



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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NOVEMBER 18, 2013

Regular meeting of the City Council held on Monday, NOVEMBER 18, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Councilor Delano. Meeting adjourned at 8:15 PM.

ORDERED: That the minutes of the City Council Meeting NOVEMBER 4, 2013, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY13 Edward Bryne Memorial Justice Grant (JAG) in the amount of \$14,726.00 awarded to the Police Department to be utilized to fund costs associated with the Rape Aggression Defense (RAD) Systems Program, including the recertification of (5) instructors and related supplies for course work; adopted.

ORDERED: That the Communication from the Planning Board re: Proliferation of Donation Bins throughout the City, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE, BUILDING COMMISSIONER FOR HIS RECOMMENDATION REGARDING PROPOSED CHANGES AND ITEM TO BE HELD OVER UNTIL NEXT LEGISLATIVE SESSION**; adopted.

ORDERED: That the Communication from Attorney Bergeron, to **WITHDRAW WITHOUT PREJUDICE**, Application for Special Permit on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, Order No. 13-1005542A, **APPROVED**; adopted.

ORDERED: That the Minutes, Recreation Commission, September 11, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 21, 2013, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group re: Arlan Goss, 15 Beaman Lane, refer to the **LEGAL DEPARTMENT**; adopted.

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Order No.13-1005522A - Communication from Assistant City Solicitor Panagore Griffin pertinent to the following:

- a) Application for Junk Dealer License, Bernard Novitch;
- b) Order No. 13-1005522B: Referral to Legal Department and Code Officer;
- c) Report from City Solicitor Panagore Griffin- Bernard Novitch Matter Regarding a secondhand shop license (aka "Junk Dealer License).

REFER TO PUBLIC SERVICES

Councilors Clancy, Landers, and Jenkins Present

Mr. Novitch agreed to withdraw his application without prejudice. He will speak to Chief Leonard and reapply at a later date.

Motion by Councilor Jenkins to accept Mr. Novitch's withdrawal of his application without prejudice, seconded by Councilor Landers. All in favor. Approved.

Councilor Jenkins motioned to adjourn. Motion is seconded. All in favor. Approved

Councilor Tunnera reported the following out of the Personnel Committee:

Councilors Tunnera, Seymour, Elder Present.

Order No. 13-1005539 - Communication from the Mayor re: Appointment of Leslie Biggar to the Council on Aging who will fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2016.

REFER TO PERSONNEL

Leslie Biggar is present before the committee. She provides some background information about herself. Her husband passed away two years ago and she looked into moving into a 55+ community. However she found it cheaper to stay in her home and join the senior center. She has been helping at the senior since that time. She assists with the blue plate special luncheons by setting up the rooms, serving the food, and washing dishes. She also runs a watercolor class. On Thursdays she assists with the Panera Bread and on Fridays she helps teach the computer club. She focuses on the email client, feeling that if the seniors can receive and respond to email messages that they will be comfortable with the computer. She feels that will help keep them connected to their families and mentally alert.

Jennifer Claro approached Leslie about joining the Council on Aging Board. She already attends the meetings as an observer. Her purpose in attending the meetings is to have the senior center offer activities that she would benefit from as she also gets older. She has been a resident of Marlborough for thirty-six years and enjoys being a resident of the City.

Reports of Committees cont'd:

Councilor Elder thanks her for coming in and thinks she has good energy and will be good for the COA.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005565 - Communication from Mayor Vigeant with appointment of Dr. John Curran to the Board of Health for a term of three years to expire February 1, 2019.

REFER TO PERSONNEL

Dr. John Curran is present before the committee. He is a gastroenterologist and previously practiced internal medicine for many years. He has been in Marlborough for twenty-six years. About twelve years ago he received a call asking him to be part of the Public Health Board and at that time he was too busy to accept the invitation. He looks at the current request as a way to contribute to the general public health of this community.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005518 - Communication from Mayor Vigeant with appointment of Brian DuPont to the Planning Board for a five year term to expire on February 18, 2018 to replace longtime member Clyde Johnson.

