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CITY OF MARLBOROUGH

2015 APR 23 P 1:08

1. Minutes of the City Council Meeting, April 6, 2015.
2. Communication from the Mayor re: Amendatory Vote on Turf Field Bond Request, Order No. 14/15-1005997C.
3. Communication from the Mayor re: Order of Taking by Eminent Domain, Farm Rd. Reconstruction Project.
4. Communication from the Mayor re: Grant of Easement to the MA Water Resources Authority (MWRA).
5. Communication from the Mayor re: Appointment of Ana Cristina Oliveira as Interim Council on Aging Director due to Jen Claro's resignation effective April 29, 2015.
6. Communication from the Retirement Board re: Consideration of Cost-of-Living Increase.
7. Communication from David McKay of Mirick O'Connell on behalf NPG Management LLC, re: request to extend time limitations on Application for Special Permit, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street, to June 16, 2015, Order No. 15-1006070B.
8. Communication from Attorney Gadbois on behalf of Ferris Development 325 DJL Blvd. LLC, re: Request for a Zoning Change for property at 325 Donald Lynch Blvd.
9. Petition of Comcast to construct a line for such telecommunications on Newton St. Full narrative is attached.
10. Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Blvd.
11. Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #820, 769 Donald Lynch Blvd.
12. Communication from Department of Public Utilities, Condensed Financial Return, for Year 2014.
13. Minutes, Planning Board, March 23, 2015.
14. Minutes, Recreation Commission, January 14 & March 11, 2015.
15. Minutes, Board of Assessors, March 18, 2015.
16. Minutes, Zoning Board of Appeals, March 24, 2015.
17. CLAIMS:
 - a. Charlotte Zakarian, 9 Clarke Dr., pothole or other road defect claim.
 - b. Michael Moreau, 114 Lodi Rd., pothole or other road defect claim.
 - c. Claude Tsai, 96 Barnard Rd., residential mailbox claim 2(a).
 - d. M. Susan MacMaster, 164 South St., other property damage.
 - e. Elizabeth Montgomery, 70 Clarke Dr., other property damage.
 - f. Claire Finlay, 14 Summit Ave., other property damage.
 - g. Scott Ferguson, 98 Wellington St., other property damage.
 - h. Robert Nims Jr., 29 Old Charter Rd., other property damage.
 - i. Tom Golden, 331 Hosmer St., other property damage.
 - j. Brenda Melanson, 13 State St., other property damage.
 - k. Robert Rennie, 281 Pleasant St., other property damage.
 - l. Georjanne Sefter, 18 Beaman Ln., other property damage.
 - m. Marguerite Skog, 389 Hosmer St., residential mailbox claim 2(a).
 - n. Jerry Dubay, 26 Nashoba Dr., 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:

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

18. **Order No. 14-1006005C: Amendment to the City of Marlborough General Code Relative to Department and Title Change of Personnel Department/Director to Human Resources Department/Director.**

Motion made by Councilor Robey, seconded by the Chair, to remove Order No. 14-1006005C, parts A. and B. from the table. The motion carries 3-0.

The committee reviewed the request by the Mayor to amend the City Code by changing the title of Personnel Director and Department to Human Resources Director and Department. The committee supported the request to change the City Code relevant to this director and department.

Motion made by Councilor Delano, seconded by the Chair, to approve the amendments to the City Code as follows:

A. The City Code is hereby amended in its entirety by deleting the words “Personnel Director” wherever they appear throughout the City Code, and inserting in place thereof the words “Human Resources Director.”

B. The City Code is hereby amended in its entirety by deleting the words “Personnel Department” wherever they appear throughout the City Code, and inserting in place thereof the words “Human Resources Department.”

The motion carries 3-0.

Motion made by Councilor Robey, seconded by the Chair, to request a suspension of the rules at the next City Council meeting to advertise the amendments to the City Code. The motion carries 3-0.

19. **Order No. 15-1006127: Proposed Order concerning Acceptance of MGL, Chapter 83, Sections 16A-16F.**

The committee reviewed the proposed order requesting local acceptance of MGL, Chapter 83, Sections 16A – 16F which if accepted, would allow the City of Marlborough to collect past due amounts for nonpayment of sewerage bills by placing liens and terminating sewerage use to a property. The City already has the ability to place liens and termination of service on properties for nonpayment of water bills due to its local acceptance of Chapter 40, Sections 42A – 42F in 1924.

Motion made by Councilor Delano, seconded by the Chair, to approve the acceptance of MGL, Chapter 83, Sections 16A – 16F. The motion carries 3-0.

From Public Services

20. **Order No. 15-1006147: Application for Renewal of Junk Dealers/Second Hand License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Boulevard.**
Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of a Junk Dealers/Second Hand License to Antoine Bitar, Hannoush Jewelers. The motion carries 3-0.
21. **Order No. 15-1006133: Application for Renewal of Junk Dealers/Second Hand License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.**
Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of a Junk Dealers/Second Hand License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair. The motion carries 3-0.
22. **Order No. 15-1006132: Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc., d/b/a Savers, 222A East Main Street.**
Chairman Landers read through the conditions and waivers that are a part of their license which are as follows:
- Conditions
1. The license shall not be transferred without prior review and approval of the City Council.
 2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
 3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
 4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
 5. No Savers' donation boxes shall be permitted outside of the building.
 6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
 7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
 8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
 9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

Motion made by Councilor Clancy, seconded by Councilor Irish, to approve with conditions the Junk Dealers/Second Hand License to TVI, Inc., d/b/a Savers. The motion carries 3-0.

23. **Order No. 15-1006131: Application for Renewal of Junk Dealers/Second Hand License, Mary Giorgi, d/b/a Giorgi's Boutique, 266 Main Street.**

Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of Junk Dealer/Second Hand Article Dealer License to Mary Giorgi, Giorgi's Consignment Boutique. The motion carries 3-0.