

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 NOV -9 P 2: 07

1. Minutes, City Council Meeting, October 30, 2017.
2. PUBLIC HEARING: On the Petition of AT & T to deploy one small cell site which will be mounted on existing utility pole at 96 East Main Street, Order No. 17-1007033.
3. PUBLIC HEARING: On the Petition of AT & T to deploy one small cell site which will be mounted on existing utility pole at 319 East Main Street, Order No. 17-1007034.
4. PUBLIC HEARING: On the Petition of AT & T to deploy a small cell site which will be mounted on existing utility pole at 28 Concord Rd., Order No. 17-1007055.
5. Communication from Mayor re: Grant Acceptances from MassDEP Sustainable Materials Recovery Program & Small Scale Initiatives Program to Department of Public Works in the amount of \$10,800.00 which incentivizes municipalities to improve recycling programs as noted in the correspondence.
6. Communication from Mayor re: Gift Acceptance from Marlborough Country Club to the Police Department in the amount of \$5,600.00 which will be used for supplies and training for K-9 program.
7. Communication from Mayor re: Gift Acceptance from the Lions Club to Department of Public Works in the amount of \$3,801.00 to purchase a Murdock Drinking Fountain to install at Ghiloni Park.
8. Communication from Mayor re: Other Post-Employment Benefits (OPEB) Trust Update.
9. Communication from City Solicitor, Donald Rider, re: Application for Special Permit, CJG Enterprises, Inc., in its capacity as manager of Tiger Cat Properties, LLC, 487 Lincoln St., Cozy Café, in proper legal form.
10. Communication from Commissioner of Public Works, John Ghiloni, re: Chapter 40 Section 6-C, Plowing of Private Ways, Allis Rd. & Bemis Rd.
11. Communication from the Planning Board re: Proposed Zoning Amendment, Section 650-5, 48 & 17, Self Storage Facilities, Order No. 17-1007002A.
12. Communication from Keegan Werlin LLP, on behalf of Department of Public Utilities, Notice of Filing, Public Hearing, Procedural Conference & Request for Comments.
13. Minutes, Planning Board, October 16, 2017.
14. Minutes, Other Post-Employment Benefits (OPEB) Trust Board, October 18, 2016.
15. CLAIMS:
 - a. Lisa McNally, 212 Glen St., other property damage.

REPORTS OF COMMITTEES:

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.

UNFINISHED BUSINESS:

From Urban Affairs Committee

16. **Order No. 16-1006735G - Application for Special Permit from Atty. Cipriano on behalf of Tiger Cat Properties LLC to construct a multifamily dwelling at 487 Lincoln Street (former Cozy Cafe site). Motion made by Councilor Landers, seconded by Chair, to delete condition 8.R. The motion carried 3-1 (Delano opposed, Elder absent). Motion made by Councilor Tunnera, seconded by Chair, to approve as amended. The motion carried 3-1 (Delano opposed, Elder absent).**

From City Council

17. **Order No. 16/17-1006443W-2 - Proposed Amendment to the Apex Zoning Overlay to add to the overlay the parcels occupied by Wendy's and Bank of America, expressly excluding drive through facilities located on Map 78, Parcel 14A which facilities are existing and shall not require a Special Permit under this 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. First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain, adopted. There was objection to passage in one evening by Councilor Oram. Councilor Oram requested that this Item be TABLED UNTIL THE NOVEMBER 13, 2017 CITY COUNCIL MEETING.**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



2017 NOV -9 A 10: 17

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723

OCTOBER 30, 2017

Regular meeting of the City Council held on Monday, October 30, 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: Juairé. Meeting adjourned at 9:12 PM.

Suspension of the Rules requested – granted to allow the Mayor to speak pertinent to the early morning flash flood warning alerts.

ORDERED: That the Minutes of the City Council meeting OCTOBER 16, 2017, **FILE**; adopted.

ORDERED: That the Public Hearing on the Proposed Amendment to Zoning Ordinance, Designating and Authorizing Certain Councilors to Sign Special Permit Extension Agreements, Order No. 17-1007030, all were heard who wish to be heard, hearing recessed at 8:10 PM.

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

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 land located on and off Howe Street and on and off Valley Street, as more particularly described herein, be taken for the purpose of a pedestrian connection to provide neighborhood access to the Cpl. Christos Pappas Playground on John Street and its recreational amenities, and for other municipal purposes but expressly excluding the purposes of Article 97 of the Constitution of the Commonwealth of Massachusetts, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purpose; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the fee simple 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 fee simple interest in the following described land, including all trees and other vegetation thereon, but not the structures and other objects located thereon, if any, for which structures and objects the owner(s) thereof shall be given a reasonable time after date of this order to remove.

DESCRIPTION OF LAND TAKEN

1. Being an approximately 24,829.2 S.F. parcel located on and off Howe Street, Marlborough, MA and shown as Map 82, and Parcel 125A on the Assessors' Map of the City of Marlborough:

OWNER: Heirs of Stetson
Address Unknown

2. Being an approximately 16,988.4 S.F. parcel located on and off Valley Street, Marlborough, MA and shown as Map 82, and Parcel 125B on the Assessors' Map of the City of Marlborough.

OWNER: Heirs of Mary Howe
Address Unknown

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee interest and each of them are hereby taken whether the ownership is as stated herein or otherwise. We determine that the damages, set forth in the Table of Awards below, have been sustained by the owners of said parcels upon which said fee simple interests, so taken, are located.

TABLE OF 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>AWARD</u>
Heirs of Stetson Address Unknown	82/125A	\$3,400
Heirs of Mary Howe Address Unknown	82/125B	\$2,300

Refer to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Councilor Ossing re: Municipal Aggregation-Six Month Fixed Price Contract with Verde Energy USA, November 2017 through April 2018, X17-1006881 & X06-1001337A, **FILE**; adopted.

ORDERED: That the City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in the Municipal Election, to assemble in their respective polling places, as designated by the City Council as follows:

WARD ONE: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD TWO: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD THREE: Precinct 1	Senior Center, 40 New Street
WARD THREE: Precinct 2	Raymond J. Richer School, 80 Foley Road
WARD FOUR: Precinct 1 and 2	Senior Center, 40 New Street
WARD FIVE: Precinct 1 and 2	Senior Center, 40 New Street
WARD SIX: Precinct 1 and 2	1LT Charles W. Whitcomb School, 25 Union Street
WARD SEVEN: Precinct 1 and 2	Hildreth School, 85 Sawin Street

On Tuesday, November 7, 2017 then and there, for the purpose of casting their votes in the Municipal Election for the candidates to the following offices:

MAYOR

COUNCILORS -AT- LARGE

WARD COUNCILORS

SCHOOL COMMITTEE MEMBERS

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

Edward J. Clancy
City Council President

FILE; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Order of Taking by Eminent Domain of Easement at 493 Boston Post Road West & 505 Boston Post Road West, in proper legal form, Order No. 17-1007050, **FILE & MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Negative Recommendation of Proposed Zoning Amendment, Section 650-5 entitled "Definitions; word usage" and adding Section 650-37 "Temporary Moratorium on Recreational Marijuana Establishments and Retailers", Order No. 17-1006949B refer to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Applicant, IC Federal Credit Union, 160 Apex Drive, request for two signs, pursuant to Section 650-35H, **APPROVED**; adopted.

Councilor Delano recused.

ORDERED: That the Applicant, BB Kidz, 11-169 Apex Drive, request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Applicant, Zoots, 160 Apex Drive, request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Applicant, Primrose Car Wash, 22 Apex Drive, request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Applicant, T-Mobile, 180 Boston Post Road West (90 Apex Drive), request for two signs flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 18, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Mobil, 656 Boston Post Road East, in which the four manual price panels will be removed and replaced with two LED price panels for regular and diesel prices, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 18, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Halfway Café, 820 Boston Post Road East, for proposed new 90" x 96" x 15" double sided U.L. listed LED internally illuminated sign w/ 31" x 66" electronic message board, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That the Communication from MA State Lottery Commission re: Marlboro Wine & Spirit, 44 Boston Post Road West, Keno to Go product, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, May 9, 2017, June 13, 2017 & September 12, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, September 25, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Ad-Hoc Municipal Aggregation Committee, April 3, 2017, September 20, 2017 & October 18, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, August 29, 2017 & September 26, 2017, **FILE**; adopted.

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

- a. Wen-Yu Hsiao, 5239 Timberview Way, pothole or other road defect.
- b. John Narahara, 208 Kelleher Street, pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: October 17, 2017

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

Convened: 5:36 PM – Adjourned: 6:15 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Tunnera and Landers; and Councilors Clancy, Doucette, Oram (arrived 5:42 PM), and Ossing; Attorney Aldo Cipriano; James Macdonald (Architect, Maple Avenue Design); Bruce Saluk (Engineer, Bruce Saluk & Associates, Inc.); Cynthia Gleason (Manager/President, CJG Enterprises, Inc.)

Absent: Councilor Elder

Order No. 16-1006735: Application for Special Permit from Atty. Cipriano on behalf of Tiger Cat Properties LLC to construct a multifamily dwelling at 487 Lincoln Street (former Cozy Cafe site). The Urban Affairs Committee met with Attorney Aldo Cipriano, Project Engineer Bruce Saluk and Project Architect James Macdonald for a discussion of a proposed multi-dwelling special permit for the construction of nine residential garden style apartments at 487 Lincoln Street. The nine units will be a mixture of two pre-existing bedroom units, three studio units in the renovated portion of the existing structure and four one-bedroom units in the proposed addition at the site. The applicant appeared before the Urban Affairs Committee several times and the current proposal and plans was a result of feedback previously received from the committee. They reviewed the conditions, 8.A. – 8.X. of the proposed special permit, titled “Special Permit Tiger Cat Properties, LLC c/o CJG Enterprises, Inc.” and dated October 12, 2017. The committee agreed to delete condition 8.R. which required the owner/applicant to voluntarily contribute the amount of \$2,000.00 to the French Hill area for any common improvement of that historic area. All other conditions reviewed by the committee remained as presented to them.

Motion made by Councilor Landers, seconded by Chair, to delete condition 8.R. The motion carried 3-1 (Delano opposed, Elder absent).

Motion made by Councilor Tunnera, seconded by Chair, to approve as amended. The motion carried 3-1 (Delano opposed, Elder absent).

Motion made and seconded to adjourn. The motion carried 4-0 (Elder absent). The meeting adjourned at 6:15 PM.

Reports of Committee Cont'd:

Councilor Robey reported the following out of the Legislative & Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee
Tuesday, October 24, 2017, 6:00 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, Councilor Juairé, & Councilors Clancy, Doucette, Landers, and Ossing. Also attending were Cynthia Panagore Griffin, Assistant City Solicitor, City of Marlborough and Thomas DiPersio, City Engineer.

Order No. 17 1007050-Order of Taking by Eminent Domain of Easement at 493 Boston Post Road West & 505 Boston Post Road West for Rt. 20 roadway improvements.

