

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 MAR -9 P 1:58

1. Minutes, City Council Meeting, February 27, 2017.
2. Communication from the Mayor re: Fiscal Year 2017 Capital Investments Request.
3. Communication from the Mayor re: Free Cash Transfer for Investments in Equipment and Facilities.
4. Communication from the Mayor re: Appointments of Samantha Khosla, Alan Slattery, & Pam Wilderman and the Reappointment of Lee Wright to the Historical Commission for terms of three years to expire from date of City Council confirmation.
5. Communication from City Solicitor Rider re: Acceptance of Bouffard Drive as a Public Way in proper legal form, Order No. 17-1006799A.
6. Communication from Assistant City Solicitor Panagore Griffin re: Order Affirming and Clarifying the Order of Taking by Eminent Domain of Permanent and Temporary Easements-East Main St. Reconstruction Process, Order No. 16/17-1006732A.
7. Communication from the Planning Board re: Favorable Recommendation of Acceptance of Bouffard Dr. as a Public Way, Order No. 17-1006799A.
8. Communication from the Planning Board re: Favorable Recommendation for Proposed Six-Month Cessation of Acceptance of Applications for Special Permit Housing Projects, Order No. 17-1007784A.
9. Communication from Attorney Eriksen, Walker Realty LLC, re: Proposed Zoning Amendment-Expansion and Modification of Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/17-1006443M.
10. Communication from Attorney McCay re: Effective Period of Housing Moratorium, Order No. 17-1006784A.
11. Communication from Attorney McCay re: Proposed Amendment to Housing Moratorium, Order No. 17-1006784A.
12. Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St.
13. Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.
14. Minutes, Conservation Commission, February 2, 2017.
15. Minutes, Assabet Valley Regional Technical High School, January 10, 2017.
16. Minutes, Recreation Commission, October 19 & November 9, 2016.
17. Minutes, Planning Board, January 23, 2017.
18. Minutes, Commission on Disabilities, September 6 & October 4, 2016.
19. Minutes, Traffic Commission, January 31, 2017.
20. Minutes, Library Board of Trustees, February 7, 2017.
21. Minutes, License Board, January 25, 2017.
22. Minutes, Board of Health, January 10, 2017.
23. CLAIMS:
 - a. Michael & Suzanne McPhee, 636 Stow Rd., residential mailbox claim 2(b).
 - b. Amanda Cote, 675 Brigham St., pothole or other road defect.
 - c. James Brangiforte, 1 Avebury Ln., pothole or other road defect.
 - d. David Norton, 59 Hutchinson Dr., residential mailbox claim 2(b).
 - e. Jason Page, 96 Hosmer St., residential mailbox claim 2(a).

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.

- f. John Coleman, 72 Felton St., other property damage and/or personal injury.
- g. Marina Glennon, 57 Collins Dr., residential mailbox claim 2(b).

REPORTS OF COMMITTEES:

24. **ORDERED:** That the Mayor and DPW Commissioner discuss with the Operations and Oversight Committee the use of all vehicles given to city employees.Submitted by: Councilors Elder and Delano.

UNFINISHED BUSINESS:

From Public Services Committee

25. **Order No. 16-1006656A - Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens Street. Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 6-1006656A – Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens Street with the following two (2) conditions submitted by the City Engineer:**
1. **The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.**
 2. **The new poles shall be located such that ADA Accessibility Requirements are maintained along the sidewalk (the poles shall be located at the front or at the back of the sidewalk to maximize clear space along sidewalk).**
- The motion carried 3-0.**
26. **Order No. 17-1006801 - Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement. Motion made by Councilor Doucette, seconded by Chair, to recommend approval of Order No. 17-1006801 – Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement with the following condition submitted by the City Engineer: The utility companies shall expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.**
- The motion carried 3-0.**
27. **Order No. 17-1006799 - Communication from Attorney Bergeron regarding Acceptance of Bouffard Drive as a Public Way, XB-1005405, 14-1006010, 14-1006096, & 16-1006425. Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 17-1006799 – Communication from Attorney Bergeron requesting the Acceptance of Bouffard Drive as a Public Way. The motion carried 3-0.**
- Motion is in order to refer the matter to the City Solicitor with request that the required documents, in proper legal form, to finalize the acceptance of Bouffard Drive as a Public Way, be placed on the March 13, 2017 regular meeting agenda – Note that the Planning Board recommendation is forthcoming.*



RECEIVED
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CITY OF MARLBOROUGH

2017 MAR -9 A 10: 23

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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FEBRUARY 27, 2017

Regular meeting of the City Council held on Monday, FEBRUARY 27, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Absent: Juaire. Meeting adjourned at 8:43 PM.

ORDERED: That the Minutes of the City Council meeting February 6, 2017, **FILE;** adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Mina Property Group LLC, to construct a commercial automotive facility on less than 1 acre of land, 408 Maple Street, Order No. 17-1006800, all were heard who wish to be heard, hearing recessed at 8:06 PM.

The City Clerk read the following certification from Councilor-at-Large Peter Juaire:

- A. Certification from Councilor-at-Large Peter Juaire, as required under Chapter 79 of the Acts of 2006, re: Special Permit, Mina Group LLC, 408 Maple Street.

Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Oram, Ossing & Robey.

Absent: Juaire

ORDERED: That the transfer request in the amount of \$16,622.00 which moves funds from Stabilization-Open Space to Open Space Acquisition to purchase 5.2 acres on Fitchburg Street as this parcel is important for the City to maintain for watershed protection, **APPROVED;** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		Mayor				FISCAL YEAR:		2017	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,018,391.25	\$16,622.00	83600	32918	Stabilization-Open Space	\$16,622.00	18300006	58170	Open Space Acquisition	\$1,600.00
Reason:					Purchase of parcel off Fitchburg Street				
	\$16,622.00	Total			\$16,622.00	Total			

ORDERED: That the Fire Department transfer request in the amount of \$56,131.02 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back payments for two retirees, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$733,779.70	\$56,131.02	11990006	57820	Reserve for Salaries	\$56,131.02	12200003	51920	Sick Leave Buy Back	\$28,881.18	
Reason:					To fund sick leave buy back for two retirements					
	\$56,131.02	Total			\$56,131.02	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY17 Senior Safe and FY17 Student Awareness of Fire Education (S.A.F.E.) Grants awarded to the Fire Department in the amounts of \$2,996.00 and \$5,641.00 respectively to provide fire awareness and educational programs to the senior and student population; adopted.

ORDERED: That the Appointment of Lt. David Giorgi to Chief of Police for term of four years to commence on April 1, 2017, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Jared Falcon to the Zoning Board of Appeals as an alternate member for a term of two years to commence upon City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln Street until 10:00 PM, April 25, 2017, Order No. 16/17-1006735B, **APPROVED**; adopted.

ORDERED: That the Communication from Walker Realty LLC re: Apex Monument Signage, Order No. 16/17-1006634L, **APPROVED**; adopted.

President Clancy orally reported Approval via a hand vote of 8-2. (Councilors Robey and Irish opposed) Councilor Juairé was absent.

ORDERED: That the Minutes, Conservation Commission, January 5 & January 19, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, March 8, April 5, May 13, June 7 & August 2, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, January 3, 2017, **FILE**; adopted.

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

- a. Danilo Marinho, 29 Pleasant Street #1, pothole or other road defect.
- b. Janice Delvecchio, 36 Ash Street, other property damage and/or personal injury.
- c. David & Diane Linton, 110 White Tail Lane, Lancaster, other property damage and/or personal injury.
- d. Julie Moreau, 27 Briarwood Lane #3, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday February 13, 2017
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy, Landers, and Juaire were also in attendance.

The meeting convened at 7:05 PM.

1. **Order No. No. 17-1006810 – Mid-Year Transfers in the amount of \$1,612,298.** The Finance Committee reviewed the Mayor's letter dated February 2, 2017 requesting mid-year transfers from within the existing budget in the amount of \$1,612,298. The Finance Committee voted 5–0 to approve the mid-year transfers.
2. **Order No. 17-1006811 – Grant for \$2.7 million for the East Main Street Renovation Project.** The Finance Committee reviewed the Mayor's letter dated February 2, 2017 requesting the approval of a \$2.7 million grant from the state Mass Works Infrastructure Program for the East Main Street Revitalization Project. The Finance Committee voted 5 – 0 to approve the grant.

The Finance Committee agreed to support suspending the rules at the February 27, 2017 City Council meeting to approve both Orders.

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

Meeting Name: City Council Public Services Committee

Date: February 13, 2017

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 5:57 PM

Present: Chairman Landers; Public Services Committee Members Councilor Irish and Doucette; Councilors Clancy and Robey

Also Present: Crystal Tognazzi (National Grid); Thomas DiPersio, Jr., P.E. (City Engineer, City of Marlborough); Arthur Bergeron (Attorney, Mirick O'Connell); Donald Rider, Jr. (City Solicitor, City of Marlborough)

Reports of Committees Cont'd:

Order No. 16-1006656A - Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconstruction on Stevens Street. Crystal Tognazzi, National Grid representative, explained this request was for a reconstruction job for the installation of larger spacer cable for more reliability on Stevens Street. By placing the larger, heavier wires on the poles, it requires additional guying in some locations with the proposed installation of two stub poles P62-84 and P68-84 directly across the street from their associated poles with proposed sidewalk anchors in each location no more than six feet behind the stub pole.

Chairman Landers read conditions for the project as required by the City Engineer:

1. The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.
2. The new poles shall be located such that ADA Accessibility Requirements are maintained along the sidewalk (the poles shall be located at the front or at the back of the sidewalk to maximize clear space along sidewalk).

Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 6-1006656A – Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconstruction on Stevens Street with the following two (2) conditions submitted by the City Engineer:

1. The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.
2. The new poles shall be located such that ADA Accessibility Requirements are maintained along the sidewalk (the poles shall be located at the front or at the back of the sidewalk to maximize clear space along sidewalk).

The motion carried 3-0.

Order No. 17-1006801 - Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement. Crystal Tognazzi, National Grid representative, explained existing pole P-4 has an old type recloser and an upgrade to the new type recloser requires a ground grid installation. The proposed relocation of existing pole P-4 and the stub guy pole P4-84 across the road necessitates their move twenty-five feet westerly from the corner of the lot located at 44 Concord Road to minimize the disturbance to that property.

Reports of Committees Cont'd:

Chairman Landers read the condition for the project as required by the City Engineer:

1. The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of Order No. 17-1006801 – Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement with the following condition submitted by the City Engineer: The utility companies shall expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street. The motion carried 3-0.

Order No. 17-1006799 - Communication from Attorney Bergeron regarding Acceptance of Bouffard Drive as a Public Way, XB-1005405, 14-1006010, 14-1006096, & 16-1006425. Thomas DiPersio, City Engineer, explained this is a roadway acceptance that dates back to 2003. Although they had an acceptance plan in Mylar form, they did not have the deeds from the developer to convey the roadway and easements to the City. By letter dated December 19, 2016 to the Department of Public Works, Attention Tim Collins, Attorney Bergeron delivered the executed original deed from Thomas H. Niles, the successor in interest to J. Giles Development Co., Inc. to the City of Marlborough regarding the fee interest in Bouffard Drive and enclosed his affidavit regarding the title to this matter, together with the affidavit of Thomas H. Niles. There are two utility easements and a drainage easement that would be accepted as part of the roadway with the City accepting the rights and those easements as part of the acceptance. **Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 17-1006799 – Communication from Attorney Bergeron requesting the Acceptance of Bouffard Drive as a Public Way. The motion carried 3-0.**

Motion is in order to refer the matter to the City Solicitor with request that the required documents, be put in proper legal form, to finalize the acceptance of Bouffard Drive as a Public Way, and be placed on the March 13, 2017 regular meeting agenda – Note that the Planning Board recommendation is forthcoming.

Motion made by Councilor Doucette, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 5:57 PM.

Reports of Committees Cont'd:

Councilor Elder made the following **oral report** to City Council. The items remain in Committee.

Meeting Name: City Council Operations & Oversight Committee

Date: February 13, 2017

Time: 6:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 6:00 PM – Adjourned: 7:03 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Doucette, Irish, and Juaire

Also Present: Trish Pope (Executive Director, Council on Aging); Christine Alessandro (Executive Director, BayPath Elder Services); Arthur Bergeron (Attorney); Mayor Arthur Vigeant

Order No. 15-1006381: Communication from Mayor Vigeant regarding the ACT on Alzheimer's initiative, a grassroots initiative to create dementia friendly communities raising awareness of the disease; and Order No. 17-1006798: Communication from Mayor Vigeant re: Dementia Friendly Community Initiative together with letter from COA Director Pope to update the Operations and Oversight Committee on the results of the community survey and the next steps being taken to help Marlborough become a Dementia Friendly Community.

Chairman Elder explained Order Nos. 15-1006381 and 17-1006798 were taken up together as they were related with the more recent order providing an update from Council on Aging Director Trish Pope on the progress Marlborough has made towards being a Dementia Friendly Community.

Director Pope introduced Christine Alessandro, Executive Director of BayPath Elder Services, and Attorney Arthur Bergeron who sits on the committee. Ms. Pope explained when they came before the Operations and Oversight Committee in December of 2015, they promised to provide an update prior to their community meeting.

Ms. Alessandro noted it has been an interesting year and Marlborough has done some tremendous things including a community survey where over one-hundred surveys were distributed and collected. The results are significant for drawing a road map for the future, to make the community dementia friendly, some plans are in place and underway from the survey and they have a priority list for actions. She believed it was significant that the community will be able to take the next steps to move forward.

Mr. Bergeron wished to make people aware they will be holding a public meeting on Saturday, March 4th at the Senior Center. He encouraged people to come and talk about the suggestions they have and priorities based upon recommendations from the survey for the first year. Also, it would be a good opportunity to learn about other things they should focus on. The goal of the exercise is to get the community involved in the process.

Reports of Committees Cont'd:

Ms. Pope started this initiative with colleagues in Northborough and Hudson through a grant from BayPath Elder Services and they have moved along in the process at the same pace. They initially thought their plans would be different but much to their surprise, their communities surveyed pretty much the same. There was no surprise that education, not only community education but the education of people in public places where those with dementia are out and about in the community. They have learned a lot and are excited about the community meeting on March 4th. The meeting will be held Saturday, March 4th at the Senior Center with registration beginning at 8:30 AM, a presentation at 9:00 AM with discussion following the presentation at 10:00 AM with the morning wrapping up between 11:00 – 11:30 AM. The local cable will be there to televise the meeting.

President Clancy asked if there were any training session for the first responders. Ms. Pope indicated they have some training in place and are looking for additional opportunities.

BayPath got a small grant for each community, about \$3,000, that they were required to sell quickly and each community spent it differently. Marlborough spent it's grant on a website and Ms. Pope explained they not only got a great website but support for it for at least the next two years.

Mr. Bergeron explained one of their committee members is part of the nursing program at Assabet which has committed to being a dementia friendly school. Program by program, they will help students understand the unique problems they could face when dealing with individuals who have dementia.

Councilor Doucette asked about responding to individuals with dementia who may be pulled over and as part of the engagement, what is the impact on public safety. Mr. Bergeron explained part of the process is figuring out the protocols and who is involved? He explained about a registry which would allow first responders to be aware if an individual has dementia, it is not to criminalize a person but identify those with a problem.

Councilor Juare thought it was incredible with the City taking initiative on this and asked what would happen if they find someone? Ms. Pope explained there was a list of resources and any inquiries submitted to the website would be answered within twenty-four hours. Mr. Bergeron referenced the registry and that it would contain a list of contact information for an individual and who should be notified if someone is found in the community.

Councilor Robey congratulated them on their work and mentioned that caregivers can become isolated as they can become embarrassed and avoid going out. Community awareness would lessen this and allow them to enjoy their community those who understand their situation.

Motion made by Councilor Robey, seconded by Chair, to Accept and File the Communications under Order No. 15-1006381 and Order No. 17-106798. The motion carried 3-0.

Reports of Committees Cont'd:

Order No. 16-1006731: Communication from Mayor Vigeant submitting to the City Council the Downtown Marlborough Parking Analysis prepared for the Marlborough Economic Development Corporation, 91 Main Street, Suite 204, Marlborough, MA.

Chairman Elder explained he had concerns that the parking study was done 3-3.5 years ago and since it was done, they have approved projects for the downtown area. He hoped for a more updated study taking into account the Fish project, pocket park development on Main Street and Bolton Street.

Mayor Vigeant agreed that it made sense to keep a close eye on it as the parking study was done in Fall of 2013. But basically nothing has changed, there are no new units requiring additional parking. He is in the process of implementing a parking plan for the garages once construction starts for the first complex which ever one that may be. Part of the plan included permitting a floor or section of the parking garages. Anyone can buy a permit, not just those living in the new units. He suggested a cost between \$500-700 per year, annually for parking on a certain level. The City has also advertised for a traffic enforcement person and there has not been a lot of interest in the position.

Chairman Elder indicated the City Council does not own or oversee the garages and asked whether the Community Development Authority (CDA) is ultimately responsible for regulations. The Mayor responded with a yes and no. The CDA relinquished their authority to the City but the City Council has never accepted the authority over it and it is currently in limbo. The City has maintained the garages for a long time as the CDA has never maintained them because they do not have the funds to do so. They technically own two parking structures and the large lot across from the Vin Bin.

Chairman Elder requested clarification if the Mayor wished to implement those changes, would the requests to the CDA or the City Council. The Mayor explained as far as implementing substantial changes, the CDA can be updated and they can relinquish authority at any time.

