

REGULAR MEETING
NOVEMBER 14, 2016

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 NOV -9 P 3:49

1. Minutes, City Council Meeting, October 17, 2016.
2. PUBLIC HEARING On the Proposed Amendment to City Code providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance, Order No. 16-1006702.
3. Communication from the Mayor re: Home Rule Petition Exempting Police Patrol Officers and DPW Engineers from Civil Service.
4. Communication from the Mayor re: OPEB Trust Update.
5. Communication from the Mayor re: Nonunion Compensation Proposal and Proposed Job Title Changes.
6. Communication from the Mayor re: DPW transfer request in the amount of \$1,650,000.00 which moves funds from Undesignated to Department of Public Works Solid Waste Disposal account to fund ongoing legal fees and settlement with WeCare Environmental.
7. Communication from the Mayor re: Stabilization transfer request in the amount of \$337,500.00 which moves funds from Undesignated to a new Stabilization account, Future Growth Stabilization Fund, to fund investment in projects which will increase property values and attract economic development.
8. Communication from the Mayor re: Police transfer request in the amount of \$324,200.00 to fund the recently ratified collective bargaining agreement between the City and the Police Patrol Union for FY 2016, 2017 and 2018.
9. Communication from the Mayor re: Downtown Stabilization transfer request in the amount of \$150,000.00 which moves funds from Undesignated to Downtown Stabilization account by which the amount transferred is from mitigation payments related to the Crabtree Project and intended to be used for downtown economic development.
10. Communication from the Mayor re: DPW transfer request in the amount of \$24,626.56 which moves funds from Reserve for Salaries to Sick Leave Buyback account to fund the sick leave buy back for a retiree in DPW.
11. Communication from the Mayor re: transfer request in the amount of \$1,660.00 from Reserve for Salaries to various accounts to fund successful negotiation of contracts affecting City employees.
12. Communication from the Mayor re: MassWorks Grant acceptance in the amount of \$3,050,000.00 to supplement the significant investment that Ryan Development is making through the construction of the Apex Center.
13. Communication from the Mayor re: FY2016 State 911 Department Support and Incentive Grant in the amount of \$99,805.00 to offset costs in the dispatch center.
14. Communication from the Mayor re: Cultural Council Appointments as follows: Stephan D'Alessandro and Jessica Bowen to the Cultural Council for a term of three years and Reappointments of Mark Bartlett and Melissa Vera for a term of three years which expired in August 2016.
15. Communication from the Mayor re: Reappointment of Auditor, Diane Smith, for a term of three years to commence upon City Council approval.
16. Communication from the Mayor re: Reappointment of Chief Procurement Officer, Beverly Sleeper, for a term of three years to commence upon City Council approval.

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.

17. Communication from the Mayor re: Notification of Free Cash certified by DOR in the amount of \$12,176,290.00.
18. Communication from the Mayor re: Downtown Marlborough Parking Analysis. (Hard copy is available for viewing in the City Clerk's office).
19. Communication from the Mayor re: Order of Taking by Eminent Domain of Permanent and Temporary Easements for the East Main Street Reconstruction Project.
20. Communication from Council President, Edward Clancy, re: Reappointment of Lisa Thomas as City Clerk for a term of three years to expire on February 28, 2020.
21. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment to conform with Chapter 219 of the Acts of 2016.
22. Communication from City Solicitor, Donald Rider, re: Application to Modify Special Permit, New Cingular Wireless PCS, LLC, 175 Maple St., in proper legal form, Order No. 16-1006637B.
23. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Site Plan Permit for 163-175 Main St., Marlborough on Main, in proper legal form, Order No. 16-1006668.
24. Communication from City Engineer, Thomas DiPersio, re: Site Plan Review Committee's Inspection of 50 Main St.
25. Communication from Attorney Cipriano, on behalf of Tigercat Properties LLC, re: Application for Special Permit to construct a multifamily dwelling at 478 Lincoln St.
26. Minutes, Library Board of Trustees, June 7 & September 6, 2016.
27. Minutes, Planning Board, October 3, & October 17, 2016.
28. Minutes, Recreation Commission, January 21, February 17, & June 15, 2016.
29. Minutes, School Committee, September 27, 2016.
30. Minutes, Conservation Commission, October 6, 2016.
31. Minutes, Traffic Commission, September 27, 2016.
32. Minutes, Council on Aging Board of Directors, September 13 & October 11, 2016.
33. Minutes, Board of Health, September 13 and October 11, 2016.
34. Minutes, License Board, August 24, September 15, September 22, September 28, & October 18, 2016.
35. Minutes, OPEB Trust Board, March 31, 2015.
36. CLAIMS:
 - a. Noa Romo, 78 Applebriar Ln., pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Wireless Communications Committee

37. **Order No. 16-1006637A - Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT&T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT&T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple Street. Motion made by Councilor Oram at the October 17, 2016 City Council meeting to refer to the City Solicitor to place in proper legal form for the next agenda which is November 14, 2016.**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



2016 NOV -1 A 9:55

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

OCTOBER 17, 2016

Regular meeting of the City Council held on Monday, OCTOBER 17, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:35 PM.

Council Delano recognized the City Council who wore pink to bring awareness to Breast Cancer. Councilor Robey recognized Domestic Violence Protection and Awareness Month and also noted that it is Fire Prevention month.

ORDERED: That the Minutes of the City Council meeting OCTOBER 3, 2016, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Ave., to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond St., likely affecting Conditions #20, #22, #23, #36, #38 and #39, Order No. 16-1006683, X16-1006636B, X08/09-1002051E, all were heard who wish to be heard, hearing recessed at 8:12 PM.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety State 911 Department EMD Grant from the Commonwealth of MA in the amount of \$59,686.00 to offset personnel costs in the Public Safety Dispatch center for training overtime and to fund overtime costs associated with meeting the State mandated emergency dispatch protocol; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union Gift in the amount of \$7,500.00 to fund information technology upgrades for the Fire Department; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union Gift in the amount of \$7,500.00 to supplement various Police Department programs, units including RAD self-defense classes and Explorer program for the youth; adopted.

ORDERED: That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deed in lieu of foreclosure, from Antoinette Dufault, also known as Sister Mary Francis, of the Sisters of the Benedictine Center, 254 Still River Road, Still River MA, to a certain parcel of land described herein as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 55 Parcel 210B, being approximately 43,966 S.F., and located on Russell Street, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Municipal Aggregation Committee regarding **APPROVAL** of a six month fixed price contract with TransCanada, **FILE**; adopted.

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:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FROM THE MARLBOROUGH ZONING BOARD OF APPEALS A SUBMISSION PROPOSING CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting sub-subsection (3) in its entirety and inserting in place thereof the following:-- An appeal from a decision of the Building Commissioner and a petition for a variance shall be filed with the City Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the appeal or petition from the City Clerk and shall render a decision within 100 days from the date of filing.
2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting the preamble in sub-subsection (4) in its entirety and inserting in place thereof the following:-- If the Board of Appeals shall fail to act within 100 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements:

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, NOVEMBER 14, 2016**; adopted.

ORDERED: That the City Council of the City of Marlborough confirms that Order No. 16-1006467B by which the City Code of the City of Marlborough, as amended, was further amended to increase the stipend positions of election wardens, election clerks, election inspectors/checkers and constables at polls, included a scrivener's error, being the effective date of "July 1, 2017," and that the correct effective date is July 1, 2016, **APPROVED**; adopted.

ORDERED: That the Communication from City Clerk, Lisa Thomas re: November 8, 2016 State Election Information, **FILE**; adopted.

ORDERED: That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary five-year basis, requiring further City Council approval five years from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

APPROVED; adopted.

ORDERED: That the Communication from Attorney Twohig, on behalf of Hines Global REIT Marlborough Campus I LLC, to extend sewer connection permit for Campus at Marlborough, 100 Campus Dr., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the design details and rendering of the Hyatt hotel substantially conform in all material respects with the details previously provided to the Council within the Master Concept Plan and Development Agreement. Accordingly, Walker Realty LLC kindly requests that the City Council acknowledge that the requirements of Paragraph 8 of the Development agreement have been met as it pertains to the Hyatt hotel and allow the Building Commissioner to issue the requisite building permit for the commencement of the Hyatt, **APPROVED**; adopted.

President Clancy orally reported approval via a hand vote of 10-1. Councilor Juaira opposed.

ORDERED: That the Communication from Walker Realty LLC re: Architectural Elevations for the proposed buildings to be located at Apex Center-160 Apex Dr., 142 Apex Dr., 115 Apex Dr., 105 Apex Dr., 90 Apex Dr., 58 Apex Dr., 43 Apex Dr., 36 Apex Dr., 22 Apex Dr., 21 Apex Dr., and 11 Apex Dr., conform to the design details and renderings of these buildings substantially in all material respects with details previously provided to Council within the Master Concept Plan and Development Agreement, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

President Clancy orally reported approval via a hand vote of 10-1. Councilor Tunnera opposed.

ORDERED: That the Communication from Michael & Karen Buckley re: Bolton St. Gas Station, refer to **OPERATIONS & OVERSIGHT COMMITTEE, FIRE DEPARTMENT AND LEGAL DEPARTMENT**; adopted.

A Petition signed by several residents who live near the underground tanks in Marlborough was entered into the record.

ORDERED: That Minutes, Community Development Authority, August 25, 2016, **FILE**; adopted.

ORDERED: That Minutes, School Committee, August 30 & September 13, 2016, **FILE**; adopted.

ORDERED: Minutes, Planning Board, September 26, 2016, **FILE**; adopted.

ORDERED: Minutes, School Building Committee, August 9, 2016, **FILE**; adopted.

ORDERED: Minutes, Conservation Commission, September 15, 2016, **FILE**; adopted.

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

- a. Ana Wydom, 51 Briarwood Ln., #9, pothole or other road defect.
- b. Robert Raynor, 20 Hampton Ave., #309, Northhampton, MA 01060, other property damage and/or personal injury.
- c. Doug Pizzi, 354 Stow Rd, other property damage and/or personal injury.

Reports of Committees:

Meeting Name: City Council Wireless Communications Committee

Date: October 11, 2016

Time: 7:00 PM

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

Convened: 7:07 PM – Adjourned: 7:42 PM

Present: Chairman Oram; Wireless Communications Committee Members Councilors Doucette and Juare; and Councilor Robey

Also Present: **Donald V. Rider, Jr. (City Solicitor, City of Marlborough); Edward Pare (Attorney, Brown Rudnick)**

Order No. 16-1006637A: Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT&T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT&T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple Street. The Wireless Communications Committee met with Edward Pare, an attorney from Brown Rudnick representing New Cingular Wireless PCS, LLC, AT&T in their request to remove Condition 7 of the Special Permit, Order No. 11-1003004C, which required AT&T fly an American Flag from the stealth antenna canister on the water tower located at 175 Maple Street. AT&T had outstanding debt to their Open Space obligations which they were in the process of making payments and setting up automatic payments going forward to be made January 2nd of each year. The committee agreed AT&T could remove the flag and associated mechanical lanyard device as well as the gold ball finial at the top of the antenna canister and make a one-time contribution of \$5,000 to the City of Marlborough's flag account as an appropriate means to honor the American flag in lieu of flying one at the site. **Motion made by Councilor Juaire, seconded by Councilor Doucette, to recommend approval as amended with the condition that all outstanding fees be paid in full prior to City Council's approval of the special permit. The motion carried 3-0.**

Motion made by Councilor Juaire, seconded by Councilor Doucette, to adjourn. The motion carried 3-0. The meeting adjourned at 7:42 PM.

Motion made by Councilor Oram at the October 17, 2016 City Council meeting to refer to the City Solicitor to place in proper legal form for the next agenda which is November 14, 2016.

*Reported by: Chairman Oram
October 17, 2016*

Suspension of the Rules requested – granted

ORDERED: That the Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT & T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT & T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple St. Order No. 16-1006637A, refer to City Solicitor to place in proper legal form for the next City Council meeting of November 14, 2016; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Communication from Attorney Ericksen on behalf of Walker Realty LLC, re: request to extend time limitations on Proposed Car Wash, specifically to allow for a use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District until on or before December 26, 2016, Order No. 16-1006634B, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That Communication from Attorney Ericksen on behalf of Walker Realty LLC, re: request to extend time limitations on Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, until on or before December 26, 2016, Order No. 16-1006635A **APPROVED**; adopted.

ORDERED:

Resolution
Citgo Fuel Oil Spill
121 Bolton Street, Marlborough, Massachusetts

WHEREAS, the Citgo fuel oil spill event is over four 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 to provide relief to the residents and the City of Marlborough:

- **House Bill 684 - \$10 million in liability in third reading (May 2016)**
- **House Bill 685 – damages to impacted residents paid from 21J – in Ways and Means**
- **House Bill 686 – financial reimbursement to impacted owners of surrounding properties – in Ways and Means**

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council respectfully calls upon the Massachusetts Legislature to promptly enact House Bills 684, 685 and 686.

AND FURTHER, the Honorable Senator Eldridge, Honorable Representative Gregoire and Honorable Representative Gentile are requested to provide the Marlborough City Council with a monthly report describing steps taken to ensure House Bills 684, 685 and 686 are adopted.

APPROVED; adopted.

President Clancy orally reported approval via a hand vote of 11-0.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:35 PM.



IN CITY COUNCIL

OCTOBER 17, 2016

Marlborough, Mass.,

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:

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2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting the preamble in sub-subsection (4) in its entirety and inserting in place thereof the following:-- If the Board of Appeals shall fail to act within 100 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements:

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, NOVEMBER 14, 2016.**

ADOPTED

ORDER NO. 16-1006702



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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 NOV - 9 11:52
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Home Rule Petition Exempting Police Patrol Officers and DPW Engineers from Civil Service

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a home rule petition to exempt the membership of the Police Patrol Union and the DPW Engineers union from Civil Service. As outlined in their Memoranda of Agreement with the City, both unions agreed to exempt their membership from the Civil Service rules.

Both the Patrol and Command Unions have negotiated with the City to move on from the antiquated Civil Service system; this will improve the hiring process for all police officers in the City. We have agreed to implement a promotional process that includes a written exam, interviews, and outside assessment centers. I appreciate that our unions were able to reach agreements with the City that are mutually beneficial.

This home rule petition must be adopted by the City Council and submitted to the State Legislature for their adoption in order for the Civil Service revocation to take effect.

In order to provide this to the Legislature as soon as possible before the end of year, I respectfully request that you approve the home rule petition in City Council. Since the Legislature is no longer meeting in formal sessions, it is possible we may have to resubmit the home rule petition for the new Legislative session that begins in January.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

An Act exempting certain positions in the City of Marlborough from the Civil Service Law.

SECTION 1. Notwithstanding any general or special law to the contrary, the positions of police patrol officer in the Marlborough Police Department, and the positions of Assistant Chemist, Associate City Engineer, Chemist, Chief Treatment Plant Operator, General Foreman, GIS Administrator, Grade I Engineering Aide, Grade II Engineering Aide, Grade III Inspector, Junior Engineer, Superintendent of Automotive Maintenance, and Treatment Plant Operator in the City of Marlborough shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

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2016 NOV -9 A 11:53

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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 for your information a letter from Comptroller Brian Doheny containing an update from the most recent OPEB Board of Trustees meeting on October 18, 2016. As you can see from the enclosed information, the balance of the OPEB Trust at that time was \$6,223,743.76. With your partnership, we have diligently made contributions to the OPEB Trust over the past two years to ensure that we are in a strong position financially for future generations.

As we steadily move closer to fully funding our pension obligations, we will continue investing in the OPEB Trust to keep all future obligations at a manageable level. I anticipate submitting a transfer request in the coming months to move funds from our certified free cash amount into OPEB.

If you have any questions or comments, please do not hesitate to contact me or Comptroller Brian Doheny.

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 26, 2016

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 18, 2016 to discuss the positive year end results of the trust as of Fiscal Year Ending June 30, 2016. The balance in the fund at that time was \$6,223,743.76. The total contributions to date made to the fund have been \$6,100,000.00. The trust since inception has had a net rate of return of 2.24 percent as you will see on the addition document supplied. You will also notice that the FY16 return was a favorable 3.02 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 6/30/2016

Since Inception &
Fiscal Year 2016

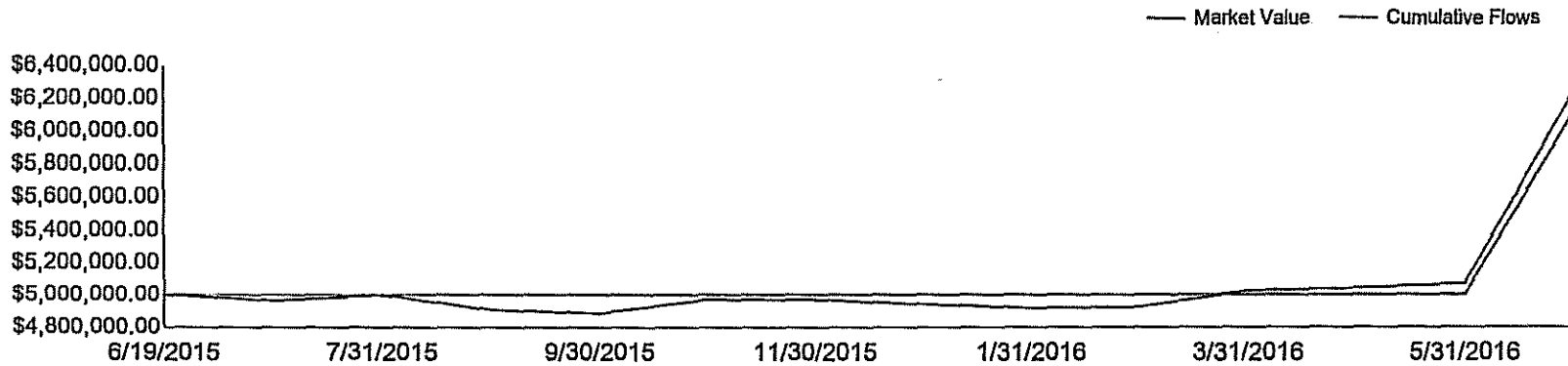
City Of Marlborough Opeb Trust Unincorporated Association NFS - (xxxx2701)

06/19/2015 To 06/30/2016 Activity Summary

Beginning Balance (06/19/2015)	\$0.00
Contributions	\$6,100,000.00
Withdrawals	\$17,348.94
Realized Gain / Loss	(\$52,899.74)
Unrealized Gain / Loss	(\$5,759.70)
Interest	\$12,115.78
Dividend / Cap Gains	\$185,348.17
Change in Accrued Interest	\$2,288.20
Ending Balance (06/30/2016)	\$6,223,743.76
Total Gain / Loss After Fees	\$123,743.76
TWR for 06/19/2015 to 06/30/2016	2.31
TWR (Annualized)	-2.24

07/01/2015 To 06/30/2016 Activity Summary

Beginning Balance (07/01/2015)	\$4,965,598.05
Contributions	\$1,100,000.00
Withdrawals	\$17,348.94
Realized Gain / Loss	(\$40,624.10)
Unrealized Gain / Loss	\$24,625.64
Interest	\$13,837.50
Dividend / Cap Gains	\$177,285.96
Change in Accrued Interest	\$369.65
Ending Balance (06/30/2016)	\$6,223,743.76
Total Gain / Loss After Fees	\$158,145.71
TWR for 07/01/2015 to 06/30/2016	3.02
TWR (Annualized)	3.02



This report is incomplete without the accompanying disclosure page.



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Office of the Mayor

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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR
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2016 NOV -9 A 11:52
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November 9, 2016

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

Re: Nonunion Compensation Proposal and Proposed Job Title Changes

Honorable President Clancy and Councilors:

Please find enclosed for your review an updated salary ordinance. It has long been my intention to submit a salary ordinance on a regular basis and I'm pleased to do so today.

As you know, over the past few years, we have worked together to update positions throughout the City of Marlborough by revising titles, updating job descriptions, and increasing salaries to better match municipalities in our region. This salary ordinance includes current salaries for all nonunion personnel employed by the City. Many of the salaries have been updated in recent years, such as the Police and Fire Chiefs.

I have also enclosed a separate ordinance to highlight changes that I am recommending at this time. I propose increasing the salaries of the Recreation Director, Director of the Council on Aging, the Assistant City Solicitor in order to bring them more into line into similar positions in the region and across the state.

The salary ordinance also reflects changes to two titles. The Senior Clerk (nonunion) and the Financial Assistant titles will be changed to Administrative Assistant and DPW Financial Analyst, respectively. These changes are necessary because the titles include positions represented the Marlborough Municipal Employees Association. These positions will better distinguish the nonunion positions from the union represented position. The Administrative Assistants work in the Human Resources and City Council offices. I intend to submit full job descriptions with the correct titles in the future.

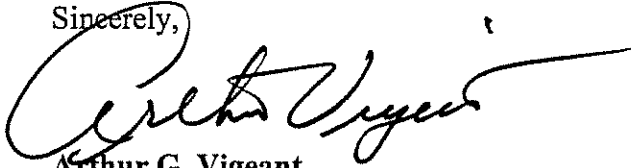
Additionally, we reached an agreement with the MMEA to take the Finance Assistant position at the DPW out of the MMEA. This position is a confidential position and not part of a bargaining unit. We agreed with the MMEA to change the title to DPW Financial Analyst. I recommend increasing the salary for the DPW Financial Analyst by 5 percent to compensate the position for no longer having union benefits. We did the same with the Senior Clerk (nonunion) position in the spring.

As has been my practice with positions that we have adjusted salaries for, I am also recommending that we increase the work week to 40 hours for every position that we have adjusted and moved to a 7 step schedule.

I will continue to review salaries and recommend changes as they become necessary. I believe the salary ordinance is meant to be a fluid document that changes over time to reflect changing market conditions. For example, as you may recall, several positions were recently transferred from schools to the City and we are currently analyzing whether the market calls for adjustments to ensure we can continue to attract the best qualified candidates.