Mr. DiPersio explained that National Grid is now requiring easements for aerial purposes necessitating the city's eminent domain taking for these properties when poles were relocated on Boundary St. The award for damages will be paid from the funding for the road construction. He also indicated the project is underway and time sensitive.

It was moved and seconded to approve Order #17-1007050, the Eminent Domain Order of Taking for the properties at 493 and 505 Boston Post Road West. The motion carried 3-0.

The committee agreed to ask for a Suspension of Rules for this to be voted on at the October 30th meeting.

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 6:05 PM.

Suspension of the Rules requested – granted

ORDERED: Communication from the Planning Board re: Proposed Zoning Amendment, Order No. 16/17-1006443 re: Expansion & Modification of HRMUOD, **MOVE TO ITEM 31**; adopted.

Suspension of the Rules requested – granted

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 a certain portion of land located at 493 and 505 Boston Post Road West (Rte. 20), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Boston Post Road West (Rte. 20), 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 permanent easement interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

Street address: 493 Boston Post Road West and 505 Boston Post Road West (Rte. 20), Marlborough, MA 01752

Permanent easement for purposes of roadway reconstruction, construction, and maintenance of improvements, including but not limited to aerial wire purposes: Being an approximately 1,946 S.F. portion of the properties located at 493 Boston Post Road West and 505 Boston Post Road West (Rte. 20), Marlborough, MA 01752, known and numbered respectively as Map 88, Parcel 3 and Map 88, Parcel 3A on the Assessors' Map of the City of Marlborough and shown as Parcel E-01 on a plan attached herewith as Exhibit "A" entitled "Plan of Land in Marlborough, Massachusetts; Prepared For: City of Marlborough; Prepared By: VHB, Inc.; Scale: 1 inch = 20 Feet; Date: August 30, 2017."

OWNER: Dino Karalis, Trustee
 Sparte II Realty Trust
 34 Magnolia Street
 Framingham, MA 01701

The ownership of said parcels is supposed to be as stated herein, but said easement is hereby taken whether the ownership is as stated herein or otherwise. We determine that the damages, set forth in the Table of Award below, has been sustained by the owner of said parcel upon which said easement, so taken, is located.

TABLE OF AWARD

The City Council hereby makes the following award for damages for the owner of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA OF TAKING OF EASEMENT</u>	<u>AWARD</u>
Dino Karalis, Trustee Sparte II Realty Trust 34 Magnolia Street Framingham, MA 01701	88/3 and 88/3A	1,946 S.F. ±	\$12,649

APPROVED; adopted.

ORDERED:

Resolution
Citgo Fuel Oil Spill
121 Bolton Street, Marlborough, Massachusetts
House Bill 428
House Bill 429
House Bill 2921

WHEREAS, the Citgo fuel oil spill event is over five years old; and,

WHEREAS, the fuel oil spill has impacted the quality of life of Marlborough residents; and,

WHEREAS, the fuel oil spill has impacted the environment of the residents adjacent to the spill and the City of Marlborough; and,

WHEREAS, the fuel oil spill has impacted the assessed value of the land adjacent to the spill. This impacts the residents' ability to sell their property as well as the City of Marlborough's ability to collect property taxes at the full assessed value; and,

WHEREAS, the Massachusetts Legislature has before it the following bills filed by State Representative Danielle Gregoire to provide relief to abutters damaged by a fuel oil spill, the City of Marlborough and citizenry of the Commonwealth faced with similar disasters.

- **House Bill 428 – An Act Relative to Underground Storage Tanks**
- **House Bill 429 – An Act Relative to Underground Storage Tank Remediation**
- **House Bill 2921 – An Act Creating a Special Commission to Study the Equity of Chapter 21J and 21O**

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council joins Honorable Representative Danielle Gregoire in her efforts before the Joint Committees on Environment, Natural Resources and Agriculture and respectfully requests favorable consideration of House Bills 428, 429 and 2921.

APPROVED AND SUBMIT RESOLUTION TO REPRESENTATIVE DANIELLE GREGOIRE; adopted.

ORDERED:

*Resolution
Citgo Oil Spill
121 Bolton Street
House Bill 534
An Act Relative to Homeowners Insurance*

WHEREAS, the Citgo fuel oil spill event is over five years old; and,

WHEREAS, the fuel oil spill has impacted the quality of life of Marlborough residents; and,

WHEREAS, the fuel oil spill has impacted the environment of the residents adjacent to the spill and the City of Marlborough; and,

WHEREAS, the fuel oil spill has impacted the assessed value of the land adjacent to the spill. This impacts the residents' ability to sell their property as well as the City of Marlborough's ability to collect property taxes at the full assessed value; and,

WHEREAS, the Massachusetts Legislature has before it the following bill filed by State Representative Danielle Gregoire to provide a product for homeowners in the Commonwealth to protect themselves from similar catastrophic events in the future.

• **House Bill 534 – An Act Relative to Homeowners Insurance**

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council joins Honorable Representative Danielle Gregoire in her efforts before the Joint Committee on Financial Services for the passage of House Bill 534.

APPROVED; adopted.

ORDERED: That the City send out an RFP inviting proposals for one or more of the top three uses of the Walker Building as recommended by SMMA's **January 16, 2017 Redevelopment Study**: hotel, mixed-use, and residential (market-rate units), which RFP the Councilors may review prior to its being sent out; provided that the RFP will specify that the proposed use may involve either a sale or a long-term lease, and provided further that the RFP will include a restriction that no changes are to be proposed to the Walker Building's façade and/or grounds, **APPROVED;** adopted.

ORDERED: That the Application for Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court, **APPROVED;** adopted.

ORDERED: That the Petition of National Grid to relocate three solely owned electrical poles 54, 55, & 56-1 on Maple Street (Rt. 85) with the condition that 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, **APPROVED;** adopted.

ORDERED: That the Petition of National Grid to install one solely owned electrical pole on Framingham Road, **APPROVED;** adopted.

ORDERED: That the Petition of National Grid to relocate one solely owned pole to be made jointly owned poles 37-84 and relocate seventeen jointly owned poles on Maple Street (Rt. 85). with the condition that 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, **APPROVED**; adopted.

ORDERED: That the Petition of National Grid to relocate two poles and associated facilities on Maple Street/Framingham Road. with the condition that 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, **APPROVED**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Expansion of the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), in proper legal form, **MOVE TO ITEM 31**; adopted.

MOTION made by Councilor Robey to further amend the Apex Zoning Overlay to add to the overlay, the parcels occupied by Wendy's and Bank of America, expressly excluding drive through facilities located on Map 78, Parcel 14A which facilities are existing and shall not require a Special Permit under this 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 – **DOES NOT CARRY**.

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, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary, however said existing drive-through facility and existing dedicated driveway with a curb cut onto a public way shall remain subject to Section 650-12.”

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, the same being preexisting conditions which shall continue to be allowed, notwithstanding anything contained in the HRMUOD to the contrary, however said existing drive-through facility and existing dedicated driveway with a curb cut onto a public way shall remain subject to Section 650-12.”

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, however, said existing drive-through facilities shall remain subject to Section 650-12.

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, however said existing drive-through facilities shall remain subject to Section 650-12.”

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.”

8. In Section 650-35 H., insert a new paragraph 9 as follows:

“Lawful signage which exists on the date of approval of this amendment to Section 650-35 H. at or on Assessor’s Map 78, Parcel 14A and Assessors Map 78, Parcel 23 shall continue to be allowed, notwithstanding anything contained in the HRMUOD to the contrary, however any changes or alterations to said existing signage, whether on or outside of the buildings located on said parcels, including any freestanding signs, shall be in conformity with Section 650-35 H. and subject to approval of the City Council.”

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. There was objection to passage in one evening by Councilor Oram.

Councilor Oram requested that this Item be TABLED UNTIL THE NEXT MEETING.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:12 PM.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 25, 2017

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 13, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to deploy one small cell site which will be mounted on existing utility poles at 96 East Main Street, be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE**.

ADOPTED

ORDER NO. 17-1007033



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 25, 2017

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 13, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to deploy one small cell site which will be mounted on existing utility poles at 319 East Main Street, be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE**.

ADOPTED

ORDER NO. 17-1007034



IN CITY COUNCIL

Marlborough, Mass., _____ OCTOBER 16, 2017

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 13, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to deploy a small cell site which will be mounted on existing utility pole at 28 Concord Rd., be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE**.

ADOPTED

ORDER NO. 17-1007055



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 NOV -9 A 10:20

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

Nicholas F. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 8, 2017

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

Re: Grant Acceptance – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed a grant in the amount of \$10,800.00 for the Marlborough Public Works Department. This grant has been earned under the Recycling Dividends Program (RDP) and Small Scale Initiatives grant program which incentivizes municipalities to improve recycling programs. RDP rewards communities that implement best practices and practice model recycling and waste reduction programs.

These funds will be used on equipment and approved activities, including recycling equipment, compost bins, and costs associated with our household hazardous waste collections.

If you have any further questions, please do not hesitate to contact me or Ted Scott, Assistant Commissioner of Operations.

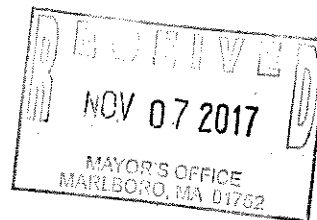
Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Department of Public Works
 Office of the Commissioner
 135 Neil Street
 Marlborough, Massachusetts 01752
 (508) 624-6910 Ext. 33200
 Facsimile (508) 624-7699 * TDD (508) 460-3610



November 7, 2017

Arthur G. Vigeant, Mayor
 City of Marlborough
 140 Main St
 Marlborough, MA 01752

Dear Mayor Vigeant:

The Department of Public Works was recently awarded a Sustainable Materials Recovery Program grant in the amount of \$10,800. These funds, earned under the Recycling Dividends Program (RDP) and Small Scale Initiatives grant program, provide incentives for municipalities to improve their recycling programs by implementing best practices and reward communities who practice model recycling and waste reduction programs.

Funds will be expended on approved equipment and activities. I respectfully request that you submit this grant for Council acceptance and approval at the next meeting of the City Council on November 13, 2017.

A copy of the grant acceptance form has also been attached for Council's review and consideration.

Sincerely,

John L. Ghiloni
 Commissioner of Public Works

cc: Ted Scott
 Assistant Commissioner of Operations

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Public Works DATE: 11/7/2107

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Ted Scott- Asst Commissioner of Operations

NAME OF GRANT: Recycling Dividends Program Grant

GRANTOR: MassDEP Sustainable Materials Recovery Program

GRANT AMOUNT: \$10,800.00

GRANT PERIOD: Calendar Year 2018 - Grant Award can be carried forward

SCOPE OF GRANT/
ITEMS FUNDED RDP funds will be expended on approved equipment and activities from the
approved list: Examples include: Recycling Carts, bins, containers and signage;
Compost bins; Costs associated with hazardous waste collection event;
Recycling collection infrastructure.

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
City must comply with its responsibilities as identified in the contract.

