



**CITY OF MARLBOROUGH**  
**OFFICE OF CITY CLERK**  
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**MARLBOROUGH, MASSACHUSETTS 01752**  
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**AUGUST 20, 2007**

Regular meeting of the City Council held on Monday August 20, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Schafer, Juairé, Webster, Clancy and Towle. Councilors absent: none. Meeting adjourned at 8:32 p.m.

ORDERED: Minutes, City Council meeting, July 23, 2007, **FILE**; adopted, as amended.

ORDERED: That the following transfer of \$3,100 from Reserve for Salaries to Longevity, **APPROVE**; adopted.

FROM:

Acct. # 11990006-57820	\$3,100.00
Reserve for Salaries	

TO:

Acct. # 14001103-51430	\$3,100.00
Longevity	

ORDERED: That the following transfer of \$9,961 submitted by the Marlborough Public Library from a variety of salary line items to Account No. 1610004-53180 (Professional Technical Services), **APPROVE**; adopted.

FROM:

Acct. # 16100001-50470	\$4,446.00
Ch. Librarian	

Acct. # 16100003-51259	\$2,105.00
P.T. Ref. Librarian	

Acct. # 16100003-50860	\$2,203.00
F.T. Library Clerk	

Acct. # 16100003-51261	\$1,207.00
P.T. Library Clerk	

TOTAL	\$9,961.00
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TO:

Acct. # 1610004-53180	\$9,961.00
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ORDERED: That the City of Marlborough accept a donation in the amount of \$10,000 from Robert Valchuis tree restoration relative to Farm Rd., refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the City of Marlborough accept a donation in the amount of \$200,000 from Hillside School for use in the Robin Hill Road water line installation project, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the appointment of Tricia Richard to the Marlborough Fire Department, **TABLE**; adopted. (Councilor Juairé abstained)

ORDERED: That the reappointment of Rosalind Baker as director of Human Services, refer to **PERSONNEL COMMITTEE**.

ORDERED: That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to Massachusetts Electric Company (a/k/a "National Grid"), as described in the attached Grant of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Christopher Heights, 84 Chestnut Street, Marlboro, MA", for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining, and operating an overhead system and an underground system for electric service to the building(s) constructed or proposed to be constructed by the Christopher House of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at the Middlesex South District Registry of Deeds, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted. (Councilor Pope and Katz abstained)

ORDERED: 1) That the City Council of the City of Marlborough, having received the attached notification from the Commissioner of Public Works that municipal property, previously taken by the City through eminent domain, consisting of a portion of a sewer trunk line off Phelps Street ("the Property") identified and described as "Parcel B" on a plan, to be recorded in the South Middlesex District Registry of Deeds, entitled "Plan of Land in Marlborough, MA, Municipal Utility Easement and Right-of-Way at 107 Phelps St., Owners: City of Marlborough, Date: 05/17/07, Scale: 1"=40," by InLand Survey, Inc. dba Zanca Land Surveying, and containing approximately 9,725 sq. ft. +/-, is no longer needed for such purpose as long as the various contingencies specified in the Commissioner's notification are met, the City Council, pursuant to the provisions of § 16(a) of Chapter 30B, hereby declares that the Property is available for disposition by sale;

Provided, however, that the Property may only be used for driveway improvements to the home, existing as of the date of the deed's execution, at 107 Phelps Street, shown as Map 72, Parcel 11A on the Marlborough Assessors Maps; and further may only be used to allow the development of one new lot upon Map 72, Parcel 11A, subdivided to conform to the subdivision control law, as applicable, as well as setback and related requirements, all in accordance with a plan entitled "107 Phelps Street, Sketch Plan #3, Date: 03/14/06, Scale: 1"=20," by InLand Survey, Inc. DBA Zanca Land Surveying;

And, further, that the City Council sets the minimum price to be paid pursuant to a determination of value attached hereto to be (\$\_\_\_\_\_), and thus authorizes the Mayor, by two-thirds vote, to convey the Property on such