I look forward to discussing my recommendations with you further.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

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

- A. This salary schedule shall take effect January 1, 2017
- B. The position of Senior Clerk (nonunion) shall now be titled Administrative Assistant
- C. The position of Financial Assistant (nonunion) shall now be titled DPW Financial Analyst
- D. All positions on the 7 Step schedule shall work a 40-hour work week

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Assistant City Solicitor	\$87,909.17	\$89,667.35	\$91,460.70	\$93,289.91	\$95,155.71	\$97,058.82	\$99,000.00
Recreation Director	\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
Executive Director of the Council on Aging	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
DPW Financial Analyst	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Chief Procurement Officer	July 1, 2016	\$76,679.00	\$78,213.00	\$79,777.00	\$81,372.00	\$83,000.00	\$84,660.00	\$86,353.00
	July 1, 2017	\$78,212.58	\$79,777.26	\$81,372.54	\$82,999.44	\$84,660.00	\$86,353.20	\$88,080.06
City Auditor	July 1, 2016	\$89,613.00	\$91,405.00	\$93,234.00	\$95,098.00	\$97,000.00	\$98,940.00	\$100,919.00
	July 1, 2017	\$91,405.26	\$93,233.10	\$95,098.68	\$96,999.96	\$98,940.00	\$100,918.80	\$102,937.38
City Clerk	July 1, 2016	\$81,298.00	\$82,924.00	\$84,583.00	\$86,274.00	\$88,000.00	\$89,760.00	\$91,555.00
	July 1, 2017	\$82,923.96	\$84,582.48	\$86,274.66	\$87,999.48	\$89,760.00	\$91,555.20	\$93,386.10
City Collector	July 1, 2016	\$73,242.04	\$76,170.92	\$79,220.27	\$82,389.46			
	July 1, 2017	\$74,706.88	\$77,694.34	\$80,804.67	\$84,037.25			
City Engineer	July 1, 2016	\$89,717.34	\$93,306.34	\$97,038.90	\$100,920.69			
	July 1, 2017	\$91,511.68	\$95,172.47	\$98,979.68	\$102,939.10			
City Solicitor	July 1, 2016							\$117,565.00
	July 1, 2017							\$119,916.30
Commissioner - DPW	July 1, 2016	\$108,349.12	\$112,684.07	\$117,191.57	\$121,879.69			
	July 1, 2017	\$110,516.11	\$114,937.75	\$119,535.41	\$124,317.28			
Comptroller/Treasurer	July 1, 2016	\$109,014.00	\$111,194.00	\$113,418.00	\$115,686.00	\$118,000.00	\$120,360.00	\$122,767.00
	July 1, 2017	\$111,194.28	\$113,417.88	\$115,686.36	\$117,999.72	\$120,360.00	\$122,767.20	\$125,222.34
Conservation Officer	July 1, 2015	\$67,338.99	\$70,032.07	\$72,833.96	\$75,747.40			
	July 1, 2016	\$68,685.77	\$71,432.71	\$74,290.64	\$77,262.35			
Director of Information Technology (City)	July 1, 2016	\$49,723.18	\$51,712.11	\$53,780.57	\$55,931.80			
	July 1, 2017	\$50,717.65	\$52,746.36	\$54,856.18	\$57,050.44			
Director of Information Technology (Schools)	July 1, 2016	\$51,465.93	\$53,524.56	\$55,665.54	\$57,892.16			
	July 1, 2017	\$52,495.25	\$54,595.05	\$56,778.85	\$59,050.00			
Director of Public Health	July 1, 2015							
	July 1, 2016	\$81,298.94	\$82,924.92	\$84,583.42	\$86,275.08	\$88,000.58	\$89,760.59	\$91,555.20
	July 1, 2016	\$82,924.92	\$84,583.41	\$86,275.09	\$88,000.58	\$89,760.59	\$91,555.81	\$93,386.30

DPW Financial Analyst	January 1, 2017	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03
	July 1, 2017	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03	\$66,787.59
Executive Aide to the Mayor	July 1, 2016							\$68,666.00
	July 1, 2017							\$70,039.32
Executive Director of the Council on Aging	January 1, 2017	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
	July 1, 2017	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00	\$79,560.00
Executive Secretary to the Mayor	July 1, 2016							\$53,009.00
	July 1, 2017							\$54,069.18
Fire Chief	July 1, 2016							\$163,200.00
	July 1, 2017							\$166,464.00
Head Electrician	July 1, 2016							\$63,750.00
	July 1, 2017							\$65,025.00
Human Resources Director	July 1, 2016	\$87,765.00	\$89,521.00	\$91,311.00	\$93,137.00	\$95,000.00	\$96,900.00	\$98,838.00
	July 1, 2017	\$89,520.30	\$91,311.42	\$93,137.22	\$94,999.74	\$96,900.00	\$98,838.00	\$100,814.76
HVAC Technician	July 1, 2016							\$47,315.69
	July 1, 2017							\$48,262.00
Library Assistant Director	July 1, 2016	\$54,507.41	\$56,687.24	\$58,955.86	\$61,313.28			
	July 1, 2017	\$55,597.56	\$57,820.98	\$60,134.98	\$62,539.55			
Library Director	July 1, 2016	\$91,461.00	\$93,290.00	\$95,156.00	\$97,059.00	\$99,000.00	\$100,980.00	\$103,000.00
	July 1, 2017	\$93,290.22	\$95,155.80	\$97,059.12	\$99,000.18	\$100,980.00	\$102,999.60	\$105,060.00

Mayor	July 1, 2016	\$86,870.11						
	July 1, 2017	\$88,607.51						
Paralegal	July 1, 2016	\$40,335.00	\$41,142.00	\$41,965.00	\$42,804.00	\$43,660.00	\$44,533.00	\$45,424.00
	July 1, 2017	\$41,141.70	\$41,964.84	\$42,804.30	\$43,660.08	\$44,533.20	\$45,423.66	\$46,332.48
Public Health Nurse	July 1, 2016	\$59,322.33	\$61,696.71	\$64,163.70	\$66,730.76			
	July 1, 2017	\$60,508.78	\$62,930.64	\$65,446.98	\$68,065.37			
Recreation Director	January 1, 2017							
	July 1, 2017	\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
Retirement Board Financial Assistant	July 1, 2016	\$51,620.48	\$53,686.57	\$55,835.03	\$58,069.90			
	July 1, 2017	\$52,652.89	\$54,760.30	\$56,951.73	\$59,231.30			
Retirement Director	July 1, 2016				\$91,800.00			
	July 1, 2017				\$93,636.00			
Secretary/Research Assistant to the City Council	July 1, 2016							\$68,666.00
	July 1, 2017							\$70,039.32
Telecommunication Tech	July 1, 2016							\$61,851.78
	July 1, 2017							\$63,088.82
Utility Worker	July 1, 2016	\$40,014.27	\$41,886.88	\$43,767.06	\$46,577.06			
	July 1, 2017	\$42,014.98	\$43,981.22	\$45,955.41	\$48,905.91			
Veteran's Director	July 1, 2016	\$46,827.93	\$48,701.06	\$50,649.11	\$52,675.05			
	July 1, 2017	\$47,764.49	\$49,675.08	\$51,662.09	\$53,728.56			
Library Page	July 1, 2016	\$9.4282	\$9.8107	\$10.5062	\$10.6150			
	July 1, 2017	\$9.62	\$10.01	\$10.72	\$10.83			

Reference Library Part/time	July 1, 2016	\$21.2917	\$22.1308	\$23.0403	\$23.9773
	July 1, 2017	\$21.7175	\$22.5734	\$23.5011	\$24.4568



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia J. Milano
EXECUTIVE AIDE

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

2016 NOV -9 A 11:52
Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$1,650,000.00 from the Undesignated Fund to the Department of Public Works Solid Waste Disposal account.

These funds are necessary in order to fund ongoing legal fees and a settlement with WeCare Environmental, which included a lump sum payment of the monthly facility charge to operate their facility for the next four months.

I am available to discuss the City's litigation strategy with you further in Executive Session if you wish.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Sewer

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$12,176,290.00</u>	<u>\$1,650,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,650,000.00</u>	<u>60086006</u>	<u>52935</u>	<u>Solid Waste Disposal</u>	<u>\$124,439.40</u>
	Reason:	_____				Weicare settlement agreement			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	\$1,650,000.00	Total			\$1,650,000.00	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

[Handwritten Signature]
[Handwritten Signature]



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

Thomas J. Milano
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

2015 NOV -9 A 11:52

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Future Growth Stabilization Fund

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$337,500.00 from the Undesignated Fund to a new stabilization account: the future growth stabilization fund. The amount being transferred is from mitigation payments related to the Preserve at Ames project, now known as the Talia Apartments. The comprehensive permit for this project included two payments of \$337,500, the first was received on August 25, 2016. A second payment is due within six months.

Per the comprehensive permit, these mitigation funds are to be used for a stabilization funds that will be used to invest in projects that increase property values and attract economic development. I have attached a letter dated December 3, 2012, regarding the creation of this stabilization fund which indicates that any transfers out must be submitted by the Mayor and approved by the City Council. I look forward to working with you to utilize these mitigation funds in a way that will be most beneficial to residents.

I have attached the December 3, 2012 letter and a copy of the Comprehensive Permit with the relevant sections related to the mitigation funds highlighted.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Mayor

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$12,176,290.00</u>	<u>\$337,500.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$337,500.00</u>	<u>83600</u>	<u>32727</u>	<u>Stabilization-Revenue Growth</u>	<u>\$0.00</u>
	Reason:	_____				First mitigation payment from the Preserves @ Ames Brookview Village for the City Revenue Growth Enhancement Fund			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	\$337,500.00	Total			\$337,500.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:



Attachment #1

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

Received
12/4/2012

Arthur J. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2012

James Natale, Chairman
Marlborough Zoning Board of Appeals
City Hall
Marlborough, MA 01752

RE: Marlborough Future Growth Fund

Dear Mr. Natale:

As you and the members of your Board know, the three of us have different opinions regarding whether the comprehensive permit request for the Gutierrez Company currently pending before your Board should be approved. We all agree, though, that if the project is approved, the \$675,000 in mitigation funds being proposed should be devoted primarily if not totally to a fund that will continue to enhance our efforts to keep residential taxes stable by expanding our tax base. Therefore, we propose that, if you vote to approve this project, you include the following permit condition:

Condition X

All Mitigation funds received by Applicant will be deposited into a fund to be created by the Mayor and City Council, to be called the Marlborough Future Growth Fund, a fund whose purpose will be to invest in projects that:

- Will significantly increase the assessed value of the property involved
- Will increase the values of surrounding properties
- Will significantly enhance Marlborough's status as a magnet for new companies and their employees

Our hope is that these funds, the control of which will be subject to transfer request by the Mayor and approval by the City Council, will allow us to invest in targeted projects that, in the absence of said funding, would not happen and that, if they do not happen, will have multiplier effect in stimulating further economic growth.

Very truly yours,

Arthur Vigeant, Mayor

Trish Pope, City Council President

Joseph Delano, Chairman, Operations and Oversight Subcommittee

FILE COPY



**City of Marlborough
Zoning Board of Appeals**

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

ZBA Case: 1410-2012
Location: Off of Ames Street and Route 20

Date: January 29, 2013

Zoning Board of Appeals
(Mass General Law Chapter 40A, Section 16)

The Zoning Board of Appeals of the City of Marlborough, MA hereby certifies that the below applicant was granted variances for their attached Comprehensive Permit (Chapter 40B, Section 21-23)

To: The Gutierrez Company (c/o Atty. Arthur Bergeron and Brian Falk, Mirick O'Connell)

Address: 1 Front Street

City: Worcester, MA 01608

Affecting the right of the owner(s) with respect to land or building(s) at:

Off of Ames Street and Route 20, being Map 89, Parcel 78 and Map 89, Parcel 3B.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of all plans referred to in the decision, have been filed with the City Clerks' Office.


James Natale - Chairman


Susan Brown - Secretary

Submitted to the City Clerks' Office on January 29, 2013.



City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

Case # 1410-2012 Date: January 29, 2013
Name: The Gutierrez Company
Location: Off of Ames Street and Route 20

COMPREHENSIVE PERMIT
Chapter 40B, Section 21 – 23

The Board of Appeals of the City of Marlborough, Massachusetts, hereby certifies that a Comprehensive Permit has been **GRANTED**:

To: The Gutierrez Company, a Delaware corporation (Managing Agent of Marlborough/Northborough Land Realty Trust), its successors and assigns.

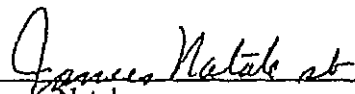
Address: Land on Ames Street having no currently designated street number, being a portion of the land described in a deed to Arturo J. Gutierrez, John A. Cataldo, and Arthur Gutierrez, Jr., the Trustees of Marlborough/Northborough Land Realty Trust recorded with Middlesex South Registry of Deeds in Book 31932, Page 445, and being shown on Marlborough Assessor's Map 89 as Parcels 78 and 3B.

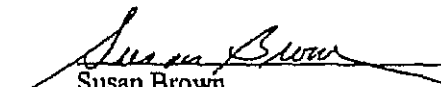
City: Marlborough, Massachusetts 01752.

The Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision GRANTING said Comprehensive Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the City Clerk's Office.

Any person aggrieved of this decision may appeal within twenty (20) days after the decision has been filed in the City Clerk's Office, pursuant to M.G.L. c. 40A, § 17.

The applicant may appeal within twenty (20) days to the Housing Appeals Committee, pursuant to M.G.L. c. 40B, Section 22.


James Natale
Chairman


Susan Brown
Secretary

Submitted to the City Clerk's Office on January 29, 2013.



City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

COMPREHENSIVE PERMIT
The Preserve @ Ames – a.k.a. Brookview Village
ZBA Case # 1410-2012

A. PROCEDURAL HISTORY:

1. On July 9, 2012, The Gutierrez Company (the "Applicant") submitted an application (the "Application") to the Marlborough Zoning Board of Appeals (the "Board") for a comprehensive permit to construct a residential rental community (the "Project") on land it owns or controls on Ames Street, shown on Marlborough Assessor's Map 89 as Parcels 78 and 3B (the "Site").
2. The public hearing was timely commenced on August 7, 2012, and was continued with good cause and with the consent of the Applicant to September 4, 2012, September 25, 2012, October 30, 2012, December 4, 2012, and January 8, 2013, at which time the hearing was duly closed.
3. The Board received a variety of submittals, plans, reports and materials from the Applicant and its representatives, comments and guidance from various City officials, and comments from members of the public.

B. DESCRIPTION OF PROJECT:

1. The Project is described on the plans of Allen & Major Associates, Inc. entitled "Site Development Plans for Brookview Village, Multi-Family Residential, Marlborough, MA 01752," as revised through September 17, 2012. These plans, as revised, reflect revisions generated through comments submitted to the Board and negotiations with the Applicant. These site plans and architectural plans are hereinafter referred to collectively as the "Plans."
2. The Project, as shown on the Plans, consists of 225 residential rental units. The Applicant has proposed 118 one-bedroom units, 94 two-bedroom, and 13 three-bedroom rental apartment units.

3. The Applicant has proposed that twenty-five (25%) of the units, or 57 units, will be restricted for rents that are affordable to households of low and moderate income earning no more than eighty (80%) percent of the median household income for the area, as may be determined by reference to statistics compiled by the Department of Housing and Community Development.
4. The Site consists of approximately 18.73 acres and is divided between the City's Limited Industrial District (LI) and the City's Industrial District (I). The Site is thickly wooded, contains wetlands, and Millham Brook runs along the northern edge of the Site. The Project, as shown on the Plans, would not be possible without the granting of waivers from existing local ordinances and regulations.
5. The Project is to be served by the City's public water and sewer systems.
6. The Applicant agreed to provide measures to mitigate local concerns. The commitments made by the Applicant in this regard have been included in the conditions of approval contained in Section D of this decision.

C. FINDINGS:

1. The Applicant has submitted to the Board a certification that it will comply with all the rules and regulations of the Massachusetts Housing Partnership, which has issued a Site Eligibility Letter regarding the Project. The Board finds that the Applicant is or will be a limited dividend organization as required under 760 CMR 56.04(1)(a).
2. The Application includes a Determination of Project Eligibility issued by the Massachusetts Housing Partnership ("MHP") on July 3, 2012. Therefore, accordingly, the Board finds that the Project is fundable as required by 760 CMR 56.04(1)(b).
3. The Applicant controls the Site within the meaning of 760 CMR 56.04(1)(c) as it controls the Marlborough/Northborough Land Realty Trust, the record title owner of the Site.
4. The Board finds that the Applicant has designed the Project and responded to the City's concerns in a manner that, with the additional conditions contained herein, adequately addresses "local concerns" as contemplated under M.G.L. c. 40B, §§ 20-23.
5. The Board finds that the Applicant has agreed to the imposition of certain conditions of approval that will address local concerns with the Plans and the Project, including but not limited to issues relating to environmental, wetlands, safety, traffic, and affordable housing. The Board finds that these conditions are consistent with local needs and that such conditions will not render the Project uneconomic as contemplated under M.G.L. c. 40B, §§ 20-23.

6. The Board finds that the waivers that are granted herein with respect to certain local rules and regulations are necessary to avoid rendering the Project uneconomic as contemplated under M.G.L. c. 40B, §§ 20-23.
7. The City of Marlborough has met the statutory minimum set forth in M.G.L. c. 40B, § 20 and 760 CMR 56.03(3)(a).

D. DECISION AND CONDITIONS:

Based upon the findings listed above, a 3-2 vote of the Board at its meeting on December 4, 2012, and a confirmatory vote on January 8, 2013 reviewing and approving the proposed permit conditions, subject to minor changes to various conditions to be drafted by Applicant, and further subject to review by the City's Legal Department as to proper form, a Comprehensive Permit is GRANTED to the Applicant, and shall be binding on the Applicant and its successors and assigns, subject to the following conditions which are likewise binding on the Applicant and its successors and assigns:

Site Plan Review:

1. The Project shall be constructed substantially in accordance with the Plans.
2. The Project shall be subject to Site Plan Review. The Plans may be modified through Site Plan Review, provided, however, that the Site Plan Review Committee may not require modifications to the Plans that are inconsistent with this Comprehensive Permit decision.
3. Following Site Plan Approval, the Applicant shall deliver two (2) full-size, complete sets of the Plans to the Board.

Modification of the Plans:

4. Proposed modifications to the Plans following the issuance of this Comprehensive Permit decision and Site Plan Review shall be submitted to the Building Inspector, who may determine whether modifications are major or minor, and may approve minor modifications to the Plans. Any proposed major modification of the Plans shall be submitted for review by the Site Plan Review Committee and, if the Site Plan Review Committee determines that the modifications are inconsistent with the Comprehensive Permit decision pursuant to Condition #2 above, for review by the Board.

Market Rate and Affordable Units:

5. The Project shall contain no more than 225 residential apartment units. Of the 225 residential apartment units, 118 units shall be one-bedroom units, 94 units shall be two-bedroom units, and 13 units shall be three-bedroom units. If the stated unit mix is

amended and, as a result, reduces the overall bedroom count, this reduction shall be deemed an insubstantial change.

6. Of the Project's 225 residential apartment units, 57 units shall be restricted for rents that are affordable to households of low and moderate income earning no more than eighty (80%) percent of the median household income for the area, as may be determined by reference to statistics compiled by the Department of Housing and Community Development (the "Affordable Units"). The Affordable Units shall remain so restricted in perpetuity.
7. For every three market rate units constructed by the Applicant, the Applicant shall construct one Affordable Unit so that the Affordable Units are constructed in proportion to the market rate units. The Affordable Units shall be evenly distributed throughout the Project, and shall not be concentrated in designated areas of the Project. All affordable units will be designated in a plan filed with the Building Inspector prior to the issuance of any building permit.
8. The Project may be allowed to convert to for-sale condominiums in the future, but such conversion will require the approval of the Board to do so. All affordable units converted will remain affordable in perpetuity.

MHP Approval and Regulatory Agreement:

9. The Applicant shall obtain final approval from MHP prior to the issuance of any building permit for the Project. Any proposed change in the subsidy source shall be deemed a non-substantial change and will not require a hearing or approval of the Board.
10. The Applicant shall provide a copy of the Regulatory Agreement between the Applicant and MHP or another state qualified subsidizing agency to the Board upon execution. Applicant shall, before submitting said Regulatory Agreement to MHP or another qualified subsidizing agency for review, have said Agreement reviewed by the City Solicitor as to form.

Additional Approvals:

11. The Applicant shall complete all filings and processes required by the Massachusetts Environmental Policy Act (MEPA) Office prior to the issuance of a building permit.
12. Prior to applying for a building permit for the Project, the Applicant shall obtain an Order of Conditions from the Conservation Commission. In addition to complying with said Order of Conditions, the Applicant shall minimize disturbances within the 50-foot wetlands buffer zone, substantially as shown on the Plans.

Site Design:

13. The Site's connections to the City's public water and sewer systems shall be subject to Site Plan Review and completed in accordance with rules and regulations of the Department of Public Works. If applicable, the Applicant shall provide the City with any easements necessary to complete its connections to the City's public water and sewer systems prior to the issuance of any building permits for the Project.
14. The Site's connection to the public water system shall be looped via a connection with the public water infrastructure to the east of the Site, substantially as shown on the Plans.
15. The Site's drainage system shall be constructed substantially as shown on the Plans, subject to Site Plan Review. The Applicant shall grant access easements to allow the City to access and maintain the Site's detention basins, if deemed necessary by the Department of Public Works. Maintenance of the drainage system after completion of the project will continue to be the responsibility of the Applicant, its successors and assigns.
16. Any trenching in public ways shall be in compliance with Massachusetts law and pursuant to permits issued by the Department of Public Works. Any trenches shall be backfilled with appropriate fill mutually agreed upon with the City Engineer, and the public ways milled and resurfaced. Work in public ways shall be conducted during hours of non-peak traffic volume. Work in Route 20 shall be coordinated with MassDOT.
17. New sidewalks and crosswalks shall be constructed offsite substantially as shown on the Plans, subject to Site Plan Review and MEPA review. The Plans show a crosswalk across Ames Street to Reilly Way. Applicant shall use reasonable efforts to cause appropriate re-signalization, subject to MassDOT approval, at the traffic signals at the intersection of Rte. 20 and Ames St and at the entrance to RK Plaza. Because MassDOT has full jurisdiction along Route 20, the Applicant shall coordinate any new crosswalks over Route 20 with MassDOT, to ensure consistency with traffic signalization. All new crosswalks shall have appropriate signage and alert signals, as deemed necessary by MassDOT.
18. The Applicant shall provide and maintain a gated, year-round emergency access way onto the Site for use by emergency vehicles only, substantially as shown on the Plans. The Applicant shall be responsible for snow removal and other maintenance of the emergency access way. If the gate is opened for snow removal or other maintenance, it shall be closed promptly. Through Site Plan Review, the Applicant shall ensure that the emergency access way is acceptable to the Fire and Police Departments.
19. An 18-inch non-combustible buffer shall be installed around the perimeters of all buildings.

20. As part of the MEPA review process and Site Plan Review, the Applicant shall design a walking trail to allow residents and the public to walk from the Site through other land now owned by Applicant to a location across from the existing traffic light in front of RK Plaza, said location being at other land now owned by Applicant and shown on the Marlborough Assessors Maps as Map 78, Parcel 14 (shown as Lot 14 on Plan 1157 of 2000, recorded in the Middlesex South Registry of Deeds). The Applicant shall be responsible for the maintenance of said walking trail and shall ensure that, if Applicant conveys to a third party(ies) any of the land through which the walking trail passes, any such conveyance(s) will be made expressly subject to, and with the benefit of, a continuing easement for the passive recreational use of said walking trail, said easement to be conveyed to the City and recorded by Applicant at its expense at the Middlesex South Registry of Deeds and/or the Middlesex South Land Registration Office, whichever is appropriate.
21. The Project's clubhouse shall be constructed during the first phase of construction of the Project, if construction is phased.
22. Applicant shall specify an appropriate area for additional parking spaces, up to the number that would be required through the zoning ordinance but for the waiver granted herein, which spaces will be constructed only if the Police Chief determines, within one year of the date of the issuance of the final occupancy permit for the Project, that said additional parking spaces are needed.
23. There will be a covered bus shelter located at or near the location shown on the Plans. This covered bus shelter shall be maintained by Applicant.