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: A.S.A.P. (no later than 12-31-17)

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT

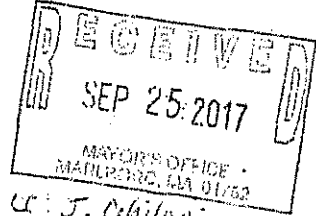


OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

September 20, 2017



*cc: J. Cahilloni
T. Scott
P. Ryder*

Dear Mr. Arthur Vigeant,

Congratulations! I am pleased to notify you that the City of Marlborough has been awarded a Recycling Dividends Program grant of \$10,800 through the Sustainable Materials Recovery Program. I want to thank you for your commitment to reducing waste and increasing recycling for the benefit of our communities and the environment.

Enclosed you will find further instructions from the Department of Environmental Protection on next steps. Please feel free to contact Tina Klein at 617-292-5704 if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

September 20, 2017

Mr. Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mr. Vigeant,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the City of Marlborough Recycling Dividends funds under the Sustainable Materials Recovery Program. The City of Marlborough has earned 6 points and will receive \$10,800.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The key dates and deadlines specific to your award are summarized in the enclosed Checklist. The detailed terms and conditions are specified in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at 617-292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg
Commissioner

cc: Ted Scott, Assistant Commissioner of Operations



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 NOV -9 A 10:21

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

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 8, 2017

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

Re: Gift Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

Please find enclosed a donation in the amount of \$5,600.00 for the Marlborough Police Department. This donation has been designated for the department's K-9 program thanks to a golf tournament fundraiser at the Marlborough Country Club.

As the attached letter from Chief David Giorgi notes, these funds are due in large part to the efforts of Alexandria Szwarc, an employee at the Marlborough Country Club, who spearheaded the tournament. On behalf of Chief Giorgi, Sergeant McKenzie, Kaiser, and the entire department, we are appreciative of their continued support of our successful K-9 program.

As you may recall, last year Alexandria and the Country Club raised \$4,656.00 for the K-9 program.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

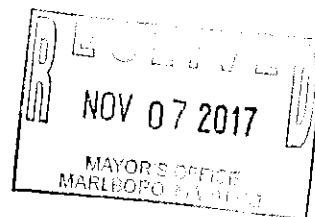
Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938

David A. Giorgi
Chief of Police

November 5, 2017

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752



Dear Mayor Vigeant:

The Marlborough Police Department has received a \$5,600.00 gift award from the Marlborough Country Club designated for the department's K-9 account. The Country Club hosted a fundraiser golf tournament to specifically benefit the department's K-9 program and K-9 Kaiser. The Country Club's generosity to the K-9 program is greatly appreciated by not only Sgt. McKenzie and Kaiser, but the entire department as well. In addition, I would like to take this opportunity to individually thank Alexandria Szwarc, an employee of the Country Club, for spearheading the tournament and for her diligent and tireless efforts to make the event a success.

I have attached a copy of the check submitted by the Country Club and I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

David A. Giorgi
Chief of Police

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: POLICE DATE: 5-Nov-17

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CHIEF DAVID A. GIORGI

NAME OF GRANT: DONATION TO K-9 ACCOUNT

GRANTOR: MARLBOROUGH COUNTRY CLUB

GRANT AMOUNT: \$5,600.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED SUPPLIES & TRAINING FOR K-9 PROGRAM

IS A POSITION BEING
CREATED: N/A

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: N/A

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT

Vendor Company Name		Vendor Number	Check Date	Check No.	
City of Marlborough		1K9	Oct 24, 2017	7078	
Invoice Number	Invoice Date	Invoice Amount	Total Paid	Discount/Adj	Payment Amount
2017	Oct 17, 2017	\$5,600.00	\$5,600.00		\$5,600.00
This Page Total					\$5,600.00
Check Total					\$5,600.00

Page 1 of 1

MARLBOROUGH COUNTRY CLUB, INC.
 200 CONCORD ROAD
 MARLBOROUGH, MA 01752

MAIN STREET BANK
 MARLBOROUGH, MA 01752

7078
 53-7075/2113
 03
 CHECK AMOUNT

Oct 24, 2017

\$5,600.00

DATE

AMOUNT

Five Thousand Six Hundred Dollars and Zero Cents

Photo Safe Deposit®



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 NOV -9 A 10:11

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

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 8, 2017

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

Re: Gift Acceptance – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed a gift in the amount of \$3,801.00 for the Marlborough Public Works Department. This donation has been provided by the Marlborough Lions Club to purchase a drinking fountain for Ghiloni Park.

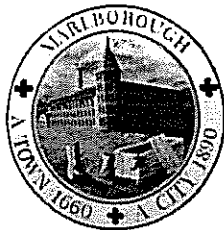
We are thankful for the Marlborough Lions' community endeavors and for their support for improving Marlborough's recreational facilities.

If you have any further questions, please do not hesitate to contact me or Commissioner John Ghiloni.

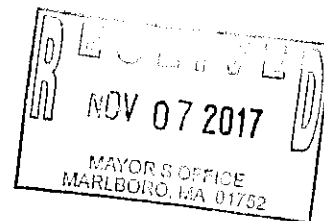
Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610



November 7, 2017

Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant:

The Department of Public Works has recently received a generous contribution from the Marlborough Lions Club in the amount of \$3,801.00. These funds were donated to purchase a Murdock Drinking Fountain to be installed at Ghiloni Park.

I respectfully request that you submit this donation for Council acceptance and approval at the next meeting of the City Council on November 13, 2017.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Public Works DATE: 11/7/2107

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John L. Ghiloni, Commissioner

NAME OF GRANT: _____

GRANTOR: Marlborough Lions Club

GRANT AMOUNT: \$3,801.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Murdock Drinking Fountain to be installed at Ghiloni Park

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2017 NOV -9 A 10:2

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

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 8, 2017

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

Re: OPEB Trust Update

Honorable President Clancy and Councilors:

Please find enclosed a proposed a letter from Comptroller/Treasurer Brian Doheny regarding the OPEB Trust.

On October 27, 2017, the OPEB Board of Trustees met to discuss the Fiscal Year 2017 results of the OPEB Trust. The returns have continued to be strong since the fund was established. At the close of FY2017, the balance in the fund was \$7,791,116.73. Since inception, the fund has had a net rate of return of 3.29 percent. In FY2017 alone, the return was 4.38 percent. The OPEB Trustees will continue with an investment policy which is conservative and low risk which is geared at preserving principle while achieving a steady rate of return.

While we are pleased with the rate of return we have been getting, we must continue to make annual contributions to the OPEB Trust to keep Marlborough's fiscal condition strong for future generations. The financial policies we adopted this year dictate an annual contribution to our OPEB account and I plan to a transfer from our strong free cash account again next year.

I am proud that my office and the City Council has worked together to invest in our infrastructure while also safeguarding our financial condition for future generations. I look forward to continuing this partnership.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Office of the Comptroller

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3731 Facsimile (508) 481-5180

October 27, 2017

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

RE: OPEB TRUST

Dear Mayor Vigeant,

This memo is to update both yourself and the City Council as to the valuation of the OPEB Trust. The OPEB Board of Trustees met on October 27, 2017 to discuss the positive year end results of the trust as of Fiscal Year Ending June 30, 2017. The balance in the fund at that time was \$7,791,116.73. The total contributions to date made to the fund have been \$7,400,000.00. The trust since inception has had a net rate of return of 3.29 percent as you will see on the additional document supplied. You will also notice that the FY17 return was a favorable 4.38 percent. Presently the investment policy which was approved by both the OPEB Trustees and the City Council is a conservative low risk policy which hopes to preserve principle but maintain a steady rate of return.

Please contact me if you have any questions or require any additional information.

Sincerely,

Brian Doheny
Comptroller

Historical Market Value and Performance Summary

As of 6/30/2017

Since Inception &
Fiscal Year-to-Date

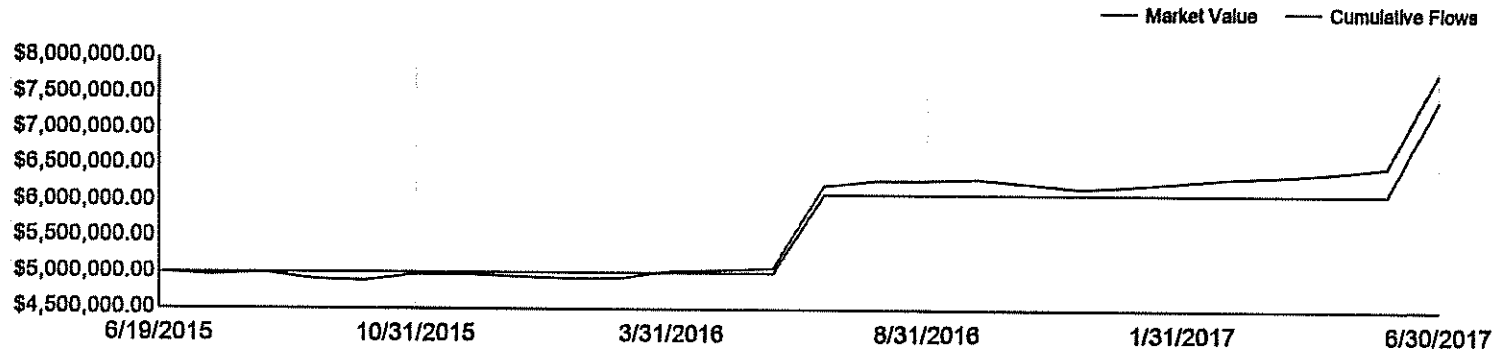
City of Marlborough OPEB Trust UA (xxxx2701) - PPS Custom NFS

06/19/2015 To 06/30/2017 Activity Summary

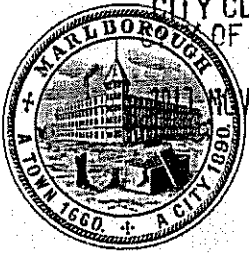
Beginning Balance (06/19/2015)	\$0.00
Contributions	\$7,400,000.00
Withdrawals	\$39,355.48
Realized Gain / Loss	(\$45,614.66)
Unrealized Gain / Loss	\$84,264.32
Interest	\$29,364.22
Dividend / Cap Gains	\$359,713.42
Change in Accrued Interest	\$2,744.91
Ending Balance (06/30/2017)	\$7,791,116.73
Total Gain / Loss After Fees	\$391,116.73
TWR for 06/19/2015 to 06/30/2017	6.80
TWR (Annualized)	3.29

07/01/2016 To 06/30/2017 Activity Summary

Beginning Balance (07/01/2016)	\$6,223,743.78
Contributions	\$1,300,000.00
Withdrawals	\$22,006.54
Realized Gain / Loss	\$23,790.32
Unrealized Gain / Loss	\$73,518.78
Interest	\$17,248.44
Dividend / Cap Gains	\$174,365.25
Change in Accrued Interest	\$456.71
Ending Balance (06/30/2017)	\$7,791,116.73
Total Gain / Loss After Fees	\$267,372.97
TWR for 07/01/2016 to 06/30/2017	4.38
TWR (Annualized)	



This report is incomplete without the accompanying disclosure page.



RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 9, 2017

Edward Clancy
President
Marlborough City Council

RE: Order No. 16/17-1006735H
Application for Special Permit
CJG Enterprises, Inc.
487 Lincoln Street, Marlborough (Cozy Café)

Dear President Clancy and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by CJG Enterprises, Inc., in its capacity as manager of Tiger Cat Properties LLC, the owner of the property at 487 Lincoln Street (Cozy Café). The applicant seeks permission for a multi-family dwelling to construct 9 residential Garden style apartment units consisting of 2 pre-existing bedroom units, 3 studio units in the renovated portion of the existing structure, and 4 one-bedroom units in the proposed addition.

I have enclosed a copy of the proposed decision. I certify that the decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure (proposed decision with 2 plan attachments)
cc: Aldo A. Cipriano, Esquire

**SPECIAL PERMIT
TIGER CAT PROPERTIES, LLC
c/o CJG ENTERPRISES INC.**

**CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 16/17-1006735H**

The City Council of the City of Marlborough hereby GRANTS the Application for Special Permit of Applicant, as provided in the Decision and SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:

EVIDENCE

1. The Applicant, CJG Enterprises, Inc., is a duly organized and existing Massachusetts Corporation with a principal place of business at 24 Union Avenue, Suite 28, Framingham, MA 01702 (the "Applicant").
2. The property owner is Tiger Cat Properties LLC, a duly organized Massachusetts Limited Liability Company (the "Owner"). The Applicant is the Owner's manager.
3. The location of the proposed project is 487 Lincoln Street, Marlborough, MA and more particularly identified on the City of Marlborough Assessor's Maps as Parcel 186 on Plate 68, and furthermore particularly described in deeds recorded with the Middlesex South District Registry of Deeds, Book 64590, Page 519 and 524 (the "Site").
4. The Applicant seeks a multi-family dwelling Special Permit to construct nine (9) residential Garden style apartment units consisting of two (2) pre-existing bedroom units, three (3) studio units in the renovated portion of the existing structure and four (4) one-bedroom units in the proposed addition on the Site (the "Project").
5. The total number of bedrooms in units proposed is nine bedrooms.

6. All units will be market rate rental units with marketing to young professionals in the greater Marlborough area.
7. The Applicant is acting on behalf of the Owner for purposes of this Special Permit Application (the "Application").
8. The front portion of the property is located in zoning district Business B and the back of the lot is located in Residence B, both of which allow multifamily dwellings subject to the grant of special permit.
9. The Building Commissioner, acting on behalf of the City Planner, provided a Certificate of Completeness of Application as required by Paragraph 7 of the Rules and Regulations of Application/Petition for Special Permit by the City of Council under the Marlborough Zoning Ordinance, Chapter 650-59.
10. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to convert the current structure at the Site and construct nine (9) residential Garden style apartment units on the Site.
11. A public hearing was held on December 5, 2016, in compliance with the requirements of the Code of the City of Marlborough and by the provisions of M.G.L. Chapter 40A, as amended, and all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough. The time for the City Council to take final action on the Application was timely extended by the parties' agreement to March 14, 2017 and further to April 25, 2017, June 6, 2017, September 12, 2017 and December 19, 2017.

12. The Applicant presented oral testimony and demonstrative evidence at the public hearing that the Project meets all applicable Special Permit criteria provided by M.G.L. Chapter 40A, as amended, and the Code of the City of Marlborough including, without limitation, Article V, Section 650-18, Paragraph A, Subparagraph 4, including generally Section 650-59, and that the use sought and its impact and characteristics are not in conflict with public health, safety, convenience and welfare and not detrimental nor offensive so long as the conditions, safeguards or limitations imposed herein are complied with.
13. Three site plan review meetings were conducted with the Site Plan Review Committee on September 6, 2016, February 7, 2017 and June 6, 2017.
14. The Site Plan submitted with the Application is entitled, "Proposed Residences at 487 Lincoln Street, Marlborough, MA", Prepared for CJG Enterprises, Inc., 24 Union Avenue, Framingham, MA 01702; Owned by Tiger Cat Properties, LLC, 24 Union Avenue, Framingham, MA 01702; Prepared by Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, scale 1' = 20', dated December 12, 2015, last revised July 5, 2017, (the "Plan"), attached hereto as "Attachment A".
15. The Architectural Plans submitted with the application are entitled "Proposed Multi-Family Residences 487 Lincoln Street, Marlborough, MA, James MacDonald, Maple Avenue Design, dated August 8, 2017" (the "Architectural Plans") are attached hereto as "Attachment B".

**BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL
MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE
FOLLOWING ACTIONS:**

The City Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinance, Chapter 650, makes the following findings of fact and GRANTS the Applicant a Special Permit for a multi-family dwelling in the existing structure and proposed addition thereto, SUBJECT TO THE FOLLOWING CONDITIONS:

FINDINGS OF FACT

1. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to renovate and construct a multifamily structure consisting of nine (9) residential Garden style apartment units on the Site.
2. The Marlborough City Council finds that all necessary fees for the proposed Special Permit have been paid.
3. The Marlborough City Council finds that the Application was properly completed and filed by Applicant, and that all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough prior to Application submission.
4. The Plan accompanying said Application was completed in accordance with the all applicable Rules and Regulations.
5. The Summary Impact Statement filed with said Application is sufficient for said Application and that no further studies or requirements are necessary.

6. The City Department reports as required by the Code of the City of Marlborough have been received and incorporated as deemed appropriate by the said Marlborough City Council into this final decision.
7. The Marlborough City Council finds generally that the use sought by Applicant and its impact and characteristics is not in conflict with the public health, safety, convenience and welfare and is not detrimental or offensive to the neighborhood; and further, that the use of the Site for nine (9) residential Garden Style apartment units in a multi-family dwelling complex is appropriate for the Site and is in harmony with, and does not derogate from, the intent and purpose of M.G.L. Chapter 40A and/or the Code for the City of Marlborough.
8. The Marlborough City Council therefore GRANTS to the Applicant a Special Permit to construct (9) residential Garden style apartment units on the Site, pursuant to its authority under M.G.L. Chapter 40A and the Code of the City of Marlborough, with the following conditions:

CONDITIONS

- A. The Marlborough City Council conditions its approval on subsequent Site Plan Review and approval as provided under Chapter 270 of the City Code entitled *Building and Site Development*. The Plan may be subject further to modification by the Site Plan Review Committee to the extent allowed by the Code of the City of Marlborough. Other conditions and limitations may be imposed at the time of the final Site Plan Approval by said Committee, which are not inconsistent with any term or condition attached to this Special Permit.

- B. The Applicant will work with the Site Plan Review Committee to coordinate any minor cosmetic and mutually acceptable modifications to the Project and/or Site to make the same more consistent in appearance so as to fit into the neighborhood.
- C. The Site will be improved by adding a sidewalk and sight lines in and out of the Site.
- D. Snow storage will be to the rear of the Site with any excess amount not being able to be stored to be removed expeditiously in accordance with Massachusetts DEP Regulations for removal.
- E. Structures will be refurbished for a higher value rating of insulation and up to date energy efficient appliances will be installed.
- F. The proposed reduction in lot coverage from 89% to 79% will reduce Site runoff and improve the site drainage condition.
- G. The Project will be protected by an automatic sprinkler system under a NFPA Section 13R installation due to the low water pressure in the area.

- H. Construction of the nine (9) multifamily Garden style apartment units is to be in accordance with all applicable building codes currently in effect in the City of Marlborough.
- I. The existing sewer & water service connections to the existing building shall be replaced with new service connections. A fire service connection will also be provided.
- J. The architectural design of the renovated existing structure and addition will be consistent with the plans and renderings, including the Architectural Plans, furnished by Designer, James Macdonald, Maple Ave. Design, Sudbury, MA.
- K. The exterior paint scheme and tones of the building will be gray and white as evidenced by renderings furnished to City Council.
- L. Granite counter tops or an equivalent will be installed in the kitchen together with stainless steel appliances.
- M. The flooring in the kitchen area will be quality ceramic tiles and the apartment unit flooring will be engineered hardwood floor.
- N. The exterior features of the multi-family structure will be maintained in good condition, as will the landscaping which will also be consistent with plans and representations made to the City Council.

- O. All storage for tenants will be located in the individual rental units. No commercial storage nor tenant storage will be allowed elsewhere in the building including the basement for fire safety purposes.
- P. Washers and dryers will be located in an area between the existing building and the addition and will be available to tenants on a daily basis.
- Q. The exterior of the original building facing Lincoln Street will include a plaque indicating the historical nature of the activities at the site of the Cozy Café.
- R. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office, the Building Commissioner's office, and the City Solicitor's office.
- S. All work performed at the Site shall be in compliance with this Special Permit decision. No other building or construction shall occur or happen without a change or modification of this Special Permit.

- T. Applicant shall provide side yard and rear yard fencing and landscaping as depicted on the revised Plan which shall include trees to the front portion of the landscaped area together with other plantings.

- U. No outdoor grilling or cooking will be permitted on the Site, and lease documents will so specify this prohibition for fire safety purposes.

- V. The Site Plan shows one parking space that was eliminated so as to improve internal lot turning and motor vehicle access.

- W. Applicant, in conjunction with the Owner, and in consideration of the historical and iconic nature of the original neighborhood café structure, will feature brass lanterns on the front façade together with a brass plaque in recognition of the historic nature of the site and to ensure that the structure redesign and façade are commensurate with the historic nature of the neighborhood.