Chairman Elder stated that for three-quarters of the year, there is no parking issue in downtown Marlborough however when it starts to snow in the winter, it becomes an issue. He drove through the parking garages and observed twenty cars covered in snow from the weekend's storm. Businesses, City Hall employees and customers have nowhere to park. He would like a more extensive parking study, especially in the winter when there are issues and after the approved units are built. It is always said there is no parking issue, but at some point there will be and how many units can the City take on before it becomes an issue.

Reports of Committees Cont'd:

Councilor Landers thought part of the problem is no one wants to park on the top levels when snow is forecast nor in the summer heat. He asked about the possibility of a roof being added to the garages. The Mayor explained they cannot add more to the existing structure but are considering a solar array which would provide coverage to the top levels. The Mayor also explained by charging for spaces, you change the behavior and mindset of people. According to the parking study, peak time is at 1:00 PM in the afternoon with sixty percent of the spaces are in use. There are one-thousand spaces in the downtown area, and six-hundred of those are used at 1:00 PM. MAPC will not change their plan as nothing has changed in the two and a half years since the study was done.

Chairman Elder requested if the permits could be dedicated to residents within half mile of the downtown. He would hate for someone who lived close to the downtown miss their opportunity for a space if they missed a deadline for sign-up.

President Clancy asked how many parking areas are owned by the CDA? The Mayor stated it was everything except for the street parking. President Clancy then asked would they be allowing permits for the garage or the use of a parking space. Some residents use the parking decks for long-term storage of their vehicles during the winter. President Clancy noted since nothing has changed, when the approved projects are built, then they can look at it again.

Chairman Elder asked if there were any rules or regulations on how long one could park in the garages. The Mayor stated there are but he did not know the details off hand.

Councilor Irish asked if there was anything on the City's website that lists parking areas within the City. The Mayor stated one of the recommendations was to put up more signage for parking and maybe they still need to do more. However, there is nothing on the website.

Councilor Doucette agreed that some sort of map for parking would be good and he proceeded to ask about parking stations for electric cars and the Mayor indicated they are working on that.

Councilor Juaire asked about the solar panels behind City Hall and their choice over other options. The Mayor explained the cost of an additional floor with a roof for the garage would cost \$5 million, just a roof would cost \$1.5 million and the solar panels cost is significantly less and they act as a roof.

Councilor Robey reminded everyone that the Fish project was limited by the weather as the roof mechanicals required removal and installation on the new roof and that window of opportunity was missed the previous year. Councilor Robey questioned the reasoning behind receiving the payment in lieu of parking. The Mayor explained the garages still required regular maintenance as \$1 million was spent repairing and painting them the previous year.

Motion made by Councilor Robey, seconded by Chair, to table. The motion carried 3-0.

Motion made by Councilor Robey, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:03 PM.

Suspension of the Rules requested - granted

ORDERED: That the Mid-year transfer requests as detailed in the spreadsheets below, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police				FY:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$315,528	\$11,500.00	12100003	51440	Educational Incentive	\$11,500.00	12100001	50500	Police Captains	\$71,066
	Reason:	Accounting/charging discrepancy				Contract settled after budget was submitted			
\$315,528	\$78,320.00	12100003	51440	Educational Incentive	\$78,320	12100001	50510	Police Lieutenants	\$149,076
	Reason:	Accounting/charging discrepancy				Contract settled after budget submitted and temp. lieutenant			
\$45,373	\$45,373.00	12100003	50540	Chief Dispatcher	\$45,373	12100003	51213	Public Safety Dispatchers	\$134,836
	Reason:	Chief Dispatcher retired				Chief dispatcher position not filled yet			
\$99,934	\$10,000.00	12100003	51490	Holiday	\$10,000.00	12100006	52560	Vehicle Repair & Maint.	\$9,686
	Reason:	Sunday holidays - fewer officers working				Older cruisers requiring more maintenance			
\$7,630	\$5,000.00	12100003	51920	Sick Leave Buy Back	\$5,000	12100005	54220	Office Supply/Expenses	\$12,441
	Reason:	Officers bought back fewer days than anticipated				Extra ammo needed for rifle training			
	\$150,193.00	Total			\$150,193.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	FIRE				FISCAL YEAR:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$582,218.32	\$125,000.00	12200001	50810	Fire Lieutenant	\$200,000.00	12200003	51300	Overtime	\$110,378.06
	Reason:	Funds available due to unfilled positions				Firefighter vacancies, retirements & medical absences			
\$1,354,422.77	\$53,975.80	12200001	50450	Firefighter	\$7,818.59	12200001	50335	Deputy Fire Chief	\$71,192.40
	Reason:	Funds available due to unfilled positions				Calculated amount for contractual obligation			
\$105,447.84	\$45,842.79	12200003	51440	Educational Incentive	\$5,000.00	12200006	51990	Meal Allowance	\$1,647.09
	Reason:	Funds available due to unfilled positions				Account balance will not be sufficient			
					\$12,000.00	12200006	52560	Vehicle Repair & Mnt.	\$36,873.13
	Reason:					Account balance will not be sufficient			
	\$224,818.59	Total			\$224,818.59	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:		Department of Public Works				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$2,600	\$2,000	60080003	51440	Educational Incentives-Sewer	\$2,000	60080003	51470	Interim Foreman-sewer	\$0	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17				
\$1,250	\$1,250	60081003	51440	Educational Incentives-East	\$2,204	60081003	51470	Interim Foreman-East WWTP	\$0	
	Reason:					Anticipated cost to cover remaining FY 17				
\$2,954	\$1,954	61090003	51430	Longevity-Water						
	Reason:	Vacant positions								
\$306	\$306	60085003	51430	Longevity-West WWTP	\$1,306	60085003	51470	Interim Foreman-W WWTP	\$429	
	Reason:					Anticipated cost to cover remaining FY 17				
	\$5,510	Total			\$5,510	Total				

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$2,954	\$1,000	61090003	51430	Longevity-Water	\$3,000	61090003	51470	Interim Foreman-Water	\$1,356	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17				
\$3,540.00	\$2,000	61090003	51440	Educational Incentive-Water						
	Reason:	Vacant positions								
\$47,807.26	\$47,807	61090001	50460	Water Meter Reader	\$56,000	61090003	51310	OT-Water	\$36,110	
	Reason:	vacant position				Anticipated cost to cover remaining FY 17				
\$12,459.30	\$12,459	61090003	51920	Sick Leave Buy Back-Water	\$4,267	61090003	51240	Temp. Part Time Help	\$3,380	
	Reason:	Vacant position								
	\$63,267	Total			\$63,267	Total				

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$56,500.00	\$45,000	14001002	50062	Finance Analyst	\$47,620	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant position				Anticipated costs to cover remaining of FY 17			
\$339.61	\$339	14001003	51430	Longevity-Admin					
	Reason:	vacant position							
\$728.34	\$728	14001003	51920	Sick Leave Buy Back					
	Reason:	vacant position							
\$506.29	\$506	14001103	51430	Longevity					
	Reason:	vacant position							
\$1,046.24	\$1,046	14001103	51920	Sick Leave Buy Back-Eng					
	Reason:	vacant position							
	\$47,620	Total			\$47,620	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$131,326.15	\$30,000	14001301	50690	Foreman-Streets	\$6,000	14001103	51310	Overtime-Engineering	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$348,965.16	\$30,000	14001303	50740	Equipment Operator-Streets	\$12,500	14001303	51310	Overtime-Streets	\$2,311
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$1,801.20	\$1,801	14001303	51430	Longevity-Streets	\$20,000	14001503	51310	Overtime-Parks	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$2,113.54	\$2,114	14001303	51920	Sick Leave Buy Back-Streets	\$23,619	14001503	51240	Temp Help-Parks	\$3,090
	Reason:	vacant position				Anticipated costs to cover remainig FY 17			
\$704.41	\$704	14001403	51430	Longevity-Fleet	\$2,500	14001002	50520	Principal Clerk-Engineering	\$16,959
	Reason:	vacant position				Increase due to retirement			
	\$64,619	Total			\$64,619	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,801.32	\$4,801	14001403	51920	Sick Leave Buy Back-Repair	\$50,000	14001504	53140	Contract Services-Parks	\$47
	Reason:	Vacant position			Anticipated cost for remaining FY 17				
\$344,629.45	\$70,000	14001503	50740	Equipment Operators-Parks	\$33,599	14001505	54610	General Materials-Parks	\$47
	Reason:	vacant positions							
\$1,385.80	\$1,386	14001503	51430	Longevity-Parks					
	Reason:	vacant positions							
\$411.73	\$411.73	14001503	51920	Sick Leave Buy Back-Parks					
	Reason:	vacant positions							
\$35,913.26	\$7,000.00	60080001	50570	Chemist					
	Reason:	vacant position							
	\$83,599	Total			\$83,599	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
42,121.13	\$42,121.13	14001301	50660	Assitant Engrnr	\$42,121.13	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	Vacant positions			Anticipated costs to cover remaining FY 17				
\$31,251.23	\$31,251.23	11920001	50300	Assistant Director-Facilities	\$46,251.23	11920006	52469	Repair and Maint/Facilities	\$57,287
	Reason:	Vacant position			Anticipated costs to cover remaining FY 17				
\$83,904.33	\$15,000.00	11920003	50560	Custodian					
	Reason:	Vacant position							
	\$88,372	Total			\$88,372	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,844.25	\$2,844.25	60080003	51920	Sick Leave Buy Back-Sewer	\$28,744.00	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant positions			Anticipated costs to cover remaining of FY 17				
\$3,424.02	\$3,424.02	60081003	51920	Sick Leave Buy Back-East Plant					
	Reason:	vacant position							
\$2,475.95	\$2,475.95	60085003	51920	Sick Leave Buy Back-West Plant					
	Reason:	vacant position							
\$39,677.52	\$20,000.00	61090001	50680	General Foreman-Water/Sewer					
	Reason:	vacant position							
	\$28,744	Total			\$28,744	Total			

BUDGET TRANSFERS -

DEPT:		Various			FISCAL YEAR:		2017		
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$34,904.22	\$20.00	11440001	50042	Collector	\$20.00	11440002	50770	Senior Clerk-Collector	\$35,997.36
	Reason:	Funds available			To fund line item through 6/30/17				
\$101,564.65	\$5,400.00	15430006	57710	Veterans Benefits	\$5,400.00	15430001	50080	Veterans Agent	\$15,092.50
		Benefits running slightly lower than budgeted			To fund shortage due to a retirement				
\$1,360.92	\$400.00	11110005	54220	Office Supplies-Council	\$400.00	11110002	50401	P.T. Senior Clerk-Council	\$9,062.34
	Reason:	Funds available			To fund line item through 6/30/17				
\$381.12	\$380.00	15410003	51920	Sick Leave Buy Back-COA	\$1,210.00	15410001	50312	Outreach Worker-COA	\$14,859.72
	Reason:	Funds available			To fund shortage due to a resignation				
\$13,240.30	\$1,280.00	15410006	57075	Transportation-COA	\$450.00	15410001	50996	Social Service Coordinator	\$6,195.00
	Reason:	Funds available.			To fund line item through 6/30/17				
	\$7,480.00	Total			\$7,480.00	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		Various				FISCAL YEAR:		2017		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Account Description:	Amount	Account Description:	Available Balance			
		Org Code	Object			Org Code	Object			
\$1,805.00	\$1,805.00	11610004	53180	Professional & Tech-Clerk's	\$3,344.13	11610004	53150	Advertising-Clerk's	\$1,705.40	
		Reason: Funds available				To fund line item through 6/30/17				
\$1,738.88	\$1,100.13	11620004	53930	Printing-Electons						
		Reason: Funds available								
\$439.00	\$439.00	11620004	53932	Election Programming						
		Reason: Funds available								
\$758.20	\$758.00	12410003	51920	Sick Leave BuyBack-Inspec	\$3,500.00	12410006	57100	Instate Travel-Inspections	\$81.84	
		Reason: Funds available				To cover inspections through 6/30/17				
\$29,779.55	\$2,742.00	12410001	50380	Electrical Inspector						
		Reason: Funds available.								
	\$6,844.13	Total			\$6,844.13	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		Various				FISCAL YEAR:		2017		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Account Description:	Amount	Account Description:	Available Balance			
		Org Code	Object			Org Code	Object			
\$9,253.78	\$1,000.00	14920003	50999	Events Coordinator-Recreatr	\$1,567.00	14920001	50166	Recreation Program Mgr	\$22,994.01	
		Reason: Funds available				To fund line item through 6/30/17				
\$17,582.85	\$193.00	14920007	53610	Equipment-Youth Activities						
		Reason: Funds available								
\$28,342.59	\$374.00	14920001	50110	Recreation Director						
		Reason: Funds available								
\$53,692.87	\$1,035.00	15120001	50390	Nurse-Board of Health	\$1,035.00	15120001	50611	Assistant Sanitarian	\$42,951.50	
		Reason: Funds available				To fund line item through 6/30/17				
\$395,000.00	\$5,500.00	17520006	59254	Interest on BAN	\$5,500.00	11940006	51660	Widows Pensions	\$17,983.88	
		Reason: Funds available.				To fund line item through 6/30/17				
	\$8,102.00	Total			\$8,102.00	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$53,692.87	\$24,965.00	115120001	50390	Nurse-Board of Health	\$2,841.00	11110003	51920	Sick Leave BuyBack-Council	\$0.00	
	Reason:	Funds available				To fund FY17				
\$25,542.46	\$10,000.00	11510006	57600	Claims & Judgements	\$3,434.00	11110003	51430	Longevity-Council	\$0.00	
		Funds available				To fund FY17				
\$669,388.72	\$78,110.00	60075106	58966	16 Multi Purpose Interest	\$13,000.00	11520004	53140	Contract Services-HR	\$7,000.00	
	Reason:	Funds available				To fund assessment center for police chief search				
					\$94,000.00	11510004	53110	Legal Services	\$50,751.45	
	Reason:					To fund line item through 6/30/17				
	\$113,075.00	Total			\$113,075.00	Total				

BUDGET TRANSFERS -

DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$127,019.57	\$127,019.57	11990006	57820	Reserve for Salaries	\$16,740.20	14001303	50740	Equipment Operators-Sta	\$322,572.98	
	Reason:					Retirement				
\$885,000.00	\$124,336.28	60071108	59966	16 Multi Purpose Bond	\$19,116.65	14001303	51920	Sick Leave BuyBack-Sta	\$2,113.54	
		Funds available				Retirement				
					\$38,000.00	12100001	50140	Police Chief	\$68,361.00	
	Reason:					Retirement				
					\$80,000.00	12100003	51920	Sick Leave BuyBack-Police	\$7,630.41	
	Reason:					Retirement				
					\$3,000.00	12100001	50500	Police Captains	\$67,314.08	
	Reason:					Contractual agreement				
					\$9,000.00	12100001	50510	Police Lieutenants	\$138,740.86	
	Reason:					Contractual agreement				
					\$12,000.00	12100001	50820	Police Sergeants	\$288,632.85	
	Reason:					Contractual agreement				
					\$73,500.00	12100001	50420	Police Officers	\$1,345,137.88	
	Reason:					Contractual agreement				
	\$251,355.85	Total			\$251,355.85	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Comptroller				FISCAL YEAR:		2017	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$75,000.00	\$5,000.00	61071106	59956	06 Multi Purpose Bond	\$5,000.00	61071106	59954	05 Multi Purpose Bond	\$0.00
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
\$1,620,000.00	\$28,000.00	17110006	59966	16 Multi Purpose Bond	\$28,000.00	13800006	59966	16 Multi Purpose Bond	\$161,000.00
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
\$28,000.00	\$700.00	61075106	59956	06 Multi Purpose Bond	\$700.00	17510006	59956	06 Multi Purpose Bond	\$52,000.00
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
\$669,388.72	\$205,000.00	60075106	59966	16 Multi Purpose Bond	\$205,000.00	17510006	59966	16 Multi Purpose Bond	\$485,000.00
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
\$885,000.00	\$230,000.00	60071106	59966	16 Multi Purpose Bond	\$50,000.00	11330006	57850	Bond Issue Expense	\$43,935.52
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
					\$100,000.00	60019906	58890	Bond Issue Expense	\$33,549.49
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
					\$80,000.00	60019906	58891	Loan Origination Fee	\$17,719.60
		Reason: Reclassify to correct account				Reason: Reclassify to correct account			
	\$468,700.00	Total			\$468,700.00	Total			

Suspension of the Rules requested - granted

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the MassWorks Infrastructure Program Grant Acceptance in the amount of \$2.7 million from the Executive Office of Housing and Economic Development (EOHED) earmarked for the East Main Street Revitalization Project; adopted.

Suspension of the Rules requested - granted

ORDERED: That the Communication from Attorney Bergeron regarding Acceptance of Bouffard Drive as a Public Way, XB-1005405, 14-1006010, 14-1006096, & 16-1006425, refer the matter to City Solicitor with request that the required documents, in proper legal form, to finalize the acceptance of Bouffard Drive as a Public Way, be placed on the March 13, 2017 regular meeting agenda; adopted. Note that the Planning Board recommendation is forthcoming.