Construction:

24. In coordination with the Conservation Officer, the Applicant shall conduct soil testing to identify any contaminated soils on the Site. The Applicant shall ensure that no contaminated soils pose a risk to Millham Brook as a result of the construction of the Project and will comply with Massachusetts Department of Environmental Protection ("DEP") regulations.
25. The Applicant shall comply with all state and federal employment laws regarding insurance and tax matters. The Applicant will encourage its general contractor to hire local laborers and trades people whenever reasonably possible.
26. Occupancy of the Project shall be contingent upon verification by a registered professional engineer of adequate fire flow and the proper installation and testing of fire sprinklers and fire alarm systems for compliance with the NFPA Code.

27. Prior to the issuance of the final Certificate of Occupancy for the Project, the Applicant shall deliver to the City Engineer a full set of as-built plans. To the extent possible, as-built plans will be provided on a phased basis.
28. All conditions herein that do not, by their terms, require completion by a later date will be completed prior to the issuance of the first temporary or permanent Certificate of Occupancy for the Project.
29. Applicant will, prior to the issuance of the initial building permit in this matter, deposit with the Building Inspector a sum sufficient in the opinion of the Building Inspector to employ a clerk of the works to review Project work regularly and assure that these conditions and all local, state and federal regulations are complied with.
30. The Applicant shall develop an erosion control and sedimentation control plan, incorporating proposed erosion control measures as well as a construction sequencing plan for the Project. Both plans must be approved by the Conservation Commission and the City Engineer. The Applicant shall be responsible for the execution of the plans and the performance of maintenance. The Applicant shall be required to hire a site engineer who shall be competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the City Engineer and the Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

Site Maintenance

31. The Applicant shall be responsible for year-round maintenance and plowing of the Site's interior roadways, rubbish removal, recycling removal, and maintenance of all drainage structures.
32. The Applicant will work with the Chief of Police during the Site Plan Review to provide appropriate authorization for the Police Department to be able to enforce traffic and parking restrictions in the Project, if needed.
33. All paved and unpaved areas designated for use by fire apparatus in the event of a fire will be stabilized, plowed, sanded and otherwise maintained so as to allow said accessibility to fire apparatus at all times, and shall be designed for use by appropriate fire apparatus.
34. A recycling receptacle shall be located at all dumpster locations.

Additional Conditions:

35. This Comprehensive Permit shall be binding on and inure to the benefit of the Applicant, and its successors and assigns. Applicant may assign this permit to an entity that is a qualified limited dividend organization which is established in compliance with M.G.L. c. 40B, which is willing to enter into a written regulatory agreement with a state subsidizing agency, and which agrees to limit its profits on the proposed development. The term "Applicant" as used in this Comprehensive Permit shall mean Applicant, its successors and assigns.
36. Any modifications to this Comprehensive Permit shall be subject to the provisions of 760 CMR 56.05 or any successor regulation thereto.
37. If construction authorized by this Comprehensive Permit has not begun within three (3) years of the date on which this Comprehensive Permit becomes final, this Comprehensive Permit shall lapse unless extended by the Board. This Comprehensive Permit shall become final on the date that the written decision of the Board is filed in the office of the City Clerk if no appeal is filed. Otherwise, it shall become final on the date the last appeal is decided or otherwise disposed of.
38. The Applicant shall be responsible for promptly recording this Comprehensive Permit free of appeals with the Middlesex South District Registry of Deeds, and evidence of such recording shall be provided to the Building Inspector and the Board prior to issuance of any building permits and prior to the City entering into the Regulatory Agreement or Monitoring Services Agreement.
39. The Applicant shall comply with all state zoning laws and the City Zoning Ordinance, the City General Code, and other local regulations and controls except as provided in Schedule A attached to this Comprehensive Permit decision. There shall be no waiver of City fees. The Board, in accordance with 760 CMR 56.05, must approve any subsequent revisions to the Plans made by the Applicant that require additional or more expansive waivers and shall determine whether such request(s) are deemed major or minor modifications.
40. Applicant shall pay mitigation funds in the aggregate amount of \$675,000 to compensate for the loss of commercial/industrial land as a result of the Project. Of said amount, \$337,500 shall be paid at the time of the issuance of the first occupancy permit for the Project, and the remaining \$337,500 shall be paid no later than six months following the issuance of said first occupancy permit.
41. Applicant will cause a restriction to be placed on other vacant land now controlled by it and located between the Site and Rte. 20 so as to prohibit the development of said land for residential purposes, unless said development is for use as an assisted living or congregate care facility for the elderly.

42. All mitigation funds shall be paid to the City of Marlborough for deposit into the general fund for eventual transfer into a stabilization fund to be created by the Mayor and City Council, the City Revenue Growth Enhancement Fund (CRGEF), a fund whose purpose will be to invest in projects that:
- a. will significantly increase the assessed value of the property involved;
 - b. will increase the values of surrounding properties; and
 - c. will significantly enhance Marlborough's status as a magnet for new companies and their employees.

Use of mitigation shall be consistent with the uses described in Attachment # 1 (letter from Mayor and councilors dated December 3, 2012) attached hereto and made a part hereof.

Schedule A
List of Waivers Granted

In accordance with Section 56.05(7), the list below identifies the waivers from provisions of the General Code, Zoning Ordinance, applicable regulations, and other local requirements of the City of Marlborough deemed necessary by the Board in order to complete the Project in accordance with this Comprehensive Permit.

<u>Section</u>	<u>Subject</u>	<u>Requirement</u>	<u>Waiver Granted</u>
GENERAL CODE CHAPTER 333 – FIRE LANES AND HYDRANTS			
§333-2	Fire Lanes and Hydrants	Fire lanes shall have a minimum width of 20 feet, unless the Fire Chief determines that a reduced width, which shall be no less than 15 feet, will not adversely affect access by fire apparatus and emergency vehicles.	Waiver to allow a width of 18 feet for certain portions of the fire lanes on the Site, substantially as shown on the Plans.
GENERAL CODE CHAPTER 650 – ZONING ORDINANCE			
§650-14, 650-16, 650-17 and Attachment 1, Table of Uses	Uses	Prohibits multifamily dwellings in the LI and I Zoning Districts.	Waiver to allow for multiple multifamily dwellings and ancillary structures on the Site, substantially as shown on the Plans.
§650-18.A(9)(a)	Conditions for uses, multiple multifamily dwellings on single lot of at least 80,000 square feet	All structures must be at least 60 feet from a road.	Waiver to allow clubhouse to be located less than 60 feet from Ames Street, substantially as shown on the Plans.
§650-18.A(9)(c)	Conditions for uses, multiple multifamily dwellings on single lot of at least 80,000 square feet	There shall be at least 5,000 square feet of lot area for each family on the lot.	Waiver to allow less than 5,000 square feet of lot area for each family, substantially as shown on the Plans.
§650-18.A(9)(e)	Conditions for uses, multiple multifamily dwellings on single lot of at least 80,000 square feet	There shall be landscaped area provided equal to the greatest single floor area of the building or equal to the sum total of the greatest single floor areas of all the principal buildings. The landscaped area shall meet the following requirements: [1] At least 75% of the landscaped area has a grade of less than 8%. [2] The width of such landscaped area shall average at least 40 feet and in no case shall be less than 30 feet. [3] The landscaped area shall be designed for recreational use by residents.	Waiver to allow reduced landscaped areas, substantially as shown on the Plans, in recognition of large portions of the Site remaining wooded.
§650-24.F(9)	Water Supply Protection District	Prohibits disturbance of land within 50 feet of wetlands in	Waiver of requirement to allow for (i) construction

<u>Section</u>	<u>Subject</u>	<u>Requirement</u>	<u>Waiver Granted</u>
		the Water Supply Protection District.	activity in the 50-foot zone, under the jurisdiction of the Conservation Commission, and (ii) grassed pavers within the 50-foot zone to be used for fire protection vehicle access.
Sec 650-41	Height of Buildings	Limits height of buildings in Limited Industrial Zone to 52 feet.	Waiver of requirement to allow a building with a height of greater than 52 feet, substantially as shown on the Plans.
§650-48.A(7)	Required off-street parking	Multifamily dwellings: apartment buildings shall provide two off-street parking spaces for each dwelling unit over and above access roadways and maneuvering.	Waiver to allow 433 parking spaces, substantially as shown on the Plans.
§650-48.C(5)(a)(2)	Required off-street parking	Parking areas prohibited within the 60-foot front setback.	Waiver to allow parking areas to be located substantially as shown on the Plans.
§650-49.B(7)	Curb Cuts	Curb cuts limited to 25 feet in width unless approved by the City Engineer and City Planner through Site Plan Review.	Waiver to allow for a wider, double-barreled road for public safety purposes, substantially as shown on the Plans.



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

Name: The Gutierrez Company
Location: Map 89, Parcel 78 and Map 89 Parcel 3B
Corner of Ames St. and Rte. 20

ZBA Case # 1410-2012

Vote of the Board

In Favor

In Opposition

Paul W. Smith

Michael J. Baker

James N. ...

[Signature]

[Signature]



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

2016 NOV -9 A 11:52
Nicholas J. Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Police Patrol Union Contract

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request to fund the recently ratified collective bargaining contract between the City of Marlborough and the police patrol union (the New England Police Benevolent Association, Inc., Local 81) for Fiscal Years 2016, 2017 and 2018; it is effective as of July 1, 2015.

The contract represents months of negotiations between myself and the Patrol leadership. I believe the enclosed Memorandum of Understanding represents a financially responsible agreement that is a fair deal for both our employees as well as the City.

I want to thank the leadership of the Patrol Union for working closely with me on this agreement and the membership of the union for supporting the agreement.

As I have noted previously when sending down executed MOAs, a crucial part of this MOA is our agreement to no longer use the Civil Service system as the only means for promotions within the Marlborough Police Department. The Civil Service system is an outdated, bureaucratic, and cumbersome method for both the appointment and promotion of police officers within the department in the 21st Century.

If you have any questions or comments, please do not hesitate to contact me.

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

November 4, 2016

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

RE: TRANSFER REQUEST

Dear Mayor Vigeant,

Enclosed herewith is a transfer request from the reserve for salaries to the various Police Patrolman's line items for the proposed contract. This transfer is for \$324,200.00 and is being requested in order to fund the contractual obligations to the various accounts for the patrolman. This was budgeted and included in the reserve for salaries line item for this fiscal year.

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

Sincerely,

Brian Doheny
Comptroller

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Comptroller		FISCAL YEAR: 2017							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$671,172.25</u>	<u>\$324,200.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$181,700.00</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>	<u>\$1,915,371.52</u>
	Reason:	<u>Calculated amounts for contractual obligations</u>			Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$2,600.00</u>	<u>12100001</u>	<u>50435</u>	<u>Police Specialists</u>	<u>\$25,299.80</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$21,300.00</u>	<u>12100003</u>	<u>51310</u>	<u>Overtime - Regular</u>	<u>\$89,729.09</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$600.00</u>	<u>12100003</u>	<u>51319</u>	<u>Overtime-Cell Watch</u>	<u>\$541.57</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$13,300.00</u>	<u>12100003</u>	<u>51320</u>	<u>Overtime-Court Time</u>	<u>\$157,353.06</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$900.00</u>	<u>12100003</u>	<u>51329</u>	<u>On-Call Pay</u>	<u>\$9,087.86</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$11,600.00</u>	<u>12100003</u>	<u>51342</u>	<u>Longevity</u>	<u>\$124,986.12</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$3,400.00</u>	<u>12100003</u>	<u>51360</u>	<u>Overtime-Training</u>	<u>\$14,039.38</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$1,200.00</u>	<u>12100003</u>	<u>51370</u>	<u>Overtime-Celebrations</u>	<u>\$2,643.46</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			
					<u>\$4,000.00</u>	<u>12100003</u>	<u>51410</u>	<u>First Responder</u>	<u>\$39,086.86</u>
	Reason:				Reason:	<u>Calculated amounts for contractual obligations</u>			

Memorandum of Agreement

By and between the

New England Police Benevolent Association, Inc., Local 81,

And

The City of Marlborough, Massachusetts

WHEREAS, the City of Marlborough (the "City") and New England Police Benevolent Association, Inc., Local 81 (the "Union"), have bargained collectively for a new collective bargaining agreement (the "New Agreement") to for the period July 1, 2015 through June 30, 2018; This offer and Agreement shall be considered off-the-record until ratified by Local 81's membership and the City. The bargaining teams shall sponsor and support such ratification

WHEREAS, the City and the Union have reached an agreement;

NOW THEREFORE, in consideration of the mutual promises herein, the Union and the City agree that the following changes will be incorporated into the collective bargaining agreement, subject to the required ratifications:

1. Article VII – Grievance Procedure

Change the first paragraph to read as follows:

All controversies arising out of the interpretation or application of this Agreement, except as specifically noted, will be processed in the manner detailed in Steps 1 through 4, below. Failure to provide, within the established time limits, the required written response to a grievance, shall be deemed to be a denial of the grievance and the Union and/or aggrieved Patrol Officer may proceed to the next Step. The calculation of time at each step is based on working days, excluding Saturday, Sundays and holidays.

2. Article VII – Grievance Procedure

Add a NEW section 2 & 3 to read as follows:

Section 2 – Arbitration.

- A. The arbitrator shall have the authority to settle only grievances defined herein and the decision of the arbitrator shall be binding on both parties. The cost of the arbitrator shall be shared equally by both parties.

The arbitrator's decision shall be supported by substantial evidence on the record as a whole. The decision shall be in writing with a full statement of findings and reasons.

- B. Any expenses incidental to arbitration shall be borne equally by both parties.

- C. The arbitrator shall have no power to later amend, modify, add to, or subtract from this Agreement. The arbitrator may arbitrate only the question presented by the grievance, and shall have no power to hold hearings or render awards regarding other matters, including matters that are not arbitrable.
- D. Either party has the right to cause a stenographic transcript to be made of the arbitration proceedings at said party's own expense.
- E. Nothing outlined in the preceding paragraphs shall deprive the City of Marlborough of the right to utilize the grievance procedure on its own behalf, including the final step of arbitration.

Section 3

- A. During all of the steps of the grievance procedure, the aggrieved party or parties, if he/she or they desire, may be accompanied by a union representative and/or a member of the Association Grievance Committee. An aggrieved party, if he/she desire, may be accompanied by union counsel at Step 3 and Step 4 of the grievance procedure.
- B. The time limits specified in the preceding paragraphs of this article may be extended in writing by mutual consent of the parties. If the City fails to respond within a specified time limit, the Union shall be entitled to bring the grievance to the next level. If the Union fails to file a grievance or an appeal within the specified time limit, the grievance shall be waived.

3. Article VIII – Civil Service

Delete this Article and rewrite:

~~The City and the Union shall recognize and adhere to all Civil Service and State Labor Laws and rules and regulations relative to seniority, promotions, transfers, discharges, 6 removals, and suspensions, and the Union and the City agree that matters contained herein shall not be subject to Article VII of this Agreement, unless an employee elects arbitration as his exclusive remedy in a suspension or dismissal case, as provided in G.L. c. 150E, Section 8.~~

At the time that the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions from the application of G.L. c. 31, Civil Service, then and only then, Article VIII, Civil Service, shall be deleted. The effective date will be whenever the legislation is passed and signed by the Governor.

The Union will not oppose the City's application to remove its positions from Civil Service.

4. Article VIII – Promotions

Re-name Article and add the following:

Promotions are based upon the merits of the candidates and their personal performance in the promotion process, and never on favoritism or seniority alone. A promotion is an investment in the future, not only

for the department, but also for the employees who will be supervised and guided by the promoted member.

Policy

It is the policy of this department to recommend promotions based upon an employee's training, experience and merit. The Mayor is the Appointing Authority. No employees will be denied promotion based upon any discriminatory criteria, including, but not limited to, race, creed, color, national origin, gender, gender identity, sexual orientation, parental status, veteran status, age, union activity, religion, political affiliation, handicap, or any other protected category. When a vacancy occurs within the Union, the City shall fill the position within a reasonable amount of time from the date the position becomes vacant.

Procedures

Promotions of sworn personnel are processed under the direction of the Chief of Police. His/her duties shall include:

1. Posting written announcements of any scheduled promotional opportunities;
2. Coordinating with any companies or consultants contracted to participate in the promotion process;
3. Protecting the integrity of the promotional process by ensuring that all promotional materials, documents, scores, and completed evaluations are kept in a secure location; and will remain confidential to the extent provided through this agreement; and
4. Maintaining copies of active promotion lists.

Testing/Scoring Materials

Testing and scoring materials shall not be left unattended for any period of time. Materials not under the immediate and direct control of a person authorized to possess them shall be kept in a secure area approved by the Chief of Police. Promotional materials shall be retained by the Chief of Police for the officer's duration of employment. These include:

1. Interview questions and score sheets; and
2. Assessment Center questions, exercises, evaluations and other related materials.

Notice of a Promotional Process

The Chief or his/her designee shall advise all affected personnel of an upcoming promotional process no less than 90 days in advance of the assessment date by:

1. Immediately posting the notice in a prominent place within the police station;
2. Forwarding the notice to supervisors to be read at roll call; and
3. Forwarding an electronic copy through the department's email system.

Officers out for an extended illness or injury, on administrative or other leave, or on active military duty or otherwise not likely to receive notice shall be sent a copy of the assessment notice by email or first class mail.

Eligibility

For employees hired prior to the date of this Agreement: To be eligible for promotion to the rank of Sergeant the candidate must have three full years of permanent full time service with a police department as of the assessment date.

For employees hired on or after the date of this Agreement: To be eligible for promotion to the rank of Sergeant the candidate must have three full years of permanent full time service with a police department as of the assessment date, and have a minimum of an associate's degree.

Promotional Process

Promotions to the rank of Sergeant may be based on an assessment center evaluation and an oral board. Written exams may be used at the discretion of the City.

Assessment center evaluations will be given when determined by the Chief of Police, however all vacancies will be filled within a reasonable amount of time following the vacancy.

The City will consult with the Union and determine the process for assessment centers and provide that to the Union in advance.

Assessment results are valid for one promotional process following the assessment unless otherwise agreed by the parties, but no eligibility list will exceed one year from the date of the assessment.

One Union representative may attend the assessment center for observational purposes, pursuant to the reasonable guidelines established by the organization conducting the assessment center. If available, videotapes of the assessment center may be reviewed by a team of representatives of the City and Union solely for the purposes of an appeal process.

In the interest of career development, the Chief of Police shall make every effort to meet with candidates once the promotional process is complete for purposes of providing feedback to candidates. To the extent possible, assessment center representatives will debrief the candidates regarding their performance in the promotional processes.

Candidate Interviews

In addition to an assessment center, nothing shall prevent the City from conducting an interview of the candidates, to include oral boards. Interviews shall be conducted from a prepared list of questions, reviewed by a union representative, and the board(s) will rate responses.

Candidate Selection

The Chief of Police shall make a written recommendation for promotion from the list of eligible candidates based on the following criteria:

1. Job related experience, including veteran status;
2. Performance evaluation in his/her present position (including contributions to the department);
3. Results of Assessment Center, written exam, and interview;
4. Supervisory evaluation of the employee's promotion potential;
5. Sick Leave record;
6. Formal education and training;
7. Disciplinary record of the employee;
8. Work ethic and initiative.

Final Selection

The Mayor is the appointing authority and shall determine the final selection of a candidate for promotion. The parties agree that the Union shall have the right to grieve and arbitrate alleged violations of the Promotion Procedure, provided that any grievance cannot challenge any written exam question, any question or score from an oral interview or any question asked during interviews throughout the promotional process. No individual who is not a member of the bargaining unit shall have the right to grieve any aspect of the Promotion Procedure. No individual shall have the right to arbitrate alleged violations of the Procedure without the approval of the Union. The arbitrator will not have the right to order a particular candidate to be promoted but will have the right to have the promotional process re-done. The Mayor's decision on promotion will stand until the new promotional process is complete. If the officer who was originally promoted is not selected after the new promotional process, he/she shall be returned to the previous rank held.

The Union shall, on behalf of any candidate who is a member of the bargaining unit, file an appeal of the promotional process in accordance with Article VII. All grievances under this promotional process will start at Step II.

5. ARTICLE X OVERTIME

Delete middle line Section 5B to read as follows:

Section 5

A. All Police Officers covered by Article I will have the right of first refusal of extra paid details assignments.

B. Patrol Officers who work an outside detail shall be paid the detail rate established by a majority vote of the Union but shall not be greater than 1.5 times top step Patrol Officer's hourly rate (including incentives). This vote shall be taken annually prior to December and in no case shall the detail rate be greater than the ranking officers detail rate. The next rate change to take effect January 1, 2017.

6. Article XIII – Health and Life Insurance

Delete and replace to read as follows:

The City agrees to contribute 70% of the cost of the exclusive provider organization (E.P.O.) part of the plan, and 60% of the cost of the preferred provider option (P.P.O.) part of the plan.

The life insurance plan in effect at the time of this agreement shall continue in force as long as this agreement is in force unless changed by mutual agreement.

The City will provide members with an optional Dental Plan with the cost borne equally (50/50) by both parties.

7. Article XIV - CLOTHING ALLOWANCE Section 1D

Change to read as follows

Members of the bargaining unit who perform outside road details shall be allowed the option of wearing a warm weather detail uniform during the months of May through ~~September~~ **October**. The specific items of such uniform shall be designated and authorized by the Chief of Police. Members of the bargaining unit shall be individually responsible for the purchase of those detail uniform clothing items and shall be afforded the option of use of the standard issue clothing allowance for purchasing those detail uniform items.

8. Article XIV CLOTHING ALLOWANCE Section 6

Change to read as follows

Notwithstanding any contrary provision of this Article, the City will continue to provide new hires with initial issue under Section 3 but will not pay the annual uniform and clothing allowance under Section 1 during the first year of employment. Instead, each newly hired officer will purchase a ballistic vest (choosing among such vests as are approved by the Chief) and will be reimbursed therefore by the City. Such officer shall be required to wear the vest while on uniformed patrol and in other appropriate situations as ordered by the Chief. The Union shall annually, on or before January 15th, provide the Chief with a list of patrol officers eligible for replacement body armor based on the five (5) year recommended replacement cycle. The City shall replace those vests prior to August 1st of that year provided that the City has already received the necessary funds.

9. Article XVI - PERSONAL LEAVE AND LEAVE OF ABSENCE Section 4

Change to read as follows:

Section 4 MILITARY LEAVE

Every Police Officer covered by this Agreement who is a member of a reserve component of the Armed Forces of the United States shall be granted, in accordance with Section 59 of Chapter 33 of the Massachusetts General Laws, leave of absence with pay during the time of his annual tour of duty as a member of such reserve component; provided, however, that such leave shall not **exceed seventeen thirty (30)** calendar days.