ADOPTED
In City Council
Order No. 16/17-1006735H
Adopted

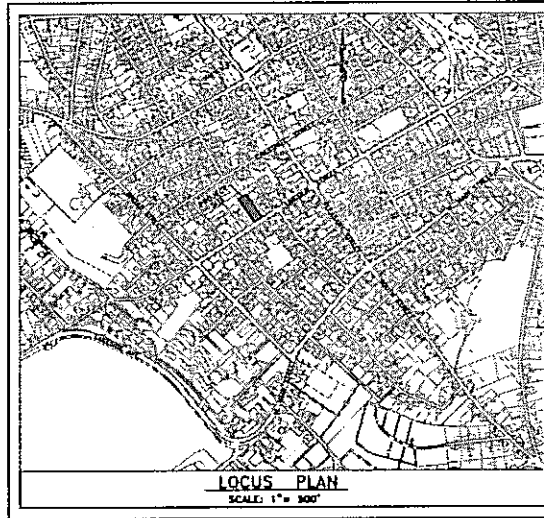
A TRUE COPY
ATTEST:

PROPOSED RESIDENCES AT 487 LINCOLN STREET MARLBOROUGH, MA

SITE PLAN APPROVAL # _____
CITY COUNCIL SPECIAL PERMIT # _____

PLANS LISTED ON THIS SHEET WITH REVISION DATES AS SHOWN

APPROVED: _____
ENGINEERING: _____ DATE: _____
BUILDING: _____ DATE: _____
CONSERVATION: _____ DATE: _____
FIRE DEPT: _____ DATE: _____
POLICE DEPT: _____ DATE: _____
BOARD OF HEALTH: _____ DATE: _____
PLANNING DEPT: _____ DATE: _____



SHEET INDEX	DATE	REVISION DATE
EX: EXISTING CONDITIONS _____	12-12-15	5-1-16
C1: LAYOUT & ZONING PLAN _____	12-12-15	7-5-17
C2: GRADING & EROSION CONTROL PLAN _____	12-12-15	6-22-17
C3: DRAINAGE & UTILITIES PLAN _____	12-12-15	6-22-17
C4: LIGHTING & PLANTING PLAN _____	12-12-15	6-22-17
C5: DETAIL SHEET _____	12-12-15	6-22-17
C6: DETAIL SHEET _____	12-12-15	5-15-17

PREPARED FOR: CJG ENTERPRISES, INC. 25 UNION STREET FRAMINGHAM, MA 01702 TEL: (508) 877-3800	ARCHITECT: MAPLE AVENUE DESIGN 31 MAPLE AVENUE SUDBURY, MA 01776 TEL: (978) 480-2136
ENGINEER & SURVEYOR: BRUCE SALUK & ASSOC., INC. CIVIL ENGINEERING & SURVEYING 576 BOSTON POST ROAD EAST MARLBOROUGH, MA 01752 TEL: (508) 485-1882 FAX: (508) 481-9929	

ATTACHMENT A

C1

DATE: DECEMBER 12, 2013
 PREPARED FOR:
 C/O INTERPRESS, INC.
 52 WUSH STREET
 FAYHAM, MA 01702

LAYOUT & ZONING
 PROPOSED RESIDENCES AT
 487 LINCOLN STREET
 MARLBOROUGH, MA

SCALE: 1" = 20'
 PREPARED BY:
 CIVIL ENGINEERS & LAND SURVEYORS
 578 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01702

NO.	DATE	DESCRIPTION
1	12/12/13	ISSUED FOR PERMIT
2	12/12/13	ISSUED FOR PERMIT
3	12/12/13	ISSUED FOR PERMIT
4	12/12/13	ISSUED FOR PERMIT
5	12/12/13	ISSUED FOR PERMIT
6	12/12/13	ISSUED FOR PERMIT
7	12/12/13	ISSUED FOR PERMIT
8	12/12/13	ISSUED FOR PERMIT
9	12/12/13	ISSUED FOR PERMIT
10	12/12/13	ISSUED FOR PERMIT

ZONING SCHEDULE
 REQUESTED SPECIAL PERMIT UNDER THE PROVISIONS OF CHAPTER 830-180(A)
 ZONE DISTRICT: BUSINESS "B" AND RESIDENCE "R"
 THIS LOT IS LISTED AS ASSESSED MAP 84, PARCEL #185

ARTICLE V PERMITTED USES: SECTION 830-18(A)(4)
 LANDSCAPE REQUIREMENTS OF 830-18(A)(5)(K)

ARTICLE V: DIMENSIONAL, LANDSCAPING & PARKING REQUIREMENTS	REQUIRED '1'	EXISTING	PROPOSED '1'
LOT AREA	19,603 SF	19,603 SF	19,603 SF
LOT FRONTAGE	50'	75.3'	75.3'
LOT DEPTH	300'	255'	255'
BUILDING HEIGHT (MAX.)	35'	35'	35'
FRONT YARD SETBACK	5'	5'	5'
SIDE YARD SETBACK	5'	5'	5'
REAR YARD SETBACK	5'	5'	5'
PARKING & DRIVE SETBACK FROM BLDG.	5'	5'	5'

PARKING SCHEDULE

TOTAL PARKING	REQUIRED '1'	EXISTING	PROPOSED '1'
18 SPACES	18 (ALL ALLOTTED)	N/A	18
COMPACT PARKING	5 SPACES (PER)	N/A	5

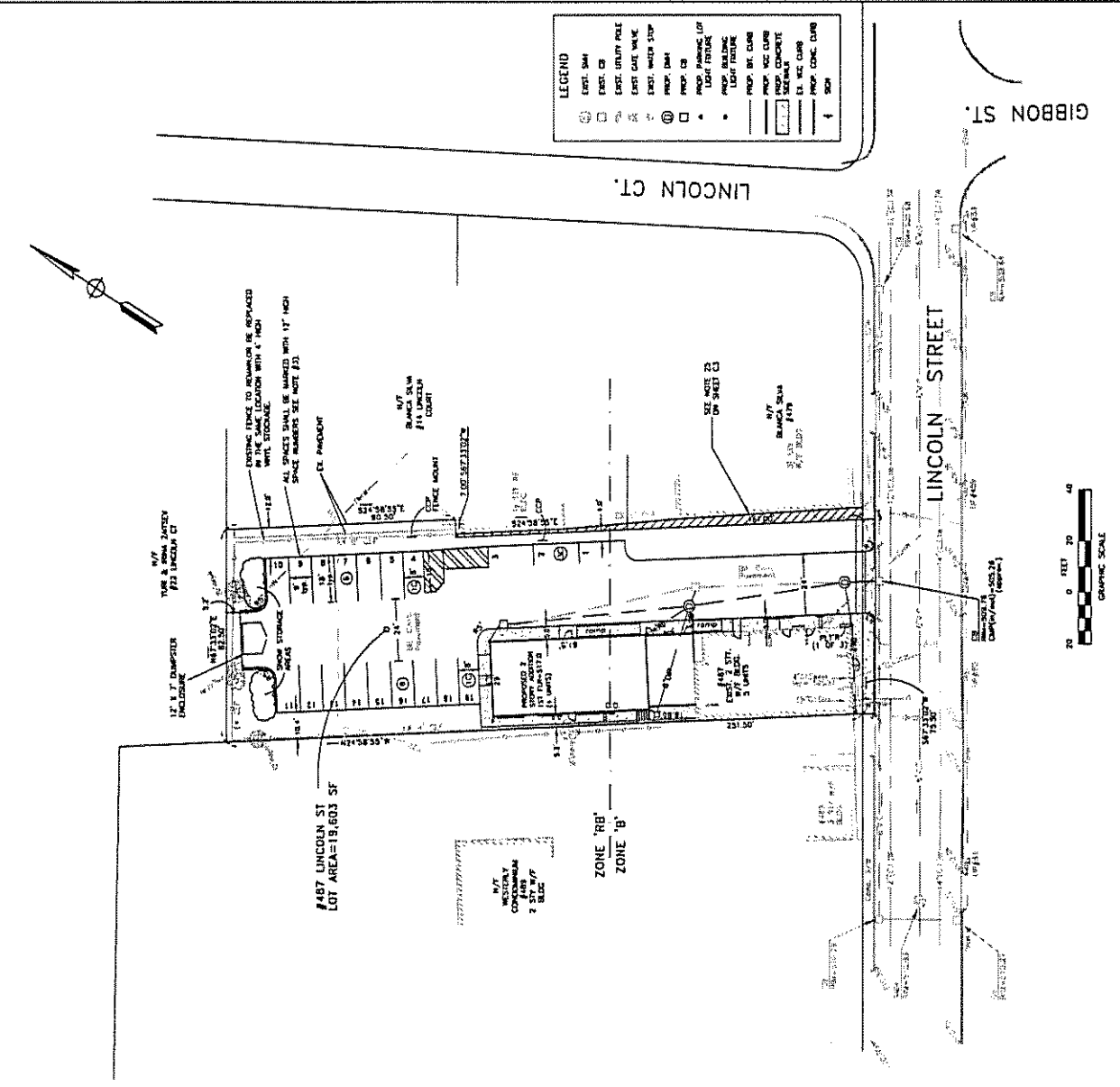
DRIVEWAY SCHEDULE

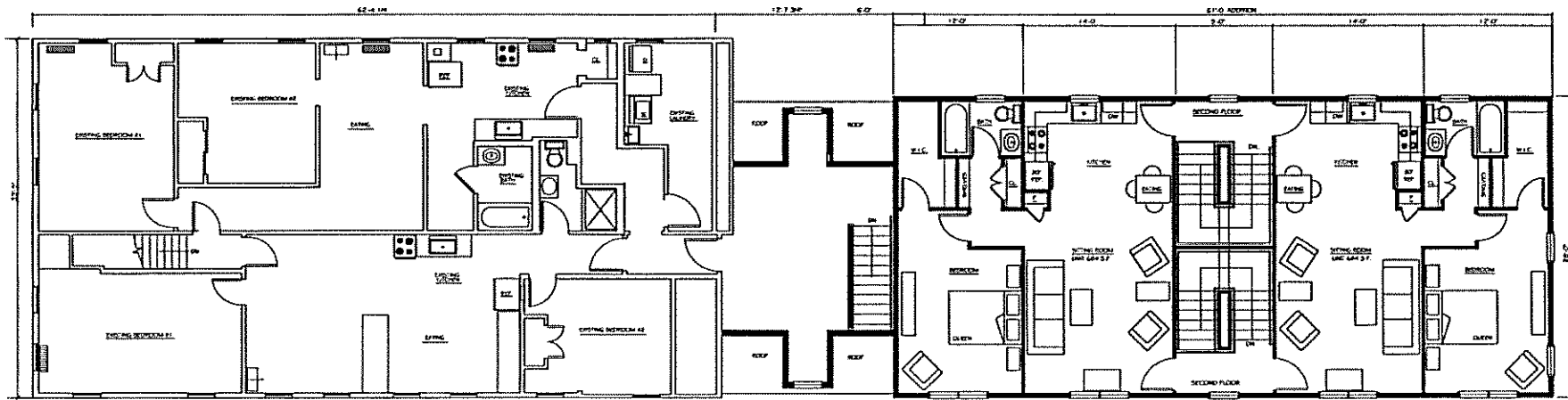
TO BE SET BACK FROM DRIVE	REQUIRED '1'	EXISTING	PROPOSED '1'
TO BACK OF DRIVEWAY (15' SET)	61.588'	11.88'	SEE DETAIL
TO BACK OF DRIVEWAY (15' SET)	4.38'	102'	28'
TO BACK OF DRIVEWAY (15' SET)	61.778'	7.56'	8.38' ±
TO BACK OF DRIVEWAY (15' SET)	24' (MIN)	34'	41'

LANDSCAPING SCHEDULE

REQUIREMENT	REQUIRED '1'	EXISTING	PROPOSED '1'
FRONTAL PLANTING WIDTH	15' ±	0'	15' ±
SIDE LINE PLANTING WIDTH	5'	VARIABLE (0.2' MIN.)	VARIABLE (0.2' MIN.)
PLANTING WIDTH CORNER LOT	5'	VARIABLE (0.2' MIN.)	VARIABLE (0.2' MIN.)
PLANTING WIDTH INTERIOR	N/A	N/A	N/A
PLANTING WIDTH DRIVEWAY	N/A	N/A	N/A
SCREENING	20'	10' (MIN/20' HIGH) ±	15' (MIN/20' HIGH) ±
SCREENING	5'	5'	5'