REFER TO PERSONNEL

Brian DuPont is present before the committee. He and his wife have lived in Marlborough for over seven years. He has been a public employee all his life. He worked in regional government for several years on the Cape. For the last nine years, he has worked for the Town of Wellesley. He currently serves as the town's GIS (Geographic Information Systems) manager. He thought it about time that he volunteers his time, skills, and expertise to his community.

Councilor Elders asked the candidate if he can foresee any issue that he would need to recuse himself from; whether it is business relationships or other concerns that would cause the Planning Board to have quorum issues. The candidate is unaware of any issues that would cause him to recuse himself. Councilor Elder always asks this question of potential Planning Board candidates.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005517 - Communication from Mayor Vigeant with 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.

REFER TO PERSONNEL

Reports of Committees cont'd:

Nancy Stevens is not present before the committee. Councilor Elder requests Mike Berry, Executive Aide to the Mayor, to come before the committee. Councilor Elder asks Mike Berry if he sees any quorum issues coming before the Zoning Board of Appeals which would be affected if former Mayor Stevens is not approved in the near future. They require four members to hold a meeting, three for a quorum which they currently have at this time (there are currently five members on the Zoning Board of Appeals). There are two regular members and three members as alternates which brings their total to five members. The ultimate goal is to increase the membership of the Zoning Board of Appeals so that if a member or two needs to recuse themselves, then they still have a quorum.

Councilor Landers asked if Bob Page is still a member of the Zoning Board of Appeals. Mike Berry indicated that although he cannot remember the exact date, Bob Page resigned a number of months ago, possibly the later part of 2012 or early 2013. Former Mayor Stevens was nominated to fill the balance of Bob Page's term since he was confirmed for a new term in early 2012. This opening was not due to the recent election of Bob Page to Ward 2 City Councilor.

Councilor Elder made a motion to adjourn. Councilor Tunnera seconded the motion to adjourn. All in Favor 3-0. Approved.

Councilor Elder reported the following out of the Urban Affairs Committee:

Order No. 13-1005482: Application for Special Permit by 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, 10AM to 7PM, #19 Brigham Street, Unit #6.
REFER TO URBAN AFFAIRS

PUBLIC HEARING – OPENED: AUGUST 26, 2013; CLOSED: OCTOBER 21, 2013

Present: Chairman Elder, Councilor Clancy, Councilor Robey, Councilor Landers, Councilor Tunnera

The petition was addressed by Thomaz DeMoura, who was representing his wife.

The City Solicitor submitted a draft decision, amending the first draft submitted by DeMoura.

Mr. DeMoura presented to the Council information concerning the business, which has been operating at 19 Brigham Street, Unit #6, for about a year.

The committee discussed minor concerns like possible parking on Brigham Street and making sure all employees had CORIs.

Reports of Committees cont'd:

The committee and the petitioner read through the proposed conditions, making a few changes the Solicitor suggested as well as a few minor corrections/procedures regarding getting information back to the Council.

The committee voted 5-0 (Clancy) to approve the permit subject to submittal of site plans and sketches to the City Solicitor and City Council, as well as Chief Leonard certifying a CORI has been approved on the owners.

The committee will ask the Council suspend the rules at its November 18th meeting to send proposed decision to the Solicitor to put in proper legal form for placement on December 2nd agenda.

Suspension of the Rules requested - granted

ORDERED: That 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, Order No. 13-1005482A refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR NEXT AGENDA**; adopted.

ORDERED: That the Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids for an amount not to exceed 50,000 gallons, **APPROVED**; adopted.

ORDERED: That the Petition of NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14, **APPROVED**; adopted. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde Street. Branches and limbs near service wires to House 11 are to be cleared as well

ORDERED: That the Application for Second Hand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Andrew Spaventa, ecoATM, 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 PM.