10. Article XIX - Salaries Section 1

Change paragraph one to read as follows:

The base salaries of Patrol Officers, which shall always be calculated on the basis of a fifty-two (52) week per year formula, shall be increased the following percentages and amounts on the dates indicated:

Effective July 1, 2015	2%
Effective July 1, 2016	2%
Effective July 1, 2017	2%

The wage rates are set forth in Schedule A to this Agreement. All employees may be paid by way of electronic, paperless, direct deposit.

11. Article XIX - Salaries Section 4B

Change paragraph 4B to read as follows:

Section 4B-Patrol Officers, not eligible for the Educational Incentive Payments pursuant to Section 108L, shall receive the following annual educational incentive payment from the Police Department, if, the Patrol Officer holds a qualifying degree (as defined by Section 108L):
Master / Law Degree \$6,000.00 (annually)
Bachelor Degree \$3,750.00 (annually)

12. Add New Section, Certification

Irrespective of the foregoing, all Patrol Officers shall receive a permanent \$1,500.00 increase in their base salary effective upon Certification of the Marlborough Police Department by the Massachusetts Police Accreditation Commission.

13. Article XIX, Master Police Officer

In consideration of the Union's agreement to the City's proposals regarding revocation of and reform of Civil Service, changes to the Health Insurance Language, pay scale adjustments for new hires, the Master Police Officer differential shall be adjusted as follows effective upon date of signing:

All Patrol Officers with 10 years of service will receive a permanent onetime differential increase equal to 5% of their base salary (thereby replacing the weekly 5 % differential), plus a permanent \$1,000.00 increase in their base salary on their 10th year anniversary date.

All Patrol Officers will receive a \$1,000.00 lump sum payment annually on their anniversary for years 11-19 (not added to base).

All Patrol Officers with 20 years of service will receive a permanent \$1,000.00 increase in their base salary on their 20th year anniversary date.

All Patrol Officers will receive a \$1,000.00 lump sum payment annually on their anniversary date for years 21-24 (not added to base).

All Patrol Officers with 25 years of service will receive a permanent \$1,300.00 increase in their base salary on their 25th year anniversary date.

All Patrol Officers currently with more than 25 years of service as of this contract will receive a permanent \$1,300.00 increase in base pay on their next anniversary date.

In addition, all Patrol Officers with over 25 years of service will receive an annual \$1300.00 lump sum payment each year on their anniversary date until retirement (not added to base).

The above amounts are not retroactive (for example, an officer who has served for 18 years as of the date of this Agreement will receive the 20 year anniversary date increase of \$1000 to base salary on the officer's 20th anniversary; he/she will not receive the 10 year anniversary increase of \$1000). Officers with more than 25 years of service will receive their only payment of \$1,300.00 addition to base on their next anniversary date.

Sample Master Patrol Salary Table

Years of Service	Base Salary	Master Patrol Differential (5%)	Anniversary Base Salary Increase	New Base Salary	Lump Sum Payment
1-9	50,000	0	0	50,000	0
10	50,000	2500	1000	53,500	0
11	53,500	0	0	53,500	1000
12	53,500	0	0	53,500	1000
13	53,500	0	0	53,500	1000
14	53,500	0	0	53,500	1000
15	53,500	0	0	53,500	1000
16	53,500	0	0	53,500	1000
17	53,500	0	0	53,500	1000
18	53,500	0	0	53,500	1000
19	53,500	0	0	53,500	1000
20	53,500	0	1000	54,500	0
21	54,500	0	0	54,500	1000
22	54,500	0	0	54,500	1000
23	54,500	0	0	54,500	1000
24	54,500	0	0	54,500	1000
25	54,500	0	1300	55,800	0
26	55,800	0	0	55,800	1300

SAMPLE

14. Article XXIII – Duration of Agreement

Change the first paragraph to read as follows:

This Agreement shall be in force from July 1, 2015, to and including June 30, 2018. Commencing after January 1, 2018, on mutually agreed dates at the Mayor's convenience, negotiations shall start for a new Police Patrol Officers' Agreement. All portions of this Agreement shall remain in full force and effect until such changes or revisions have been agreed upon by both parties.

15. New Article – Layoff & Recall

Add to read as follows:

For purposes of this Article only, the term "Seniority" shall mean length of continuous service within the bargaining unit as define in Article 1.

For the purposes of this Agreement, the term "layoff means a reduction in the number of employees due to a lack of work, lack of funds or abolition of position. In the event of a layoff, the least senior employee or employees shall be laid off first. In any such case a five (5) days' advance notice of the contemplated layoff shall be given to the employee in writing; a copy of such notice shall also be given to the Union.

A laid-off employee shall have recall rights for a maximum period of five (5) years. Recall shall be in order of seniority with the employee with the highest level of seniority having first right of recall. Notice of recall shall be via certified mail to the employee's last known address. A recalled employee shall notify the Chief of Police within fourteen (14) calendar days of mailing of the recall notice of his or her intention to return to the Marlborough Police Department. Any person refusing or failing to exercise such recall opportunity within such fourteen (14) day period shall be deemed to have waived his or her right of recall permanently and absolutely. Employees must be available to work within twenty-one (21) calendar days of receiving notice in order to be eligible for recall. This requirement may be waived with the agreement of the Chief of Police. Prior to returning to work a recalled employee may be required to undergo a physical examination, physical abilities test or such other examination or investigation as the Chief of Police deems necessary and appropriate. If, based on the results of such examination or investigation, the Chief of Police rescinds the offer of recall he/she shall provide the employee with a written statement of his reasons for the rescission.

Laid off employees will be responsible for maintaining any required licenses or certifications, provided that laid off employees are allowed to attend department training sessions, if available at no cost to the employee or the City. Laid off employees will be allowed to attend courses which involve a cost provided they pay their portion of the costs. Laid off employees, who are otherwise no longer employed by the City in any capacity, shall sign a Release of All Claims arising from the training on a form provided by the City as a condition of attendance of such City-sponsored training sessions and/or courses. This form will indicate that the individual is participating on an unpaid voluntary basis and not as employees of the City and, except in instances involving gross negligence on the part of the City, they accept all risks associated with participation in the program.

16. New Article – Just Cause

Add to read as follows:

Employees will not be disciplined or discharged without just cause. An employee who has been disciplined or discharged may elect to appeal his/her discipline or discharge to binding arbitration in accordance with the grievance procedure of this Agreement and pursuant to the provisions of Section 8 of Chapter 150E; provided that, upon filing for arbitration, any such election will constitute a waiver of any right to appeal such matter to Civil Service.

17. New ARTICLE - SELECTION OF NEW PERSONNEL

Add to read as follows:

The City will contract with a Company to provide an initial new hire list of potential police officer candidates on an annual or bi-annual basis.

New personnel will be hired in accordance with Marlborough Police Department Policy and Standard Operating Procedures Recruitment and Selection 1.26, effective December 1, 2015, as it may be amended from time to time. The Parties acknowledge that references to Civil Service in said policy will be removed and no longer in force and effect when the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions.

All new employees will be subject to a 12 month probationary period.

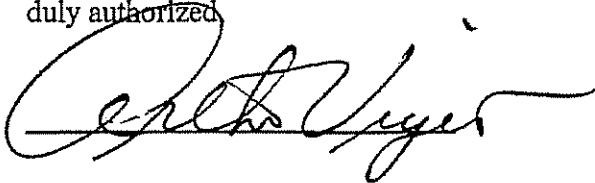
This Agreement is subject to ratification by the City of Marlborough and by New England Police Benevolent Association, Inc., Local 81 and to appropriation. This Agreement shall not be implemented unless the parties have ratified and fully executed the Agreement.

This Agreement has been duly executed by authorized representatives of the City of Marlborough and by New England Police Benevolent Association, Inc., Local 81.

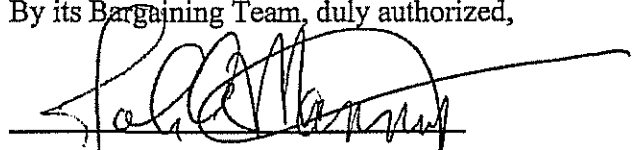
IN WITNESS WHEREOF, the Union and the City, by their authorized representatives, have set their hands to this

Memorandum of Agreement on this 25 day of October, 2016,

CITY OF MARLBOROUGH,
By its Bargaining Team,
duly authorized



NEW ENGLAND POLICE BENEVOLENT
ASSOCIATION, LOCAL 81,
By its Bargaining Team, duly authorized,



Theodore Kerthman

Scott T. Jr

Paul Connors

SCHEDULE A

	1-Jul-15	1-Jul-16	1-Jul-17
Step 1		\$ 40,000.00	\$ 40,800.00
Step 2	\$ 48,516.78	\$ 49,487.11	\$ 50,476.86
Step 3	\$ 51,678.23	\$ 52,711.79	\$ 53,766.03
Step 4	\$ 53,760.68	\$ 54,835.89	\$ 55,932.61
Step 5	\$ 60,385.71	\$ 61,593.43	\$ 62,825.30

Effective July 1, 2016

Step 1 = Start of Employment. Notwithstanding the above, the New Step 1 shall be effective for new hires as of January 1, 2017.

Step 2 = 6 months of service

Step 3 = 1 year of service

Step 4 = 2 years of service

Step 5 = 3 years of service



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michelle Milano
EXECUTIVE AIDE

2016 NOV - 9 A 11: 52
Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Downtown Stabilization

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$150,000.00 from the Undesignated Fund to the Downtown Stabilization Account. The amount being transferred is from mitigation payments related to the Crabtree Lake Williams project which are intend to be used for downtown economic development.

As you may recall, we previously transferred \$650,000 into this stabilization account as a result of previous mitigation payments from the Avalon Marlborough project and the Crabtree Lake Williams project.

These funds were closed out to free cash at the end of Fiscal Year 2016 and were included in the more than \$12 million in certified free cash.

I have included with this letter the transfer request, the City Council order related to the Crabtree Lake Williams mitigation payments, and a letter from Crabtree Lake Williams LLC.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2017

FROM ACCOUNT:

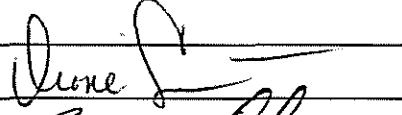
TO ACCOUNT:


Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$12,176,290.00</u>	<u>\$150,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$150,000.00</u>	<u>83600</u>	<u>32700</u>	<u>Stabilization-Downtown</u>	<u>\$650,000.00</u>
	Reason:	_____				Final mitigation payment from Crabtree Lake Williams to be used for downtown economic development.			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	\$150,000.00	Total			\$150,000.00	Total			


Department Head signature:

Auditor signature:

Comptroller signature:







CRABTREE LAKE WILLIAMS, LLC
PO Box 377
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 Jul 20 P 12:19

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

July 7, 2016

**RE: Crabtree Lake Williams, LLC \$150,000 Final Payment Three of Three
City Council Order No. 15-1006261A (attached)**

Dear Mayor Vigeant,

As per the referenced Order adopted by the City Council on July 27, 2015 please find attached Crabtree Lake Williams, LLC check #10475 for \$150,000.00 representing the final payment number three and totals \$450,000.

On behalf of me, Rick Roper, the Crabtree Lake Williams LLC development team, and The Overlook at Lake Williams, we very much appreciate the efforts of the City Council, your Office and all of the related Departments within the City of Marlborough.

Sincerely,



B Duke Pointer
Manager/Partner

Cc: Marlborough City Council
Arthur Bergeron – Mirick O'Connell
Douglas Scott – Marlborough Building Commissioner
Rick Roper



10475

CRABTREE LAKE WILLIAMS LLC

PO BOX 377
Marlborough, MA 01752

ENTERPRISE BANK & TRUST COMPANY
LOWELL, MASSACHUSETTS
53-274-113

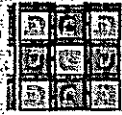
7/7/2016

PAY TO THE ORDER OF City of Marlborough

\$ 150,000.00

One Hundred Fifty Thousand and 00/100 DOLLARS

City of Marlborough
140 Main St.
Marlborough, MA 01752



[Signature]
AUTHORIZED SIGNATURE

MEMO

SP Modification; City Council Order # 15-1006261A

⑈010475⑈ ⑆011302742⑆ 705 868⑈

CRABTREE LAKE WILLIAMS LLC

10475

City of Marlborough

7/7/2016

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/19/2015	Bill	Order # 15-1006261A	450,000.00	150,000.00		150,000.00
					Check Amount	150,000.00

Enterprise - 705868

SP Modification; City Council Order # 15-100626

150,000.00



IN CITY COUNCIL

Marlborough, Mass., JULY 27, 2015

ORDERED:

Suspension of the Rules requested-granted

That, by majority vote taken under Section 650-26.A(1)(a) of the affordable housing zoning ordinance, as amended on June 1, 2015 in Order No. 15-1006130B, the City Council for the City of Marlborough does hereby approve an application submitted by Crabtree Lake Williams, LLC ("Crabtree") for payments in lieu of constructing affordable housing regarding Crabtree's 60-unit condominium development along Lakeside Avenue, provided that:

1. Crabtree shall make payments in three (3) installments of \$150,000 each to be deposited into the general fund for subsequent appropriation to a downtown economic development fund, a stabilization account to be created by the Mayor and the Council;
2. Crabtree shall make the first installment payment within thirty (30) days of the date of this Council vote approving Crabtree's application;
3. Crabtree shall make the second installment payment within six (6) months of the date of said Council vote; and
4. Crabtree shall make the third installment payment within twelve (12) months of the date of said Council vote.

Council Elder requested to be recorded in opposition.

ADOPTED

In City Council

Order No. 15-1006261A

Approved by Mayor

Arthur G. Vigeant

Date: July 30, 2015

A TRUE COPY

ATTEST:

Jan M. [Signature]
City Clerk



City of Marlborough
Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
Nicholas J. Milano
2016 NOV -9 A 11: 52 EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Sick Leave Buy Back

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$24,626.56 to fund the sick leave buy back for a retiree in the Department of Public Works. This transfer would move the funds from the reserve for salaries to the sick leave buy account for DPW. This sick leave buy back was budgeted and included in the reserve for salaries line item.

If you have any questions or comments, please do not hesitate to contact me or Comptroller Brian Doheny. We look forward to discussing this request with you.

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 13, 2016

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

RE: TRANSFER REQUEST

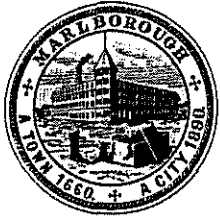
Dear Mayor Vigeant,

Enclosed herewith is a transfer request from the reserve for salaries to the sick leave buy back account for DPW. This transfer is for \$24,626.56 and is being requested in order to fund the contractual obligations to the sick leave buy back account for the retiree. This was budgeted and included in the reserve for salaries line item for this fiscal year.

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

Sincerely,

Brian Doheny
Comptroller



City of Marlborough

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH

Office of the Mayor

NOV - 9 A 11: 52
Nicholas J. Milano
EXECUTIVE AIDE

140 Main Street

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Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Transfer Request – Sick Leave Buy Back and Longevity

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request to transfer \$1,660.00 from reserve for salaries to fund sick leave buy back and longevity.

Please see the attached letter from Comptroller Brian Doheny for more information – the additional funds are necessary following the successful negotiation of contracts affecting City employees.

If you have any questions or comments, please do not hesitate to contact me or Comptroller Brian Doheny. We look forward to discussing this request with you.

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 13, 2016

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

RE: TRANSFER REQUEST

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for several accounts under the Comptroller's area of the budget. The transfer is being requested in order to fund the contractual obligations for sick leave buy back and longevity. In reviewing our calculations after the successful negotiation of several contracts it was noticed that longevity would require an additional \$1,040 and sick leave buy back would need \$620 for a total of \$1,660. Longevity is paid in early December and sick leave buy back is processed in early January.

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

Sincerely,

Brian Doheny
Comptroller



City of Marlborough
Office of the Mayor

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

Arthur J. Nigean
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2016 NOV -9 A 11:53
Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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:

I am pleased to submit for your acceptance a grant in the amount of \$3,050,000.00 for the City of Marlborough through the MassWorks Infrastructure Program and the Executive Office of Housing and Economic Development (EOHED).

The City applied for this MassWorks grant to supplement the significant investment that Ryan Development is making in Marlborough through the construction of the Apex Center. Ryan Development is investing in infrastructure upgrades that will not only benefit the Apex Center, but also benefit the neighborhoods in the vicinity of their development.

The MassWorks grant that the City has been awarded will fund required infrastructure improvements along Route 20 including new turn lanes and upgraded signalizations. The MassWorks program is designed to support projects that represent public-private partnerships to create economic growth opportunities.

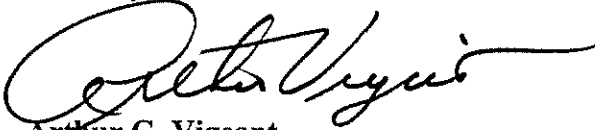
MassWorks projects have proven to be crucial to ensuring economic growth in the City. Our MassWorks project on Simarano Drive supported the development of Avalon Marlborough and made the former HP site marketable to its new tenants Quest and GE Healthcare Life Sciences. More recently, Whole Foods announced that they are moving their North Atlantic Regional Corporate Offices to that site.

Last year's MassWorks award of \$2.7 million for East Main Street will help spur economic investment in Downtown Marlborough. We are already seeing interest in adding housing to the downtown area and rehabilitating East Main Street will continue that trend.

Funds transferred to the Marlborough Economic Development Corporation were used to contract with April Anderson Lamoureux, a grant consultant who also assisted us on our previous MassWorks application; we have now submitted successful applications two years in a row. Meredith Harris and her team at the MEDC worked closely with April to oversee the application process and ensure the City submitted a complete and thorough application.

The Department of Public Works will oversee the administration of this grant. If you have any questions or comments, please do not hesitate to contact me or John Ghiloni.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosure

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: DPW DATE: 11/9/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Tom DiPersio

NAME OF GRANT: MassWorks

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$3,050,000.00

GRANT PERIOD: FY2017 - FY2018

SCOPE OF GRANT/
ITEMS FUNDED Fund required infrastructure improvements along Route 20 including new turn lanes
and upgraded signalizations

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? No

ARE MATCHING CITY
FUNDS REQUIRED? No

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

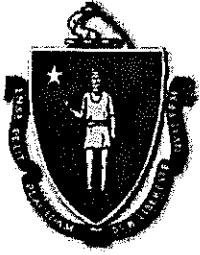
IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

N/A

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**



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF
HOUSING & ECONOMIC DEVELOPMENT**
ONE ASHBURTON PLACE, ROOM 2101
BOSTON, MA 02108
www.mass.gov/eohed

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY

TELEPHONE
(617) 788-3610

FACSIMILE
(617) 788-3605

October 31, 2016

Mayor Arthur Vigeant
City of Marlborough
91 Main Street, Suite 204
Marlborough, MA 01752

Dear Mayor Vigeant:

Thank you for submitting an application for consideration during the 2016 MassWorks Infrastructure Program funding round.

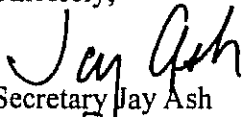
On behalf of the Baker Administration, I am pleased to inform you that the Apex Center of New England Infrastructure Project was approved for a \$3,050,000 MassWorks Infrastructure Program grant. The Executive Office of Housing and Economic Development (EOHED) received 114 applications requesting \$287 million in funding and the selection process was highly competitive. A member of the MassWorks staff will contact the City of Marlborough directly in the next month to set up a meeting to discuss specific requirements related to this award, as well as next steps.

Please be advised that this award letter does not act as a contract with EOHED for the grant award specified above. The City of Marlborough should not proceed with any work on this project that is expected to be reimbursed through the MassWorks Infrastructure Program until a contract has been fully executed between EOHED and the City of Marlborough. This letter of award is subject to the City of Marlborough completing all necessary steps to allow both the public and private elements of the project to proceed as outlined in the submitted MassWorks application. This letter of award shall not confer any rights onto the City of Marlborough.

If you have any questions about the award, please feel free to contact the MassWorks Infrastructure Program staff at 617-788-3631 or by email at MassWorks@state.ma.us.

Thank you for your participation in the MassWorks Infrastructure Program. We look forward to working with you to advance this important project.

Sincerely,


Secretary Jay Ash
Executive Office Of Housing and Economic Development



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Nicholas J. Milano
EXECUTIVE AIDE

140 Main Street

2016 NOV -9 A 11:53

Marlborough, Massachusetts 01752

Patricia Bernard
EXECUTIVE SECRETARY

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

November 9, 2016

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

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant in the amount of \$99,805.00 for the Marlborough Police Department from the Executive Office of Public Safety and Security as part of the Fiscal Year 2017 State 911 Department Support and Incentive Grant Program. This annual reimbursement grant will be used to offset personnel costs in the Public Safety Dispatching Center.

Please find enclosed a letter from Chief Mark Leonard, Notice of Grant Award, grant approval letter, and a copy of the signed grant contract.

If you have any questions, please do not hesitate to contact me or Chief Leonard.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

October 31, 2016

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$99,805 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2017 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, which will be used to offset personnel costs in the Public Safety Dispatching center..

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: 2/5/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: FY2016 State 911 Department Support and Incentive Grant

GRANTOR: Commonwealth of Massachusetts, State 911 Department

GRANT AMOUNT: \$99,805.00

GRANT PERIOD: Present to June 30, 2017

SCOPE OF GRANT/
ITEMS FUNDED To offset personnel costs in the dispatch center

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: As soon as possible

**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**



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



CHARLES D. BAKER
Governor

DANIEL BENNETT
*Secretary of Public Safety
and Security*

FRANK POZNIAK
Executive Director

October 20, 2016

Chief Mark F. Leonard
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Leonard:

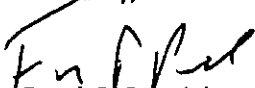
The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2017 State 911 Department Support and Incentive Grant** program.

For your files, attached please find a copy of the executed contract and the final approved Appendix A: Personnel List for your grant. Please note your contract start date is **October 20, 2016** and will run through June 30, 2017. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2017.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/E911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than three (3) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before April 14, 2017.