NOTES:
 1) THE LOT AREA OF 19,603 SF IS LOCATED IN THE RESIDENCE "R" AND BUSINESS ZONES AND IS LISTED AS ASSESSED MAP 84, PARCEL #185.
 2) THE PROPOSED PLAN IS FOR 8 DWELLING UNITS CONSISTING OF 3 STUDIO, 1-ONE BEDROOM & 2-TWO BEDROOM APARTMENT STYLE UNITS.
 3) REQUIRED PARKING IS AS FOLLOWS:
 18 RESIDENTIAL PARKING SPACES
 5 COMPACT (PER) PARKING SPACES
 TOTAL PROPOSED: 23
 ALL PARKING SHALL BE ASSIGNED BY LEASE TO THE RESIDENTS OF THE 8 UNITS.
 4) REFER TO SHEET C1 FOR PROPOSED LIGHTING & PLANNING.
 5) THE CONTRACTOR SHALL BE PROPERLY LEASED AND REVIEWED WITH THE CITY PRIOR TO CONSTRUCTION.
 6) ANY LANDSCAPING (AS DETERMINED BY THE CITY ENGINEER) TO THE INFORMATION SHOWN ON THE PLAN SHALL BE INSTALLED AND MAINTAINED TO THE CITY STANDARDS AS A MAJOR PLAN REVISION FOR APPROVAL PRIOR TO THE PERMIT BEING ISSUED.
 7) ANY WORK AND MATERIALS TO BE PLACED WITHIN THE CITY RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF MARLBOROUGH REQUIREMENTS.
 8) ALL PAVS AND CURB CUTS AND ACCESS (SHOWN) SHALL CONFORM TO ADA AND MAAS REQUIREMENTS.
 9) ALL EXISTING CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION. EXISTING CONTROL SHALL CONFORM TO THE CITY OF MARLBOROUGH CONSTRUCTION CONTROL REQUIREMENTS AS STATED IN THE ORDER OF CONDITIONS.
 10) ALL PAVERS, MASONRY AND WORK SHALL CONFORM TO MAAS REQUIREMENTS.
 11) THE CONTRACTOR SHALL OBTAIN A STREET CLOSING PERMIT PRIOR TO ANY CONSTRUCTION WITHIN THE CITY RIGHT-OF-WAY.



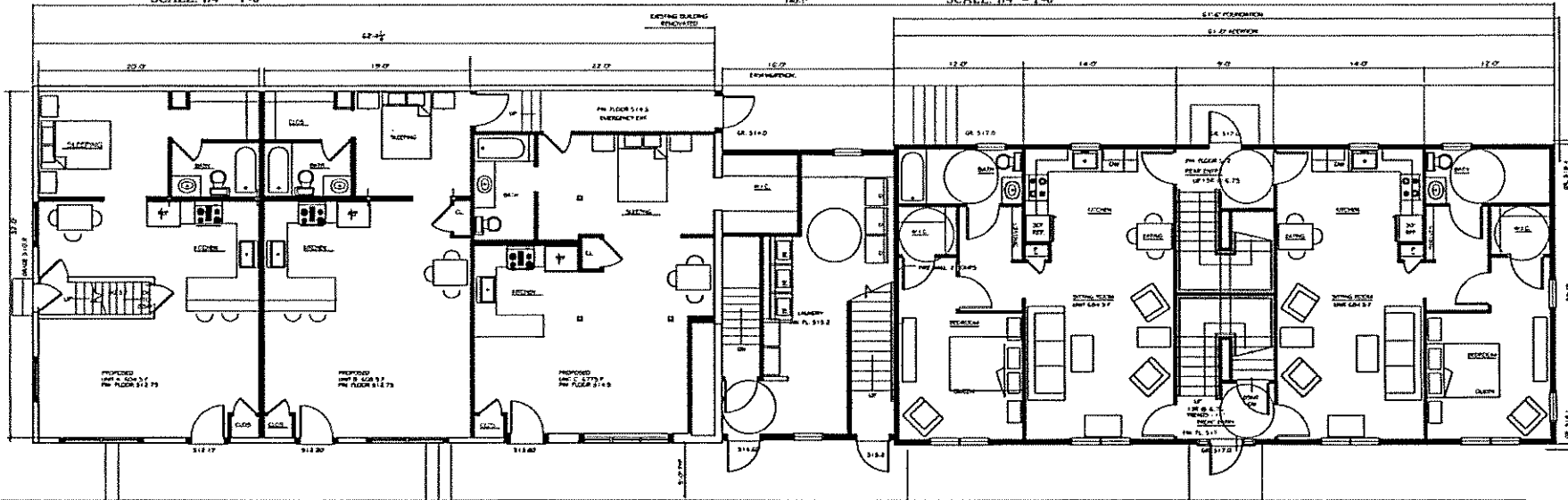


SECOND FLOOR PLAN - EXISTING

SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN STUDIO UNITS

SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN ONE BEDROOM UNITS

SCALE: 1/4" = 1'-0"

Multi-Family

Proposed Addition

487 LINCOLN ST
Marlborough, Massachusetts

Maple Avenue Design

31 Maple Ave
Sudbury, MA 01776

T 978-488-8228
F 978-482-4828

No.	Date	Issued For	By

PLANS

Drawn August 6, 2013

Scale

Job No.

Drawn By

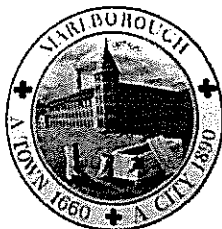
A-1.1

PREPARED FOR: CJG ENTERPRISES, INC., 25 UNION STREET, FRAMINGHAM, MA 01702

ATTACHMENT B

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 NOV -9 A 10:21



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

November 7, 2017

President and Members
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

**RE: CHAPTER 40 SECTION 6-C
PLOWING OF PRIVATE WAY**

Dear President and Members,

Below please find two private ways being submitted for your approval under the above-Massachusetts General Law. The private ways are:

Allis Road – Walker Brook Estates, off Framingham Road
Bemis Road = Walker Brook Estates, off Framingham Road

There are six houses in this subdivision, all of which are occupied. The construction of the roadways has been completed and they are on schedule to be Accepted as Public Ways next spring. I have attached herewith a draft council order which, if approved, would permit the removal of snow and ice from these private ways during the 2017-2018 snow season. Should you have any questions, please do not hesitate to contact me.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

cc: Mayor Arthur G. Vigeant
Donald Rider, City Solicitor
Ted Scott, Assistant Commissioner – Operations
Marlborough Planning Board
Thomas DiPersio, Jr., P.E. - City Engineer

ORDERED:

That the Department of Public Works be authorized to plow and remove snow from the following ways during the 2017-2018 snow season, in accordance with the provisions of Massachusetts General Laws Chapter 40 Section 6C, provided that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished:

Allis Road – Walker Brook Estates, off Framingham Road

Bemis Road – Walker Brook Estates, off Framingham Road

ADOPTED

In City Council
Order No. 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

10/9/2017

John Ghiloni
Commissioner of Public Works
The City of Marlborough
Marlborough, MA 01752

Re: Plow schedule, Allis & Bemis Roads

Dear Commissioner,

Melanson Development Group, Inc would like to request for snow removal at Allis & Bemis Roads this upcoming winter of 2017/2018. We were responsible for the snow removal last winter as the roads were near completion. Both roads are now complete (6 lots), and we are in our 1 year maintenance period. The homeowners have moved into all 6 homes and are all paying R.E. Taxes. We will be at the completion of our 1 year maintenance period and will be requesting Street Acceptance this upcoming Spring of 2018.

Thank you for your consideration,

Ed Melanson
Melanson Development Group, Inc.



City of Marlborough Commonwealth of Massachusetts

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen Hughes
Philip Hodge
Sean N. Fay
Brian DuPont
George LaVenture

Krista Holmi, Administrator
Phone: (508) 624-6910 x33200
Fax: (508) 624-7699

Email: planning_board@marlborough-ma.gov
kholmi@marlborough-ma.gov

October 23, 2017

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

RE: ~~Proposed Zoning Amendment - Council Order #17-1007002~~
~~Section 650-5, 48 & 17, Self-Service Storage Facilities~~

Dear President Clancy:

At its regularly scheduled Planning Board meeting on October 16, 2017, the Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. DuPont, seconded by Mr. Fay, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment, Section 650-5, entitled "Definitions; word usage", Section 650-48, entitled "Off-street parking", and Section 48 650-17, entitled "Table of Uses" noting the following recommended revisions: Table of Use should be modified to include siting of self-service storage facilities by special permit only within the (B) Business and (CA) Commercial Automotive districts; the Board recommended that the proposed self-service storage facilities use be prohibited in the Industrial and Limited Industrial districts. Motion Carried.

Sincerely,

Barbara L. Fenby
Chairperson

cc: City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 OCT 26 P 2:42

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 OCT 30 A 11: 35

KEEGAN WERLIN LLP

ATTORNEYS AT LAW

265 FRANKLIN STREET

BOSTON, MASSACHUSETTS 02110-3113

(617) 951-1400

TELECOPIERS:

(617) 951-1354

(617) 951-0586

October 27, 2017

City Clerk
Marlborough City Hall
140 Main Street
Marlborough, MA 1752

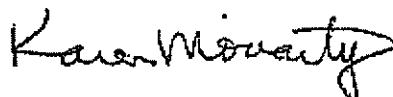
Re: Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval by the Department of Public Utilities of ten long-term contracts for procurement of renewable energy and renewable energy certificates from ten individual renewable energy projects, pursuant to St. 2012, s. 209, § 36, and 220 CMR 21.00, D.P.U. 17-117

Dear Town Clerk:

Enclosed please find a copy of a Notice of Filing, Public Hearing, Procedural Conference and Request for Comments regarding the above-referenced proceeding before the Massachusetts Department of Public Utilities. You are requested to post this notice in a conspicuous place for public review in the Town Hall upon receipt and until November 29, 2017.

Please feel free to contact me with any questions.

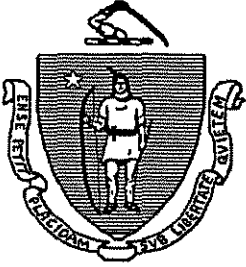
Sincerely,



Karen Moriarty
Paralegal

Enclosure

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



The Commonwealth of Massachusetts

2017 OCT 30 A 11: 35

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARING, PROCEDURAL CONFERENCE AND REQUEST FOR COMMENTS

D.P.U. 17-117

October 12, 2017

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval by the Department of Public Utilities of ten long-term contracts for procurement of renewable energy and renewable energy certificates from ten individual renewable energy projects, pursuant to St. 2012, c. 209, § 36, and 220 CMR 21.00.