ORDERED: That the Police Department transfer request in the amount of \$170,000.00 which moves funds from and to various accounts as noted below to continue funding overtime costs, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:	Police						FY:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,732,925	\$170,000.00	12100001	50420	Police Officers	\$170,000.00	12100003	51310	Overtime - Regular	\$66,527	
	Reason:	Surplus due to vacancy and injuries:					Vacancies and injuries requiring OT to fill shifts			
	\$170,000.00	Total			\$170,000.00	Total				

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough as amended, be further amended in Chapter 125, Section 6 "Salary Schedule" as follows:

Non Union Employees								
Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Assistant Chief	January 23, 2017							\$140,000.00
	July 1, 2017							\$142,800.00

Marlborough Fire Department		
Position	Effective Date	Base Salary
Battalion Chief	January 23, 2017	\$86,190.22
	July 1, 2017	\$87,914.02

APPROVED; adopted.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: That pursuant to § 14 of Chapter 40 of the General Laws of Massachusetts, the City, acting by and through the City Council of the City of Marlborough, does hereby accept title, by deed of conveyance, from the Marlborough Community Development Authority to the fee simple interest in a certain parcel of below-described land located at 20 Witherbee Street, Marlborough, MA, the purposes of which land shall be for public library uses including but not limited to parking, said deed to be recorded herewith at the Middlesex County South Registry of Deeds:

That certain parcel containing about five-thousand ninety-six and 52/100 (5,096.52) square feet, or 0.117 acres, more or less, also known as 20 Witherbee Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 236, and recorded at the South Middlesex County Registry of Deeds at Book 53208, Page 549.

And that pursuant to § 15A of chapter 40 of the General Laws of Massachusetts, the City Council of the City of Marlborough hereby transfers the below-described portion of land of the City of Marlborough, being less than the entire land or parcel of land located at 355 Bolton Street, from general municipal purposes to the purposes of a grant of easement,

And further, that in exchange for the above-described fee simple interest in land of the Marlborough Community Development Authority, pursuant to § 3 of chapter 40 of the General Laws of Massachusetts the City Council hereby authorizes the Mayor to grant to the Marlborough Community Development Authority said easement, which shall be a permanent easement for parking purposes for the Bolton Street Senior Housing located at 397 Bolton Street, Marlborough, MA, in said certain portion of land being described on Exhibit "A" attached hereto and made a part hereof, said grant of easement to be recorded herewith at the Middlesex County South Registry of Deeds.

APPROVED; adopted.

Yea: 10 – Nay: 0 – Absent: 1

Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Oram, Ossing, & Robey

Absent - Juairé

Exhibit "A"
LEGAL DESCRIPTION
Parking Lot Easement Over Land of the City of Marlborough

An easement, containing 47,787 square feet, more or less, located on a certain parcel of land owned by the City of Marlborough, 140 Main Street, Marlborough, MA and situated at 355 Bolton Street, Marlborough, MA, for the benefit of the tenants of the Bolton Street Senior Housing located at 397 Bolton Street, Marlborough, MA for the purposes of parking and a shed, being more particularly bounded and described as follows:

Beginning at a point, along the southerly property line at 397 Bolton Street. 224.11± feet from the southwesterly corner of the property at its intersection with Bolton Street, thence continuing in a southerly direction and along a line parallel to and offset 25-foot west of the easterly property line for 397 Bolton Street for a distance of 10.35± feet to a point, thence turning and running in an easterly direction along a line parallel to and offset 10-foot south of the property line for 397 Bolton Street for a distance of 72.49± feet to a point, thence turning and running in a northerly direction along a line parallel to and offset 45-foot east of the property line for 397 Bolton Street for a distance of 10.35± feet to a point, thence turning and running in an easterly direction along an extension of the southerly property line of 397 Bolton Street for a distance of 283.36± feet to the rear (easterly) property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), thence turning and running in a northerly direction along the easterly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), three courses, a distance totaling 111.94± feet to the northeast corner of that property, thence turning and running in a westerly direction along the northerly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), a distance of 294.87 feet to the northeast property corner of the property at 397 Bolton Street, thence turning and running in a southerly direction along the easterly property line for 397 Bolton Street for a distance of 200.00 feet to the southeast corner of the property at 397 Bolton Street, thence turning and running in a westerly direction along the southerly property line for 397 Bolton Street, for a distance of 25.89± feet to the point of beginning.

QUITCLAIM DEED

The Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 ("Grantor"), for consideration paid of one and 00/100 dollar (\$1.00),

grants to the City of Marlborough, a Massachusetts municipal corporation having an address at 140 Main Street, Marlborough, Massachusetts 01752 ("Grantee"),

with quitclaim covenants

all right, title and interest in the Grantor in and to the fee in the land in said Marlborough, Middlesex County, Massachusetts, with the improvements thereon, situated on the southerly side of Witherbee Street, bounded and described as follows:

Beginning at a point on the southerly side of Witherbee Street and at land now or formerly of Melvin C. Nott, thence westerly along the southerly side of said street fourteen (14) inches, more or less, to land now or formerly of Helen E. Rice; thence running southerly along the course of an old iron fence by said last mentioned land seventy and 3/10 (70.3) feet to land now or formerly of John L. Stone; thence turning and running easterly along said last mentioned land fourteen (14) inches, more or less, to said land not or formerly of Melvin C. Nott; thence northerly by said last mentioned land seventy and 3/10 (70.3) feet to the point of the beginning;

Also another parcel of land in said Marlborough situated on the southerly side of Witherbee Street, abutting the above described premises on the east, bounded and described as follows: Beginning at the northwesterly corner thereof at a point on the southerly side of Witherbee Street and at land now or formerly of John L. Stone, thence southerly by said last mentioned land seventy (70) feet to land of the City of Marlborough; thence easterly by said last mentioned land seventy-two (72) feet to land now or formerly of Gammage; thence northerly by said last mentioned land seventy (70) feet to said street; thence westerly by said street to the point of beginning.

Containing about five-thousand ninety-six and 52/100 (5,096.52) square feet, or 0.117 acres, more or less. Said parcel of land is also known as 20 Witherbee Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 236.

Said parcel conveyed subject to and with the benefits of easements, rights, restrictions, and agreements of record, if there are any, insofar as the same are now in force and applicable.

The conveyance does not constitute a sale of all or substantially all of the assets of the Marlborough Community Development Authority, and is made in the ordinary course of business pursuant to the vote of May 30, 2013 of the Marlborough Community Development Authority.

For Grantor's title, see the deed recorded with the South Middlesex County Registry of Deeds, Book 53208, Page 549.

20 Witherbee Street, Marlborough

Pursuant to M.G.L. c. 64D, § 1, no tax stamps are due in connection with this municipal transaction.

IN WITNESS WHEREOF, the Marlborough Community Development Authority has caused these presents to be executed, acknowledged and delivered as a sealed instrument in its name and behalf by Arthur G. Vigeant, its Chairman and Mayor of the City of Marlborough, hereunto duly authorized, this ____ day of _____, 201__.

Marlborough Community Development Authority
By Its Chairman,

Arthur G. Vigeant
Mayor, City of Marlborough

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Chairman of the Marlborough Community Development Authority and Mayor for the City of Marlborough, proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

GRANT OF EASEMENT

The City of Marlborough, a Massachusetts municipal corporation having an address at 140 Main Street, Marlborough, MA 01752 ("Grantor"), for consideration paid of one and 00/100 dollar (\$1.00), grants to the Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 ("Grantee"),

with quitclaim covenants,

a permanent easement for the purposes of parking by residents of the Bolton Street Senior Housing, 397 Bolton Street, Marlborough MA, including the right and easement to park vehicles, to maintain, remove, repair and replace the shed presently located thereupon, and to enter upon, pass and repass, excavate, locate, erect, construct, reconstruct, repair, replace, maintain, operate, and inspect pavement, structures, utilities, fixtures and appurtenances for said parking purposes, on, over, under and across land of the City of Marlborough, consisting of forty-seven thousand seven-hundred and eighty-seven (47,787) square feet, or 1.09 acres, more or less, being a certain portion of the parcel of land of the City of Marlborough located at 355 Bolton Street, Marlborough, MA, which parcel of land is shown on the Assessor's Map of the City of Marlborough as Map 43, Parcel 88, exclusive of the municipal sewer system located under said land and appurtenances thereto located under and on said land, including but not limited to castings, said certain portion of land of which the easement area is comprised being described on Exhibit "A" attached hereto and made a part hereof.

Grantee shall have the right to remove and clear all rocks, trees, brush, shrubs, and limbs which in the opinion of Grantee might interfere with the rights herein granted.

Grantor reserves the right to enter onto, and to pass and repass over, said land for the purposes of excavating, constructing, reconstructing, repairing, replacing, maintaining, operating, inspecting and removing structures, appurtenances and utilities relating to the municipal sewer system which is located under the subject easement and appurtenances thereto located under and on said land, including but not limited to castings, all of which is expressly excluded from this grant of easement. It is expressly understood that Grantor shall repair or replace pavement of the Grantee as may be removed by Grantor for said work to the municipal sewer system.

For Grantor's title, see deed to the City of Marlborough recorded with the Middlesex South District Registry of Deeds in Book 4501, Page 565.

The City of Marlborough grants the above-described easement to the Marlborough Community Development Authority pursuant to an Order adopted by the Marlborough City Council on _____, 20____, a copy of which is recorded herewith.

Grant of Easement at 355 Bolton Street, Marlborough, MA

Pursuant to M.G.L. c. 64D, § 1, no tax stamps are due in connection with this municipal transaction.

Executed as a sealed instrument by an authorized signatory this ____ day of _____, 201_.

City of Marlborough
By Its Mayor,

Arthur G. Vigeant

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 201_, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, Mayor for the City of Marlborough, proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Exhibit "A"**LEGAL DESCRIPTION****Parking Lot Easement Over Land of the City of Marlborough**

An easement, containing 47,787 square feet, or 1.09 acres, more or less, located on a certain parcel of land owned by the City of Marlborough, 140 Main Street, Marlborough, MA and situated at 355 Bolton Street, Marlborough, MA, for the purposes of parking by residents of the Bolton Street Senior Housing, 397 Bolton Street, Marlborough, MA, and a for a shed presently located thereon, said easement being more particularly bounded and described as follows, excepting therefrom the land beneath which is located the City of Marlborough sewer system and appurtenances thereto located under and on said land, including but not limited to castings:

Beginning at a point, along the southerly property line at 397 Bolton Street. 224.11± feet from the southwesterly corner of the property at its intersection with Bolton Street,

thence continuing in a southerly direction and along a line parallel to and offset 25-foot west of the easterly property line for 397 Bolton Street for a distance of 10.35± feet to a point,

thence turning and running in an easterly direction along a line parallel to and offset 10-foot south of the property line for 397 Bolton Street for a distance of 72.49± feet to a point,

thence turning and running in a northerly direction along a line parallel to and offset 45-feet east of the property line for 397 Bolton Street for a distance of 10.35± feet to a point,

thence turning and running in an easterly direction along an extension of the southerly property line of 397 Bolton Street for a distance of 283.36± feet to the rear (easterly) property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department),

thence turning and running in a northerly direction along the easterly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), three courses, a distance totaling 111.94± feet to the northeast corner of that property,

thence turning and running in a westerly direction along the northerly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), a distance of 294.87 feet to the northeast property corner of the property at 397 Bolton Street,

thence turning and running in a southerly direction along the easterly property line for 397 Bolton Street for a distance of 200.00 feet to the southeast corner of the property at 397 Bolton Street,

thence turning and running in a westerly direction along the southerly property line for 397 Bolton Street, for a distance of 25.89± feet to the point of beginning.

ORDERED: That the City Council for the City of Marlborough, having received a request from 320-330 Middlesex Avenue, LLC ("the LLC"), a Massachusetts limited liability company, with its principal office located at 85 Ames Street, Marlborough, Massachusetts and shown on the Marlborough Assessors Maps as Map 89, Parcels 3 and 78, to relocate an easement crossing the LLC's land at 85 Ames Street, does hereby consent to the relocation of the easement as depicted on a plan entitled "Easement Plan of Land in Marlborough, MA;" Owner: 320-330 Middlesex Avenue, LLC, 85 Ames Street, Marlborough, MA; Prepared by Bruce Saluk & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: January 24, 2017; Scale: 1" = 40'. Said easement was granted to the City of Marlborough in a 2002 deed from Arturo J. Gutierrez, Trustee of Marlborough/Northborough Land Realty Trust, recorded in the Middlesex South Registry of Deeds in Book 38482, Page 206, for the purpose of providing access to and egress from land, granted in that same deed to the City, which City-owned land is located on Glen Street and shown on the Marlborough Assessors Maps as Map 89, Parcel 3C. The City's consent to the relocation of the easement is based on the following findings:

1. The proposed relocation of the easement does not significantly lessen the utility of the easement for the City; and
2. The proposed relocation of the easement does not increase the burdens on the City in the use and enjoyment of the easement; and
3. The proposed relocation of the easement does not frustrate the purpose for which the easement was created; and
4. The LLC shall pay for all the costs of relocating the existing easement.

IT IS FURTHER ORDERED that the City Council accept the LLC's Easement Relocation Deed, attached hereto.

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM.



City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michelle Milano
EXECUTIVE AIDE

2017 MAR -9 A 11:48

Patricia Bernard
EXECUTIVE SECRETARY

March 9, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Fiscal Year 2017 Capital Investments Request

Honorable President Clancy and Councilors:

Please find enclosed for your approval the City of Marlborough Capital Investments request for Fiscal Year 2017. This package, comprised of bond requests as well as transfers from free cash submitted under a separate communication, represents high priority projects and addresses a number of infrastructure needs throughout the City.

The bond package represents more than \$18 million of investments in City streets, recreational facilities, and water and sewer infrastructure. From a new turf field at Marlborough High School multipurpose field to completing the reconstruction of Lincoln Street, these investments create a better quality of life for our residents.

By carefully investing in projects that upgrade our parks and playgrounds, we are prioritizing outdoor play, active recreation, and healthy living. Our initiatives to foster a healthy Marlborough continue in this proposal: a combined \$4.5 million investment in a new turf field at Marlborough High School and a renovation of the playing surface of the 1LT Charles W. Whitcomb School baseball field. It is my intention to submit a transfer from the meals tax revenue account to pay the bonds associated with the park upgrades.

By carefully investing in our transportation infrastructure, we improve the street design in our neighborhoods by installing new sidewalks and bike lanes. We also make Marlborough more attractive to employers and potential businesses by maintaining a street network that facilitates commerce. Making smart investments in our roads is also fiscally responsibly. Funds spent effectively today can mean future savings many times over; it is significantly less expensive to repair a road in fair condition than it is to completely reconstruct a road in poor condition.

By carefully investing in our water and sewer infrastructure, we are expanding our sewer system to new neighborhoods, enabling residents to use the City's sewer system rather than rely on septic systems and making our existing water and sewer systems more efficient and reliable.

Please note that if the City is to fund sewer system expansions, it will be necessary to enforce Section 510-2 of the Marlborough City Code which requires that property owners located 100 feet from a sewer line connect to the City's sewer system at their own expense.

In addition to the investments in the enclosed bond orders, I am planning to recommend that the City work with the Massachusetts Water Resources Authority to replace all lead service lines in all properties across Marlborough. This initiative would cost approximately \$5 million to replace the estimated 1,200 lead service lines remaining in Marlborough. The MWRA's lead service line replacement program offers communities 10 year no interest loan. While the City would have to authorize the full \$5 million bond amount to enter the program, communities are allowed to actually borrow the funds as they go, thereby reducing the debt burden at any one time. I believe the City would borrow \$1 million a year for five years in order to completely replace all lead service lines.

We are currently working on the details of the plan and will need MWRA approval. I will subsequently submit a bond order for this project.

Please also find enclosed a draft order to authorize the City to use the premium on the sale of bonds or notes (previously authorized by the City Council) to pay associated project costs and reduce the borrowing amount. This change is recommended by Comptroller Doheny to allow him to use the premiums to reduce project costs. Otherwise, under statute as revised by the Municipal Modernization Act last year, bond premiums will be reserved for authorization only on similar capital projects. The Comptroller will be available to answer any questions in detail as necessary.

These investments are the result of numerous collaborative meetings with both department heads as well as City Council members. They were carefully vetted and scrutinized to ensure we are addressing the City's greatest needs.