Sincerely,


Frank P. Pozniak
Executive Director

cc: FY 2017 Support and Incentive Grant File



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osc under OSD Forms.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): Marlborough Police Department	COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS
Legal Address: (W-9, W-4, T&C): 140 Main Street, Marlborough, MA	Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02348
Contract Manager: Chief of Police Mark F. Leonard	Billing Address: (if different):
E-Mail: mleonard@marlborough-ma.gov	Contract Manager: Cindy Reynolds
Phone: 508-624-6970 Fax: 508-624-6938	E-Mail: 911DeptGrants@state.ma.us
Contractor Vendor Code: VC6000192111	Phone: 508-821-7299 Fax: 508-828-2585
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT SUPG
FR/Procurement or Other ID Number: FY2017 SUPG	
<p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) ___ Statewide Contract (OSD or an OSD-designated Department) ___ Collective Purchase (Attach OSD approval, scope, budget) <u>X</u> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) ___ Emergency Contract (Attach justification for emergency, scope, budget) ___ Contract Employee (Attach Employment Status Form, scope, budget) ___ Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;">___ CONTRACT AMENDMENT</p> Enter Current Contract End Date <i>Prior</i> to Amendment: ____, 20 ____ Enter Amendment Amount: \$ 99,805.00 ____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) ___ Amendment to Scope or Budget (Attach updated scope and budget) ___ Interim Contract (Attach justification for Interim Contract and updated scope/budget) ___ Contract Employee (Attach any updates to scope or budget) ___ Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <u>X</u> Commonwealth Terms and Conditions ___ Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. ___ Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <u>X</u> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ 99,805.00	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: X agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) For disbursement of funds under the State 911 Department FY2017 PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <u>X</u> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 2. may be incurred as of ____, 20 ____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 3. were incurred as of ____, 20 ____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2017</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur Vigeant</u> Date: <u>9/27/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor of Marlborough</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>Frank Pozniak</u> Date: <u>10/20/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>



City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH

NOV - 9 A 11: 52
Nicholas J. Milano
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Cultural Council Appointments and Reappointments

Honorable President Clancy and Councilors:

I have submitted for your review and confirmation two new appointments to the City of Marlborough's Cultural Council and two reappointments of members whose terms had expired.

I am pleased to appoint Stephan D'Alessandro and Jessica Bowen to the Cultural Council for three year terms.

I want to thank J. David Elmore for continuing to chair the Cultural Council. He spends countless hours volunteering to promote the Marlborough arts community and was instrumental in recruiting new Cultural Council members. The Cultural Council is unique in that members are term limited to two three year terms; this makes it all the more important to have members actively recruiting potential volunteers and Mr. Elmore does this year round.

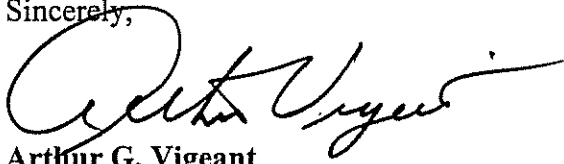
Stephan is a member of the River's Edge Chorale, a choral group which is part of the River's Edge Arts Alliance. He has been a Marlborough resident for 21 years and since moving here, has acted with the Rivers' Edge Players, sung with the Rivers' Edge Chorale and enjoyed photography with the Assabet Valley Camera Club. Stephan is interested in volunteering his time further with the Cultural Council to help promote the arts throughout Marlborough.

Jessica is a longtime Marlborough resident, Advanced Math and Science Academy (AMSA) teacher, and AMSA parent. She recently stepped down from serving as the teacher representative to the AMSA Board of Trustees and is excited to volunteer her time in other capacities in Marlborough. Jessica started the chorus program at AMSA and continues to teach chorus to students.

I have also reappointed Mark Bartlett and Melissa Vera for another three-year term each; their terms expired in August 2016.

The Cultural Council will be reviewing grant applications for Fiscal Year 2017 in the coming weeks. I appreciate the Cultural Council's hard work on strengthening Marlborough's cultural activities.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Vigeant". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arthur G. Vigeant
Mayor



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

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

NOV - 9 A 11:52
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Reappointment of Auditor Diane Smith

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the reappointment of Auditor Diane Smith for a three-year term to commence upon City Council approval.

For almost the past ten years, Ms. Smith has proven to be an invaluable resource for the City and strong Department manager. As you well know, there is no City employee more familiar with every line item in our budget than Ms. Smith – she takes great pride in her work and Marlborough benefits from it every day.

Ms. Smith has worked closely with our outside auditors, Comptroller Brian Doheny, and I to develop crucial financial policies for the City. Each year, her hard work ensures that the Department of Revenue certifies our free cash amount in a timely manner.

Ms. Smith leads her team professionally and effectively. Our Auditor's office is responsible for recording all City revenues and maintaining accurate financial records. I'm proud of their hard work every day.

Thank you in advance for your consideration of this reappointment. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 NOV -9 A 11:53

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: Reappointment of Chief Procurement Officer Beverly Sleeper

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the reappointment of Chief Procurement Officer Beverly Sleeper for a three-year term to commence upon City Council approval.

For municipal governments, the position of procurement officer is vital to ensuring that City departments correctly follow all procurement laws and regulations. Procuring services and supplies as a governmental entity is very dissimilar to how the process works in the private sector. Complicated laws and regulations must be followed exactly – missing a deadline or improperly running a bid process can result in everything from bid disqualification to court challenges (all of which cost time and taxpayer funds).

Ms. Sleeper is detail and process oriented – she oversees all procurement for the City and also provides advice to the school department as needed. She has played a crucial role in large scale procurements for the Senior Center and the Richer Elementary School project and in everyday tasks that require follow up.

As you may have noticed by reading Governor Baker's municipal modernization act, many of his proposals were tied to streamlining procurement processes for the state government and cities and towns. Ms. Sleeper has stayed up to date with all changes to procurement law and will continue to serve a vital role in helping our city departments complete projects on schedule.

In addition to her duties overseeing procurement, Ms. Sleeper also works closely with the Massachusetts Interlocal Insurance Association (MIIA), the City's insurer. In this role, she has worked with the Human Resources department to identify training programs and apply for credits from MIIA. As you may recall from a communication my office e-mailed to you and which I have attached, Marlborough has earned significant credits for our training programs. We owe this to Ms. Sleeper's diligence.

Thank you in advance for your consideration of this reappointment. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke at the end.

Arthur G. Vigeant
Mayor

Enclosures

Nicholas Milano

From: Nicholas Milano
Sent: Thursday, July 21, 2016 3:43 PM
To: City Council
Subject: MIIA Rewards Credits
Attachments: marlboroughrewardsall.pdf

Good Afternoon Karen:

Can you please forward to Councilors?

Thanks to the hard work of Beverly Sleeper and our Department Heads, we earned \$42,478 in credits towards our insurance through MIIA for the Fiscal Year 2016.

I attached a file showing how we have done at making sure our trainings and continuing education for employees are recorded and earning credit from MIIA.

If you have any questions, please let me know.

Thanks,

Nick

Nicholas Milano
Executive Aide to the Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752
o: 508-460-3770
c: 774-245-8539



MIIA Customer Rewards by Fiscal Year

7/20/20
8:23:39 F

Grand Total: \$208,153.96 \$0.00 \$208,153.96

Total: \$208,153.96 \$0.00 \$208,153.96

Marlborough

Fiscal Year	Prof Lines	W/C	G/L	Auto	Property	Total % Credit	P&C Credits	WC Credits	Total Credits
2016	18.0%		8.0%	4.5%	6.0%	36.5%	\$42,478.00	\$0.00	\$42,478.00
2015	20.5%		5.5%	1.5%	5.0%	32.5%	\$28,509.00	\$0.00	\$28,509.00
2014	20.5%		8.0%	3.0%	4.0%	35.5%	\$29,228.75	\$0.00	\$29,228.75
2013	9.0%		9.0%	5.0%	4.0%	27.0%	\$30,233.00	\$0.00	\$30,233.00
2012	11.5%		10.0%	6.5%	2.0%	30.0%	\$25,875.24	\$0.00	\$25,875.24
2011						16.5%	\$16,634.42	\$0.00	\$16,634.42
2010							\$17,003.68	\$0.00	\$17,003.68
2009							\$18,191.87		\$18,191.87



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Nicholas J. Milano
EXECUTIVE AIDE

140 Main Street

2016 NOV -9 A 11:53

Marlborough, Massachusetts 01752

Patricia Bernard
EXECUTIVE SECRETARY

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

November 9, 2016

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

Re: Notification of Free Cash

Honorable President Clancy and Councilors:

I am pleased to inform you that the Massachusetts Department of Revenue (DOR) recently certified the amount of \$12,176,290.00 in "free cash" for the City of Marlborough. This achievement is another sign of our strong economic growth and an endorsement of our financial stewardship.

The City of Marlborough's financial strength and success has and continues to be a true team effort. We are fortunate to have a strong team in City Auditor Diane Smith and Comptroller Brian Doheny.

I am proud of how we have worked closely with you, our City Council, to practice prudent financial management over the past four years. The strong free cash number is due to our conservative forecasting and efficient management of the City's budget. Please also note that nearly \$3 million of the free cash is from bond premiums, which contributes to having such a high figure this year.

For the November 14, 2016, City Council meeting, I have submitted several transfers that move funds from the Undesignated Fund. I anticipate submitting future transfer requests from free cash for the City's OPEB liability and to make investments in our infrastructure and equipment.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Nicholas Milano

From: dlssupport@dor.state.ma.us
Sent: Tuesday, October 18, 2016 9:39 AM
To: Assessor's Department; Paula Murphy; dmanzello@rrgsystems.com; hscheid@rrgsystems.com; Comptrollers Dept; Nicholas Milano; Mayor; Diane Smith; dlsitgroup@dor.state.ma.us
Cc: nelsona@dor.state.ma.us
Subject: Notification of free cash approval - Marlborough
Attachments: Marlborough FC 17.pdf

Massachusetts Department of Revenue Division of Local Services

Michael J. Heffernan, Commissioner
Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/18/2016

Diane Smith
Accountant/Auditor
City of Marlborough

Re: NOTIFICATION OF FREE CASH APPROVAL - Marlborough

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2016 for the City of Marlborough is:

General Fund \$12,176,290.00

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,

Mary Jane Handy

Mary Jane Handy
Director of Accounts
Massachusetts Department of Revenue

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager at postmaster at dor.state.ma.us.

SUBMITTED BY	Diane Smith	CITY/TOWN/DISTRICT	Marlborough
PHONE	508-460-3770	DATE RECEIVED	10/04/16
FIELD REP	ASN	DATE SUBMISSION COMPLETE	10/07/16

FREE CASH CALCULATION

BEGIN:
UNRESERVED UNDESIGNATED FUND BALANCE 18,416,874

LESS:
PERSONAL PROPERTY TAXES RECEIVABLE 1,102,021
REAL ESTATE TAXES RECEIVABLE 1,228,211

OTHER RECEIVABLE, OVERDRAWN ACCOUNTS, DEFICITS			
US FDA	1,753	Royce-Keller	210
State Highway	1,075,676	Class of 1983	70
16 911 Support & Incent	29,025	Housing Auth Rec	78,389
16 Traffic Enforcement	1,165	Contrib Ret Rec	14,770
16 State 911 EMD	28,749	Extra Duty Details	224,059
15 State 911 EMD	31,014		-
EMPG Award	8,933		-
Massexcels	10,400		-
Youth Career Conn	49,412		-
Title I	73,700		-
PL94-142	171,816		-
SPED Early Childhood	22,112		-
Quality Kindergarten	6,106		-
Metrowest Health Found	1,387		-
Recreational Facilities	2,930		-
Sewer Construction	66,885		-
Millham Upgrade	73,649		-
Antoinette Testa	100		-
Janet Zedick	434	Additional Sheet	-
			1,972,744

FREE CASH VOTED FROM TOWN MEETING NOT RECORDED -

ADD:
DEFERRED REVENUE (CREDIT BALANCE +, DEBIT BALANCE -) (1,937,608)

60 DAYS TAX COLLECTIONS -

OTHER MISCELLANEOUS ADJUSTMENTS:

_____	_____	-
_____	_____	-
_____	_____	-
_____	_____	-
_____	_____	-

12,176,290
FREE CASH, JULY 1, 2016

REVIEWED BY: ASN PLEASE SEE CERTIFICATION LETTER

DATE: 10/14/16 FOR DIRECTOR OF ACCOUNTS APPROVAL



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 NOV -9 AM 9:33
Arthur G. Vigeant MAYOR
Nicholas J. Milano EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 9, 2016

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

Re: MAPC – Downtown Marlborough Parking Analysis

Honorable President Clancy and Councilors:

Please find enclosed a copy of the MAPC Downtown Marlborough Parking Analysis.

Due to concerns being raised about parking from new developments in Downtown Marlborough, I believe it is necessary to resubmit this Parking Analysis, which had been previously given to you. The analysis's main conclusion was that there is "excess capacity to allow a significant amount of new development without overtaxing the existing parking supply."

We share a common goal – to have a more vibrant Downtown Marlborough. The new developments that have been proposed will help drive progress in the downtown area; please keep this parking analysis in mind when discussing such projects.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2016 NOV -9 A 11:53

November 9, 2016

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

Re: Order of Taking by Eminent Domain Of Permanent and Temporary Easements for the East Main Street Reconstruction Project

Honorable President Clancy and Councilors:

On behalf of the Department of Public Works, enclosed herewith please find a proposed Order Of Taking By Eminent Domain concerning the East Main Street Reconstruction Project. No appropriation is necessary.

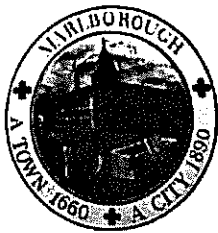
The reconstruction of East Main Street is being funded by the MassWorks grant that the City received in October 2015.

DPW Commissioner John Ghiloni and City Engineer Tom DiPersio will be available to answer any specific questions relative to the project.

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 9, 2016

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

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

Dear Mayor Vigeant:

Attached is an Order of Taking by Eminent Domain that I request you send to the City Council for their action.

By the proposed Order of Taking, the City would acquire permanent and temporary easements in private land located along East Main Street. The purpose of the takings, more fully described in the order, is related to the East Main Street Reconstruction Project.

I am available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

Enclosures

cc: Cynthia Panagore Griffin, Assistant City Solicitor
Tom DiPersio, P.E., City Engineer

ORDERED:

Eminent Domain Order of Taking

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

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

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

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

DESCRIPTION OF LAND TAKEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AWARDS

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

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
B.B. Realty Corp. 262 Main Street P.O. Box 5 Marlborough, MA	70/323	232 S.F.	\$40.00
U.S. Bank National Association, Trustee 425 Walnut Street Cincinnati, OH 45202	70/322	703. S.F.	\$366.00
William W. George, Trustee, Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752	70/324	643 S.F.	\$390.00
William W. George, Trustee, Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752	57/125	1,210 S.F.	\$2,130.00
Michael Triaforos, Trustee 59 East Main Street Realty Trust 49 East Main Street Marlborough, MA 01752	57/133	568 S.F.	\$630.00
Todd Uminsky, Trustee 79 East Main Street Realty Trust Marlborough, MA 01752	57/182	335 S.F.	\$630.00
Glayton DaCruz, Trustee DaCruz Realty Trust 26 Hilldale Road Ashland, MA 01721	57/184	209 S.F.	\$627.00
Fred R. Angier, Jr. 87 East Main Street Marlborough, MA 01752	57/185	411 S.F.	\$567.00

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
David P. DeCenzo 95 Oakbridge Drive Pueblo, CO 81001	57/186	593 S.F.	\$335.00
Jeanne Bengiovanni 99 East Main Street Marlborough, MA 01752	57/187	314 S.F.	\$545.00
Cumberland Farms, Inc. 777 Dedham Street Canton, MA 02021	57/194	298 S.F.	\$1,043.00
Thomas J. Parks & Cheryl Greska 19 Brown Street Marlborough, MA 01752	70/318	148 S.F.	\$161.00
David E. Grant & Tina L. Grant 21 Brown Street Marlborough, MA 01752	70/319	795 S.F.	\$863.00
James C. Thomas & Lauren B. Thomas 31 Ash Street Hopkinton, MA 01748	70/321	335 S.F.	\$335.00
15 Sawin Street LLC 15 Sawin Street Marlborough, MA 01752 (Land Court Book 1362, Page 007, Certificate No. 243066)	70/373	67 S.F.	\$117.00

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST

RIGHT-OF-WAY PLANS
 EAST MAIN STREET
 IN THE CITY OF
 MARLBOROUGH
 MIDDLESEX COUNTY

INDEX

- 1 TITLE & INDEX SHEET
- 2 LEGEND & GENERAL NOTES
- 3-5 PRELIMINARY RIGHT-OF-WAY PLANS
- 6 PARCEL SUMMARY

REFERENCE MANUALS

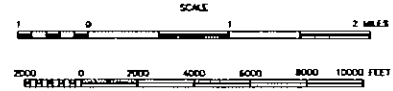
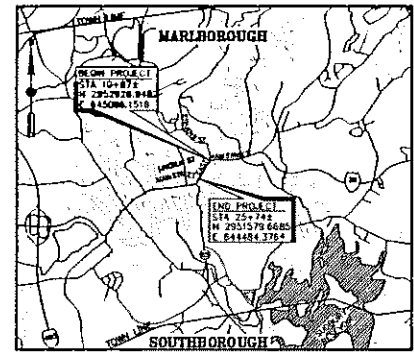
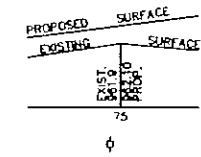
THE MASSACHUSETTS HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES DATED 1988, AS AMENDED, THE SUPPLEMENTAL SPECIFICATIONS DATED JULY 1, 2015, THE INTERIM SUPPLEMENTAL SPECIFICATIONS DATED MARCH 4, 2016, THE 2014 CONSTRUCTION STANDARD DETAILS, THE 2015 OVERHEAD SIGNAL STRUCTURE AND FOUNDATION STANDARD DRAWINGS, MASSDOT TRAFFIC MANAGEMENT PLANS AND DETAIL DRAWINGS, THE 2009 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS WITH MASSACHUSETTS AMENDMENTS, THE 1990 STANDARD DRAWINGS FOR SIGNS AND SUPPORTS, THE 1988 STANDARD DRAWINGS FOR TRAFFIC SIGNALS AND HIGHWAY LIGHTING, AND THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, WILL GOVERN.

DESIGN DESIGNATION

- DESIGN SPEED = 30 mph
- ADT (2006) = 13,416 vpd
- ADT (2016) = 14,822 vpd
- K = 8.0%
- D = 50% (EB)
- T (PEAK HOUR) = 3%
- T (AVERAGE DAY) = 3%
- DHV = 1,186 vph
- DDHV = 708 vph

CONVENTIONAL SIGNS

- COUNTY, CITY OR TOWN BOUNDARY _____
- COUNTY, CITY OR TOWN SIDE LINE _____
- FENCE LINE _____
- BASE LINE OR SURVEY LINE _____
- RIGHT OF WAY LINE _____
- CULVERT _____
- ELEVATIONS _____
- UTILITY POLE _____

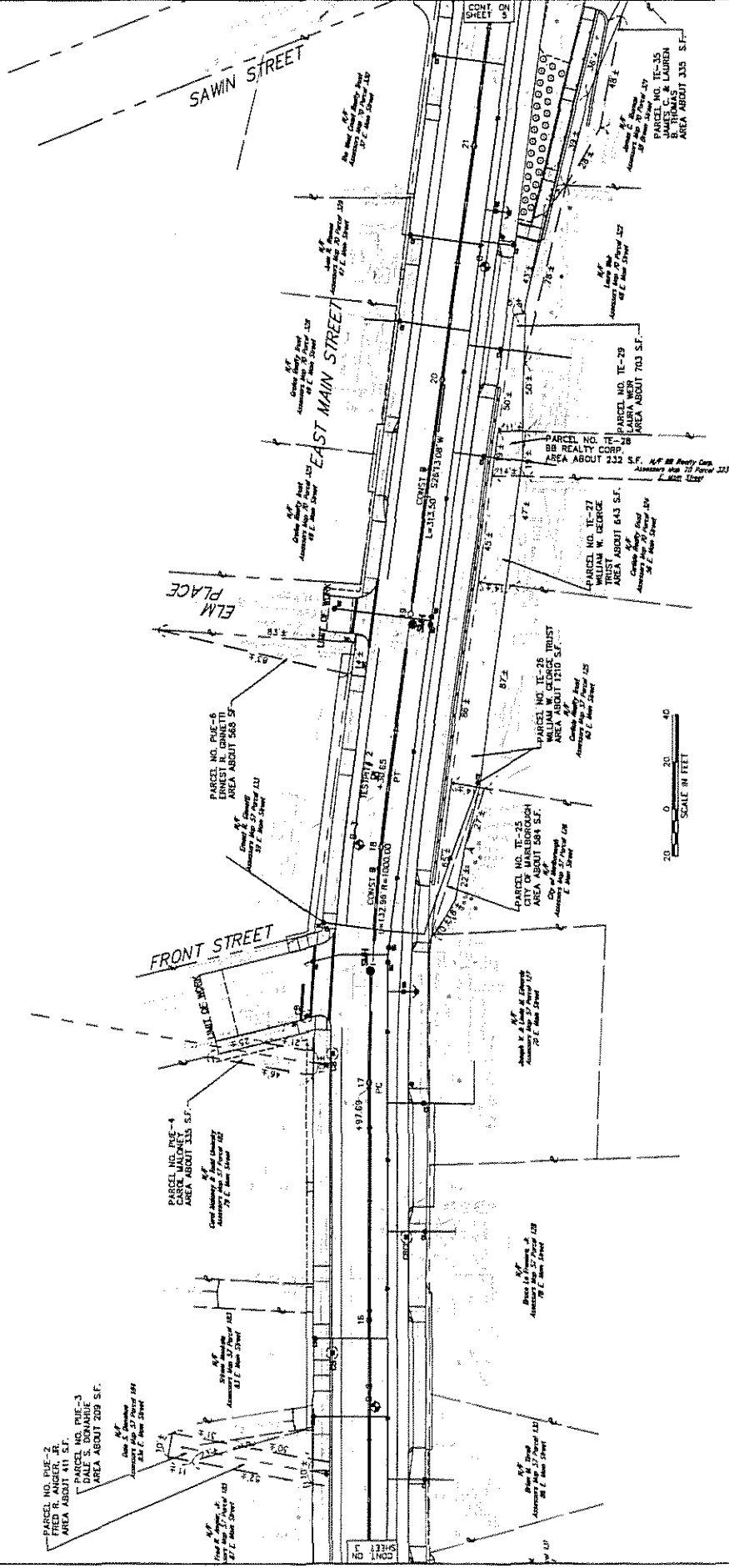


LENGTH OF PROJECT: 1487.00 FEET

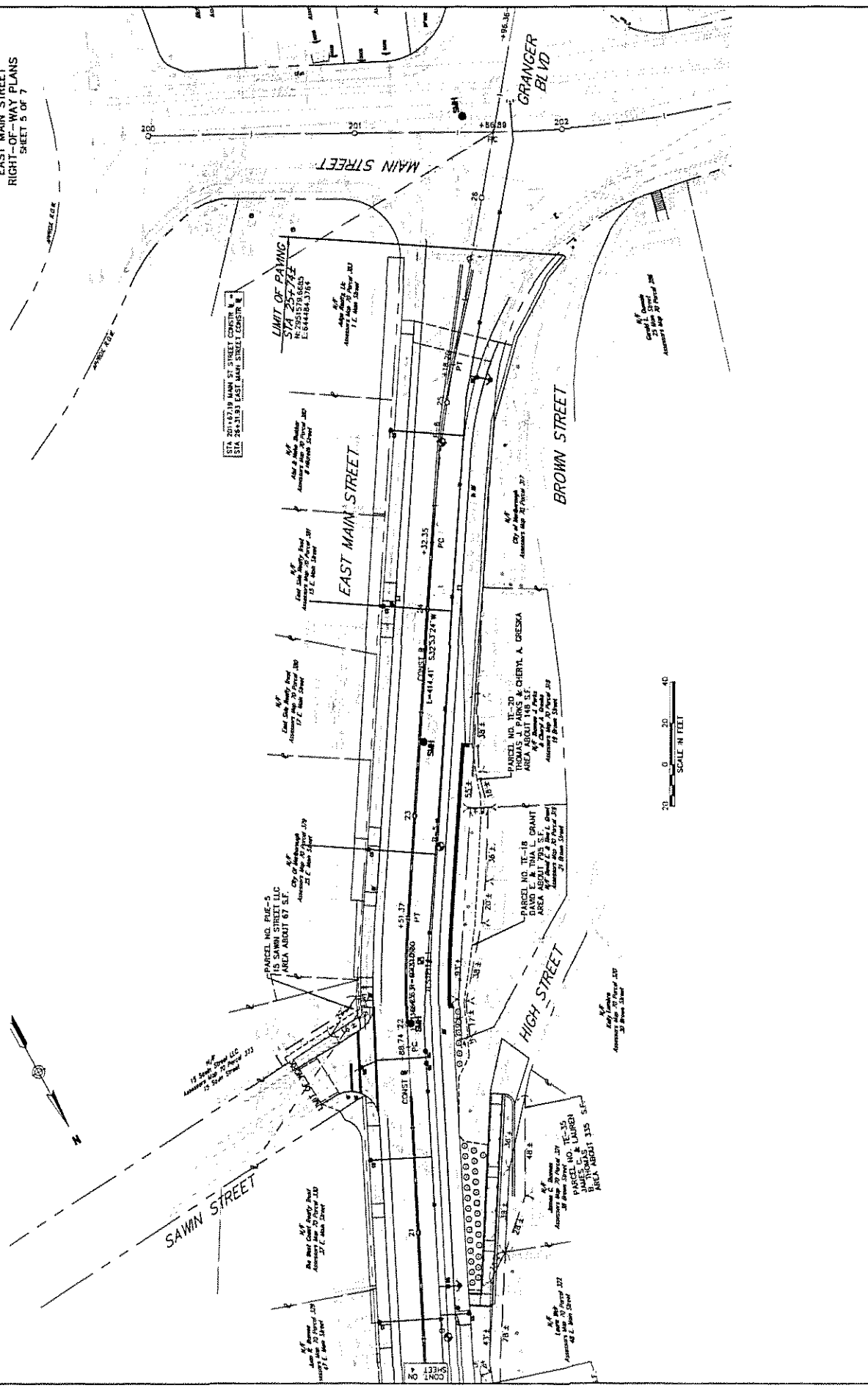
JULY 28, 2016

PROJECT NUMBER: _____
 DRAWING NUMBER: _____
 DATE: _____
 DESIGNER: _____
 CHECKER: _____
 APPROVER: _____

MARLBOROUGH
 EAST MAIN STREET
 RIGHT-OF-WAY PLANS
 SHEET 4 OF 7



MARLBOROUGH
 EAST MAIN STREET
 RIGHT-OF-WAY PLANS
 SHEET 5 OF 7





City of Marlborough

Office of the City Council

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Facsimile (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Edward J. Clancy
PRESIDENT