On September 20, 2017, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid" or "Company") filed a petition with the Department of Public Utilities ("Department") seeking approval, pursuant to Section 83A of An Act Relative to Green Communities, St. 2008, c. 169, § 83A ("Section 83A") and 220 CMR 21.00, of ten long-term contracts to purchase renewable energy and associated renewable energy certificates ("RECs"). Section 83A was added to An Act Relative to Green Communities by An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209, § 36. Table 1 provides a summary of the proposed 20-year contracts, including the Company's allocated share of the renewable energy and RECs purchased under each contract, of which nine are for solar power and one is for wind power.

Section 83A requires each electric distribution company to jointly solicit proposals for long-term contracts of 10 to 20 years in duration from renewable energy developers at least twice during the period from January 1, 2013 through December 31, 2016, and, if the proposals received are reasonable, to enter into cost-effective long-term contracts to facilitate the financing of renewable energy generation. St. 2012, c. 209, § 36; 220 CMR 21.00. A long-term contract must be approved by the Department before it can become effective. St. 2012, c. 209, § 36; 220 CMR 21.03(3). The Department must take into consideration both the potential costs and benefits of such contracts and shall approve a contract only upon a finding that it is a cost-effective mechanism for procuring low-cost renewable energy on a long-term basis taking into account the factors outlined in Section 83A. St. 2008, c. 169, § 83A; 220 CMR 21.05.

Table 1

Project Name	Contract Counterparty	Location (State)	Commercial Operation Date	Capacity (MW)	Allocation of Energy and RECs
Candlewood Solar Project	Candlewood Solar LLC	Connecticut	September 30, 2019	20	47.02%
Cassadaga Wind Project*	Cassadaga Wind, LLC	New York	December 31, 2020	126	19.98%
Scituate Solar Project*	Scituate RI Solar, LLC	Rhode Island	December 31, 2019	10	23.51%
Hope Farm Solar Project*	Hope Farm Solar, LLC	Rhode Island	December 31, 2019	10	23.51%
Woods Hill Solar*	Woods Hill Solar, LLC	Connecticut	December 31, 2019	20	19.98%
Sanford Airport Solar Project	Sanford Airport Solar, LLC	Maine	November 1, 2019	49.36	19.98%
Chinook Solar Project	Chinook Solar, LLC	New Hampshire	November 1, 2019	30	19.98%
Farmington Solar Project	Farmington Solar, LLC	Maine	November 1, 2019	49.36	19.98%
Quinebaug Solar Project	Quinebaug Solar, LLC	Connecticut	November 1, 2019	49.36	19.98%
Simsbury Solar Farm	DWW Solar II, LLC	Connecticut	December 31, 2018	26.4	47.02%

* Under the terms of the contract for this project, each party retains the right to terminate the contract if the contract is not approved by each regulatory authority in Massachusetts, Connecticut and Rhode Island.

In accordance with Section 83A, the electric distribution companies and the Department of Energy Resources ("DOER"), in conjunction with stakeholders from Connecticut and Rhode Island, jointly developed a request for proposals ("RFP") for the procurement of renewable electric energy and RECs. The RFP is therefore referred to as the Three-State RFP. On October 26, 2015, the Department approved the method of soliciting and executing long-term contracts, as well as the timetable, contained in the Three-State RFP. Long-Term Contracts for Renewable Energy, D.P.U. 15-84 (2015). On November 12, 2015, the electric distribution companies, together with the DOER, jointly issued the RFP. The electric distribution companies state that the ten projects compare favorably on price and non-price factors to the range of renewable energy resources available and thus are low-cost, cost-effective contracts.

Pursuant to Section 83A and 220 CMR 21.07, the Company proposes to collect an annual remuneration equal to 2.75 percent of the annual payments under the contracts to compensate the Company for accepting the financial obligation of the long-term contracts. According to the Company, if its petition is approved, it estimates that the bill of an average Massachusetts Electric Company and Nantucket Electric Company residential customer (R-1 rate class) using 600 kilowatt-hours of electricity per month would decrease by 15 cents, which is a 0.1 percent decrease relative to current rates, based on the current market environment.

Attorney General Maura Healey ("Attorney General"), through the Office of Ratepayer Advocacy, may intervene, appear and participate in Department proceedings on behalf of any group of consumers in connection with any matter involving rates of an electric company or gas company. On October 10, 2017, the Attorney General submitted a notice of intervention on behalf of the Company's ratepayers in this case. Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General filed a notice of retention of experts and consultants to assist in her investigation of the Company's filing. The Attorney General has requested Department approval to spend up to \$150,000. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered by the Company in its rates.

The Department will conduct a public hearing to receive comments on the Company's filing on **Wednesday, November 29, 2017** at 2:00 p.m. at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts. Persons interested in commenting on the Company's filing may do so at the public hearing or may file written comments by the close of business (5:00 p.m.) on **Wednesday, November 29, 2017**. The public hearing will be followed by a procedural conference.

Persons interested in participating in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business (5:00 p.m.) on **Monday, November 27, 2017**. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4).

Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition for leave to intervene must satisfy the substantive requirements of 220 CMR 1.03. To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. Responses to petitions to intervene must be filed with the Department no later than the close of business (5:00 p.m.) on **Tuesday, November 28, 2017**. Any person who seeks to intervene in this matter and also desires to comment on the Attorney General's notice of retention of experts and consultants must file such comments no later than the close of business (5:00 p.m.) on **Monday, November 27, 2017**.

The original of all documents must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts, 02110. In addition, one (1) copy of all documents filed with the Department must be sent to Alan Topalian, Hearing Officer, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One (1) copy of all documents filed with the Department must also be sent to: (1) National Grid's counsel, Laura C. Bickel, Esq., 40 Sylvan Road, Waltham, Massachusetts 02451, and John K. Habib, Esq., Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110; (2) Elizabeth Mahony, Assistant Attorney General, Office of Ratepayer Advocacy, One Ashburton Place, Boston, Massachusetts 02108; and (3) the service list.

All documents must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officer, alan.topalian@state.ma.us or (2) on a CD-ROM. The text of the e-mail, or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 17-117); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Copies of the Company's filing and the Attorney General's notice of retention of experts and consultants are available for inspection during regular business hours at the Company's offices at 40 Sylvan Road, Waltham, Massachusetts 02451, and on the Company's website: www.nationalgrid.com. Copies are also available for inspection during regular business hours at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110, and on the Department's website, <http://www.mass.gov/dpu>, by accessing the File Room link.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us or (617) 305-3642. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance

D.P.U. 17-117

Page 5

notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us or (617) 305-3642.

For further information regarding the Company's filing, please contact the Company's counsel, Laura Bickel at (781) 907-2126 or John K. Habib at (617) 951-1400. For further information regarding this notice, please contact the Department Hearing Officer assigned to this case, Alan Topalian, at (617) 305-3500.

1A

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

2017 OCT 31 A II: 30
Call to Order

October 16, 2017

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Colleen Hughes, Sean Fay, Brian DuPont and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes:

A. September 25, 2017

Following a brief discussion confirming the recording of votes for two proposed zoning amendments, with a motion made by Ms. Hughes, seconded by Mr. Fay, the Board voted to approve the Planning Board meeting minutes of September 25, 2017. Motion carried.

2. Chair's Business:

A. Hager St. Subdivision Update

Applicant representative, Peter Bemis, was present to discuss the Hager St. project. After consultation with the property owners (Mark Wambolt Jr. and Sr), there was a general feeling that the previously submitted plan with ten waivers garnered little support from the City. Multiple options were considered including a two-lot plan with frontage off Hager St.; however, lot shape requirements could not be met. The second option, a five-lot conventional plan, eliminates the open space valued by the owner. Mr. Bemis indicated that since the moratorium on special permits for housing applications is now over, the subdivision will likely move in the direction of a 3-lot, open-space plan. In this plan, the barn would be an auxiliary structure to an existing Framingham home lot. Mr. Bemis indicated that each new house lot would contain approximately 30,000 sq. ft. with the balance remaining as open space. Permission to graze cows on the open space parcel would be requested.

Chairperson Fenby reminded the applicant's representative that the two previously submitted plans (both an ANR and definitive plan) remain before the Board. The Board requested a letter indicating the applicant's wishes to withdraw those plans without prejudice. Mr. Bemis confirmed his willingness to provide the requested letter to the Board. Mr. Bemis expressed concern for refiling costs. Chairperson Fenby indicated that any request for relief on future filing fees be formally communicated to the Board in letter form.

B. Lacombe Subdivision – Housekeeping matter, lot releases

Mr. Bemis, representing owner, Paul DiTullio, was present. Mr. Bemis requests the Board address some "housekeeping" matters on the Lacombe St. Extension Subdivision. Ms. Hughes read a letter from Mr. Bemis (presented on the day of the meeting) into the record, noting that supporting documents were also provided. On a motion by Mr. Fay, seconded by Mr. DuPont, the Board voted to accept the letter and additional documentation and place on file. Motion carried. The letter chronicles the Board's votes beginning in December 8, 1998, requiring the applicant's posting of a \$26,000 performance bond to secure the completion of the subdivision and release of lots. The one year maintenance period of the subdivision expired in December of 1999, and the bond was reduced to \$2,000 – the bond amount to have Acceptance Plans completed. Final acceptance of the street as a public way was only possible once the applicant obtained the necessary rights from the private property owners along Lacombe. The street was ultimately accepted per Council Order No. 15-1006323C X14-1005847A dated November 16, 2015. The Planning Board voted to reduce the bond to zero at its regular meeting on February 8, 2016, and to release the bond to the developer.

It appears that a recordable instrument for the release of lots was never signed by the Planning Board. On a motion by Mr. Fay, seconded by Ms. Hughes, the Board voted that the applicant's attorney prepare a recordable instrument for signature at a future meeting of the Planning Board. Motion carried.

C. Set Public Hearing Date: Proposed Zoning Amendment – Section 650-59. C (11)

Powers and Procedures Special Permits – Time for extension for action; leave to withdraw

Public Hearing date set for Monday, November 13, 2017, 7:15 p.m. Proponent should be identified and invited to the meeting.

3. Approval Not Required (None)

5. Pending Subdivision Plans: Updates and Discussion

A. Engineer's Report

As time allowed, Chairperson Fenby requested that Item 5, Engineer's Report, be moved up in the agenda. **Slocumb Lane** - City Engineer DiPersio indicated that November 14 marks the end of the one-year maintenance period. Engineering will contact the developer to arrange for a site walk-through, and correspondence will be sent regarding any remaining items requiring attention.

Goodale Estates – While sidewalks are strongly preferred by the Planning Board, the street area between Hutchinson and Woodland contains narrow sections that are not wide enough to accommodate a sidewalk (due to site conditions). Councilor Delano indicated that the developer's use of "stone dust" as a top treatment was not acceptable, and that other materials must be considered. Options including a mulched dressing or the possibility of narrower paved sections providing continuity to other sidewalk sections were discussed. At 7:15, the discussion was suspended to begin the first public hearing. The matter will be resumed following the public hearings.

