

REGULAR MEETING
OCTOBER 19, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 OCT 15 P 1:28

1. Minutes, City Council Meeting, October 5, 2015.
2. PUBLIC HEARING On the Petition of NGrid to place new solely owned pole 59-80 to be set approximately 40' north of existing pole 59 to serve new UG services for traffic camera to be installed between 495 North & 495 South, Order No. 15-1006338.
3. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Order for a Home Rule Petition Concerning Conveyance by the Division of Capital Asset Management and Maintenance of Permanent Easements to the City of Marlborough.
4. Communication from City Solicitor, Donald Rider re: Acceptance of Dicenso Boulevard as a Public Way and request referral to the Planning Board, Order No. 15-1006336.
5. Communication from City Solicitor, Donald Rider re: Water's Edge Subdivision – Proposed Acceptance of Deed of Open Space Parcels, X04/05-100439A.
6. Communication from City Clerk, Lisa Thomas re: Municipal Election Call.
7. Minutes, Conservation Commission, September 17, 2015.
8. Minutes, Planning Board, September 14 & 28, 2015.
9. Minutes, School Committee, September 29, 2015.
10. CLAIMS:
 - a. Jeff Bautze, 136 Lakeshore Dr., other property damage
 - b. Barbara Fenby, 1 Cullinane Dr., other property damage
 - c. Michael Cappadona, 15 Greenwood St., pothole or other road defect
 - d. Kathleen Todd-Seymour, 506 Boston Post Rd., pothole or other road defect

REPORTS OF COMMITTEES:

11. That the City Council review with the Mayor and City Auditor the Year to Date Budget Report for all gifts, grants, donations and capital accounts for City and Schools for fiscal year 2015. Submitted by Councilor Robey

UNFINISHED BUSINESS:

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.

From Legislative and Legal Affairs Committee

- 12A. **Order No. 15-1006281 - Complete Streets Policy Proposal.** The Mayor's letter dated, July 23, 2015 was read. The mayor's letter referred to legislation that authorized money for grants programs for cities/towns who have completed the requirements of their certification program. A step in that certification is adoption of a "complete streets by-law, ordinance or administrative policy." The chair did remind committee members that in the Planning Board Minutes accepted at the Sept. 28th Council meeting, there was information that the Planning Board did vote to endorse the Complete Streets Plan and a letter from the Planning Board would be on our next agenda for acceptance. Assistant Solicitor Panagore-Griffin did advise the committee that along with acceptance of the policy, the council should accept the provision of Section 1 of Chapter 90I and gave the committee the appropriate language which would be included on the agenda of next meeting.

A motion was made and seconded to recommend adoption of the Complete Streets Policy and to recommend acceptance of the Provisions of Section 1 of MGL Chapter 90I. The motion carried 3-0.

- 12B. **Order No. 15-1006281 - Communication from Assistant City Solicitor Panagore Griffin re: Complete Streets Policy Orders in proper legal form. Item was Moved to Reports of Committee at the October 5, 2015, City Council meeting.**

- 13A. **Order No. 15-1006309 - Communication from City Solicitor Rider re Comprehensive Permit for Brookview Village Public Walking Trail Easement cross-referenced with Order 14-1005759.** The chair asked that since the cross-referenced order is pertinent to this new order and was tabled in committee May 27, 2014, that this be removed from the table. A motion was made and seconded to remove Order 14-1005759 from the table; the motion carried 3-0. Solicitor Rider explained to the committee how the two orders are related. The order from 2014 was related to the Gutierrez Company and their development of a friendly 40B housing project on Ames Street. As part of the comprehensive permit, they were required to convey to the city a public walking trail easement for passive recreation and access to the traffic lights across from RK Plaza. This easement would convey an approximately 20,000 square foot strip of land encompassing Lots 4 and 5 and Lot 14. They were also required to place a restriction on the remaining land that Gutierrez Company owns after the 40B land is sold to prohibit the development of that land for residential purposes except as assisted living/congregate care facility for elderly.

The second, more recent order, is for property not subject to the language in the ZBA Permit but which leads directly to the housing development now known as Brookfield Village. This easement would convey roughly 12,000 square feet of land in Lot 5 to the city and connect to the other easement.

A motion was made and seconded to recommend acceptance of Order 14-1005759 that includes the 20,000 square foot easement outlined in Condition 20 of the ZBA Comprehensive Permit and to accept the residency restriction described in Condition 41 of that Permit. The motion carried 3-0.

A motion was made and seconded to recommend approval of Order 15-1006309 that conveys to the city a 12,000 square foot easement connecting to the prior easement. The motion carried 3-0.

- 13B. **Order No. 15-1006309 - Communication from City Solicitor Rider re: Summary of Comprehensive Permit for Brookview Village (aka Talia), Proposed Acceptances of Residency Restriction and Public Walking Trail Easements. Item was Moved to Reports of Committee at the October 5, 2015, City Council meeting.**