Joseph F. Delano, Jr.
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

November 9, 2016

Marlborough City Council
City Hall – 140 Main Street
Marlborough, MA 01752

Reference: Reappointment of Lisa Thomas as City Clerk

Dear Councilors,

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 NOV -9 A 11:29

I herewith submit for your approval the reappointment of Lisa Thomas as City Clerk for a three year term expiring on February 28, 2020.

Under the leadership of Ms. Thomas, the City Clerk's Office has realized a high level of electronic conversion of documents where the old ways of filing City Council records and serving the needs of the citizenry to obtain vital records have been replaced with new technology. Ms. Thomas and her staff have far exceeded the goals set for them, and today all types of records are truly just a click away. Employees of the City Clerk's Office have benefitted by her skills and experience as a former technology instructor at Clark University and the Worcester Vocational School. On the election side, Marlborough's poll workers now receive regular training and are kept abreast of all new election laws and initiatives. As a direct result of these extensive training requirements, the City Council voted this year to finally increase the stipend for many poll workers.

City Clerk Thomas is never content to be satisfied with the status quo and is always looking for ways to improve customer service in the office and better ways to conduct the business of the people. I hereby request referral of her reappointment to the Personnel Committee where Ms. Thomas will have the opportunity to explain initiatives undertaken over the last three years and her plans for continued advancement during her next term as our City Clerk.

Sincerely,

Edward J. Clancy
City Council President



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

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

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 9, 2016

Edward J. Clancy
President
Marlborough City Council

RE: Proposed Zoning Amendment to Conform with Chapter 219 of the Acts of 2016

Dear President Clancy and Members:

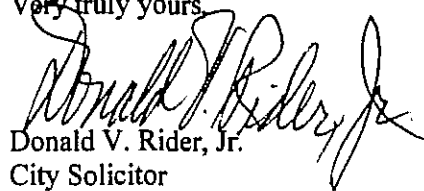
I am submitting this letter at the request of you and Councilor Delano. On August 10 of this year the State legislature approved legislation entitled, "An Act Relative to Job Creation and Workforce Development" (the "August legislation"). I particularly wish to draw your attention to 2 sections set forth in the August legislation, both of which bear upon the City's Zoning Ordinance.

First, Section 29 of the August legislation amends MGL c. 40A, § 6 by requiring that a zoning ordinance must provide that construction or operations under a building permit or a special permit "shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable." Section 6 had previously provided for a construction-commencement period of not more than 6 months. This change from 6 to 12 months needs to be reflected in § 650-56.F of the City's Zoning Ordinance.

Second, Section 30 of the August legislation amends MGL c. 40A, § 9 by requiring that a zoning ordinance must provide that a special permit "shall lapse within a specified period of time, not more than 3 years, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause." Section 9 had previously provided for a permit-lapse period of not more than 2 years. This change from 2 to 3 years needs to be reflected in § 650-59.A(1) of the City's Zoning Ordinance.

Accordingly, I enclose for the Council's consideration a proposed amendment to the City's zoning ordinance which would amend § 650-56.F and § 650-59.A(1) so that they conform with the changes brought about by the August legislation. Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-56, entitled "Enforcement," is hereby amended by striking out, in subsection F, the word "six" and inserting in place thereof the following word:-- twelve.
2. Section 650-59, entitled "Powers and procedures of special-permit-granting authorities," is hereby amended by striking out, in subsection A(1), entitled "Special permits," the number "two" and inserting in place thereof the following word:-- three.

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508)
460-3610
LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 NOV -9

A 10:36
DONALD V. RIDER, JR.
CITY SOLICITOR
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

November 9, 2016

Edward J. Clancy
President
Marlborough City Council

RE: Order No. 16-1006637B
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
175 Maple Street

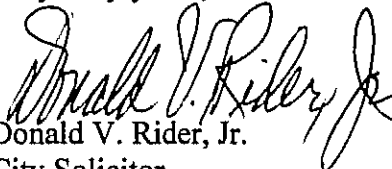
Dear President Clancy and Members:

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 New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 175 Maple Street. AT&T's application seeks to delete Condition 7 of the existing special permit which requires that an American flag be flown at the site.

In particular, AT&T proposes to remove the flag and associated mechanical lanyard device, as well as the gold ball finial at the top of the antenna canister; and, in lieu thereof, to make a one-time contribution of \$5,000 to the City of Marlborough's Flag Account as an appropriate means to honor the American flag.

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

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Edward D. Pare, Jr., Esquire

IN CITY COUNCIL

Marlborough, Mass. NOVEMBER __, 2016

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

Special Permit Application
New Cingular Wireless PCS, LLC
AT&T Mobility ("AT&T")
c/o Edward D. Pare, Jr.
Brown Rudnick LLP
10 Memorial Blvd
Providence, RI 02903

Locus:
175 Maple Street
Assessor's Map 82, Lot 132

DECISION ON A SPECIAL PERMIT CITY COUNCIL ORDER NO. 16-100663B (11-1003004C and 99-8311B)

The City Council of the City of Marlborough hereby **GRANTS** the application of AT&T, as provided in the DECISION and subject to Procedural Findings and Findings of Fact and Conditions.

Decision date: **November** __, **2016**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the xx day of **November, 2016**.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, c. 40A, § 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Massachusetts.

IN CITY COUNCIL

Marlborough, Mass. NOVEMBER __, 2016

ORDERED:

DECISION ON AN APPLICATION TO MODIFY SPECIAL PERMIT 11-1003004C (99-8311B)

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 16-100663B

Re: 175 Maple Street

The City Council of the City of Marlborough hereby **GRANTS** the application to modify Special Permit No. 11-1003004C (which modified Special Permit No. 99-8311B) to New Cingular Wireless PCS, LLC ("AT&T"), having a usual place of business at 550 Cochituate Road, Suites 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On November 22, 2011, the City Council granted to Applicant, Special Permit No. 11-1003004C to modify Special Permit No. 99-8311B (collectively, the "Original Special Permit") which allowed an upgrade to the wireless communications facility ("WCF") attached to the existing water tank located at 175 Maple Street, Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 82, Lot 132 (hereinafter "Site"). The owner of record for the Site is the PMC/Maple Landowner LLC.
3. By letter dated July 18, 2016, the Applicant submitted to the City Council an application to modify the Original Special Permit (hereinafter "Application"). The Applicant is a lessee of the Site's owner for purposes of the Application.
4. The WCF is located in the Business (B) Zoning District. Wireless communication devices are allowed by grant of a special permit in Business (B) Zoning District.
5. The modification of the Original Special Permit is sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
6. Due to the continuing and ongoing modifications of the WCF, Applicant requests that the City Council delete Condition 7 of the Special Permit which requires that an American

IN CITY COUNCIL

Marlborough, Mass. NOVEMBER ____, 2016

ORDERED:

flag be flown at the WCF and that a more appropriate condition be imposed to honor the American flag. In particular, the Applicant proposes to remove the flag and associated mechanical lanyard device, as well as the gold ball finial at the top of the antenna canister.

7. Pursuant to the Rules and Regulations of Application for Special Permit (“Rules and Regulations”), the Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on Applicant's request to modify the Original Special Permit on August 29, 2016, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the modification to the Original Special Permit meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the WCF.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit to modify the Original Special Permit.
- B) The Site remains an appropriate location for the WCF and the modification to remove the flag from the WCF at the Site is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval. Flying the American flag is no longer appropriate due to the ongoing changes to the WCF located at the Site.

IN CITY COUNCIL

Marlborough, Mass. NOVEMBER ____, 2016

ORDERED:

- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and continuing to screen its WCF to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 4:**
- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
 - 2) Any problems arising out of the operation of the WCF that interfere with reception at the Marlborough Fire Department's headquarters at 215 Maple Street or the City of Marlborough's public safety radio system shall be rectified by Applicant as soon as possible.
 - 3) Condition numbered 7 of the Original Special Permit is hereby deleted and replaced with the following: "Applicant shall make, within thirty (30) days after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, a one-time contribution of \$5,000 to the City of Marlborough's Flag Account (#29024001 55851) as an appropriate means to honor the American flag in lieu of flying the American flag at the WCF located at the Site."
 - 4) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, at its expense, shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit, if necessary, concerning the removal of the American flag and associated mechanical lanyard device, as well as the gold ball finial at the top of the antenna canister. Prior to applying for any necessary building permit, the Applicant shall provide a copy of the recorded Modified Special Permit to the Building Department, the City Council's office and the City Solicitor's office; if no building permit is deemed necessary by the Building Commissioner, the

IN CITY COUNCIL

Marlborough, Mass. NOVEMBER __, 2016

ORDERED:

Applicant shall provide such copy to those offices forthwith after recording.

Yea: **Nay:**
Yea:

Signed by City Council President
Edward Clancy

ADOPTED
In City Council
Order No. 16-100663B



RECEIVED
CITY CLERK'S OFFICE
CITY 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

2016 NOV -9 A 11: 41
DONALD V. RIDER, JR.
CITY SOLICITOR
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

November 9, 2016

Edward Clancy, President and Members
Marlborough City Council

RE: Site Plan Permit for 163 – 175 Main Street / Marlborough on Main
Order No. 16-1006668

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. 16-1006668. Said Order is in proper form for consideration by the body.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,


Cynthia Panagore Griffin

Enclosure

Cc: Arthur Bergeron, Esq.
Brian Falk, Esq.

Site Plan Permit # _____
Site Plan Approval with Conditions

Applicant: Bolton Granger Realty Trust, project known as “Atrium Place”

Property Owner: Bolton Granger Realty Trust; George Voyiatzis, Trustee

Location: 21-29 South Bolton Street (the “Site”) being shown as Parcels 145, 145A and 145B on Assessors Map 70, consolidated as a single lot as shown on a plan recorded with the Middlesex South Registry of Deeds in Plan Book 2016, Plan 206

Zoning District: Marlborough Village District (MV)

Plans: The following Site Plan Approval Final Conditions are based on a set of plans entitled “Atrium Place, Proposed Addition To: 21-29 South Bolton Street, Site Plan, Issued For Site Plan Review, latest issue 4-29-16, Assessors Map 70, Parcel 145, Property Owner: Bolton Granger Realty Trust, 29 South Bolton Street, Marlborough, MA 01752; Engineer: Christopher C. Charlton, PLS, Continental Land Survey, LLC, 105 Beaver Street, Franklin MA 02038; Developer: George Voyiatzis, 81 Carter Drive, Framingham, MA 01701; Architect: Nunes Trabucco Architects, 1410 Highland Avenue, Needham, Massachusetts 02492; Landscape Designer: Gino A. Pierdomenico, 298 S. Worcester Street, Norton, MA 02766, said plans being comprised of C1 (*hereinafter, “Sheet C1 Site Plan”*); E1 Existing Conditions Site Plan; E2 Site Plan (*hereinafter, “Sheet E2 Site Plan”*); E3 Perspective Views; E3.1 Elevations 1 & 2; E3.2 Elevations 3 & 4; E4 Ground Floor Plan; E4.1, Residential Floor Plan; E5 Proposed Landscape Development Plan, Hardscaping and Planting, and E5.1 Proposed Landscape Development Plan, Notes, Details & Specifications (*said E5 and E5.1 hereinafter, collectively, the “Landscape Plans”*) (*said set of plans hereinafter, collectively, the “Site Plans”*).

SITE PLAN APPROVAL FINAL CONDITIONS:

A. Site Conformance:

1. Construction of the Site shall be in conformance with the approved Site Plans, the provisions of Chapter 270 of the Code of the City of Marlborough, and the conditions stated herein.
2. All construction on the Site shall conform to the appropriate National, State and City of Marlborough codes and regulations in force for each respective discipline and be in accordance with the approved plans and permits. Codes and regulations shall include but are not limited to State Building, Plumbing, Wiring, NFPA, Zoning, DPW utility and roads, Noise and Signs.

B. Prior to Issuance of a Building Permit:

1. Construction Staging and Safety Plan:

- a. The Applicant shall complete the project in accordance with a Construction Staging and Safety Plan (the "Construction Plan") approved by the Building Commissioner, Fire Chief, Police Chief, and City Engineer, which shall be consistent with the photo rendering plans entitled "Crane Staging Plan, Plan date: 3-16-2016;" "Delivery Route for Modules, Plan date: 3-16-2016;" "Module Placement Plan 3-3-2016;" and "Material and Storage Plan 3-3-2016," or as modified at the direction of the City officials listed above.
- b. The Construction Plan shall provide detailed information concerning: (i) areas of the Site and adjacent property that will be marked-off for the staging of a crane, construction vehicles, etc.; (ii) traffic flow, pedestrian protection, blocked sidewalks, streets, etc.; (iii) construction fencing to enclose material and equipment; (iv) fencing and/or barricades to provide limits within the construction site for the separation of construction, pedestrian and vehicular traffic; (v) dedicated illuminated and covered pedestrian walkways adjacent to the structure at egress paths in accordance with 780 CMR Massachusetts State Building Code and related Mass Amendments, including but not limited to Chapters 31, 32, 33, and 34, in effect at the time the building permit application is submitted; and (vi) the life safety of the businesses inside the existing building on the Site and their ability to stay open during the construction, and the installation of the interior and exterior support systems.

2. Green Building: The building plans shall show compliance with Section 650-34 D.2. (m) of the Zoning Code of the City of Marlborough. Prior to the issuance of Building Permits, the Building Commissioner shall review the building plans to ensure that the design incorporates green building techniques.

3. Rooftop Mechanicals: On the building plans, the elevation drawings shall show areas reserved for rooftop mechanicals and the elevator penthouse. Detail drawings illustrating the type, location, and dimensions of fencing/screening must be provided. The Building Commissioner shall confirm that the building drawings conform to the requirements of Section 650-34 D.2.(b) regarding screening of rooftop mechanical equipment.

C. Construction:

1. Preconstruction Meeting: Prior to the commencement of construction, a preconstruction meeting shall be held on-site with the Building Commissioner, City Engineer, Conservation Officer, Fire Chief, Police Chief, and the site contractor responsible for doing the work. At this meeting said City officials will

review the plans and conditions, exchange contact information including emergency contact numbers, and inspect erosion controls.

2. Temporary Site Changes: Consistent with the photo rendering plans entitled “Crane Staging Plan, Plan date: 3-16-2016;” “Module Placement Plan 3-3-2016;” “Weed Street Traffic Detour, Plan date: 3.16.2016;” and “Material and Storage Plan 3-3-2016,” all areas for construction staging, crane placement, and offloading of concrete, steel and/or modular components shall be coordinated to maximize public safety and to minimize interference with the customary use of the public ways and Site. Temporary detours for parking and circulation are established in the aforementioned plans. The Police Chief shall have the discretion and authority to require additional protection and/or details as needed. The Applicant shall pay to the City the cost for every police detail which is provided by the Marlborough Police Department for the project.
3. Modular Component Placement: All modular construction components intended for erection on the Site shall be delivered, unloaded, lifted and transferred according to the photo rendering plan entitled “Module Delivery Route Plan, Dated 3-3-16,” and other conditions as by this Site Plan Permit.
4. OSHA: All Contractors shall abide by OSHA regulations as appropriate, including but not limited to OSHA – 29 CFR, Section 1926.
5. Safety Official: The Applicant / site contractor shall have on the Site at all times during construction, a qualified Construction Safety Official. Prior to the commencement of construction, Applicant shall provide to the Building Commissioner the name and contact information of said Construction Safety Official.
6. Hours of Operation: In accordance with Section 634-11 of the Code of the City of Marlborough, excavation machinery may be operated only during the normal workweek, from Monday through Saturday, except holidays, between the hours of 7:30 a.m. to 5:00 p.m.

D. Storm Water:

1. Siltation Control: The Applicant, Property Owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if there is any visible siltation to the existing drainage system. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
2. Storm Water Maintenance Plan: Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide the City Engineer and the Conservation Officer with the final Storm Water Management Maintenance Plan. The name, address, and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.

3. Maintenance Report: By June 1st of each year, an annual maintenance report shall be provided to the City Engineer and to the Conservation Officer reporting on maintenance and operation procedures, as outlined in the Storm Water Management Maintenance Plan, which have been met for that year. The reporting requirement will follow the issuance of an Occupancy Permit.

D. Landscaping:

1. Modifications: All modifications to the approved Landscape Plans related to changes to the kind, size and placement of plant material shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
2. Site Visit: Prior to the final signoff, the Landscape Architect shall provide an as-built planting plan and a letter of confirmation that the plan conforms to the approved plans. The Conservation Officer shall confirm by a site visit that the planting has been installed according to the approved Landscape Plans, or a revision of the Landscape Plans previously approved by the Conservation Officer.
3. Replacement of Plantings: Following 18 months of the final signoff of the site work, any plant material that has died or is dying shall be replaced by the Property Owner with a species of the same kind and size.
4. Mulch Placement: Installation of mulch at the time of planting and thereafter shall be placed so that the mulch is not in contact with the trunk of newly planted trees and shrubs as shown on the details on the Landscaping Plan.
5. Maintenance: Landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the Landscape Plans at all times. Note that the magnolia trees flowers are slippery when they drop their pedals and will need to be cleaned up to prevent someone slipping on the sidewalk. In addition, tree branches extending over the sidewalk must have minimum branch heights of 7 feet to allow safe passage. This shall be an ongoing condition.
6. Maintenance of Landscaping on City Property: Prior to the issuance of a Certificate of Occupancy, the Applicant shall enter an agreement with the City regarding the maintenance of landscaped areas adjacent to the Site located on City property.

E. Prior to Issuance of a Certificate of Occupancy:

1. Payment in Lieu of Parking: As summarized in the ZONING REQUIREMENT TABLE on Sheet C1 Site Plan, the 18 parking spaces shown on Sheet E2 Site Plan shall count towards the total of 42 required parking spaces. The difference between the parking spaces provided and the parking spaces required, which is 24 spaces, will be addressed in strict accordance with Section 650-34 E(2)(b) of the Zoning Ordinance of the City of Marlborough. Per the Ordinance, a payment-in-lieu-of-

parking equal to \$240,000 (\$10,000 for each of the 24 spaces required but not provided on the Site) shall be paid to the City of Marlborough prior to the issuance of the first Certificate of Occupancy for the project.

2. As-Built Plan: An as-built plan must be submitted to the City Engineer for review prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the website for the City of Marlborough.
3. Time for Completion: Work as provided for on the Site Plan shall be carried into effect and completed within three (3) years following the date of issuance of the Building Permit, unless the City Council has granted an extension of time for completion of the work in writing.
4. Signage. Pursuant to Section 650-35 I of the Code of the City of Marlborough, the City Council hereby retains jurisdiction over all signage of the project to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content, and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council which must meet the requirements of Section 650-34 I of the Code of the City of Marlborough.
5. Access Agreement: The Applicant shall secure any necessary rights across the parcel of land owned by the City of Marlborough along Court Street created by the Plan of Acceptance, dated February 15, 2016, in order to access the loading area and sidewalks, and in order to landscape and maintain said landscaping, as shown on the approved Site Plan. The City shall be held harmless for any activities of the Applicant on this parcel.

F. General Provisions:

1. Minor Changes: The City Council delegates to the Building Commissioner the authority to approve minor changes to the approved Site Plan.
2. Enforcement: The City Council designates the Building Commissioner as the enforcing authority to bring enforcement actions for violations of this permit.
3. Parking Areas: (i) Parking areas will be swept at a minimum semiannually, or more frequently if needed. (ii) Pursuant to the provisions of M.G.L c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual of Uniform Traffic Control Devices. (iii) Parking spaces

located on the Site may not be reserved for use by the building's commercial businesses, and must be available for use by the residents of the Site at any time.

