



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JULY 8, 2013

Regular meeting of the City Council held on Monday, JULY 8, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Clancy, and Landers. Councilor Seymour arrived at 8:32 PM. Meeting adjourned at 9:07 PM.

ORDERED: That the minutes of the City Council Meeting JUNE 17, 2013, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Attorney Mitrakas on behalf of 587 Bolton St., Inc. to serve food outdoors as the Bolton St. Tavern is located in an LI zone, 587 Bolton St., Order No. 13-1005456, all were heard who wish to be heard, hearing recessed at 8:35 p.m.; adopted.

Councilors Present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Clancy & Landers.

The City Clerk read a disclosure statement on behalf of Councilor Seymour pursuant to MGL c. 39, § 23D that he will review all evidence received at tonight's public hearings, including but not limited to the relevant video recordings; and that he further intends to certify in writing that he has examined all such evidence, before the votes are taken on said applications.

Councilor Seymour arrived at 8:32 PM during public hearing.

Letters of Support from George Voyiatzis and Bob Durand were submitted to the City Clerk as part of the record.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Stanton Foundation Grant in the amount of \$25,000.00 awarded to the Police Department to launch City's first ever "K-9" Program; adopted.

Suspension of the Rules requested-granted to allow the Mayor and DPW Commissioner to speak.

ORDERED: That in order to help meet the emergency temporary water needs of the Town of Hudson, the City Council hereby authorizes the Mayor, pursuant to M.G.L. c. 40, § 4A, to enter into an Inter- Municipal Agreement with said Town, pursuant to the terms and conditions set forth therein; adopted.

ORDERED: That the 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, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 26, 2013**, as date for a **PUBLIC HEARING** 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, in proper legal form from Assistant City Solicitor Panagore Griffin for advertising and referral refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **Monday, August 26, 2013** as date for a **PUBLIC HEARING** On the Application 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, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **Monday, August 26, 2013** as date for a **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., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Senior Center Advisory Committee, April 25, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission May 28, 2013, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Sergio Gonzalez, 56 Devens St. #2F, other property damage
- B. Bartolo Frullo, 6 Jefferson St., other property damage

Reports of Committees:

Councilor Landers reported the following out of Public Services Committee:

Order No. 12-1005250- Application of Yan Fang Ye for Taxi License at 20 Devens Street

The applicant is applying for a taxi license to create a business called Ye's Taxi. She reports that the business will be run out of her home as she currently owns both the property and the vehicle. Councilor Clancy and Chairman Landers are concerned that Devens Street is too narrow, particularly in the winter, for extra taxis to be parked out on the road.

The applicant currently has one car and one taxi in the driveway and promises it will remain in the driveway.

The applicant stated that the vehicle will be serviced at the dealership, not at the home.

It is noted that Police Chief Leonard has approved her CORI report.

Motion made by Councilor Clancy, seconded by Councilor Jenkins to recommend approval of the taxi license to Yan Fang Ye, d/b/a Ye's Taxi with the following three conditions:

1)The license is approved for one (1) vehicle only; 2) The vehicle shall be parked in the driveway at all times and not on the street as agreed upon by applicant; 3) All new employees shall submit a CORI report to the Chief of Police for review and approval before commencing employment and/or operating any vehicle so licensed. Adopted 3-0

Suspension of the Rules requested – granted**Councilor Pope abstained**

ORDERED: That the Petition from National Grid to Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public ways: Houde Street and Peltier Street Approximately 535 ft. north of the center line of the intersection of Houde Street and Peltier Street and continuing approximately 515 ft. in a southerly direction, **APPROVED WITH THE FOLLOWING CONDITIONS:** adopted:

- 1) Any necessary easements are to be obtained from affected property owners and shown on proposed plans.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough for an amount to be determined by the City Engineer.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) Confirmation by the City of Marlborough Engineering Division that the Petition is current for the proposed work to be completed.
- 14) Confirmation by the City of Marlborough Engineering Division that this is not a joint petition with Verizon and that this petition is solely for the installation of National Grid owned underground infrastructure.
- 15) Completion of the project on or before November 30, 2013.

Suspension of the Rules requested - granted**Councilor Pope abstained**

ORDERED: That the Petition from National Grid to Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public ways: Houde Street and Duca Drive Approximately 150 ft. west of the centerline and continuing approximately 130 ft. in a east direction. Heavy duty hand holes #12, 11 and conduit on Duca Drive and Houde Street, be and is herewith **APPROVED WITH THE FOLLOWING CONDITIONS**: adopted.

- 1) Any necessary easements are to be obtained from affected property owners and shown on proposed plans.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough for an amount to be determined by the City Engineer.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) Confirmation by the City of Marlborough Engineering Division that the Petition is current for the proposed work to be completed.
- 14) Confirmation by the City of Marlborough Engineering Division that this is not a joint petition with Verizon and that this petition is solely for the installation of National Grid owned underground infrastructure.
- 15) Completion of the project on or before November 30, 2013.

Suspension of the Rules requested - granted**Councilor Pope abstained**

ORDERED: That the Petition from National Grid to Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public way: Bergeron Road, Petition to install two new heavy duty hand holes on Bergeron Road between houses 64 & 56 and between houses 34 and 20. This petition is also to install 2-3" conduit to the southern side on Bergeron Road from Evelina Drive, **APPROVED WITH THE FOLLOWING CONDITIONS:** adopted.

- 1) Any necessary easements are to be obtained from affected property owners and shown on proposed plans.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough for an amount to be determined by the City Engineer.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) Confirmation by the City of Marlborough Engineering Division that the Petition is current for the proposed work to be completed.
- 14) Confirmation by the City of Marlborough Engineering Division that this is not a joint petition with Verizon and that this petition is solely for the installation of National Grid owned underground infrastructure.
- 15) Completion of the project on or before November 30, 2013.

Suspension of the Rules requested - granted**Councilor Pope abstained**

ORDERED: That the Petition from National Grid to Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public ways: Houde Street and Rogers Avenue Approximately 195 ft. west of the centerline of the intersection of Houde Street and Rogers Avenue Heavy duty hand holes #10, #5 Rogers Avenue and 2-3" conduits on Rogers Avenue and Houde Street, **APPROVED WITH THE FOLLOWING CONDITIONS:** adopted.

- 1) Any necessary easements are to be obtained from affected property owners and shown on proposed plans.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough for an amount to be determined by the City Engineer.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) Confirmation by the City of Marlborough Engineering Division that the Petition is current for the proposed work to be completed.
- 14) Confirmation by the City of Marlborough Engineering Division that this is not a joint petition with Verizon and that this petition is solely for the installation of National Grid owned underground infrastructure.
- 15) Completion of the project on or before November 30, 2013.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:07 PM.