4. Public Hearings

**A. Public Hearing: Proposed Zoning Amendment – Addition of Section 650-36
Rail Trail Overlay District**

Public Hearing Monday, October 16, 2017, 7:15 p.m. Proponent- Attorney Arthur Bergeron
Chairperson Fenby opened the meeting at 7:15 p.m. and provided introductions and instructions to those in attendance. Ms. Hughes read the notice of public hearing into the record. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from members.

Presentation:

Attorney Bergeron identified that on behalf of his client, David Skarin, the owner of land located at 19 Ash Street, he is requesting consideration to amend the City's zoning ordinance by adding Section 650-36, Rail Trail Overlay District. (ARRTOD) Mr. Bergeron described the rationale for the proposed zoning amendment summarized as follows: The establishment goals of the ARRTOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting pedestrian and bicycle friendly development complementary to the Assabet River Rail Trail. Under the zoning amendment, the City Council would be the Special Permit Granting Authority.

The amendment would apply to parcels provided that: a. A portion of the Development Parcel contained a non-residential use in operation as of July 1, 2017. b. Development parcel has a minimum area of 1.5 acres. c. The Rail Trail Development complements the rail trail. By special permit, non-residential use could be converted to either residential use or to another commercial entity. Attorney Bergeron indicated that he is not looking to "fast track" this amendment. MAPC (Metropolitan Area Planning Council), may look at the proposal and provide input. Mr. Bergeron also indicated the possibility of mitigation in the form of rail trail improvements or monetary mitigation directed toward discretionary purposes.

Speaking In Favor of the Amendment:

Lyn Weinberg, 17 Hudson St. expressed her support for the amendment. As a neighbor of the rail trail, she sits near the end of Longley St. She felt that development would clean up and improve the parcel near her home.

Speaking in Opposition to the Amendment:

Mr. Joseph Bisol of 212 Hudson St. spoke in *conditional* opposition to the ARRTOD. Mr. Bisol expressed his concern that these developed parcels could also fall into disrepair and lead to further problems along the Trail. While development at the trailheads seem to make sense, he is concerned that populating the Trail along the way and encouraging development throughout the Rail Trail may be contrary to the purpose of having a nature path – to provide a place of respite and to have a natural experience.

Larry Midura, 85 Ash St., has lived in the area for approximately 38 years. He lives near the natural area used by mountain bikers near Boston Scientific. His property is zoned A-3 – He is opposed to the categorization of the affected parcels.

Questions and Comments:

Q: Mr. Fay asked whether the Johnson parcel is currently included in the Downtown Village Overlay District? Mr. Bergeron indicated that it is not, but this may be an option to request inclusion for the future. Mr. Bergeron described the possibility of a low-density condo community on the Skarin property.

Mr. Fay offered his opposition to the language under item C. Eligible Uses, Dimensional Controls, item (1) c. Residential uses, with such density as seemed appropriate by the City Council. Mr. Fay believes that such language is far too vague, is dependent on the makeup of the Council, and needs further definition.

Mr. DuPont commented on what appears to be the City's current approach to zoning. Regardless of the potential merit of an individual project, this zoning amendment is, once again, the product of a developer and not as part of a comprehensive City plan. He is not sure this is the right avenue for the City. Mr. Bergeron said it was considered to take a different approach, but the requested change would be to change from one non-conforming use to another non-conforming use. Mr. DuPont offered these comments - What are the commonalities of the parcels? It feels as though this Overlay District has no specific boundaries, but is just numerous parcels that meet certain arbitrary criteria. The Downtown Village District was designed specifically to encourage development in the downtown area. The Downtown Village Overlay District is a zone created as the result of a well-designed plan with a specific purpose. This proposal does not have the same purpose. The Overlay District meets the needs of Mr. Bergeron's client. Others did note that the Skarin property would not be the only included parcel.

Q: Mr. LaVenture asked for a clarification on the requirement of section (2) a. A portion of the Development Parcel contained a non-residential use in operation as of July 1, 2017. Mr. Bergeron indicated that the date was somewhat arbitrary, but provided a way to differentiate qualifying parcels for the Overlay District, while excluding parcels that may change their classification after that date.

The public hearing was closed at 7:47 p.m.

**B. Public Hearing – Proposed Zoning Amendment – Section 650-5, 48 & 17
Self-Service Storage Facilities**

Public Hearing Monday, October 16, 2017, 7:30 p.m. Proponent- City Solicitor Rider

Chairperson Fenby opened the public hearing at 7:47 p.m. and provided introductions and instructions to those in attendance. Ms. Hughes read the notice of public hearing into the record.

The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from members.

Presentation:

Solicitor Rider explained that the purposes of the amendment - to add clarity to the zoning bylaws by deleting the existing definition and inserting a new definition – “Self-Service Storage Facility” as well as to add specificity in siting these facilities through the amendment of section 650-17, “Table of Uses”, which currently is silent on such facilities despite the existing definition. By Special Permit, a self-service storage facility is proposed to be permissible in the following districts: Business (B) Commercial Automotive (CA), Limited Industrial (LI) and Industrial (I).

Speaking in Favor of the Amendment:

No person spoke in favor of the amendment.

Speaking in Opposition to the Amendment:

No person spoke in opposition to the amendment.

Questions and Comments:

Mr. Fay questioned whether siting a self-service storage facility in either an Industrial or Limited Industrial district would be the “highest and best use” of the land. He felt that the City would be better served by reserving our (prime) industrial sites for development opportunities that maximize revenue to the City. Solicitor Rider said there had been some discussion in the Administration to allow these facilities “as right” in both (I) and (LI) zones. But the Administration ultimately decided that these facilities be allowed by special permit in the four mentioned districts. Mr. Fay expressed caution on the use of special permits (with authority provided by the City Council) considering that the composition of City Council is variable, and that the mindset of the Council could change over time.

The public hearing was closed at 8:00 p.m.

5. Pending Subdivision Plans: Updates and Discussion- Continued**A. Engineer’s Report (Goodale Farms, continued)**

Discussion on the “sidewalk” design continued. Chairperson Fenby requested that each member visit the site prior to the next meeting to facilitate decision making.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**7. Definitive Subdivision Submission: None****8. Signs: None****9. Unfinished Business****A. Proposed Zoning Amendment- Expansion and Modification of Hospitality and Recreational Mixed-Use Overlay District (HRMUOD)**

Mr. Fay made the following motion: To make a favorable recommendation for the proposed zoning amendments associated with Council Order #16/17-10064435. Motion seconded by Ms. Hughes. Motion did not carry. Further discussion highlighted the Board’s continued concerns over traffic and safety issues within the new proposed boundaries of the HRMUOD. Mr. Fay expressed that those concerns, while valid, have nothing to do with the matter before the Board. The matter of inclusion of the Wendy’s and Bank of America parcels in the HRMUOD as well as the other elements of the zoning amendment are not related to the design elements of the curb cuts or traffic patterns within the HRMUOD; they are about zoning continuity.

While acknowledging that their expression of site concerns was not solicited, members of the Board

including Mr. DuPont, Mr. LaVenture, and Ms. Hughes felt it was important to provide a conditional recommendation.

On a motion by Mr. Fay, seconded by Ms. Hughes, the Board voted to make a favorable recommendation on the proposed zoning amendments with the following condition: Existing Boston Post Road curb cuts within the expanded HRMUOD (Assessor's Map 78, Parcel 14A – 176 Boston Post Road West, Wendy's; and Map 78, Parcel 23 - 190 Boston Post Road West, Bank of America) be reviewed and reconfigured for improved traffic flow and safety.

10. Informal Discussion:

A. Public Hearing #1: Proposed Zoning Amendment – Addition of Section 650-36 Rail Trail Overlay District

The Board spent time taking a "virtual tour" of the Rail Trail utilizing Google Earth. Parcels potentially affected by the proposed Overlay District were examined and development opportunities discussed.

Q: Mr. LaVenture asked whether there was a formal charter for the Assabet River Rail Trail? A: Yes.

Q: How do we know that the proposed amendment is consistent with that charter?

Ms. Hughes commented that the public comments relative to development along the Rail Trail gave her pause. She expressed that any development should be complementary to the use of the Rail Trail as a nature path. We need to ensure that we are not simply "creating a sidewalk between commercial developments."

Chairperson Fenby requested that Mr. Bergeron invite the Board to participate in any future meetings with the MAPC (or other planning agencies) in association with the proposed Rail Trail Overlay District.

B. Public Hearing #2 – Public Hearing – Proposed Zoning Amendment – Section 650-5, 48 & 17 Self-Service Storage Facilities

On a motion by Mr. DuPont, seconded by Mr. Fay, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment, Section 650-5, entitled "Definitions; word usage", Section 650-48, entitled "Off-street parking", and Section 48 650-17, entitled "Table of Uses" noting the following recommended revisions: Table of Use should be modified to include siting of self-service storage facilities by special permit only within the (B) Business and (CA) Commercial Automotive districts; the Board recommended that the proposed self-service storage facilities use be prohibited in the Industrial and Limited Industrial districts. Motion Carried.

11. Correspondence: None

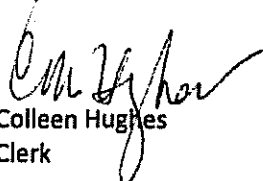
12. Public Notices of other Cities and Towns:

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

Adjournment: On a motion made by Mr. LaVenture, seconded by Mr. DuPont, it was voted to adjourn at 8:45 pm. Motion carried.

/kih

Respectfully submitted,


Colleen Hughes
Clerk

CITY OF MARLBOROUGH
 OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2017 NOV -8 P 3:01

October 18, 2016

Regular Meeting Minutes

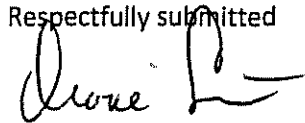
Call to order: 10:07 am

Members Present: Brian Doheny, Diane Smith, Michael Bergeron, Alfred Weaver, Michael Ossing

Members Absent:

- Motion made to accept the minutes of the March 31, 2015 meeting by Al Weaver, seconded by Michael Bergeron. Approved 5-0.
- Representatives Alexander Bartholomew and Doris Huard from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to June 30, 2016. The fund totaled \$6.2 million with a return of 2.24%. A motion was made by Mike Ossing, seconded by Al Weaver to provide this information to the City Council on the next agenda scheduled for November 14, 2016. Approved 5-0.
- Bartholomew and Company discussed the effect of the new Municipal Modernization Act that goes into effect November 7th, 2016 and the trust. It was made clear that any OPEB fund created prior to the effective date of this act will continue unless the governmental unit re-accepts the provisions of the act. An Informational Guideline Review is expected to come out shortly from the Department of Revenue that will go into more detail.
- Quarterly reports will be sent out to all board members going forward. Overall the board is pleased with the fund's performance and conservative funding allocation. A motion was made by Mike Ossing, seconded by Mike Bergeron to stay with the current funding allocation. Approved 5-0.
- The board discussed and agreed holding annual meetings each October unless something needed to be addressed before then.
- Motion made and seconded to adjourn at 11:35 am. Approved 5-0.

Respectfully submitted



Diane Smith