4. Deliveries: At no time shall delivery trucks, either during or after construction, stop on Court Street or restrict the flow of traffic in any way into the Court Street parking garage. In order to mitigate the impact on traffic flow on Weed Street, South Bolton Street, and Granger Boulevard, and the impact of noise to the residents of the Atrium, deliveries to the businesses on the Site by semi-trailers shall occur between 8:00 a.m. and 8:30 p.m. Daily deliveries to businesses on the Site by a small box truck, van or similar sized vehicle may not restrict the flow of traffic on Weed Street or Court Street, but may occur between the hours of 7:00 a.m. and 9:00 p.m. On-site trash collection shall occur twice a week between the hours of 7:00 a.m. and 9:30 a.m. All possible measures shall be taken to avoid noise and disturbances to the residents and neighboring businesses.

IN CITY COUNCIL ____ May ____, 2016

APPROVED; adopted.

Yea: ____ Nay: _____



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 NOV -9 A 11: 36

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

November 9, 2016

City Council President Edward Clancy
City Hall
Marlborough, MA 01752

RE: 50 Main Street

Dear Council President Clancy,

I can report to you that the Site Plan Review Committee has inspected the recent work at 50 Main Street and determined that it is complete.

If you have any questions, please contact me.

Sincerely,

Thomas DiPersio, Jr., P.E.
City Engineer

cc: Site Plan Review Committee



City of Marlborough
Office of the City Council

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Edward J. Clancy
PRESIDENT

Joseph F. Delano, Jr.
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

November 9, 2016

TO: City Councilors
FROM: City Council President Clancy
RE: Discount Gas, 50 Main Street

We are in receipt of the City Engineer's Report on the Site Plan for 50 Main Street.

The Special Permit is attached hereto by way of information.

A motion would be in order to suspend the rules to remove from the table the Special Permit for the electronic gas pricing sign earlier submitted in proper form from the City Solicitor. The motion to remove from the table will require eight (8) votes. A motion would then be in order to approve the Sign Special Permit.

I want to thank the Site Plan Review Committee for their assistance in this matter.



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

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

2016 AUG 19 P 4:39
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

August 19, 2016

Edward Clancy
President
Marlborough City Council

RE: Order No. 16-1006517B
Application for LED Sign Special Permit
V&G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees
50 East Main Street, Marlborough

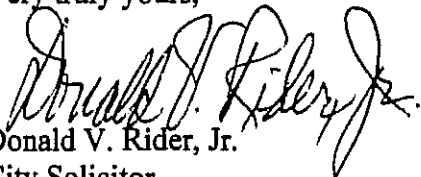
Dear President Clancy and Members:

I provide this letter as to the legal form of the City Council's proposed decision on the LED sign special permit application submitted by V&G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, for Discount Gas at 50 East Main Street. The application is for an LED sign showing current gas prices at the site.

Though I am told the Urban Affairs Committee did not refer this matter to Legal, I have taken the liberty of enclosing a copy of the proposed decision, and certify it is in proper legal form.

I would recommend, however, that the Council hold its vote on this matter, as I am informed that the applicant has not yet completed the site modifications required by the City but continues to work cooperatively with the City Engineer.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Thomas DiPersio, City Engineer

**DECISION ON AN LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Discount Gas
50 Main Street
Order No. 16-1006517B

*table
until 9/12/16*

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006517B**

The City Council of the City of Marlborough hereby GRANTS the application for an LED Sign Special Permit to V&G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees (the "Applicant") for the property located at 50 Main Street in Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. The owner of the property located at 50 Main Street in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 226 (the "Site") is V&G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, 231 Oxford Street North, Auburn, MA 01501.
2. On March 1, 2016, the City of Marlborough issued Building Permit No. BP-2016-000198 for a "Free Standing Sign 'Discount Gas' Length 3", Width 8", Height 14".
3. On March 1, 2016, the City of Marlborough Code Officer notified the Applicant in writing that, in order for the Applicant to use an LED (light emitting diode) sign showing current gas prices at the Site, the Applicant would need to obtain from the Marlborough Planning Board a variance from Section 526-9, entitled "Downtown Business District," of the Sign Ordinance set forth as Chapter 526 of the City Code of the City of Marlborough, which otherwise prohibits all interior illuminated signs in the Downtown Business District as defined in Section 526-9; and would also need to obtain from the Marlborough City Council an LED sign special permit under Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of the Sign Ordinance.
4. By application dated March 8, 2016, the Applicant submitted to the Planning Board a request for a variance from Section 526-9 of the Sign Ordinance.
5. At its meeting held on March 21, 2016, the Planning Board granted the Applicant a variance from Section 526-9, except for any LED usage, and with the conditions a) that the sign be turned off when the service station is not open for business and b) that all other extraneous signage be removed from the Site.

6. By application dated March 29, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks an LED sign special permit pursuant to Section 526-13, in order for the Applicant to use an LED sign showing current gas prices at the Site.
7. In connection with the Application, the Applicant submitted a picture of the Site and the sign as presently installed on the Site.
8. The Marlborough City Council held a public hearing on the Application on Monday, April 25, 2016. The public hearing was closed on April 25, 2016.
9. The Applicant presented testimony at the public hearing that the changeable portion of the Sign would be used to advertise gas prices which the Applicant stated is crucial to the success of its business. John Rowe, Rowe Funeral Home, 57 Main Street, testified that although he was not opposed to the Proposed LED Sign, it should not be operational until the Applicant had completed site work required by the Site Plan Review Committee. Applicant testified that he continues to work with the Site Plan Review Committee on all items.
10. The Applicant further presented its Application at the Urban Affairs Committee meeting held on July 19, 2016. The Committee agreed to recommend approval of the Application pending confirmation from the City Engineer that the Applicant completed site work required by the Site Plan Review Committee.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for an LED sign special permit under Section 526-13 of the Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the Sign Ordinance.

- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the Applicant an LED Sign Special Permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

CONDITIONS

1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough, and in compliance with the variance issued by the Planning Board which includes the conditions a) that the Sign be turned off when the service station is not open for business and b) that all other extraneous signage be removed from the Site

2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED
In City Council
Order No. 16-1006517B
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT 28 P 2:09

277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2304

October 28, 2016

Lisa M. Thomas
City Clerk
City of Marlborough
City Hall
140 Main Street
Marlborough, MA 01752

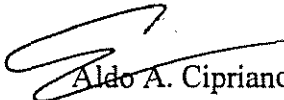
**Re: 487 Lincoln Street, Special Permit Application, Marlborough Zoning Ordinance
Article V, Section 650-18A(4)**

Dear Madam Clerk,

Attached hereto please find three sets of applications and plans together with my check marked form relative to hand delivery to all applicable city agencies. We have also enclosed our filing fee check in the amount of \$500.00. Kindly file same.

Thank you for your attention in this regard.

Very truly yours,


Aldo A. Cipriano, Esq.

AAC/fc

Enclosures

Cc: Cynthia Gleason

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Tigercat Properties, LLC c/o CJG Enterprises, Inc., 24 Union Street, Suite 28, Framingham, MA 01702

2. Specific Location of property including Assessor's Plate and Parcel Number.

487 Lincoln Street, Marlborough, MA 01752, Assessor Plate No. 68, Parcel No. 186

3. Name and address of owner of land if other than Petitioner or Applicant:

Same as Applicant. See above.

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article V Section. 650-18 Paragraph A Sub-paragraph 4

6. Zoning District in which property in question is located:

Business B and Residence B


7. Specific reason(s) for seeking Special Permit

Article V, Section 650-18 A(4) of the Zoning Ordinance requires a Special Permit be granted before

construction of a multifamily dwelling can occur. Applicant seeks to convert a prior, existing non-conforming
structure, previous a neighborhood bar with apartment together with an addition, into an eleven (11) unit
Residential structure.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.



Signature of Petitioner or Applicant
By its Counsel, Aldo A. Cipriano, Esq.

Address: 277 Main Street
Marlborough, MA 01752
(BBO#084300)
Telephone No. 508-485-7245

Date: _____
City Clerk's Office

RECEIVED
CITY OF MARLBOROUGH
OCT 28 2016

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Tigercat Properties, LLC

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF
MARLBOROUGH.

(Abutters are defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting
Authorities.**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Tigercat Properties, LLC Address: 24 Union Avenue, Ste. 28, Framingham, MA 01702

Project Name: The Residences at 487 Lincoln Address: 487 Lincoln Street, Marlborough, MA 01752

1. PROPOSED USE: (describe) Conversion of a prior neighborhood bar into a residential complex with an addition comprising of five (5) studio and six (6) apartment style units.

2. EXPANSION OR NEW: Expansion of last use

3. SIZE: floor area sq. ft. Studio - 608 sq.ft / 1 BDR 684 sq.ft. 1st floor 608 sq.ft. all floors 1,292 sq. ft.
buildings one # stories three lot area (s.f.) 19,603 square feet

4. LOT COVERAGE: 82 % Landscaped area: 18 %

5. POPULATION ON SITE: Number of people expected on site at any time:

Normal: 15 Peak Period: 12

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 4-6 Peak hours: 8-10

(B) How many service vehicles will service the development and on what schedule?

Not applicable.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Wall mounts on building plus existing pole light and doorway lights.

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

Last use was neighborhood bar with two apartments. Minimal noise expected for full residential use.

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. Regulation and construction to be in full compliance with City Code and Noise Ordinance.

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: October 19, 2016

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: The Residences at 487 Lincoln Street

Project Use Summary: Conversion of a neighborhood bar into a residential complex with five (5) studios and six (6) apartment units.

Project Street Address: 487 Lincoln Street, Marlborough, Massachusetts 01752

Plate: 68 Parcel: 186

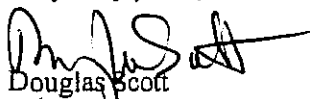
Applicant/Developer Name: TigerCat Properties LLC c/o CJG Enterprises

Plan Date: December 12, 2015 Revision Date: May 1, 2016

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

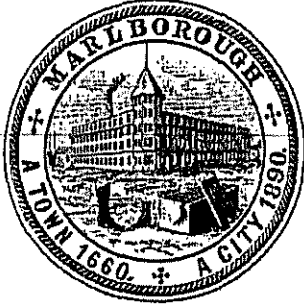

Douglas Scott

Interim Building Commissioner

Application Fee to submit to
City Clerk's office

\$500. -

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



**Lisa M. Thomas
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

3 SETS	OFFICE OF THE CITY CLERK ✓
1 SET	POLICE CHIEF ✓
1 SET	FIRE CHIEF ✓
1 SET	CITY ENGINEER ✓
1 SET	CITY PLANNER
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)
1 SET	BUILDING INSPECTOR ✓
12 SETS	OFFICE OF THE CITY COUNCIL ✓


Signature Aldo A. Cipriano Esq.

10/28/16
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas
City Clerk*



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

**Lisa M. Thomas
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Tigercat Properties, LLC c/o CJG Enterprises, Inc., Manager

Owner Name/Officer Name of LLC or Corporation

Cynthia J. Gleason, Manager/President

Owner/Officer Complete Address and Telephone Number

24 Union Street, Suite 28

Framingham, MA 01702

508-877-5400

Signature of Applicant

Attorney on behalf of Applicant, if applicable



The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and Tax Collector.



Tax Collector

Marlborough Public Library Board of Trustees
Meeting Minutes

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CITY OF MARLBOROUGH

June 7, 2016

2016 OCT 14 P 12: 22

Bigelow Auditorium, Marlborough Public Library

Meeting called to order by Rustin Kyle at 7:06pm

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

Also Present: Margaret Cardello, Library Director

Absent: Ray Hale

Proceedings:

1. **Minutes:** A motion to approve the meeting minutes from the May 3rd meeting was passed (Johnson/Kyle).
2. **Trust Fund Reports:** A motion was passed to approve the Trust Fund Reports for May (Abel/Bloomquist).
3. **Director's Report:** (see attached for more details)
 - Margaret will be serving on the Designer Selection Board (DSB) for the city to review and the top choose architects to be finally selected by the mayor. The mayor will negotiate directly for the architect's fee and Margaret will need access to funds for this fee over the summer. A motion was passed to grant the Library Director authority to spend up to \$75,000 from State Aid Funds for the architect's fee as negotiated by the mayor.
 - Once an architect has been selected a press release will be released to update the community on the progress towards new library space.
 - There has been progress on getting wireless cameras installed. IT has been testing systems to alleviate concerns over security and has possibly found a workable solution.
 - The Aldrich Astronomical Society, with a sponsorship from Math Works in Natick, has made a telescope available for loan to the community. It arrived May 11 and the details of how to circulate it are being worked out.
 - Margaret and 3 other library staff attended the Massachusetts Library Association conference in Hyannis during the week of May 16. Sessions on library design, collection development, and business support were attended and a detailed report is attached.
 - The ***MetroWest Daily News*** printed a notice of the Library Trustee Scholarship awards but no photo was included with it. It's possible ***The Main Street Journal*** may have printed it with a photo, however.

- A patron may contact the board regarding the value of the library's Harry Potter books, which he believes to be quite high. However, staff have researched his claim and have not found the books to be any more valuable than most library books.

4. Committee Reports:

- Foundation: The last meeting was small but lively. Research on what other libraries have done for fundraising revealed that few have used professional fundraisers and those that did were not completely satisfied. There were a lot of good ideas garnered from other library fundraising committees. The next meeting will focus on planning a kick-off event for October.
- Friends: (see attached for more details) The Friends have approved a mission statement change to more accurately reflect their arts and culture programming. The new mission statement will be revealed shortly.

5. Old Business:

- Building Committee
 - Discussed previously with the Director's Report.

6. New Business:

- None

7. Adjournment: A motion to adjourn passed at 7:51pm (Johnson/Brewin).

Minutes submitted by Secretary Robyn Ripley.

Marlborough Public Library Board of Trustees
Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

September 6, 2016

2016 OCT 14 P 12:22

Bigelow Auditorium, Marlborough Public Library

Meeting called to order by Rustin Kyle at 7:05pm

Board Members Present: Rustin Kyle, William Brewin, Ray Hale, Nena Bloomquist, Karen Bento, Tom Abel, and Janice Merk

Also Present: Margaret Cardello, Library Director; Jason Homer, Assistant Director

Absent: Robyn Ripley, Raymond Johnson

Proceedings:

1. **Minutes:** A motion to approve the minutes from the June 7th meeting was passed (Bloomquist/Merk).
2. **Trust Fund Reports:** A motion was passed to approve the Trust Fund Reports for June, July and August 2016. (Bloomquist/Kyle).
3. **Director's Report:** (see attached for more details)
 - The building committee has selected LLB Architects of Pawtucket, RI to complete the design work and other tasks associated with our MBLC Construction Grant application. LLB's fee of \$80,000 is \$5,000 higher than the trustees approved in June. The additional \$5,000 was temporarily taken from the insurance replacement fund. A motion was passed to transfer \$5,000 from the library's state aid into the insurance replacement fund. (Hale/Abel)
 - Replacements for furniture damaged in last year's flood have been ordered.
 - Margaret has been pleased with the increase in interest from community groups who view the library as both a resource and partner, as well as a place where community information is available. A few recent examples include the Dementia Friendly Community initiative, a project with the Marlborough Rotary Club to donate children's books for the Philippines, and a request from the Lions Club to display entries for their Peace Poster Contest.
 - Jason and Margaret also shared interesting statistics on library usage that illustrate the shift in the community's information consumption preferences. While overall circulation is very slightly down (less than 1%), this is primarily due to a reduction in DVD usage. The DVD collection is still the biggest circulator for the library, and the team speculates that the increased availability in online video is contributing to the dip. However, there have been significant gains in other areas. Since making the network more robust, wireless sessions have almost tripled, from 4,000 logged last year to 11,000 logged to date this year. Adult

book circulation is up, attributed to the new collection policy, and ebook usage continues to increase at a rapid rate.

- With the help of the IT department, Jason was able to reactivate several “people counters” that had been in storage. The library now maintains a daily count of visitors. On August 5, the date of one of the summer reading program activities, over 1,000 people visited the library!

4. Committee Reports:

- **Foundation:** Nena Bloomquist, who also serves as the MPL Foundation president, updated the trustees on a feasibility study being conducted Financial Development Agency, Inc. (FDA). This study, which includes interviews with up to 50 individuals across the community, will help the foundation establish its fundraising goals and strategies. The foundation has paid an \$8,000 deposit to FDA. A motion was passed to loan the MPLF \$15,000 from the O’Connell Trust Fund to cover the additional costs of the study. (Abel/Hale). The loan is to be repaid from the first \$50,000 the MPLF raises, and no later than January 1, 2020.
- **Friends:** (see attached for more details)

5. Old Business:

- Telescope Donation
 - Margaret reported that the library has not yet finalized a lending program for the telescope. The individual who donated it will be running a program (still to be scheduled) for interested patrons to demonstrate how to use it.

6. New Business:

7. Adjournment: A motion to adjourn passed at 8:20pm (Bloomquist/Bento).

Minutes submitted by Trustee Janice Merk.

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2016 OCT 18 P 3:07

October 3, 2016

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge & Shawn McCarthy. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio Brian DuPont was absent.

1. Meeting Minutes:

A. Regular Meeting September 26, 2016

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to approve the minutes of the September 26, 2016 Regular Meeting. Motion carried with Ms. Hughes abstaining.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item was carried over to the next regularly scheduled agenda. (October 17, 2016)

3. Approval Not Required: None

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that he has no items to report that are not already on the agenda.

B. Discussion/Decision Goodale Estates (October 23, 2016)

Attorney Austin as well as Bruce Saluk were in attendance to answer any questions the Board may have.

Chairperson Fenby noted that she had met with the City Engineer and Assistant City Engineer to garner a broader understanding of what the Engineering Department was looking for in a set of plans for review that were requesting waivers.

It was requested from the Engineering Department that the Board give an overall sense of approval or denial of specific requested waivers earlier on in the process rather than waiting until the final votes are ready to happen.

With that request in mind the Board took the following action on each requested waiver.

- Sidewalk width (Article V, Section A676-26 (A)(1) and cross section in appendix "F" requires a 6' sidewalk width. This request is for a 5' width.

On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to allow this waiver. Motion passed.

- A waiver to Article V, Section A676-26(A) is requested to allow for elimination of the sidewalk on the right side of the road between the rounding at station 0+50 to the driveway on lot #7.

This waiver request was withdrawn by the developer.

- A waiver is requested to allow a reduction of the right of way width required in Article V, Section 676-12c(1)(a) from 50 Ft to 40 Ft.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to allow this waiver. Motion passed.

- A waiver is requested to allow the reduction of the paved road width required in Article V, Section 676-24(B)(2)(a) from 26 Ft to 24Ft.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to deny this waiver request. Motion passed.

It was noted that the original plan as presented had the property lines is a much straighter configuration the what was shown during discussion this evening. The Board questioned the change. Mr. Saluk noted that he would look into reconfiguring the lots into the shape/size of the original submittal.

Ms. Hughes read the communication from Conservation Officer Priscilla Ryder into the record. On a motion made by Mr. Fay, seconded by Mr. Hodge the communication was accepted and placed on file.

C. Discussion/Decision Certificate of Vote Goodale Estates

D. Discussion/Decision Covenant Goodale Estates

Agenda items 5C and 5D were taken up together.

On a motion made by Mr. Fay, seconded by Ms. Hughes these 2 items were taken up together it was voted to place these items for action on the next agenda. Motion passed.

These items will be placed on the next regularly scheduled agenda (October 17, 2016)

**E. Discussion if Necessary Marlborough Hub (November 27, 2016)
(Howe & Valley Streets)**

Discussion ensued between Solicitor Rider and the Board regarding the ownership or lack of ownership by the proposed developer for the intended roadway. On the original application Marlborough Hub LLC never represented that they owned the parcel in question.

In discussions the Board looked to revert the question of the legal ownership and ability to use the parcel of land which shows the roadway on it to the developer for clarification, as well as require the developer to show a 50' wide roadway on the subdivision plans as required by the Subdivision Rules and Regulations.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to refer the matter to the Legal Department for review. Motion passed.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to send correspondence to

the developer to request an extension of time to review the Marlborough Hub subdivision plan until December 5, 2016 due to this perceived ownership issue. Motion passed.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Blackhorse Farms (October 4, 2016)

Ms. Hughes read the communication from Assistant City Engineer Tim Collins into the record. As noted in the communication the As-Built Plans for the Subdivision have been received and reviewed and are acceptable. The Tree Warden has noted that the time to be planting the required trees is now and the planting should commence.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to extend the subdivision completion date until November 15, 2016 and request that Attorney Beattie be present at the meeting on November 14, 2016. Motion passed.

10. Informal Discussion: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Notices (3)

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Fay it was voted to adjourn at 7:58pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai

MARLBOROUGH PLANNING BOARD 2016 OCT 25 A 9:13
MARLBOROUGH, MA 01752

Call to Order

October 17, 2016

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay & Shawn McCarthy. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio Brian DuPont & Philip Hodge were absent.

1. Meeting Minutes:

A. Regular Meeting October 3, 2016

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to approve the minutes of the October 3, 2016 Regular Meeting. Motion carried.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item was carried over to the next regularly scheduled agenda. (November 14, 2016)

3. Approval Not Required: None

4. Public Hearings (7:15):

A. Proposed Zoning Amendment 650-34 & 650-41 (Downtown Village)

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

- Those speaking in favor-questions
- Those speaking in opposition
- Questions from Board Members

Presentation:

Attorney Arthur Bergeron was in attendance to present the requested zone change to the Board. The intention is to have the Table of Lot Areas be amended in the Downtown Village District Zoning to allow for zero lot line set back requirements for all buildings within the Real Estate urban core for the district. This request is not a blanket request to amend the setback requirements for the entire zone only a small portion thereof.

Speaking in Favor: None

Speaking in Opposition: None

Questions/Comments from the Board Members:

Mr. Fay noted that he has seen renderings and photos of projects that are built up to the property

lines. He is not against this proposed rezoning.

Both Ms. Hughes and Chairperson Fenby are also not against this particular amendment. Chairperson Fenby however is in agreement with Mr. McCarthy as well that some Evident Green Space would be appreciated on the sites.

Mr. McCarthy is against this amendment feeling that the removal of the requirement for buffering or green space between the buildings and the sidewalks lends itself to a cold urban feel. The City needs to be beautified. He is not however against a request for a zero lot line being reviewed on a case by case basis by the City Council under the prevue of a Special Permit.

The Public Hearing was left open for additional discussion at the next scheduled meeting.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that the Walker Brook Estates subdivision was only extended until November 1, 2016.

Attorney Bergeron presented a written request to the Board requesting an extension of the completion deadline for the Walker Brook Estates Sub-Division until December 6, 2016.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to grant the request for extension as presented by Attorney Bergeron and request that the developer be present at the next regularly scheduled meeting November 14, 2016. Motion carried.

City Engineer DiPersio also noted that the Howe's Landing Sub-Division was set to expire on December 15 and it would appear that they will also be in need of an extension.

Cider Mill is still working and they are good until next year. All working Sub-Divisions are making progress.

