program).
17. Communication from Assistant City Solicitor, Cynthia Panagore-Griffin- re: Proposed Order to Amend Chapter 526 of the City Code to Regulate Digital Electronic and LED Signs and Message Boards.
18. Communication from Attorney Bergeron of Mirick O'Connell re: Request for Modification of Special Permit, Condition 7, Capital Group Properties, Inc., 853 & 905 Donald Lynch Blvd., Order No. 03-10047B.
19. Application for Junk Dealer's License, Bernard Novitch, Collector's Paradise, 771 Boston Post Rd. E. #7.
20. Petition of NGrid and Verizon to install 1-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Dr.
21. Petition of NGrid and Verizon to install of approximately 1100' of 4-5" Conduits and two manholes on Forest St. and 1-Joint owned Pole #P2-50 on Bartlett Dr.
22. Communication from NGrid re: Annual Return.
23. Communication from Mosquito Control Project re: Investigating Resident's Complaints about Mosquitos on the following dates: July 31, August 7, 14, 21, & 28, 2013.
24. Minutes, Council on Aging, June 11, 2013.
25. Minutes, Planning Board, July 15, 2013.
26. Minutes, Parks & Recreation Commission, May 8, 2013.
27. Minutes, Marlborough Community Development Authority, July 25, 2013.
28. Communication from Amica on behalf of Philip Lioio, 19 Preston St.
29. Communication from Amica on behalf of Joseph Bisol, 212 Hudson St.
30. Communication from Hanover Insurance Group on behalf of Kevin Lynch, 96 Warren Ave.
31. CLAIMS:
 - A. Ann Marie Maichin, 63 Simpson Rd., residential mailbox claim
 - B. Ariel Negron, 37 Emerald St., Gardner, MA pothole or other road defect
 - C. Vincent Simarano, 186 Reservoir St., pothole or other road defect

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

32. Order No. **13-1005426B** - Application for Special Permit from Mirick O'Connell on behalf of Sandra and Anthony Antico Real Estate LLC for indoor recreation area at 72 Jefferson Street.

Attorney Bergeron opens with an overview of some changes he has made to language in the terms and conditions.

The floor is opened for councilors to comment. Councilor Clancy voiced his opinion that there should be an age limit that only permits 2-12 year olds to use the bouncy house, and all employees must have a CORI form approved and on file in Unit 103.

The Chair began reading the conditions.

The Chair added a new condition number (4) four that stated all employees must have a CORI form approved and on file at the business.

Councilor Robey voiced concerns that an 8 AM opening time was too early. The Chair and committee members thought the 8AM opening was acceptable.

Condition number (11) eleven "B" was deleted for purpose of clarity.

Condition number (5) five was amended to include painting ceramics and other crafts.

Condition number (9) nine was amended to clarify that the Recreation Director will be the one to determine what constitutes a major sporting event.

Councilor Robey expressed her concern that allowing any party to occur during a sporting event should be prohibited in the conditions to avoid parking issues.

The Chair and President Pope were confident that the applicant-tenant would take appropriate measures on her own in these cases.

Solicitor Rider suggested that language be added that states the City Council will be notified by the Board of Health Director if there is a violation of Sanitary Code.

Motion by Councilor Clancy to approve as amended, seconded by the Chair.
Adopted 4-1 Robey opposed.

Motion by Councilor Clancy to suspend rules at July 22 City Council meeting to refer draft decision to Solicitor to put in proper legal form for final action. Adopted 4-1 Robey opposed.

Chair called a recess prior to review of second special permit application.

From Personnel Committee

33. **Order No. 13-1005480** - Reappointments of William Brewin, Nena Bloomquist and Rustin Kyle as members of the Marlborough Public Library Board of Trustees expiring two years from date of City Council approval. Motion by Councilor Elder to approve, seconded by the Chair to approve the appointment of Bloomquist only; Brewin and Kyle not in attendance. Adopted 2-0
34. **Order No. 13-1005381** - Reappointments of Eric Asman and Joyce Torelli to Community Development Authority for terms of three years expiring from date of confirmation by City Council. Motion made by Councilor Elder to approve, seconded by the Chair. Adopted 2-0.
35. **Order No. 13-1005382** - Appointment of Mitchell Gorka to Zoning Board of Appeals for term of three years expiring from date of confirmation by City Council (Mr. Gorka presently serving as Alternate Member of the ZBA). Motion made by Councilor Elder to send to City Council without recommendation. Adopted 2-0.

36. **Order No. 13-1005464** - Appointment of Melissa Vera, Mark Bartlett and Mary Scott to the Marlborough Cultural Council for a term of three years commencing the day after their approval by the City Council. Motion made by Councilor Elder to approve, seconded by the Chair. Adopted 2-0.

From Public Services Committee

37. **Order No. 13-1005386A - Application for Fuel Storage Permit, Bunker Floor Supply, 289 Elm St., for storage of 2,844 gallons of flammable liquids and 23,500 gallons of combustible liquids.**

The Chair opened by asking the applicant Jeffery Aaron to describe a little bit about his business and how it works.

Mr. Aaron, part-owner of Bunker Floor Supply on 289 Elm Street, said that he is a whole sale distributor to the hard wood flooring trade. He does no retail at the store location meaning the product comes in on pallets and leaves on pallets; none are opened. The largest container of polyurethane solution, either oil or water based, they carry is five gallons, but most of his business is dealt in quarts. The numbers presented in the application (2,844 gallons of flammable liquids and 23,500 gallons of combustible liquids) are figures that Deputy Flynn requested he display as the maximum amount of product Mr. Aaron would have at any given time. Mr. Aaron explained that these figures were necessary because the flow of product in and out of the building is constant thus the actual numbers fluctuate.

The Chair asked Chief Fortin if he had any concerns to which the Chief replied that he had none. Chief Fortin went on to say that there are many small containers, not one large one, and he has the cleaning equipment necessary to deal with small spills.