Comptroller Doheny, department heads, and I look forward to discussing these investments with you further. In the meantime, please do not hesitate to contact me with any questions.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur G. Vigeant', with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor

Enclosures

**CITY OF MARLBOROUGH
CAPITAL PROJECTS FY 2017**

Location	Description	Project Amount
STREETS		
Various Streets	Crack Sealing	\$125,000
Lincoln Street (Broad to Pleasant)	Reconstruction	\$1,500,000
Donald Lynch Boulevard	Reconstruction	\$3,200,000
Boudreau Avenue	Drainage	\$100,000
Street repair and maintenance, including mill and overlay, for the following:		\$4,610,000
Forest Street (Bartlett Street to Cedar Hill Street)		
Linda Circle		
Libby Avenue		
Wilson Street		
Beverly Drive		
Woodridge Road		
Farmington Road		
Kelleher Street		
Ahern Road		
Gibbs Place		
Shea Drive		
Schofield Drive		
Tassi Drive		
Sasseville Way		
Temple Circle		
State Street		
Johansen Drive		
Ridge Road		
Clearview Drive		
Simpson Road		
Roundtop Road		
Total Streets		\$9,535,000
WATER & SEWER		
Sudbury Street	Sewer Truck Line	\$1,000,000
Concord Road	Sewer Truck Line	\$1,000,000
Hayes Memorial Drive	Water Main Replacement	\$1,500,000
Sewer Pumping Stations	Reconstruction of two sewer pump stations	\$700,000
Lead Service Line Replacement Program		\$5,000,000
Total Water & Sewer		\$9,200,000
PARKS		
Whitcomb School Baseball Field	Natural turf project	\$1,000,000
Marlborough High School Multi-Purpose Field	Turf Field project	\$3,500,000
Total Parks		\$4,500,000
EQUIPMENT		
Public Works and Public Facilities		
Various City Fleet Replacements and Upgrades		\$810,000
Fuel Tank		\$240,000
Fire Alarms for Schools		\$325,000
Jaworek Elementary School Fence		\$40,000
DPW subtotal		\$1,415,000
Marlborough Fire Department		

Fire Engine	Engine 4	\$625,000
Fire Engine	Engine 5	\$625,000
SCBA		\$60,000
Personal Protective Equipment		\$125,000
Assistant Chief vehicle		\$55,000
	MFD subtotal	\$1,490,000
	Marlborough Police Department	
Patrol Rifles		\$30,000
Interview room recording equipment		\$20,000
Unmarked vehicles		\$90,000
Marked cruisers		\$168,000
	MPD subtotal	\$308,000
	Total Equipment	\$3,213,000
	Total debt service (includes lead replacement)	\$23,235,000
	Total Free Cash	\$3,213,000
	TOTAL PROJECTS	<u>\$26,448,000</u>

RECREATIONAL FIELDS		
Whitcomb School Baseball Field	Natural turf project	\$1,000,000
Marlborough High School Multi-Purpose Field	Turf Field project	\$3,500,000
	Total Parks	\$4,500,000

ORDERED:

That the sum of \$4,500,000 (four million five hundred thousand dollars) be and is hereby appropriated for rehabilitation or improvements to recreational fields.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

STREETS

Various Streets	Crack Sealing	\$125,000
Lincoln Street (Broad to Pleasant)	Reconstruction	\$1,500,000
Donald Lynch Boulevard	Reconstruction	\$3,200,000
Boudreau Avenue	Drainage	\$100,000
Street repair and maintenance, including mill and overlay, for the following:		\$4,610,000
Forest Street (Bartlett Street to Cedar Hill Street)		
Linda Circle		
Libby Avenue		
Wilson Street		
Beverly Drive		
Woodridge Road		
Farmington Road		
Kelleher Street		
Ahern Road		
Gibbs Place		
Shea Drive		
Schofield Drive		
Tassi Drive		
Sasseville Way		
Temple Circle		
State Street		
Johansen Drive		
Ridge Road		
Clearview Drive		
Simpson Road		
Roundtop Road		
	Total Streets	\$9,535,000

ORDERED:

That the sum of \$9,535,000 (nine million five hundred thirty-five thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$9,535,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

SEWER CONSTRUCTION		
Sudbury Road	Sewer Truck Line	\$1,000,000
Concord Road	Sewer Truck Line	\$1,000,000
	Sewer Construction Bond	\$2,000,000

ORDERED:

That the sum of \$2,000,000 (two million dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$2,000,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

WATER PROJECTS		
Hayes Memorial Drive	Water Main Replacement	\$1,500,000
	Total Water Main Construction	\$1,500,000

ORDERED:

That the sum of \$1,500,000 (one million five hundred thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,500,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

SEWERAGE SYSTEMS		
-------------------------	--	--

Sewer Pumping Stations	Reconstruction of two sewer pump stations	\$700,000
	Sewerage System Bond	\$700,000

ORDERED:

That the sum of \$700,000 (seven hundred thousand dollars) be and is hereby appropriated for sewerage systems.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$700,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That, for all prior orders approved by the City Council of the City of Marlborough authorizing the borrowing of money to pay costs of capital projects, the City Council hereby votes to supplement each such order to provide, in accordance with M.G.L. c. 44 § 20, that the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and further, that the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

ADOPTED
In City Council
Order No. 17 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE

2017 MAR -9 A 11:48

Patricia Bernard
EXECUTIVE SECRETARY

March 9, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Free Cash Transfer for Investments in Equipment and Facilities

Honorable President Clancy and Councilors:

Please find enclosed for your approval the transfers from the City of Marlborough Undesignated Fund, "Free Cash," in the total amount of \$3,213,000 into various capital outlay accounts for investments in equipment and facilities for several departments.

As also described in my communication regarding bond requests, these transfers are a part of the Fiscal Year 2017 capital investments. The transfers from free cash will enable the City to replace Department of Public Works vehicles and trucks for the Marlborough Fire Department. I have also included in this spending plan funds to purchase an electric vehicle and an electric charging station. These funds will only be spent if we are successful in winning assistance from the state's Electric Vehicle Incentive Program (MassEVIP) which provides grants to communities to assist in upgrading fleets to zero-emission vehicles.

Please note that the \$60,000 associated with replacing the Marlborough Fire Department's SCBA equipment is dependent on a federal grant. The total cost to replace the equipment, which expires in spring 2018 is \$600,000. If the grant submitted by MFD is unsuccessful, I will return to the City Council seeking the balance of the funding.

We are also planning to make upgrades to our fire alarm system for Marlborough Public Schools and remain on schedule for replacing marked cruisers and unmarked vehicles for the MPD.

Again, thank you for your consideration. I look forward to discussing these transfers in greater detail with you. In the meantime, please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2017

Available
Balance

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount
<u>\$9,963,790.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$365,000.00</u>	<u>19300006</u>	<u>58467</u>	<u>Capital Outlay-Facilities</u>	<u>\$15.00</u>

Reason: To fund equipment requests

				<u>\$1,050,000.00</u>	<u>19300006</u>	<u>58731</u>	<u>Capital Outlay-DPW</u>	<u>\$0.00</u>
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				<u>\$308,000.00</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police</u>	<u>\$18,700.00</u>
--	--	--	--	---------------------	-----------------	--------------	------------------------------	--------------------

Reason:

				<u>\$1,490,000.00</u>	<u>19300006</u>	<u>58512</u>	<u>Capital Outlay-Fire</u>	<u>\$0.00</u>
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Reason:

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Reason:

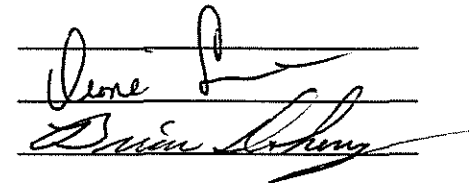
\$3,213,000.00 Total

\$3,213,000.00 Total

Department Head signature:

Auditor signature:

Comptroller signature:



EQUIPMENT

Public Works and Public Facilities

Various City Fleet Replacements and Upgrades	\$810,000
Fuel Tank	\$240,000
Fire Alarms for Schools	\$325,000
Jaworek Elementary School Fence	\$40,000
DPW subtotal	\$1,415,000

Marlborough Fire Department

Fire Engine	Engine 4	\$625,000
Fire Engine	Engine 5	\$625,000
SCBA		\$60,000
Personal Protective Equipment		\$125,000
Assistant Chief vehicle		\$55,000
MFD subtotal		\$1,490,000

Marlborough Police Department

Patrol Rifles	\$30,000
Interview room recording equipment	\$20,000
Unmarked vehicles	\$90,000
Marked cruisers	\$168,000
MPD subtotal	\$308,000

Total Equipment \$3,213,000

CITY FLEET REPLACEMENTS AND UPGRADES

#8 6WHL Hook loader, Dump/Sander w/plow & wing		\$254,470
320 J.D. 544k F/E Loader5 2/plow		\$204,740
#C3 F550 Dump w/plow & sander		\$73,097
#207 F550 Hook Loader w/plow & sander		\$155,312
#302 F450 4 x 4 Utility w/plow		\$62,381
Electric Vehicle and Charging Stations (grant dependent)		\$60,000
	Total	\$810,000



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 MAR -9 A 11:48
Patricia Bernard
EXECUTIVE AIDE
EXECUTIVE SECRETARY

March 9, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Appointments to the Marlborough Historical Commission

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation several appointments to the Marlborough Historical Commission. As you know, it has been one of my main priorities as Mayor to generate renewed interest and volunteerism for our boards and commissions.

I am pleased to appoint three new members as well as reappoint one current member of the Marlborough Historical Commission. My office has also contacted additional potential members and hope to submit additional appointments in the coming weeks as well.

I appreciate your timely consideration of the following, each will be three year terms to expire from the date of City Council confirmation:

- The reappointment of Lee Wright
- The appointment of Samantha Khosla. Ms. Khosla was appointed to the Library Building Committee and has been an active and engaged member of that committee. She expressed an interest in continuing to volunteer her time on the Historical Commission.
- The appointment of Alan Slattery. Mr. Slattery is well-known throughout Marlborough and would bring a great perspective to the Historical Commission.
- The appointment of Pam Wilderman. Ms. Wilderman has retired from her full-time position and while she remains a part-time employee, I believe her knowledge and dedication would be an asset to the Historical Commission.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2017 MAR - 9
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

March 9, 2017

Edward J. Clancy
President
Marlborough City Council

RE: Acceptance of Bouffard Drive as a Public Way
Order No. 17-1006799A

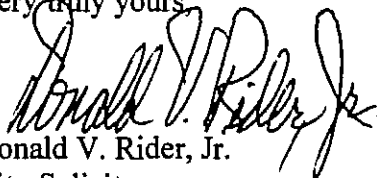
Dear President Clancy and Members:

Pursuant to the meeting of the Public Services Committee held on February 13, 2017, I am enclosing for the Council's review and approval a proposed order to accept Bouffard Drive as a public way, along with its appurtenant municipal easements as municipal easements. Enclosed is a proposed order and the acceptance plan it references.

I have also enclosed the signed deed, as well as a signed affidavit that the person signing the deed has the authority to do so as the sole shareholder of the now-dissolved corporation that was the last owner of record for Bouffard Drive and its easements. The Public Services Committee, the Planning Board and the City Engineer have recommended acceptance.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Planning Board
Thomas DiPersio, City Engineer
Timothy Collins, Assistant City Engineer
Arthur Bergeron, Esquire

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that BOUFFARD DRIVE be accepted as a public way

From RAYMOND ROAD to Terminus

and that its appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Bouffard Drive, Marlborough, Mass.," prepared by: MacCarthy & Sullivan Engineering, Inc., 41 Beacon Street, Framingham, Mass., dated: December 19, 2003, Scale: 1" = 40', which plan is to be recorded herewith.

Title to the roadway shown as "BOUFFARD DRIVE" on the above-referenced plan, and title to all the municipal easements, including a drainage easement located on Lot 7, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 7 on the above-referenced plan; a flowage easement located on Lot 7, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Lot 21, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 21 on the above-referenced plan; and an access and utility easement located partially Lot 20 and partially on Lot 21, shown as "ACCESS & UTILITY EASEMENT" on the above-referenced plan, has been granted to the City of Marlborough in a quitclaim deed from Thomas H. Niles, said deed to be recorded herewith, along with an accompanying affidavit pursuant to M.G.L. c. 183, § 5B, at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

BOUFFARD DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

ADOPTED

In City Council

Order No. 17-1006799B

Adopted

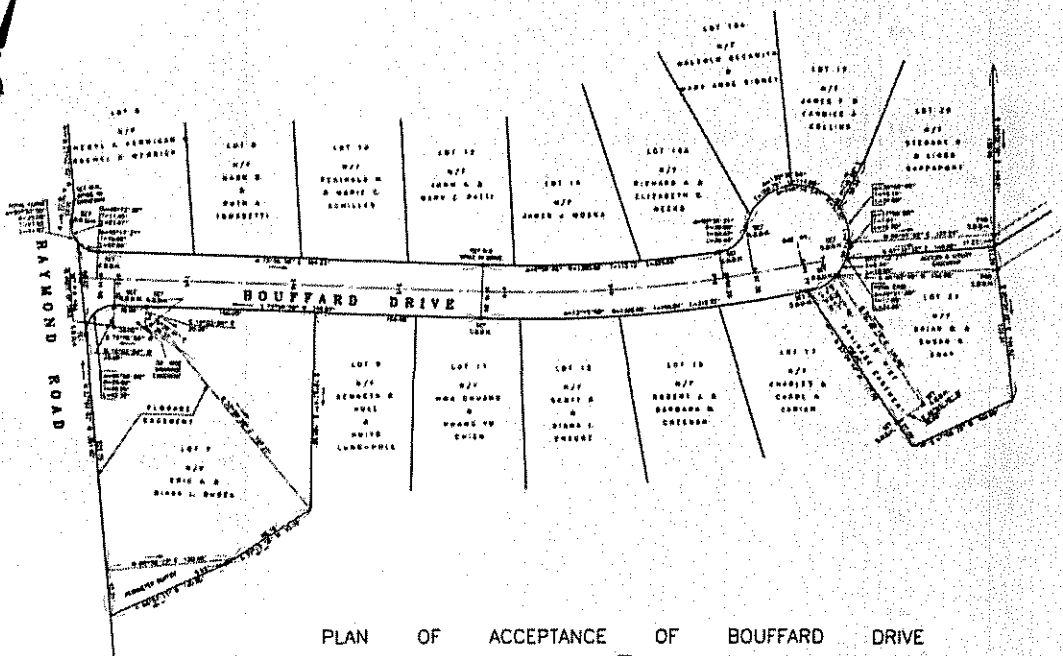
Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



15936

1. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

2. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

3. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

4. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

5. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

6. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

7. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

8. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

9. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

10. I certify that the measurements of this plan were taken in accordance with the rules and regulations of the Surveyors of the State of Massachusetts.

PLAN OF ACCEPTANCE OF BOUFFARD DRIVE

MARLBOROUGH,

MASS.

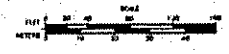
SCALE : 1" = 40'

DECEMBER 19, 2003

SURVEY BY :



MCCARTHY & SULLIVAN ENGINEERING, INC.
41 BEACON STREET
FRAMINGHAM, MASS.



Property Address: Bouffard Drive, Marlborough, Massachusetts

This space reserved for Recorder's use only

DEED

THOMAS H. NILES ("Grantor"), for good and valuable consideration paid of less than **ONE HUNDRED AND 00/100 DOLLARS (\$100.00)**, grants to **THE CITY OF MARLBOROUGH, MASSACHUSETTS**, a municipal corporation in and for the Commonwealth of Massachusetts, with a mailing address of 140 Main Street, Marlborough, Massachusetts 01752, **WITH QUITCLAIM COVENANTS**,

All of Grantor's right, title and interest in and to the street named Bouffard Drive in the City of Marlborough, Middlesex County, Massachusetts, as shown on a plan entitled, "Plan of Acceptance of Bouffard Drive, Marlborough, Mass.," dated December 19, 2003, prepared by: MacCarthy & Sullivan Engineering, Inc., Scale: 1" = 40', which plan is to be recorded herewith, as well as all of Grantor's right, title and interest in the easements appurtenant to Bouffard Drive, including a drainage easement located on Lot 7, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 7 on the above-referenced plan; a flowage easement located on Lot 7, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Lot 21, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 21 on the above-referenced plan; and an access and utility easement located partially Lot 20 and partially on Lot 21, shown as "ACCESS & UTILITY EASEMENT" on the above-referenced plan.

The premises are conveyed subject to and with the benefit of all restrictions, rights of way, and easements of record, if any, insofar as the same are now in force and applicable, without reimposing the same.

For Grantor's title see that certain deed dated September 30, 1996, recorded with the Middlesex South Registry of Deeds in Book 26730, Page 126, as well as that certain Affidavit Pursuant to M.G.L. c. 183, s. 5B recorded herewith in Book _____, Page _____.

No title search was performed in connection with this conveyance.

[SIGNATURE PAGE FOLLOWS]

EXECUTED as a sealed instrument and effective as of this 18 day of December, 2016.

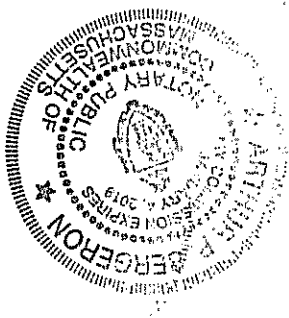
[Signature]
Thomas H. Niles,

COMMONWEALTH OF MASSACHUSETTS

Mioduszy, ss.

On December 18, 2016, before me, the undersigned notary public, personally appeared Thomas H. Niles (the "Principal"), and acknowledged to me that the Principal signed the preceding or attached document voluntarily for its stated purpose. The Principal proved to me through satisfactory evidence of identification that the Principal is the person whose name is signed on the preceding or attached document. The satisfactory evidence of identification provided to me was:

- A current document issued by a federal or state government agency bearing the photographic image of the Principal's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the Principal; or
- Identification of the Principal based on the notary public's personal knowledge of the identity of the Principal; or
- The following evidence of identification: _____



[Signature]
Notary Public
Printed Name: ARTHUR P. BERGERON
My Commission Expires: JAN 4, 2019

[Seal]

Record and return to:

Arthur P. Bergeron, Esq.
Mirick O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive, Suite 400
Westborough, MA 01581

This space reserved for Recorder's use only

AFFIDAVIT PURSUANT TO M.G.L. c. 183, §5B

Marginal Reference Requested to: Book 26730, Page 126

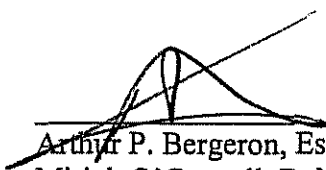
I, Arthur P. Bergeron, an attorney at law in good standing and licensed to practice in the Commonwealth of Massachusetts, with an office located at Mirick, O'Connell, DeMallie & Lougee, LLP, 1800 West Park Drive, Suite 400, Westborough, Massachusetts 01581, under oath depose and say as follows:

The Affidavit attached hereto as Exhibit A clarifies title to the property conveyed by that certain deed dated September 30, 1996, and recorded with the Middlesex South Registry of Deeds in Book 26730, Page 126.