- terms and conditions consistent with this order, refer to **LEGISLATIVE AND LEGAL AFFAIRS**; adopted.
- ORDERED: 2) That the City Council accepts, by simple majority vote, a permanent sewer easement granted to the City, to include a right of way to and over the Property for the purpose of constructing and maintaining said easement for sewer purposes, and the easement area shall be kept free by the easement's grantors, their successors and assigns, of all buildings, trees or vegetation which would affect said easement, refer to **LEGISLATIVE AND LEGAL AFFAIRS**; adopted.
- ORDERED: That the communication from the Planning Board regarding New Sign Ordinance, **TABLE**; adopted.
- ORDERED: That the communication from Boston Scientific Corporation requesting extension of time for Sewer Connection Permit, 55 Boston Scientific Way refer to **PUBLIC SERVICES COMMITTEE AND FINANCE COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2007** as date for a **PUBLIC HEARING** on the petition by Ma. Electric to install manhole and duct locations on Donald J. Lynch Boulevard., refer to **PUBLIC SERVICES COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2007** as date for a **PUBLIC HEARING** on the application from Fairbanks Development LLC, to amend Special Permit adopted December 19, 2005 re: Artist Loft Housing with adjacent gallery/restaurant space, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2007** as date for a **PUBLIC HEARING** on the application for special permit from Ming Wang to convert former State Armory building into twelve residential condominiums in a Business B/Residence C zoned lot, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2007** as date for a **PUBLIC HEARING** on the application for special permit from First Student Inc., regarding outdoor storage of vehicles (school buses), refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That the minutes of the Traffic Commission meeting of June 26, 2007, **FILE**; adopted.
- ORDERED: That the TransReport, August 2007, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

**REPORTS OF COMMITTEES:**

Councilor Clancy reported the following out of the Personnel Committee.

Order No.07-100-1620: Communication from the Mayor re: the appointment of Laurie Fitzgerald to the Historical Commission.  
**Recommendation of the Personnel Committee is to approve 3-0.**

**Suspensions of the Rules requested – granted**

ORDERED: That the application for Special Permit by Atty. Cipriano for Robert J. Valchuis, Trustee of Lauren Elizabeth Reatly Trust, the petitioner wishes to construct a ten-unit multi family condominium at 714 Farm Road, plate 73, parcel 15 for over 55 year old residents with a preference for those current residents of the City of Marlborough.

The Committee reviewed the amended proposed decision submitted by Atty. Cipriano and made changes. Email dated August 14, 2007 from City Solicitor Rider was discussed and corrections to draft decision were made.

The Committee discussed item #10 of the petitioner's proposal, recommending as site impact further mitigation of \$10,000.00. Said payment to be due before the issuance of any Certificate of Occupancy. Said funds shall be utilized for affordable housing and deposited in the Affordable Housing Stabilization Fund.

The Petitioner offered additional mitigation of \$1500.00 for inspectional services to be used strictly for the permitting of the project, refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM AND PLACED ON AUGUST 27, 2007 AGENDA**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That the Proposed Sign Ordinance as submitted by the Sign Ordinance Review Committee **ADVERTISE AND SET A PUBLIC HEARING FOR SEPTEMBER 10, 2007**; adopted.

• *Letters received regarding the proposed ordinance:*

- a) Ferdinand A. Scerra, Jr. – in opposition
- b) [Jwawill39@aol.com](mailto:Jwawill39@aol.com) (no signature) – in opposition
- c) Jim Winske, Embroidery Unlimited – in opposition
- d) David Gerry, Operations Mgr., Consumer Auto Parts (CAP) – in opposition
- e) Cosmo Bisazza, Kwon's Martial Arts – in opposition
- f) Solomon Dass, Caboodle Cartridge – in opposition
- g) Linda Neill, Annies Book Swap – in opposition
- h) Bob Connors, Karnak Realty Trust – in opposition
- i) Stephen Zeitler, Marlboro Square Wine & Spirit – in opposition
- j) Mr. Joe's Barbershop – in opposition

The Regional Chamber of Commerce was represented by Atty. Doug Rowe in the absence of Chamber President Suzanne Moreale-Leeber. The request for feedback from the business community on amendments to the grandfather clause were submitted by Atty Rowe as follows: a) there is no acceptable change regarding the regulation of current signs to the business community; b) a new ordinance should not affect current businesses – they should be grandfathered forever.

ORDERED: That the Mayor and City Council consider the feasibility of establishing a "Code Enforcement Team" to formalize and facilitate code enforcement in the City of Marlborough; and, it is further Ordered that the Mayor be requested to fund a clerical position in the Building Department to assist the "Code Enforcement Team" in the housing code functions of the office, refer to **FINANCE COMMITTEE**; adopted.

**Councilor Schafer asked to suspend the rules to accept the communication from the Mayor – granted.**

**Suspension of the Rules to allow the Mayor to speak – granted.**