[SIGNATURE PAGE FOLLOWS]

Property address: Bouffard Drive, Marlborough, Massachusetts

Executed under the pains and penalties of perjury this 17th day of December, 2016.



Arthur P. Bergeron, Esq.
Mirick O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive, Suite 400
Westborough, MA 01581

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

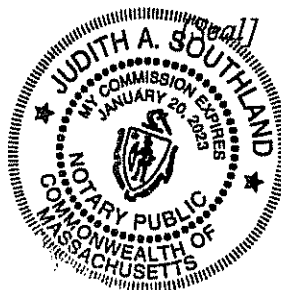
On December 19, 2016, before me, the undersigned notary public, personally appeared Arthur P. Bergeron, Esq. (the "Principal"), and acknowledged to me that the Principal signed the preceding or attached document voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief. The Principal proved to me through satisfactory evidence of identification that the Principal is the person whose name is signed on the preceding or attached document. The satisfactory evidence of identification provided to me was:

- A current document issued by a federal or state government agency bearing the photographic image of the Principal's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the Principal; or
- Identification of the Principal based on the notary public's personal knowledge of the identity of the Principal; or
- The following evidence of identification: _____

Judith A Southland
Notary Public

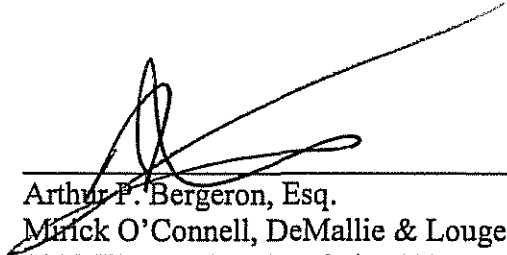
Printed Name: Judith A. Southland

My Commission Expires: 1/20/23



CERTIFICATE

I, Arthur P. Bergeron, hereby certify that I am an attorney at law with an office at Mirick, O'Connell, DeMallie & Lougee, LLP, 1800 West Park Drive, Suite 400, Westborough, Massachusetts 01581, and that the facts stated in the foregoing Affidavit are relevant to the title to the premises therein described and will be of benefit and assistance in clarifying the chain of title thereto.



Arthur P. Bergeron, Esq.
Mirick O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive, Suite 400
Westborough, MA 01581

Exhibit A

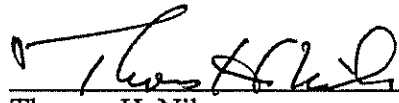
AFFIDAVIT

I, Thomas H. Niles, being first duly sworn, depose and say as follows:

1. Pursuant to that certain deed dated September 30, 1996, and recorded with the Middlesex South Registry of Deeds (the "Registry") in Book 26730, Page 126, Gail Trunfio, Kenneth Fischer, and Janice Meyers, Trustees of Post Financial Trust, under Declaration of Trust dated June 1, 1994, and recorded with the Registry in Book 24692, Page 70, conveyed certain real property to J. Giles Development Co., Inc. (the "Corporation"), which included but was not limited to the street named Bouffard Drive in the City of Marlborough, Middlesex County, Massachusetts, as shown on a plan entitled, "Plan of Acceptance of Bouffard Drive, Marlborough, Mass.," dated December 19, 2003, prepared by: MacCarthy & Sullivan Engineering, Inc., Scale: 1" = 40', as well as the easements appurtenant to Bouffard Drive, including a drainage easement located on Lot 7, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 7 on the above-referenced plan; a flowage easement located on Lot 7, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Lot 21, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 21 on the above-referenced plan; and an access and utility easement located partially Lot 20 and partially on Lot 21, shown as "ACCESS & UTILITY EASEMENT" on the above-referenced plan (the "Property").
2. The Corporation voluntary dissolved on May 26, 2000.
3. The Corporation held title to the Property through the date of the Corporation's dissolution.
4. At the time of the dissolution of the Corporation, I was the President, Treasurer and Secretary of the Corporation and also the sole shareholder of the Corporation.
5. Upon the dissolution of the Corporation, title to the Property transferred to me, Thomas H. Niles, individually.

[SIGNATURE ON FOLLOWING PAGE]

Executed as an instrument under seal as of this 15th day of December, 2016.



Thomas H. Niles

COMMONWEALTH OF MASSACHUSETTS

A. P. O. Silva, ss.

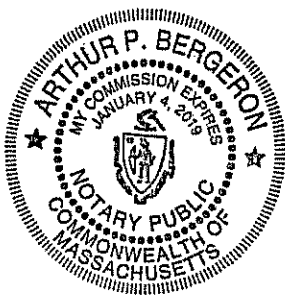
On December 15th, 2016, before me, the undersigned notary public, personally appeared Thomas H. Niles (the "Principal") and acknowledged to me that the Principal signed the preceding or attached document voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief. The Principal proved to me through satisfactory evidence of identification that the Principal is the person whose name is signed on the preceding or attached document. The satisfactory evidence of identification provided to me was:

- A current document issued by a federal or state government agency bearing the photographic image of the Principal's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the Principal; or
- Identification of the Principal based on the notary public's personal knowledge of the identity of the Principal; or
- The following evidence of identification: _____


Notary Public

Printed Name: ARTHUR P. BERGERON

My Commission Expires: Jan. 4, 2019



[Seal]



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Legal Department

140 MAIN STREET

MAR - 9 A 9 48
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

March 9, 2017

Edward Clancy
President
Marlborough City Council

RE: Order Affirming and Clarifying the Order of Taking by Eminent Domain of Permanent and Temporary Easements - East Main Street Reconstruction Project

Dear President Clancy and Members:

On behalf of the Legal Department, enclosed herewith please find a proposed Order Affirming and Clarifying the Order of Taking by Eminent Domain which concerns the East Main Street Reconstruction Project. The purpose of the proposed order is solely to allow the filing at Land Court of an amended version of the Order of Taking by Eminent Domain, approved by the City Council on January 9, 2017, into which a Certificate of Title number has been inserted. No appropriation is necessary.

Specifically, the only difference between the amended Order of Taking by Eminent Domain, attached to the proposed order, and the original Order of Taking by Eminent Domain is the insertion on page 9 of the Certificate of Title number. This is merely a clerical matter, and in the interest of prompt filing with the Land Court, I request that you approve the proposed order at your March 13, 2017 meeting under a suspension of the rules.

Very truly yours,

Cynthia M. Panagore Griffin
Assistant City Solicitor

Enclosure

Cc: John Ghiloni, Commissioner
Tom DiPersio, P.E., City Engineer

ORDERED:

That the City Council of the City of Marlborough does hereby affirm and clarify, by insertion of Land Court Certificate of Title No. 0223563 into Order No. 16/17-1006732A attached herewith, being the Eminent Domain Order of Taking for the East Main Street Reconstruction Project, and relating to Plan 141 of 2017 recorded at the Middlesex South County Registry of Deeds, that said Eminent Domain Order of Taking is hereby amended, nunc pro tunc, and does further direct that this Order and Order No. 16/17-1006732A, as amended, be filed at the South Middlesex Registry of Deeds with said Land Court Certificate of Title No. 0223563.

ADOPTED
In City Council
Order No. 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 1

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on East Main Street and located on land at the intersection of East Main Street and Brown Street, and at the intersection of East Main Street and Sawin Street (hereinafter, collectively, "East Main Street"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to East Main Street, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. Street address: East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and driveway reconstruction: Being an approximately 232 S.F portion of the property located on East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 323 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-28 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 2

ORDERED:

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: B.B. Realty Corp.
262 Main Street
P.O. Box 5
Marlborough, MA 01752

2. Street Address: 48 East Main Street, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, pedestrian walk reconstruction: Being a 703 S.F. portion of the property located at 48 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 322 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-29 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: U.S. Bank National Association, Trustee
425 Walnut Street
Cincinnati, OH 45202

3. Street Address: 56 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and driveway reconstruction: Being a 643 S.F. portion of the property located at 56 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 324 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-27 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.



IN CITY COUNCIL

JANUARY 9, 2017

Marlborough, Mass., _____ PAGE 3

ORDERED:

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

4. **Street Address: 60 East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading and sidewalk reconstruction: Being a 1,210 S.F. portion of the property located at 60 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 125 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-26 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

5. **Street Address: 59 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 568 S.F. portion of the property located at 59 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 133 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-6 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Michael Triaforos, Trustee
59 East Main Street Realty Trust
49 East Main Street
Marlborough, MA 01752

6. **Street Address: 79 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 335 S.F., more or less, portion of the property located at 79 East Main Street, known and numbered as Map 57, Parcel 182 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-4 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 9, 2017
PAGE 4

ORDERED:

OWNER: Todd Uminsky, Trustee
79 East Main Street Realty Trust
Marlborough, MA 01752

7. **Street Address: 83-A East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 209 S.F., more or less, portion of the property located at 83-A East Main Street, known and numbered as Map 57, Parcel 184 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-3 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Glayton DaCruz, Trustee
DaCruz Realty Trust
Marlborough, MA 01752

8. **Street Address: 87 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 411 S.F., more or less, portion of the property located at 87 East Main Street, known and numbered as Map 57, Parcel 185 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-2 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Fred R. Angier, Jr.
87 East Main Street
Marlborough, MA 01752

9. **Street Address: 95 East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 593 S.F. portion of the property located at 95 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 186 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-5 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."



IN CITY COUNCIL

JANUARY 9, 2017

Marlborough, Mass., _____ PAGE 5

ORDERED:

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: David P. DeCenzo
95 Oakbridge Drive
Pueblo, CO 81001

10. Street Address: 99 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 314 S.F. portion of the property located at 99 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 187 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-2 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: Jeanne Bengiovanni
99 East Main Street
Marlborough, MA 01752

11. Street Address: 114 East Main Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 298 S.F., more or less, portion of the property located at 114 East Main Street, known and numbered as Map 57, Parcel 194 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-1 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Cumberland Farms, Inc.
777 Dedham Street
Canton, MA 02021



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 6

ORDERED:

12. Street Address: 19 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 148 S.F. portion of the property located at 19 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 318 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-20 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: Thomas J. Parks & Cheryl Greska
19 Brown Street
Marlborough, MA 01752

13. Street Address: 21 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 795 S.F. portion of the property located at 21 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 319 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-18 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: David E. Grant & Tina L. Grant
21 Brown Street
Marlborough, MA 01752



IN CITY COUNCIL

Marlborough, Mass.,

JANUARY 9, 2017

PAGE 7

ORDERED:

14. Street Address: 38 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, reconstruction of pedestrian walk: Being a 335 S.F. portion of the property located at 38 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 321 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-35 on Sheets 4 and 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: James C. Thomas & Lauren B. Thomas
31 Ash Street
Hopkinton, MA 01748

15. Street Address: 15 Sawin Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 67 S.F., more or less, portion of the property located at 15 Sawin Street, known and numbered as Map 70, Parcel 373 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-5 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: 15 Sawin Street LLC
15 Sawin Street
Marlborough, MA 01752

Said plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County" to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.



IN CITY COUNCIL

JANUARY 9, 2017

Marlborough, Mass., _____ PAGE 8

ORDERED:

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
B.B. Realty Corp. 262 Main Street P.O. Box 5 Marlborough, MA	70/323	232 S.F.	\$40.00
U.S. Bank National Association, Trustee 425 Walnut Street Cincinnati, OH 45202	70/322	703. S.F.	\$366.00
William W. George, Trustee, 70/324 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		643 S.F.	\$390.00
William W. George, Trustee, 57/125 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		1,210 S.F.	\$2,130.00
Michael Triaforos, Trustee 57/133 59 East Main Street Realty Trust 49 East Main Street Marlborough, MA 01752		568 S.F.	\$630.00
Todd Uminsky, Trustee 57/182 79 East Main Street Realty Trust Marlborough, MA 01752		335 S.F.	\$630.00



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 9

ORDERED:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
Glaiton DaCruz, Trustee DaCruz Realty Trust 26 Hilldale Road Ashland, MA 01721	57/184	209 S.F.	\$627.00
Fred R. Angier, Jr. 87 East Main Street Marlborough, MA 01752	57/185	411 S.F.	\$567.00
David P. DeCenzo 95 Oakbridge Drive Pueblo, CO 81001	57/186	593 S.F.	\$335.00
Jeanne Bengiovanni 99 East Main Street Marlborough, MA 01752	57/187	314 S.F.	\$545.00
Cumberland Farms, Inc. 777 Dedham Street Canton, MA 02021	57/194	298 S.F.	\$1,043.00
Thomas J. Parks & Cheryl Greska 19 Brown Street Marlborough, MA 01752	70/318	148 S.F.	\$161.00
David E. Grant & Tina L. Grant 21 Brown Street Marlborough, MA 01752 (Land Court Book 1248, Page 013, Certificate No. 0223563)	70/319	795 S.F.	\$863.00
James C. Thomas & Lauren B. Thomas 31 Ash Street Hopkinton, MA 01748	70/321	335 S.F.	\$335.00



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 10

ORDERED:

15 Sawin Street LLC 70/373 67 S.F. \$117.00
15 Sawin Street
Marlborough, MA 01752
(Land Court Book 1362, Page 007, Certificate No. 243066)

Be and is herewith **APPROVED**.

Yea: 11 – Nay: 0

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram,
Ossing & Robey.**

ADOPTED

In City Council

Order No. 16/17-1006732A

Approved by Mayor

Arthur G. Vigeant

Date: January 18, 2017

A TRUE COPY

ATTEST:

City Clerk

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 MAR -1 P 3:04

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Sean N. Fay
Shawn McCarthy
Brian DuPont



February 28, 2017

Melissa Peltier - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MPeltier@marlborough-ma.gov

Marlborough City Council
Mr. Edward Clancy- President
140 Main Street
Marlborough, MA 01752

Re: Acceptance of Bouffard Dr. as a Public Way
City Council Order No. 17-1006799

President Clancy:

At its regular meeting on February 27, 2017, the Planning Board took the following action:

Wayside Hollow--Acceptance of Bouffard Dr. & Easements ref. from City Council

Ms. Hughes read the favorable recommendation from the City Engineer into the record. On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the recommendation from the City Engineer and place it on file. As well as forward the recommendation to the City Council to accept Bouffard Dr. as well as all Easements associated with Bouffard Dr. for final acceptance as a City Way. Motion carried.

Should you need any additional information please do not hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson
Cc: City Clerk
File

City of Marlborough
Commonwealth of Massachusetts

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CITY OF MARLBOROUGH

2017 MAR -1 P 3:04

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Sean N. Fay
Shawn McCarthy
Brian DuPont

Melissa Peltier - Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: MPeltier@marlborough-ma.gov



February 28, 2017

City Council President Clancy & Members
140 Main Street
Marlborough, MA 01752

RE: Proposed Zoning Amendment
Temporary Cessation of the Acceptance of Applications for Special Permit
Housing Projects.
City Council Order #17-1006784

President Clancy & Members:

The following action was taken at the regularly scheduled meeting of the Marlborough Planning Board on February 27, 2017.

At the conclusion of the regular meeting after much discussion amongst the Board members it was voted to:


Forward a generally favorable recommendation to the City Council for the proposed six-month cessation of Acceptance of Applications for Special Permit allowable housing projects with the following amendments:

- Removal of the Open Space Special Permit issued by the Planning Board from the cessation requirement, as these projects are neutral on the number of houses allowed in a particular development and,
- Removal of the proposed Assisted Living Facility project from the temporary cessation as the zoning amendment enabling this project has already been approved and the project will be providing a much-needed senior living option within the City.

Motion carried.

Should you have any questions or concerns regarding this communication, please do not hesitate to contact the Board Secretary above.

Sincerely,


Barbara L. Fenby
Chairperson

WALKER REALTY LLC

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 MAR -3 A 9:25

March 2, 2017

HAND DELIVERED

Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Zoning Amendment – Expansion and Modification of HRMUOD

Dear Councilor Clancy,

The undersigned represents Walker Realty, LLC, Marlboro Hospitality, LLC and 11 Apex, LLC (collectively the “Apex Center Owners”), owners of the real property located within the Hospitality and Recreation Mixed Use Overlay District (“HRMUOD”) which District was created by Order No. 16-1006443C dated May 9, 2016 (the “HRMUOD Order”). The District currently consists of approximately 43.6 acres of land located on Boston Post Road West (Route 20).

As noted in the enclosed Letters of Authorization, property owners adjacent to the HRMUOD (the “Petitioners”), namely those owners of 176 Boston Post Road West (the so-called “Wendy’s Parcel”) and 190 Boston Post Road West (the so-called “Bank of America Parcel”) desire to incorporate their respective parcels in the HRMUOD. Accordingly, the Petitioners request that the City Council consider amending the Zoning Ordinance as specified in the attached Proposed Order to include the Wendy’s Parcel and the Bank of America Parcel in the HRMUOD. Moreover, the Petitioners and the Apex Center Owners request that the City Council consider incorporating additional amendments to “Section E, Eligible Uses” of Order No. 16-1006443C as further detailed in the attached Proposed Order.

Kindly refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Sincerely,



Kevin S. Eriksen
General Counsel

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows.

1. In Section 650-35.A(2), by deleting “43.6 acres” and replacing with “45.2 acres”.
2. By Amending Exhibit A of Section 650-35 to include the following additional parcels:

Assessors Map 78, Parcel 14A

Assessors Map 78, Parcel 23

3. In Section 650-35.E(1)(i), adding the following language to the end of the Section:

“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 23, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessors Map 78, Parcel 23, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”

4. In Section 650-35.E(1)(j), adding the following language to the end of the Section:

“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 14A, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessor Map 78, Parcel 14A, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”

5. In Section 650-35.E(2)(a.), adding the following language to the end of the Section:

“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 23, which facilities are existing and shall not require a Special Permit under this Section.”

6. In Section 650-35.E(2)(b.), adding the following language to the end of the Section:

“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 14A, which facilities are existing and shall not require a Special Permit under this Section.”

7. In Section 650-35.E(2)(d.), adding the following language to the end of the Section:

“, excluding so-called Dry Cleaning drop stores where no dry cleaning is performed on premise, which shall be permitted in the HRMUOD as of right.”

ADOPTED
In City Council
Order No. 17-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Kathleen M. Luongo
Vice President

February 21, 2017

VIA UPS OVERNIGHT MAIL

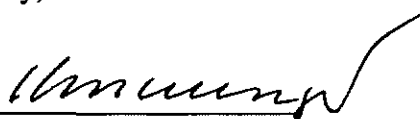
Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Proposed Zoning Amendment- Expansion of HRMUOD
FILE: MA6-255 190 Boston Post Rd

Dear Councilor Clancy,

Please be advised that the undersigned, Kathleen M. Luongo, authorized representative of Bank of America, N.A., the owner of the property located at 190 Boston Post Road West, Assessors Map 78, Parcel 23 (the "Property") does hereby authorize Walker Realty, LLC and its respective agents and representatives, to submit to the City Council for consideration a proposed zoning amendment expanding the Hospitality and Recreation Mixed Use Overlay District ("HRMUOD") to include and affect the Property.

Sincerely,



By: Kathleen M. Luongo
Title: Vice President

Cc: David Howe, Transaction Manager – CB Richard Ellis
Leigh Cortez, Attorney – Alston & Bird, LLP

T 617-434-5731 kathleen.m.luongo@bankofamerica.com
Bank of America, MA5-100-M5-15
100 Federal Street, Boston, MA 02110

February 15, 2017

Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Proposed Zoning Amendment- Expansion of HRMUOD

Dear Councilor Clancy,

Please be advised that the undersigned, Paul Karapatsas and Mona Karapatsas, trustees of Peak Realty Trust, the owner of the property located at 176 Boston Post Road West, Assessors Map 78, Parcel 14A (the "Property") does hereby authorize Walker Realty, LLC and its respective agents and representatives, to submit to the City Council for consideration a proposed zoning amendment expanding the Hospitality and Recreation Mixed Use Overlay District ("HRMUOD") to include and affect the Property.

Sincerely,



By: Paul Karapatsas
Title: Trustee



By: Mona Karapatsas
Title: Trustee

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
David K. McCay
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
dmccay@mirickoconnell.com
t 508.860.1460
f 508.983.6273

2017 MAR -9 A 11:59

March 9, 2017

VIA EMAIL

Donald V. Rider, Jr., City Solicitor
Marlborough City Hall
140 Main St., 4th Floor
Marlborough, MA 01752

Re: Effective Period of Housing Moratorium

Dear Mr. Rider:

As you know, my client BSL Marlborough Development LLC ("Benchmark") filed a special permit application for an assisted living facility on February 2, 2017. Under the terms of the proposed housing moratorium, the City Council is not precluded from holding a hearing on Benchmark's application and issuing a special permit authorizing the project.

First, the proposed moratorium is a "temporary cessation on the use of land or structures for housing projects by special permit." Further, the proposed moratorium provides that "[i]n no case shall the City accept an application for special permit for a housing project." Therefore, by its terms, the proposed moratorium does not restrict the City Council from hearing and acting on a special permit application. Rather, the City is precluded from accepting new applications (Benchmark's application has already been accepted), and landowners are precluded from using land and structures for housing projects by special permit during the six-month moratorium. Hearing and acting on Benchmark's filed application would not run afoul of these restrictions.

Second, the moratorium ordinance has a fixed duration: "[s]aid temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council." (Emphasis added). This language is unlike moratorium provisions that set a fixed end date but not a fixed start date, and is unlike ordinary zoning amendments of unlimited duration. Benchmark's application was clearly submitted and accepted by the City before any approval of the moratorium by the City Council.

Third, M.G.L. c. 40A, § 6 provides that a zoning amendment applies to structures and uses not lawfully commenced, or benefiting from an existing building permit or special permit, prior to the first publication of notice of the public hearing on the zoning amendment.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

Donald V. Rider, Jr., City Solicitor

March 9, 2017

Page 2

Municipalities, however, are permitted to impose more liberal or generous grandfathering protections. See Mauri v. Zoning Bd. of Appeals of Newton, 83 Mass. App. Ct. 336 (2013); Carabetta v. Board of Appeals of Truro, 73 Mass. App. Ct. 266 (2008); Marinelli v. Board of Appeals of Stoughton, 65 Mass. App. Ct. 902 (2005).

The moratorium's fixed six-month period provides a more liberal grandfathering period, by affecting special permit applications and land uses only during the six month period *beginning on the date of approval by City Council*. This language in the moratorium would have little meaning if the ordinance was construed as applying to special permit applications and land uses that predate the six-month moratorium period, thus creating a moratorium in excess of six months.

Based on the foregoing, we respectfully request that the City Council hear and act on Benchmark's special permit application, even if the Council ultimately adopts the zoning moratorium ordinance.

Thank you for your assistance, and please feel free to contact me with any questions on this matter.

Very truly yours,



David K. McCay

DKM/

cc: City Council

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

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CITY OF MARLBOROUGH

2017 MAR -9 A 11:08

David K. McCay
Mirick O'Connell
1108 Front Street
Worcester, MA 01608-1477
dmccay@mirickoconnell.com
t 508.860.1460
f 508.983.6273

March 9, 2017

VIA HAND DELIVERY

Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Moratorium on Housing Projects

Dear Councilor Clancy:

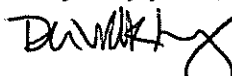
Enclosed please find a proposed amendment to the moratorium on housing projects currently under consideration by the City Council, submitted on behalf of my client BSL Marlborough Development LLC ("Benchmark").

As you may know, on February 2, 2017, Benchmark submitted an application for a special permit for an assisted living facility, to be located at 421 Bolton Street. The special permit application follows the zoning amendment allowing assisted living facilities, which was approved by the City Council late last year.

The proposed amendment to the moratorium would allow the Benchmark project to move forward, notwithstanding the moratorium. I understand that Benchmark's application is one of only two special permit applications currently pending before the City Council filed prior to the February 3, 2017 deadline set forth in the proposed amendment.

Benchmark respectfully requests that the City Council consider adding this proposed amendment to the moratorium ordinance.

Very truly yours,


David K. McCay

DKM/

Encl.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

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www.mirickoconnell.com

PROPOSED AMENDMENT TO MORATORIUM

Add the following sentence at the end of the proposed Section 650-63.B:

The provisions of this Section 650-63 shall not apply to applications for and the use of land or structures for any housing project for which a special permit application was filed with the City Clerk on or before February 3, 2017.

(OK 3709)



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CITY OF MARLBOROUGH

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

2017 FEB 27 A 10:09

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 02/27/2017.

To the City Council:

Owner Name: ROMAN KIMYAGAROV

Residential Address: 76 APPLE DOR ROAD Framingham MA 01701

Telephone Number: (508) 624 7066

Business Name: ARTHUR & SONS SUGS REPAIR

Business Address: 107 MAIN ST MARLBOROUGH, MA. 01752

Business Telephone Number: (508) 624 7066

Email Address: IROMKA@VERIZON.NET

Owner Signature: *Roman Kimyagarov*

The above signed _____ respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council

Lisa Thomas

From: City Council
Sent: Friday, March 3, 2017 1:56 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: From Chief of Police - Junk Dealer License, Roman Kimyagarov - CORI report

Lisa:

Per my discussion with Mr. Kerrigan, please include the Chief's email regarding Arthur and Son's Shoe Repair on the March 13, 2017 agenda. /KB

From: Mark Leonard
Sent: Friday, March 03, 2017 1:29 PM
To: City Council <citycouncil@marlborough-ma.gov>
Cc: David Giorgi <dgiorgi@marlborough-ma.gov>
Subject: Roman Kimyagarov - CORI report

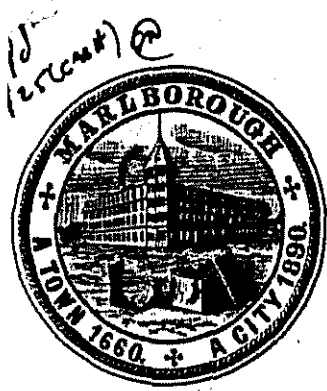
Karen,

I have received a CORI report from Roman Kimyagarov of Arthur and Son's Shoe Repair, and I have no objection to the renewal of his Junk Dealer's license.

Mark F. Leonard
Chief of Police
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752
Office: 508-485-1212 x36974
Fax: 508-624-6938

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**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

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CITY OF MARLBOROUGH

2017 MAR -7 P 1:52

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 3-7-2017

To the City Council:

Owner Name: Tony BITAR

Residential Address: 5 Rolling Ridge Lane, PATTON, MA 01612

Telephone Number: (508) 981-5080

Business Name: HANNAH JEWELERS

Business Address: 601 DANIEL LYNN BLVD.

Business Telephone Number: (508) 303-6595

Email Address: Tony BITAR @ HANNAH.COM

Owner Signature: Tony BITAR

The above-signed TONY BITAR respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council

Lisa Thomas

From: City Council
Sent: Tuesday, March 7, 2017 4:00 PM
To: Lisa Thomas; Steven Kerrigan
Subject: From Police Chief Leonard: CORI - Antoine Bitar

From: Mark Leonard
Sent: Tuesday, March 07, 2017 3:20 PM
To: City Council <citycouncil@marlborough-ma.gov>
Cc: David Giorgi <dgiorgi@marlborough-ma.gov>
Subject: CORI - Antoine Bitar

Karen,

I have received a CORI for Antoine Bitar of Hannoush Jewelers and I have no objection to the renewal of his Junk Dealer's license.

Mark F. Leonard
Chief of Police
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752
Office: 508-485-1212 x36974
Fax: 508-624-6938

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**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

February 2, 2017 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2017 FEB 23 P 3:48

Present: Edward Clancy – Chairman, David Williams, Allan White, John Skarin, Dennis Demers, Karin Paquin and Lawrence Roy. Also present was Priscila Ryder-Conservation Officer.

Absent: None

Approval of Minutes – The minutes of January 19, 2017 were unanimously approved.

Public Hearings:

Notice of Intent

Reconstruction of Rte. 85 (Maple St.) from the Southborough town line to John St.

Greg Russell, Meredith Avery and Dan Canata from VHB, consultants to the City of Marlborough DPW; Mark Dascoli from DPW Engineering; and Tom Currier from MassDOT were all present. Mr. Russell presented an overview of the project and explained that there would be full depth reconstruction from the Southborough town line to the second entrance of the car dealer. From there to John St. the work will involve milling and paving. All drainage structures are to be replaced with deep sump hooded catch basins to improve water quality, and sidewalks and vertical granite curbing will be added for the length of the project. Some work will be done near wetlands. Ms. Avery discussed the wetland locations and pointed out the resource areas, wetlands, buffer zones, floodplains and river front areas. The only wetland impact area is where South St. brook crosses under Maple St. This is an old 3-sided culvert that will be extended by 15' to allow for a sidewalk to be added and traffic lane reconfiguration. A small portion of bordering land subject to flooding (BLSF) will be impacted by 6" of the cover, this is being compensated in the adjacent landscaped area to ensure no change to the floodplain storage capacity. They will need to cut out a section of the existing 3-sided open channel and replace it with the same sized pre-cast concrete section which will support the added sidewalk etc. Mr. Russell indicated they would use the compost filter tubes as their erosion control method and that the specifications require that these be raked out and seeded when the project is completed. Mr. Clancy emphasized that the erosion controls would need to be removed when the project was completed. The Commission asked about the sequencing of the culvert replacement. Mr. Currier explained that this would be up to the contractor to establish. The Commission then determined that one of the conditions of the Order of Conditions would be to require the contractor to come to a Commission meeting prior to the start of work to explain the construction sequencing, dewatering system- stream diversion process, preparation for storm events and timing of the project, sequencing of drainage improvements and when they will be activated.

Mr. Russell explained that the project will have a duration of 18 months. They hope to issue the contract and start the project in the fall of 2017. Mr. Currier noted that they are coordinating with the gas company as there will be a 5-year moratorium on any work within the street after the project is completed. The Commission asked how the roadway will be left each evening.

Answer was it will be either compact gravel or temporary patch. There was discussion about process if contaminated soils are encountered, as this has been an issue in the past on Maple St. Ms. Avery explained that the contract has strict protocols to follow for any hazardous soils encountered.

There being no further questions, the hearing was closed. Ms. Ryder will draft a set of conditions for review at the next meeting.

Request for Determination of Applicability (Continuation)

329 Boston Post Rd. - 329 Boston Post Rd. Owner LLC

At the applicant's phone request to Ms. Ryder, this item was continued to the Commissions next meeting on Feb. 16, 2017.

Notice of Intent

215 Fitchburg St. - Assabet Valley Regional Vocational School District (212-1182)

The Commission voted on this item at the last meeting, but failed to sign the permit. The Commission members all signed the permit to issue the Order of Conditions for this project.

Certificate of Compliance

- DEP 212-1176 215 Cullinane Dr. - Ms. Ryder noted she did an inspection of the boathouse that was built and it came out fine, no issues. The Commission voted 7-0 unanimously to issue a full Certificate of Compliance for this project.

Extension Permit

- DEP 212-1117 Talia/The Preserve @ Ames – 2 yr. extension - Mr. Arnold from Goddard consulting was present. He noted that the project will likely be completed in June of 2017; but a two-year extension is requested just in case. The Commission determined that the project is well underway and an Extension Permit is warranted. The Commission voted unanimously 7-0 to issue a 2-year Extension Permit.

Other Business/Correspondence/ Discussion:

- Letter from Goddard Consulting, dated Jan. 20, 2017, RE: Wetland Replication As-built, The Preserve at Ames, Brookview Apartments (DEP 212-1117) – The Commission voted to accept and place this item on file.
- Mass Wildlife Grant award of \$14,483 was granted to the City for invasive plant removal at the Desert natural area. A copy of a letter to the Mayor requesting acceptance was provided to the Commission.
- Boroughs Loop Trail grant submission – Ms. Ryder working with Ms. Paquin submitted a regional grant application for a 33+ mile Boroughs Loop Trail that will go through Marlborough, Northborough, Westborough and Southborough. Ms. Ryder noted that a wetland filing for the boardwalk and bridges would be submitted to the Commission for review in the next few months.
- MassWildlife magazine - Ms. Ryder noted that the Commission receives a very informative magazine 4 times a year. Mr. Clancy, Williams, White said they'd like to read it. Mr. Roy and Skarin and Ms. Paquin already subscribe.

- Minor work exemption policy clarification - Ms. Ryder reviewed the exemption section of the regulation to clarify when the Commission wanted to see projects and which projects would fall under the exemption. 100' from wetland is still jurisdictional, but if work is minor i.e. decks, sheds on existing lawns 50' or more away from the wetland then the project can be exempt. Ms. Ryder shared an example of a splash pad the DPW wants to install at Ghiloni park that would meet the exemption provision. The Commission concurred, but was concerned about any chlorinated water discharging to the wetland. Ms. Ryder will follow up.

Meetings – Next Conservation meetings – February 16th and March 2, 2017 (Thursdays)

Adjournment

There being no further business, the meeting was adjourned at 8:22 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

**Assabet Valley Regional Technical High School
School Committee
School Committee Meeting
Tuesday, January 10, 2017, 6:30 pm - 8:30 pm
School Committee Conference Room**

2017 FEB 27 A 11:20

In Attendance:

Bill Charbonneau; Christopher Evers; Laura Ross; Lynn Ryan; Paul George; Peggy Ayres;
Virginia Simms George

Also:

Ernest F. Houle; Kris Luoto; Mark Hollick; Dawn Bacon; Emily Blackwood

The School Committee met in regular session in the Conference Room. The meeting was called to order at 6:30 p.m. by the Chair.

Approval of Minutes

A motion was made and seconded to approve the regular session meeting minutes of December 20, 2016 as presented.

Move: Virginia Simms George Second: Peggy Ayres Status: Passed

Laura Ross voted present due to her absence from the December 20 meeting.

Bills and Payroll

A motion was made and seconded to approve Warrant Nos. 17, 18, 1067-1069, and 5559-5563 as presented.

Move: Virginia Simms George Second: Peggy Ayres Status: Passed

Audience

Rob McCann and Russ Mangsen were present to discuss changes and updates to the 2017-2018 Program of Studies and CTE Update. Each discussed the proposed changes to their program areas. Members received a Google doc copy of the Program of Studies and the CTE Update in their BoardPaq information. A motion was made and seconded to approve the Program of Studies as presented.

Move: Lynn Ryan Second: Laura Ross Status: Passed

Student Representative Report

The student was not present, but left a written report of student activities for Mr. Hollick to share with the School Committee. Some activities included "Penny Wars," recycling projects, JROTC activities and the FIRST Robotics kickoff held at Assabet Valley.

Policy Subcommittee Update

Laura Ross gave an update of the Policy Subcommittee's recent activity. Members received Policies C through F for review and a discussion and vote is on the agenda for the next meeting.

Superintendent-Director's Report

Mr. Houle shared with the Committee the selection of Assabet Valley students Anna O'Connell and Sydney Myette for the MASS Outstanding Student award. A luncheon was held to honor all recipients of the award.

Mr. Houle discussed his submitted report as follows:

- FY18 Budget Meetings - FY18 Budget meetings with district members are scheduled to begin on January 23. Members will receive updates.
- DESE Request for Public Comment - The DESE is requesting public comment on proposed amendments to the Evaluation of Educators Regulations and to the proposed Regulations on Recovery High Schools. Members received information in their BoardPaq packets, and were encouraged to provide feedback.
- Assabet Valley Collaborative Update – A link was provided to documents for member review regarding the legalities regarding the Collaborative purchasing land. Kathy Cummings, of the Collaborative is willing to come in and speak to the Committee if they would like.
- MARS Legal Fund – Lynn Ryan reminded Committee members of the vote in FY15 to contribute \$500 to a legal fund to challenge the proposed 9C reduction. The fund was not used and members were asked to take a vote on what should be done with the funds going forward. A motion was made and seconded to affirm and amend the Committee's prior vote to donate \$500 to the MARS legal fund to be used at the discretion of the MARS Board of Directors.

Move: Virginia Simms George Second: Peggy Ayres Status: Passed

- Mr. Houle gave accolades to Kelly Vieira for conducting a 6.5 hour mental health education program with staff members during recent Professional Development days.

Director of Business Operations

Mr. Luoto discussed his report as follows:

- Mass Municipal Modernization Act – Discussion of the Act, House Bill 4565, "An Act modernizing municipal finance and government." No action is necessary as the act does not affect regional districts.
- Update on the Stadium Project - Members were updated on the next steps in the process. The Marlborough City engineer will review the plans and a vote is scheduled to take place next week. The Site Plan Review Committee will be the next step. January

17 is the date of the meeting with the City of Marlborough. The bid document preparation is ongoing.

- FY18 Budget: Vote Final Operating and Maintenance Budget – A motion was made and seconded that the District School Committee vote to approve the FY18 Final Budget as proposed at \$20,294,000.

Move: Virginia Simms George Second: Peggy Ayres Status: The motion was passed unanimously by a roll call vote. Voting 'yea' on the motion were Lynn Ryan, Peggy Ayres, Chris Evers, Paul George, Laura Ross, Virginia Simms George and Bill Charbonneau. There were no 'nay' votes.

Principal's Post

Mr. Hollick discussed his prepared report as follows:

- Honor Roll Report – 411 students were named to the Honor Roll for Term 1.
- Out-of-State Travel Request – A request was made that the FIRST Robotics Team be authorized to send twelve students and three chaperones to Windham, NH High School on March 4, 2017 for a FIRST Robotics event. A motion was made and seconded to approve the request.

Move: Virginia Simms George Second: Laura Ross Status: Passed

- Worcester County Food Bank – Mr. Hollick discussed the recent food drive conducted by the FIRST Robotics Team. Members also received a copy of the thank you letter sent by the Food Bank.

Communications

- Article from Metrowest Daily news re: Assabet students compete in drafting competition
- Patch article re: Assabet Valley Regional Technical Students Help Brighten Lives
- News article re: Assabet Valley students to launch self-awareness campaign
- News article re: Hudson family enjoys working at New Horizons
- Copy of MASC Weekly Update email dated January 9, 2017
- Members discussed possible attendance at the National School Board Conference in Denver in March – will be on the next agenda

Program Advisory Committee

A motion was made and seconded to approve the appointment of Henry Grampietro to the Radio & Television Broadcasting Program Advisory Committee.

Move: Paul George Second: Laura Ross Status: Passed

Personnel

A recommendation was made by Mr. Houle that the District School Committee recognize vacancies in the Auto Technology Department and the Electrical Wiring Department due to retirements and to authorize the Administration to post, advertise and fill the vacancies. A motion was made and seconded to authorize the recommendation.

Move: Lynn Ryan Second: Virginia Simms George Status: Passed

A recommendation was made by Mr. Houle that the District School Committee recognize a Paraprofessional vacancy due to a resignation and to authorize the Administration to post, advertise and fill the vacancy. A motion was made and seconded to authorize the recommendation.

Move: Paul George Second: Peggy Ayres Status: Passed

Old Business

None

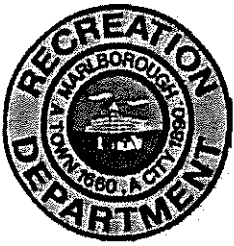
At 8:12 p.m., a motion was made by Laura Ross and seconded by Virginia Simms George to adjourn the meeting. The motion was passed unanimously.

The minutes herein were recorded by the Clerk, approved by the Committee, and so noted in a subsequent record.

Laura Ross, Secretary

Accompanying Paperwork for School Committee Meeting of January 10, 2017

- Proposed meeting minutes of December 20, 2017
- Memo from Ernest Houle dated January 10, 2017 re: Warrant Vote
- Google doc link to Program of Studies
- Google doc link to CTE Update
- Student Representative Report
- Proposed Policy C Index
- Proposed Policies CA through CM
- Proposed Policy D Index
- Proposed Policies DA through DKC
- Proposed Policy E Index
- Proposed Policies EB through EFC
- Proposed Policy F Index
- Proposed Policies FA through FF
- Superintendent's Report dated January 4, 2017
- MARS Legal Fund document
- DESE Notice of Public Comment
- Assabet Valley Collaborative Building Purchase Update 1/10/2017
- Fiscal Operations Update 1-6-17
- FY18 Budget Overview
- FY18 Final Budget Book
- Principal's Report dated January 4, 2017
- First Trimester Honor Roll
- Memo to School Committee from Mark Hollick dated December 20, 2016
- AZTECHS Robotics Out-of-State Travel request from Marcus Fletcher
- Worcester County Food Bank thank you letter dated December 15, 2016
- Article from Metrowest Daily news re: Assabet students compete in drafting competition
- Patch article re: Assabet Valley Regional Technical Students Help Brighten Lives
- News article re: Assabet Valley students to launch self-awareness campaign
- News article re: Hudson family enjoys working at New Horizons
- Copy of MASC Weekly Update email dated January 9, 2017
- Members discussed possible attendance at the National School Board Conference in Denver in March – will be on the next agenda
- Memo from Russ Mangsen to Ernie Houle dated December 21, 2016 re: Recommendation of a candidate to the Radio & Television Broadcasting Program Advisory Committee
- Letter of Intent from Henry Grampietro



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

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CITY OF MARLBOROUGH

2017 FEB 27 P 1:28

COMMISSIONERS
Brenda Calder
Nancy Klein
Robert Kays: Chairman
Mark Vital
Dennis Zilembo

DIRECTOR
Charles Thebado

PROGRAM MANAGER
Zachary Lambert

October 19, 2016

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:00pm., at the Recreation Commission Office.

Present were Commission Members: Chairman Kays, Commissioner Calder, Commissioner Klein, and Commissioner Vital.

Also attending: Recreation Director Charles Thebado, Recreation Program Manager Zachary Lambert, and Parks, Forestry and Cemetery General Foreman Chris White.

Approval of minutes: 09-14-16

On a motion duly made by Commissioner Klein and seconded by Commissioner Vital, it was unanimously:

VOTED: To accept 09-14-16 minutes.

Parks Report: Recreation Director Chuck Thebado advised the Commission that after consulting with Chris White of the Parks Department and accessing surrounding towns of Marlborough in regards to youth organizational fees the Marlborough Recreation Department is proposing a \$10.00 administrative fee for each participant per season for all youth organization who use the City of Marlborough Facilities. The surrounding towns charge a fee of some sort with the exception of the Town of Northborough where each youth organization is responsible for maintaining their facility and all costs associated with it.

The towns that most resemble the City of Marlborough in regards to the number of facilities that need to be maintained on a yearly basis are Sudbury and Southborough which charge a fee of \$35.00 and \$20.00 respectively per participant/per season. As of right now, the City of Marlborough does not charge its youth organizations a fee although it maintains double the amount of facilities Southborough has and seven more than Sudbury.

Although the field maintenance costs are covered in the Parks Department budget, it does not take into account when equipment needs to be repaired or if unforeseen circumstances arises where a particular facility may need extra work thus resulting in additional costs. When this does happen the Parks Department has to decide which field takes precedent in terms of their budget constraints and sometimes results in field closures.

On a motion duly made by Commissioner Vital and seconded by Commissioner Calder, it was unanimously:

VOTED: To accept Recreation Director's proposal of youth administrative fee.

Mr. Thebado and Mr. White will present the proposal to the Mayor.

Commissioner Vital asked regarding the status of Ward Park. Mr. White stated the field/park is not released yet to the City or the Recreation Dept.

Recreation Report: Mr. Thebado gave the following Recreation Report:

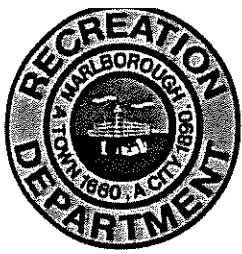
- Zach and I, working on details for the Horribles Parade.
- Zach is collecting scarecrows for the Build your own scarecrow Contest. Residents of all ages are invited to participate by building scarecrows utilizing common items found around the house. Completed scarecrows must be delivered to the Recreation Office by Friday, October 23rd.
- Photo booth will be available at the Horribles Parade event.
- We are working and assisting for the Home for the Holidays Event.
- Fall programs up and running.
- Working to finalize all winter programs.

There was a brief discussion regarding the date and time of the next Commission meeting. The Commission stated they will have their meeting on their regular schedule which is the second Wednesday of the month, at 5pm.

Meeting adjourned at 6:08pm.

Attest to:

Simela Perdikomatis
Senior Clerk/Commission Secretary
City of Marlborough Recreation Dept.



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 624-3610
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CITY OF MARLBOROUGH

COMMISSIONERS
Brenda Calder
Nancy Klein
Robert Kays: Chairman
Mark Vital

DIRECTOR
Charles Thebado

PROGRAM MANAGER
Zachary Lambert

2017 FEB 27 P 1: 28

November 09, 2016

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:00pm at the Recreation Commission Office.

Present were Commission Members: Chairman Kays, Commissioner Calder, Commissioner Vital and Commissioner Klein.

Also attending: Recreation Director Charles Thebado and Recreation Program Manager Zachary Lambert.

Approval of minutes 10-19-16:

On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:

VOTED: To accept the 10-19-16 minutes.

Parks Report:

Mr. Thebado informed the Commission that Mr. White is on vacation.

Recreation Department:

Director Charles Thebado gave the following updated report:

- There was a discussion regarding youth organization fees effective this upcoming 2017 season. Commission support the recommended \$10.00 fee.
On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:
VOTED: To implement \$10 administrative fee for all youth organizations.

Mr. Thebado stated he will contact Mr. White and arrange a meeting with all youth organizations.

- Mr. Thebado informed the Commission that he met with Mr. Mark Gibbs, regarding field-permitting system. IT will start the process to create a permitting system for field scheduling upon the Commission's approval.
On a motion duly made by Commissioner Calder and seconded by Commissioner Vital, it was unanimously:
VOTED: To approve the permitting system being created by the IT Department.
- Horribles Parade: It was a very successful event.
- In the process to finalize a few details for the Home for the Holidays event.

- Zach is working on finalizing all winter programs.
- Mr. Lambert spoke to Mr. Dan Rudzinsky regarding Recreation Basketball program.
- Program Manager Lambert is reaching out to the Library to collaborate on upcoming programs.
- The department will go back to Assabet Valley Vocational School for all printing needs.
- Mr. Thebado informed the Commission of his meeting with Mr. Andy White regarding the Recreation office-remodeling project. Project will start within the next two months.
- Motion to adjourn by Commissioner Klein, Second by Commissioner Vital.

All in favor. Motion carried.

Meeting adjourned at 5:40p.m.

Attest to: Simela Perdikomatis
Senior Clerk/Commission Secretary

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 FEB 28 A 9:54

Call to Order

January 23, 2017

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Shawn McCarthy, & Philip Hodge.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio

Sean Fay and Brian DuPont were absent.

1. Meeting Minutes:

A. December 19, 2016

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to approve the minutes of the December 19, 2016 meeting as presented. Motion carried with Mr. Hodge abstaining.

B. January 9, 2017

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to approve the minutes of the January 9, 2017 meeting as presented. Motion carried.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item was carried over to the next regularly scheduled agenda. (February 6, 2016)

B. Planning Board 2017 Meeting Dates (Proposed)

On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to accept the proposed meeting dates and post them on the City meeting calendar. Motion carried.

C. Proposed Zone Change “Temporary Cessation of the Acceptance of Applications for Special Permits for Housing Projects” From City Council

Ms. Hughes read the notification from the City Council regarding the “Proposed Zone Change” into the record.

City Council President Edward Clancy was in attendance to discuss the proposed change with the Board.

This proposed “Cessation” came to the City Council from the Mayor. There are multiple potential projects being “thrown about” by potential developers. The proposed cessation is being considered in order to assess the potential impacts on the City not only in the terms of infrastructure but also in the ability to properly handle the increases to the Police & Fire Departments as well as the potential impacts on the school system.

The City Council is looking to set guidelines for developers.

The City Council has set their Public Hearing for February 6, 2017. The Planning Board is unable to meet the advertisement publication deadlines to hold their Public Hearing on the same

evening. The Planning Board will hold their Public Hearing on February 27, 2017 at 7:15pm.

D. Board Member Term Expirations Discussion

On a motion made by Mr. Hodge, seconded by Ms. Hughes to send a formal correspondence to the Mayor's office indicating the desires of the following members to be re-appointed to the Planning Board: Barbara Fenby, Colleen Hughes, Sean Fay & Philip Hodge. Sean McCarthy has indicated his wish to not seek reappointment this will leave a second vacancy on the Board effective February 2, 2017. Motion carried.

The effectiveness of the Planning Board could be greatly impacted if the two (2) Board positions are left vacant. The Planning Board is a Board of seven members, with a required quorum of four (4) members to hold a legal meeting the drop down to only five (5) sitting members becomes a significant issue. With the potential for meeting to be cancelled abruptly due to the inability to seat a quorum.

It is with this issue in mind that the four (4) members listed above request your timely attention to this matter as well as the matter of the appointment of two (2) additional members to the Board bringing the Board back to its full seven members.

3. Approval Not Required:

A. Hager St/Parmenter Rd (2 lots in Framingham, 1 in Marlborough) 2-13-17

Ms. Hughes read the request into the record.

On a motion made by Ms. Hughes, seconded by Mr. Hodge to accept the correspondence and place it on file. Motion carried.

Mr. Peter Bemis was in attendance to present the requested plan to the Board.

The plan in question would create three (3) lots two (2) of the building lots will be in Framingham leaving one development lot in Marlborough. It is the intent of the developer to develop the lot into an Open Space Subdivision in the very near future.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to refer the plan to the Engineering Department for review and comment. Motion carried.

The determination would need to be received by the Board for the February 6, 2017 meeting.

This plan has already been presented to and approved by the Town of Framingham Planning Board.

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board: The Cider Mill and Walker Brook subdivisions both expire in May, (Commonwealth Heights as well) The developer from Walker Brook has requested that the City plow Bemis and Allis Road.

The Mauro Farms subdivision is progressing through the one (1) year maintenance period, a request has been made to the developer to supply the deeds required for final acceptance of the subdivision. A second request will be forwarded to the developer.

City Engineer DiPersio continued on that the Formal acceptance of Bouffard Dr has been submitted to the City Council for approval, however there has been an issue discovered with the submitted documents. There will be discussion with the filing Attorney once the approval is referred from the City Council.

B. Correspondence from Code Enforcement Officer Re: Walker Brook Estates

Ms. Hughes read the correspondence into the record.

On a motion made by Ms. Hughes, seconded by Mr. Hodge the correspondence was accepted and placed on file. Motion carried.

D. Marlborough Hub Continued Discussion (if necessary)(April 1, 2017)

Ms. Peltier read the communication from Attorney Bergeron into the record indicating that the developer is still working on meeting the Boards requirements.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to send correspondence to Attorney Bergeron requesting he appear on behalf of his client at the next regularly scheduled meeting (February 6, 2017). Motion carried.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business: None

10. Informal Discussion: None

11. Correspondence:

A. National Grid natural gas pipeline safety information

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept and place on file item 11A. Motion carried.

12. Public Notices of other Cities and Towns:

A. Town of Framingham Zoning Board of Appeals, 1 Notice

B. City of Marlborough City Council notice of Public Hearing

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept and place on file items 12A-B. Motion carried.

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to adjourn at 7:44pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING SEPTEMBER 6, 2016
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 MAR -1 P 2:17

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS, PATTY CARLSON, CHERYL SOUCY.

DEBRA MCMANUS CALLED THE MEETING TO ORDER AT 4:00 PM.

PATTY CARLSON MADE A MOTION TO AMEND THE ORDER OF BUSINESS. ACCEPTED 4 TO 0.

KAREN BOULE-CITY COUNCIL SECRETARY PRESENTED A LETTER DRAFTED BY DAVE DOUCETTE-WARD COUNCILOR. PATTY CARLSON READ THE LETTER TO THE COMMISSION MEMBERS REQUESTING SUGGESTIONS OR CHANGES. KAREN BOULE REVISED THE LETTER & A MOTION WAS MADE TO ACCEPT IT 4 TO 0. DAVE DOUCETTE HAD LEFT FOR THE DAY & SO, DEBRA MCMANUS SIGNED IT. KAREN BOULE HAND DELIVERED THE LETTER TO THE MAYOR.

PATTY CARLSON READ THE MINUTES. ACCEPTED 4 TO 0.

CHERYL SOUCY READ THE TREASURER'S REPORT \$6,575.54. ACCEPTED 4 TO 0.

NEW BUSINESS

THE AAB HAS NOTIFIED THE SENIOR CENTER THAT THEY HAVE A HEARING IN BOSTON FOR NON-COMPLIANCE.

MWIL IS HOLDING THEIR ANNUAL GALA FUNDRAISING EVENT ON NOVEMBER 4, 2016.

THE ABILITIES EXPO IS BEING HELD SEPTEMBER 16, 17 & 18TH AT THE BOSTON EXPO CENTER. JOHN USINAS MADE A MOTION WE ATTEND & APPROVE THE MONEY NEEDED TO PAY FOR TRANSPORTATION. ACCEPTED 4 TO 0. DEBRA MCMANUS WILL CALL TONI WOLF ABOUT TRANSPORTATION.

JOHN USINAS STATED HE SPOKE WITH A WOMAN FROM MARLBOROUGH, WHO WAS SEEKING TRANSPORTATION FOR HER DAUGHTER WHO HAS MULTIPLE DISABILITIES. UNFORTUNATELY, THE DIAL-A-RIDE IS NO LONGER ACCEPTING NEW RIDER. SO TRANSPORTATION IS LIMITED OR NON-EXISTENT.

OLD BUSINESS

JOHN USINAS REPORTED THAT THE ENGINEERING DEPT. STATED THE PED SIGNAL FOR FARM/BROADMEADOW ROADS IS ON BACK ORDER. THEY WILL BE INSTALL AS SOON AS THEY ARRIVE.

THE MEETING ADJOURNED AT 4:52 PM.

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS, CHAIRPERSON

OUR NEXT MEETING IS TUESDAY OCTOBER 4, 2016 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING OCTOBER 4, 2016
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 MAR -1 P 2:17

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS, PATTY CARLSON, CHERYL SOUCY, DAVE DOUCETTE, DEREK CHAVES.

DEBRA MCMANUS CALLED THE MEETING TO ORDER AT 4:01 PM.

PATTY CARLSON READ THE MINUTES. ACCEPTED 6 TO 0.

CHERYL SOUCY GAVE THE TREASURER'S REPORT. WE HAVE \$6,687.16. ACCEPTED 6 TO 0.

NEW BUSINESS

DEREK CHAVES WAS WELCOMED AS A NEW BOARD MEMBER. DEREK WORKS FOR INDEX PROGRAM, E.K. SHRIVER CENTER, UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL. DEREK IS OR HAS BEEN INVOLVED IN MASSOPTIONS, MASS REAL LIVES, MASS CANS, JOBS WITHOUT LIMITS, DISABILITYINFO.ORG. I AM COVERED, AND ONE CARE LEARNING. WELCOME TO DEREK, A GREAT ASSET TO OUR BOARD.

DEREK & JOHN DISCUSSED THE POSSIBILITY OF NVDA BEING INSTALLED ON THE COMPUTERS @ THE SENIOR CENTER TO ENABLE THE BLIND ACCESS TO THE COMPUTER CENTER. DEREK VOLUNTEERED TO SPEAK WITH TRISH POPE.

OLD BUSINESS

DAVE DOUCETTE REPORTED THAT THE PED SIGNAL @ FARM & BROADMEADOW ROADS EAST TO WEST HAD NO SOUND & WEST TO EAST HAD SOUND & VOICE. JOHN USINAS WILL CALL ENGINEERING.

DAVE DOUCETTE SUGGESTED WE SEND KAREN BOULE A SHORT LETTER & A THANK YOU CARD FOR ALL HER ASSISTANCE ON THE LETTER LAST MONTH.

THE H.P PARKING SPACES HAVE BEEN ADDED AT 277 MAIN STREET BUT NO UPRIGHT SIGNAGE HAS BEEN INSTALLED.

AN ELDERLY WOMAN AT 240 MAIN STREET HAS BEEN LIVING IN ONE OF THE FULLY ADAPTED APARTMENTS. SHE WAS DUE TO MOVE INTO A NON-HANDICAPPED APARTMENT BUT HOUSING HAS NOW DECIDED TO ALLOW HER TO REMAIN IN HER CURRENT APT. THERE ARE ONLY 6 FULLY ADAPTED WHEELCHAIR ACCESSIBLE APARTMENTS RUN BY HOUSING IN THE WHOLE CITY. DEBRA WILL SPEAK WITH DOUG BUSHMAN.

THE MEETING ADJOURNED AT 4:58 PM.

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS, CHAIRPERSON

OUR NEXT MEETING IS TUESDAY NOVEMBER 1, 2016 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 MAR -3 P 12:46

**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, January 31, 2017 at 10:00am in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, December 20, 2016.

MOTION was made, seconded, duly VOTED:
TO APPROVE - Accept and Place on File.

2 - New Business

2a) Request from Tim Collins to evaluate the flashing yellow light at Main/Maple/Hildreth Streets.

Tim Collins sent an email to Chief Leonard advising that this light had been knocked down again. He went on to explain that when this light was installed that section of Main St. & Maple St. was part of Rte. 85 and had much higher traffic volume than what we see now that South Bolton is part of Rte. 85. Hildreth St. had a flashing red and Main and Maple had flashing yellow. It has always been confusing as to who has the right of way. Mr. Collins is now asking if the flashing light here is warranted. If not, he would like to add a stop condition at Maple Street instead.

The group went on to discuss the traffic pattern here and how everyone stops and no one really knows what to do. Chief Leonard said that he does not think the flashing yellow was actually warranted. It was just something that "has been there forever". It was also questioned as to whether MA DOT has (or had) control over this area. Chief Leonard

asked if Mr. Collins could conduct a review and see if it meets the warrants for a stop condition here and make a recommendation at the next meeting.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to see if this intersection meets the warrants for a stop sign and provide a recommendation at the next meeting.

2b) Request for speed limit signage on Boundary St.

This request came from a resident of Boundary Street. She sent an email to the Chief explaining that the traffic on Boundary Street “has increased drastically” and went on to say that “it has become a cut thru street during rush hour” and is dangerous for her young child at the bus stop. She said there is no speed limit sign on Boundary Street but GPS shows the speed as 30mph. She is requesting that speed limit signs be installed.

The group discussed whether or not this street is considered “thickly settled” and whether or not there is a special speed regulation here. They went on to agree that it should probably be looked at, especially down by the treatment plant where the turns are located. If it is not “thickly settled” it would actually revert back to 40mph. Tim Collins from Engineering was unable to attend the meeting.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to determine the current speed limit for Boundary Street and TABLE for further discussion at the next meeting.

2c) Traffic Commission meeting schedule for 2017.

Chief Leonard prepared the meeting schedule for 2017 for review. He noted that the February meeting was moved up a week, from 2/28 to 2/21, so that he could be in attendance at the last meeting with the new Chief of Police. He knows that it is now the same day as the Site Plan meeting, however, and he may have to leave early. He also noted that the December meeting was bumped up to the third week of December rather than the last week of December due to the holidays.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. Also, REFER to Lisa Thomas to post the schedule on the Traffic Commission’s website.

3-Old Business

3a) Traffic Commission rules and regulations update.

Chief Leonard advised that he and Karen Lambert have reviewed the outstanding regulations and have now rectified what has been approved and advertised. They found an additional 10 regulations that still needed to be advertised and provided copies to Lisa Thomas. Ms. Thomas will forward them to the newspaper for advertisement.

MOTION was made, seconded, duly VOTED to REFER to Lisa Thomas to forward the last group of outstanding regulations to the newspaper for advertisement.

3b) Traffic Concerns at Wilson & Hemenway Sts.

Update: Engineering advised that they would be waiting until the Spring to make any changes here. They don't want to install the new island with the snow.

MOTION was made, seconded, duly VOTED to TABLE.

3c) Request for stop signs on Weed St. at Florence St.

Commissioner Ghiloni advised that this issue is still pending.

MOTION was made, seconded, duly VOTED to TABLE.

3d) Parking restriction on Forest Street near AMSA.

Commissioner Ghiloni advised that "No Parking" signs have been installed near the school, however, he is not sure as to how many were put up. Chief Leonard said that he has not seen them yet. Tim Collins had previously advised that 50 signs were necessary to post the entire area, however, the Group thought this seemed excessive. Commissioner Ghiloni said he thinks that 4 are now in place. So far this winter has not been an issue because the weather has not been bad. There was a big issue two years ago when there were large snow banks on both sides of the road. Commissioner Ghiloni also feels that signs should be posted at the school driveway.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to bring the proper language to the next meeting.

3e) Request to explore the possibility of changing the one-way direction of travel on Hayden Street.

Fire Chief Breen was unable to attend the last meeting so Chief Leonard gave him a brief overview of the issue. The request was made by Trish Pope and the reasoning is that when people come off Granger Blvd. and proceed to the Senior Center Lot and find the lot full, they have trouble finding the way to the overflow parking at the school. Currently they have to take a right onto Hayden Street and get back onto Rte. 20. If the direction of Hayden Street were changed, they could take a left onto Hayden and proceed straight to the school.

Commissioner Ghiloni said that he thinks this would just back up other areas. He likes the idea for the Senior Center but not for those coming from South Street. It just creates other problems. Fire Chief Breen said that he will go take a look at the area when he leaves the meeting today. He would like to know how it would impact fire apparatus access if the direction of the roadway were to change.

MOTION was made, seconded, duly VOTED to REFER to FIRE CHIEF BREEN to take a look at the area with respect to fire apparatus and advise at the next meeting.

3f) Request for truck exclusion on Winter Street.

Chief Leonard said that he thought he saw that new signs had gone up here indicating that the truck exclusion was ahead. Commissioner Ghiloni said that no those are the same signs that had already been installed but that they did put the counters out. There was a problem, however, because snow was coming and the counters needed to be pulled up for snow removal. As of the meeting today, they have not yet been put back down.

Commissioner Ghiloni also asked if the guardrail should be put back up. The large rocks have been used because the guardrail was hit so many times and kept needing to be fixed. The fear is that someone will hit the house without some type of barrier to protect the property. Chief Leonard said that he thinks the rocks are fine. They provide the same protection and don't need to be replaced. They will still keep a car from hitting the house. Commissioner Ghiloni also said that they will soon be working on this area and sidewalks are going to be added on Winter Street. He noted, however, that there is no room for any major widening of the roadway.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to put the counters back out.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:30 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, January 31, 2017. (Including City of Marlborough Meeting Posting).
- Draft of minutes from Tuesday, December 20, 2016.
- Email from Tim Collins to Chief Leonard, dated 1/6/17, re: Intersection of Main Street/Maple Street/Hildreth Street.
- Email from Kaitlin Fafard to Carrie Lizotte (for Chief Leonard), dated 1/3/17, re: Boundary St. – Marlborough.
- Traffic Commission Meeting Schedule for 2017.

Additional Handouts:

-None-

Marlborough Public Library Board of Trustees

Meeting Minutes

February 7, 2017

Bigelow Auditorium, Marlborough Public Library

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2017 MAR -8 A 8:04

Meeting called to order by Rustin Kyle at 7:11pm

Board Members Present: Nena Bloomquist, William Brewin, Rustin Kyle, Janice Merk, and Robyn Ripley

Also Present: Margaret Cardello, Library Director

Absent: Tom Abel, Karen Bento, Ray Hale, and Ray Johnson

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the January 3^d meeting was passed (Merk/Bloomquist).*

2. **Trust Fund Reports:** *A motion was passed to approve the Trust Fund Reports for January (Bloomquist/Brewin).*

3. **Director's Report:** (see attached for more details)
 - The grant application has been sent to the MBLC on time. It took an incredible amount of work to complete the eight large binders worth of information.
 - The application is still considered "open" as it still needs two approvals from City Council. Although not needed by MBLC until June 17th, it would be helpful to have the preliminary schematics approved before then in order to use for fundraising, etc.
 - Margaret is already working on the library's budget. The city has asked for department budgets to be submitted by February 10th which is much earlier than in previous years.
 - There are still open staff positions and as of February 21, we will lose our Head of Technical Services. It remains difficult to hire and keep good staff as the pay scale is low in Marlborough, relative to other communities.
 - Margaret is still working on getting rid of surplus items (statues, etc.). There has been interest from a private party in purchasing one of the old card catalogs. For now the card catalogs will be kept on site as they could be repurposed and used again in the future.

4. Committee Reports:

- Foundation:
 - The fundraising company (FDA) has been officially hired and already has office space in the Walker Building.
 - Marlborough Savings Bank has been approached to be a lead donor and perhaps donate seed money for the startup expenses of hiring part time support, etc.

- Friends: (see attached report for detailed information)

5. Old Business:

- 2016 Scholarships: All scholarships have been paid out.

6. New Business:

- None

7. Adjournment: *A motion to adjourn passed at 7:58 (Ripley/Kyle).*

Minutes submitted by Secretary Robyn Ripley.

City of Marlborough
License Board
140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

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2017 MAR -8 A 11:53

Minutes of the License Board Regular Meeting Held Wednesday, January 25, 2017
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin (WB), Chairman; Gregory Mitrakas (GM); David Bouvier (DB)
Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

- **Immaculate Conception School Parents Association**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

2. Change of Manager / Officers Application – Fraternal Order of Eagles

Member Mitrakas motioned to approve the new manager and new officers Member
Bouvier seconded, Board vote: 3-0 approved

3. First Edition Pub Liquor License

Member Bouvier motioned that the ABCC be notified that the license for the First
Edition Pub was not renewed and that Mr. Sullivan be notified that the license was null
and void. If Mr. Sullivan wishes to reopen the First Edition Pub or another establishment
a new license would be needed. Member Mitrakas seconded the motion. Board vote: 3-0
approval to notify ABCC the license has not been renewed and that the license is now
null and void.

9. Review minutes –

Regular meeting, December 21, 2016

Member Bouvier motioned to approve the minutes and place on file, Member Mitrakas
seconded. Vote to approve minutes and place on file 3-0.

Motion made to adjourn: 8:30 pm vote: 3-0 for adjournment. Next meeting is Wednesday,
March 1, 2017.

Respectfully submitted,



Walter Bonin, Chairman



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2017 MAR -8 A 11: 53

BOH MEETING MINUTES -- 01/10/17

Attending

Robin Williams, Chairwoman

James Griffin, Vice Chair

Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health, and Tina Nolin, Senior Clerk

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Meeting minutes of December 13, 2016

Motion to accept December 13, 2016 minutes – member Tennyson

Second – Vice Chair Griffin

3-0 Vote to accept and place on file the minutes of December 13, 2016 Yes, Chairwoman Williams; Yes, Vice Chair Griffin, Yes, Member Tennyson.

Introduction of Public Health Nurse to the Board

Director Liberty introduced Patty Moran, PHN to the Board

BOARD BUSINESS

- **Tobacco violation fine/Marlboro Market**

Owner of market was requested before the Board, but was not in attendance.

This is the second violation -selling to minors and selling flavored cigarettes. After some discussion Board voted to suspend their license for 7 consecutive days -the fine had been paid as of the meeting date. A letter would be issued and an Assistant Sanitarian would be dispatched to be sure product had been removed from the premise.

Motion to send letter and inspector to enforce the 7-day permit suspension - Vice Chair Griffin, Seconded by Member Tennyson; 3-0 Vote to accept said motion, Yes, Chairwoman Williams; Yes, Vice Chair Griffin, Yes, Member Tennyson

- **Food Establishment violations / Joy Asia – (Tabled until after the Board Business: Memberships and Tobacco Regulations)**

After much discussion Joy Asia was told that they had to put in a 3-Bay sink. Chairperson Williams requested that they focus on one thing at a time to improve on and said she would send Director Liberty some forms that would simplify and breakdown the processes so it could easily be taught to the staff and recorded. After these were implemented they would go from there on next steps.

- **Membership Tobacco Regulations**

Also in attendance were DJ Wilson, Tobacco Control Director/Public Health Liaison Massachusetts Municipal Association and Cheryl Sbarra, Senior Staff Attorney, Massachusetts Association of Health Boards

After much discussion concerning private clubs with regards to rights and what other towns were doing it was decided by the Board that the regulations passed in April of 2015 and instituted September 1, 2016 prohibiting smoking in public spaces, including clubs would stand and no variances would be forthcoming, nor would the Board be seeking to amend the regulation.

The motion to not amend the smoking regulation prohibiting smoking in private clubs was made by Vice Chair Griffin and seconded by Member Tennyson. 3-0 Vote to not amend the smoking regulation prohibiting smoking in private clubs; Yes, Chairwoman Williams; Yes, Vice Chair Griffin, Yes, Member Tennyson

- **Food establishment renewal applications completed-not submitted**

Director Liberty presented establishments who had not yet applied for their 2017 Permit Renewal. Chairperson Williams charged her with sending the Sanitarians out with a cease and desist letter the following day.

MONTHLY REPORTS

- **Nurse's Report**

Director Liberty presented the Public Health Nurse's report. The public health nurse vaccinated 25 students in December. Director Liberty reminded the Board that starting in January the clinic will be moving to Tuesdays so that students may be screened for TB, PPD's to be planted and read. The full nurses report was submitted to and accepted to be placed on file.

- **Sanitarians' Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file.

ADJOURN

Motion – to adjourn meeting at 7:41 pm – Vice Chair Griffin

Second – Member Tennyson

3-0 vote to adjourn Board of Health Meeting at 7:41 pm, Yes, Chairwoman Williams; Yes, Vice Chair Griffin. Yes, Member Tennyson

Next Board of Health meeting will be on January 31, 2017

Respectfully submitted,



Chairwoman Williams

3/7/2017

Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website