B. Discussion/Decision Goodale Estates (October 23, 2016)

Attorney Austin was in attendance to answer any questions the Board may have.

C. Discussion/Decision Certificate of Vote Goodale Estates

D. Discussion/Decision Covenant Goodale Estates

Agenda items 5B, 5C and 5D were taken up together.

The members present at this meeting did not include the proper members for action to be taken on this Sub-Division this evening.

On a motion made by Mr. Fay, seconded by Ms. Hughes these 3 items were taken up together it was voted to place these items for action on the next agenda. Motion passed.

Attorney Austin presented a request for an extension of the time allowed for the decision to be rendered until November 15, 2016.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to grant the request for extension as presented by Attorney Austin. Motion carried.

These items will be placed on the next scheduled agenda (October 24, 2016 proposed special meeting)

**E. Request for Extension Marlborough Hub (November 27, 2016)
(Howe & Valley Streets)**

Attorney Arthur Bergeron was in attendance to present the request for an extension of the time allowed for the decision to be rendered until February 1, 2017.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to grant the request for extension as presented by Attorney Bergeron. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Blackhorse Farms (October 4, 2016)

Ms. Hughes had photos of the site that had been taken this afternoon.

While the site is looking better than it had in the past it is still to be considered cluttered with construction debris and materials.

It is the request of the Board that Attorney Beattie be contacted and reminded that he is requested to appear at the November 14, 2016 regularly scheduled meeting and to please have the debris in the site cleared prior to that meeting.

10. Informal Discussion: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Notices (15)

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Fay it was voted to adjourn at 7:51pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai .



CITY OF MARLBOROUGH RECREATION DEPARTMENT

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

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT 20 P 3: 57

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Nancy Klein
Mark Vital
Dennis Zilembo

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

January 21, 2016

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

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

Also attending: Recreation Director David Grasso, Recreation Program Manager, Chuck Thebado, and General Foreman Chris White.

Approval of minutes 09-09-15:

On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:
VOTED: To accept 09-09-15 minutes.

Parks Report:

Mr. White gave the following updated report:

- There was one ice rink constructed at Ghiloni Park with lights on the top basketball court.
- Two ice rinks at Farrell Field were constructed with lights.
- Checked ice on Holt's Grove. Not safe yet.
- We ordered fertilizer in advance – savings are huge.
- Ward Park will not be available to leagues/teams until the fall.

Recreation Report:

Director David Grasso and Program Manager Chuck Thebado gave the following updated recreation report:

- Home for the Holidays event went great. There was a huge turnout. A big thank you to Chairman Kays, Commissioner Zilembo, Mr. David Kennedy, AMSA girl's basketball team, Mrs. Linda Creamer, Mr. Steven Creamer, the Mayor's office, MHS, Public Facilities, DPW, and another resident who's name we did not know who jumped in and helped out with serving cocoa & popcorn.
- Communications from Marc Kantor, President of the Marlborough Youth Baseball Association: MYBA requests the Commission's approval to add an 8'x16' portable storage shed/scorer's station behind the backstop at Martinangelo field. This would be used for two purposes. First, the shed will house supplies used to maintain the fields and operate the league such as rakes, turf, lining machines, bases, etc. Secondly, it would be used as an area for official scorers and scoreboard operators to perform their duties. MYBA will be paying for the shed from as well as any costs associated with installation.

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

VOTED: To allow MYBA to add an 8'x16' storage shed/scorer's station behind the backstop at Martinangelo field.

- Communication from Abby Zimage regarding reserving Ghiloni Park for the Relay for Life. This event will be held on Friday, May 20th, 2016, from 8:00am through Saturday, May 21st, 2016 at 10:00a.m. Mr. Grasso stated there is no conflict and confirmed the date.
- Chuck, Simela and David are meeting with MCC next week, to address program and field automation upgrades for the department.

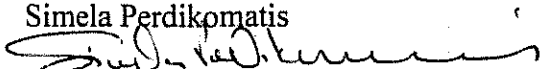
- All winter programs are on line.
- We started the Project Winter Vacation registrations.
- Today was the 3rd week for the ski club.

- The Department proposed an updated field application and field permit priority scheduling including rate adjustments. There was a brief discussion regarding the scheduling and proposed rates for the future. The Commission stated they will review and revisit the subject at their next meeting.

The Commission thanked Mr. Grasso, Mr. Thebado, and Mr. White for their updated report.
Meeting adjourned at 6:11pm.

Attest to:

Simela Perdikomatis



Senior Clerk/Commission Secretary



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road

Marlborough, Massachusetts 01752

Tel (508) 624-6925 FAX (508) 624-6940
RECEIVED
CITY OF MARLBOROUGH OFFICE

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Nancy Klein
Mark Vital
Dennis Zilembo

2016 OCT 20 P 3:57

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

February 17, 2016

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

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

Also attending: Recreation Director David Grasso and Recreation Program Manager, Chuck Thebado.

Approval of minutes 01-21-16:

On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:
VOTED: To accept 01-21-16 minutes.

Recreation Report:

Director David Grasso and Program Manager Chuck Thebado gave the following updated Recreation report:

- The annual Clean sweep event is scheduled for Saturday, April 30, 2016.
- Ski Club is going well and will end next week.
- Project Spring Vacation information will be online within a week. Registrations will follow soon.
- Simela, Chuck and David are meeting with MCC regarding programs and field scheduling automation.
- Simela started to receive field requests form leagues, adult and youth organizations, clubs, and businesses. There was a brief discussion regarding field availability and rates.

On a motion made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:
Voted: To make a decision regarding priority use of fields and fees by July 1st.

The Commission also suggested to invite all Marlborough Youth and Adult league representatives.

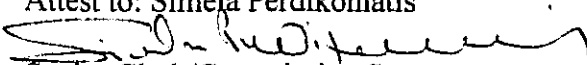
- Mr. Grasso had a meeting with the Mayor regarding Memorial Beach parking and fees for the upcoming 2016 season.

The Commission thanked Mr. Grasso, Mr. Thebado, and Mr. White for their updated report.

Motion to adjourn by Commissioner Calder and seconded by Commissioner Evangelous, it was unanimously:
Voted: meeting adjourned.

Meeting adjourned at 4: 38p.m.

Attest to: Simela Perdikomatis


Senior Clerk/Commission Secretary



CITY OF MARLBOROUGH RECREATION DEPARTMENT

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

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

DIRECTOR
Charles Thebado

PROGRAM MANAGER
Zachary Lambert

2016 OCT 20 P 3:57

June 15, 2016

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:30pm., at the Recreation Commission Office.

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

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

Approval of minutes 04-06-16

On a motion duly made by Commissioner Calder and seconded by Commissioner Klein, it was unanimously:
VOTED: To accept 04-06-16 minutes.

Recreation Report:

Director Chuck Thebado gave the following updated recreation report:

- Mr. Thebado introduced new program manager ,Zachary Lambert to the Commission . He informed the Commission after five interviews for the Program Manager's position he decided the most qualified was Mr. Lambert.
- Memorial Beach will be open this Saturday, June 18th, and will close for the season on Tuesday, September 6th.
Beach fees: Marlborough Residents are free, they must show their drivers license or car registration . Non-Marlborough daily fee is \$10.00 and \$40.00 for the season per vehicle.
- Pools will be open June 24th.
- Boat launch open since Memorial Day Weekend and will remain open until Labor Day Weekend.
- All summer employees hired.
- Project Summer Adventure is sold out.
- Busy with field permits and signs ups for the rest of the summer programs are going well.

Parks Report:

General Foreman Chris White informed the Commission the following:

Ghiloni Park was selected for the PARC grant. A master plan copy was given to all Commissioners. There was a brief discussion regarding the master plan which includes: parking expansion, splash pad, parking lot improvements, barn paving, pedestrian walkway improvements, athletic field improvements/lower field, athletic field improvement /upper field amended topsoil, athletic field improvement/upper field upgrade to sand cap, fitness area surfacing, pavilion structure, basketball court improvements, softball field improvements, DPW building sewer upgrades, pedestrian lighting around upper field, athletic lighting system at upper field, and roadway realignment.

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

VOTED: To accept the recommendation and to move forward with the PARC Grant Application. The Marlborough Recreation Department will be conducting a public forum meeting/hearing , on Tuesday, June 28, 2016 at 5:30pm at the Recreation Office.

Meeting adjourned at 6:10pm

Attest to:



Simela Perdikomatis
Senior Clerk/Commission Secretary
Marlborough Recreation Dept.



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Marlborough Public Schools

2016 OCT 21 P 2:24

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

School Committee

Call to Order

September 27, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were MEA Representative Rupal Patel, Student Representative Susan Rambridge & Clerk Melissa Peltier.

This meeting is being recorded by local cable WMCT-tv, and is available for review.

2. **Pledge of Allegiance:** Was led by Chairman Vigeant

3. Presentation

A. MHS Student Advisory Committee Presentation

Ms. Samantha Merrill, Student Representative from the Senior Class, reported on the Mentoring Program.
Ms. Heidi DiPersio, Student Representative from the Junior Class, reported on the AP Kickoff Event.
Mr. Timothy Goliger, Student Representative from the Sophomore Class, reported on the Music Program.

B. Whitcomb School Student Activity Accounts Presentation

Mr. Bergeron introduced Principal Daniels to present this topic to the Committee.

4. **Committee Discussion/Directives:** None

5. **Communications:** None

6. Superintendents Report:

Mrs. Greulich gave this report covering a range of topics including: Chromebook Distribution, Accountability Data Timeline, Social Emotional Learning Focus, MA Department of Higher Education Event at MHS, Ambassador Visit for Inclusive Practice & Fireball Run date/time.

A. Executive Director of Finance and Operations Report

Mr. Bergeron gave this report covering a range of topics including: Cafeteria Balances, Online Payments, Fiscal Year 2016 Closed, appreciation and recognition to the Police Dept., DPW & Custodial Staffs.

Marlborough Public Schools • 17 Washington Street • Marlborough, MA 01752 • Maureen Greulich, Superintendent
www.mps-edu.org

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Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

7. Acceptance of Minutes

A. Minutes of the August 30, 2016 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the Regular School Committee Meeting of August 30, 2016 as presented. Motion passed 6-0-1.

B. Minutes of the September 13, 2016 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the Regular School Committee Meeting of September 13, 2016 as amended. Motion passed 6-0-1.

8. Public Participation: None

9. Action Items/Reports

A. MHS Testing Staggered Opening Schedule

Mr. Caliri presented to the Committee the requested dates/times for staggered openings.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the staggered opening dates as requested. Motion passed 6-0-1.

B. Elimination of Progress Reports at MHS

Mr. Caliri presented the intention to eliminate progress reports at the High School level, in an effort to get parents to utilize the Aspen Portal on a more frequent basis. Discussion ensued touching on topics such as; ramifications if parents choose to not access the portal, notification of pending progress reports & fostering of communication between students, parents & teachers.

C. FY '17 Personnel Update

Mr. Bergeron presented this topic to the Committee.

D. Request to Adopt Municipal Modernization Act

Mr. Bergeron presented this topic to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to appoint the entire Committee body to be able to sign as a single authorized agent upon any warrant set for payment. A verbal report is to be made at the next scheduled Committee meeting by the signing member. Motion passed 6-0-1.

E. FY '17 Operating Budget Transfers

Mr. Bergeron presented this topic to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the FY '17 budget transfers as requested. Motion passed 6-0-1.



Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

F. District's MCAS Testing Mode for Spring 2017

Mrs. Greulich presented this topic to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to Opt for Option A as presented, committing the District to the Computerized MCAS testing Mode for Spring 2017. Motion passed 6-0-1.

G. Charter School Resolution

Mrs. Hennessy presented this topic to the Committee.

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to sign and deliver a Resolution to the Governor **Against** Lifting the Cap on Commonwealth Charter Schools. Motion passed 5-2(Walters, Vigeant)-0.

H. Memorandum of Understanding between the Marlborough Educator Association and Marlborough School Committee

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the Memorandum of Agreement between the Marlborough Educator Association and the Marlborough School Committee creating Book Club and Habitat for Humanity Clubs at the High School. Motion passed.

I. School Committee Secretary

Mrs. Bodin-Hettinger reported out that there has been some interest in the position. The next step is to set up an interview committee.

Mrs. Matthews, Mr. Walter and Mr. Geary have all indicated their interest in serving on the committee.

J. Acceptance of Donations/Gifts

Jaworek School Student Activities Account has awarded \$964.23 to the Jaworek Student Programs account.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the award of \$964.23 to the Jaworek Student Programs Account. Motion carried 6-0-1.

Kane School Student Activities Account has awarded \$32.13 to the Kane Student Programs account.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the award of \$32.13 to the Kane Student Programs Account. Motion carried 6-0-1.

Richer School Student Activities Account has awarded \$5,071.52 to the Richer Student Programs account.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the award of \$5,071.52 to the Richer Student Programs Account. Motion carried 6-0-1.

LRG Prep has awarded \$5.54 to MHS School Spirit.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the award of \$5.54 to MHS School Spirit. Motion carried 6-0-1.

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Ohiopyl Prints Inc., has awarded \$10.68 to MHS School Spirit.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the award of \$10.68 to MHS School Spirit. Motion carried 6-0-1.

10. Reports of School Committee Sub-Committees

Mrs. Ryan reported that the School Building Committee has interviewed 4 firms for the O.P.M. The award was made to Daedalus Projects.

11. Members Forum: None

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 9:07 pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/map

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**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

October 6, 2016 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

2016 OCT 21 P 3:36

Present: Edward Clancy-Chairman, Allan White, Lawrence Roy, John Skarin, and Karin Paquin. The Conservation Officer, Priscilla Ryder, was also present.

Absent: Dennis Demers and David Williams

Minutes – The Commission reviewed the minutes of June 16, 2016 and September 15, 2016 and voted unanimously 5-0 to approve both sets of minutes as written.

Public Hearings:

Request for Determination of Applicability

21 Balcom Rd.- Victor Archila

The owners were present and explained that they wanted to extend their back yard and would like to remove some trees and add some fill to regrade the area, so it can be loamed and seeded. They will hire a tree removal company that has a crane and the stumps will be ground in place. Then they will hire someone to level off the yard and add grass. Ms. Ryder indicated that she had marked the 20' buffer zone and wetland boundary line. The owners requested permission to move the rocks from the stone wall in the wetland area to the 20' buffer zone to create a boundary mark for the 20' buffer zone. After some discussion the Commission closed the hearing and voted unanimously 5-0 to issue a Negative Determination with standard conditions and a note about the boundary marker as noted above.

Certificates of Compliance:

- DEP 212-1160 Howe's Landing – 38 Gikas Ln. (Lot 6) - John Skarin abstained from this discussion. Ms. Ryder noted that all the conditions of the Order of Conditions have been met, the markers are in place. The only item remaining is the removal of the erosion controls. The Commission voted 4-0 (Mr. Skarin abstained) to issue a full Certificate of Compliance and to have Ms. Ryder hold it until the erosion controls have been removed.
- DEP 212-1004 228 Littlefield Ln. – The owners of this house have installed the 20' boundary markers and will be submitting the deed language. All conditions of the Order of Conditions have been met. The house is being sold on Oct. 20th. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance.

Discussion:

- 329 Maple St. – Violation update- Ms. Ryder noted that nothing was submitted by the applicant, this will be placed on the Oct. 20th agenda.
- Desert Natural Area Update – Sudbury Valley Trustees - Ms. Paquin explained that Sudbury Valley Trustees, SVT, will be doing some tree thinning and harvesting on the Sudbury side of the Desert Natural Area sometime this fall; Oct.-Dec. SVT is hosting a pre-cut site walk on Saturday, October 15, at 9:00 a.m. Ms. Paquin summarized the work to be done as good forestry practice and described the work which is some thinning and crop release tree clearing for the health of the forest and to accommodate a burn for pitch/pine forest restoration in the future. More information about the thinning can be found on SVT's web page.
- Community Garden – Update - Ms. Ryder noted that she has had some discussions with the gardeners at Spring Hill Farm about how the community garden works and they may be interested in the future adding a community garden at this farm; depending on what is needed. Further discussions will happen this winter.


Other Business/Correspondence:

None

Meetings – Next Conservation meetings –Oct. 20th and Nov. 3rd, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 7:45 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

September 27, 2016

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2016 OCT 28 A 8:23



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, September 27, 2016 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, August 23, 2016.

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

2 – New Business

2a) Parking concerns on Paris Street.

Chief Leonard received an email from the resident of 15 Paris Street regarding 2 issues: **1) Missing Signs (No Parking) and 2) Commercial vehicles parked on roadway for extended period.** The Chief advised that he has not yet checked the area himself.

The resident, Mr. John Graham, stated in his email that Paris Street is a narrow street which has a parking restriction which allows parking on the north side. The No Parking sign on the south side has disappeared and people do park there at times. It is difficult to get a car through when cars are parked on both sides. He is requesting that the appropriate signs be reinstalled or updated.

Chief Leonard said that if signs are missing they need to be replaced. Tim Collins advised that Paris Street is 21 feet wide and confirmed that parking is allowed on one side, though technically there should be no parking on either side. Chief Leonard asked if there was an "appetite" to restrict the entire street. This issue has come up on other

narrow streets and the Traffic Commission decided to monitor the issue. The Chief said it is really an enforcement issue, however, we need to at least start with replacing the missing signage.

On the second issue, Mr. Graham is specifically requesting that the Traffic Commission “consider prohibiting parking for commercial vehicles on residentially zoned streets which are also restricted to one side parking.” Mr. Graham included a photo of a dump truck and a “minibus” parked on the street. The group discussed the commercial vehicle exclusion. Chief Leonard said he remembers something in the City Code about commercial vehicles, over a certain size, being restricted from parking in residential zoned areas, i.e. tractor trailers. This is a zoning issue though not a traffic issue. Tim Collins advised that he saw the minibus parked in a driveway when we went out to measure the width of the road.

Fire Chief Breen also said that he would take a look and see if he thinks there is a public safety issue and advise at the next meeting. Chief Leonard wanted to have the signs replaced first to see if it would help. The issue can be monitored further after that.

MOTION was made, seconded, duly VOTED to REFER to the DPW to replace the missing signage.

2b) Commercial vehicles parked in the vicinity of 203 Bolton Street.

Chief Leonard advised that he received a phone call on this issue (nothing in the agenda packet). A woman called and said that there is “always” a truck parked here. She said it was hit twice. The Chief said that it is a wide street and he is not really sure what the issue is. Maybe she thinks the truck is parked too close to the entrance of the condos. He said that one of the accidents here involved an OUI so there were other factors involved. Tim Collins said that there are 18 ½ feet from the curb to the center line.

Chief Leonard said that he can at least have an officer check to make sure the vehicles is legally parked.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT to monitor.

2c) Request for HP spaces in the Windsor St./240-250 Main St. area.

Mayor Vigeant’s office received a letter from Ms. Debra McManus, of the Commission on Disabilities, in which she stated that “the recent parking lot reconstruction at the end of Windsor Street and behind 240-250 Main Street has resulted in significant loss of handicapped parking spaces in the area.” She also noted that there are more general parking spaces than handicapped spaces closer to the door.

Commissioner Ghiloni said that he has already advised the Commission that the handicapped spaces were not decreased. He wasn’t sure if the letter in the agenda packet was received before or after his conversation with them. The spots were moved to the back of the building, where the handicapped accessible entrance is located, and there are actually more than there were before. He said that yes, there are 3-4 spaces closer to the back of the building but they do not meet the requirements for handicapped parking.

Tim Collins advised that we are only required by law to have one handicapped spot and currently there are 7 or 8 here. There are more than enough spaces to meet the requirements of the law. Mr. Collins passed out two photos of the area, one of the side of the building showing where the handicapped spots used to be located and one of the back lot showing what is there now. He said that the old handicapped spots were not valid handicapped stalls because there was no access aisle. The back parking lot now has 4 regular stalls, 1 van stall and 6 handicapped stalls. The spots closest to the building are not legal handicapped stalls because there is no access aisle. The larger parking stalls to the side of the lot are legal handicapped spots.

Chief Leonard said that he has also received complaints that vehicles don't move once they are parked there, however, there is no time limit on HP parking. Commissioner Ghiloni said that there are 22 permits for handicapped parking at the building but there can't be 22 handicapped spots. These spaces are controlled by Doug and he can assign these spots to those who need them.

Commissioner Ghiloni advised that he will call and speak with Ms. McManus again to advise that it was addressed at the meeting and make sure that she understands.

MOTION was made, seconded, duly VOTED to REFER to Commissioner Ghiloni to contact Ms. McManus and advise accordingly.

Additional item not on the Agenda – Handicapped parking at polling locations.

Lisa Thomas advised that she went with Chief Leonard to all the polling locations in the city to look at the handicapped parking available at each location. She took photos and found that some additional spots to be added. Commissioner Ghiloni said that he always adds more HP parking on voting days. She will forward her specific findings to the Traffic Commission. She has already sent the information to Commissioner Ghiloni.

3-Old Business

3a) Traffic Commission rules and regulations update.

The revised rules and regulations are in the process of being advertised. Lisa Thomas advised that parts 1 to 5 have been submitted. They are added to the advertisement section as they fit on the page. It may take a few weeks to get them all in.

Chief Leonard and Karen Lambert will work on reconciling what amendments need to be compiled for General Code.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to work with Karen Lambert on compiling what is missing for General Code.

3b) Traffic Concerns at Wilson & Hemenway Sts.

Update: Many suggestions have been made over the last few months for this area. The agreed upon island and appropriate signage will be installed.

3d) Intersection of Boston Post Road West and Ames St. – U-turns.

Tim Collins advised that the State had initially separated the turn movement here so there was not a conflict. The turn movement was inadvertently changed when the island for the crossing was installed. It has now been corrected, however, if Ames Street starts to back up they could change it to allow the right on red in the far lane.

MOTION was made, seconded, duly VOTED TO REMOVE from the Agenda as the issue has been addressed.

f) Request for stop signs on Weed St. at Florence St.

Commissioner Ghiloni is working on this issue. He advised that it may take a while.

MOTION was made, seconded, duly VOTED to TABLE.

Additional Item not on the Agenda – Heritage Festival

Chief Leonard wanted to note that it will be very busy in town this weekend with the Heritage Festival. They anticipate a lot of traffic and Main Street will be closed on Sunday for the Festival. It was noted that any road closing request need to go to the City Council not the Police Department.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:35 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, September 27, 2016. (Including City of Marlborough Meeting Posting).

-Draft of minutes from Tuesday, August 23, 2016.

-E-mail from John Graham to Chief Leonard, dated 8/22/16, re: 1. Paris Street signage; and 2. Commercial parking on residentially zones streets.

Copy of a letter from Debra, McManus, Chairman of Commission on Disabilities, to Arthur Vigeant, dated 9/6/16, re: Handicapped Parking, Windsor Street.

Additional Handouts:

-Two photos showing handicapped parking spaces in the Windsor Street, 240-250 Main Street Area. One is from 7/16/14, showing the old spaces which were not valid handicap stalls (no access isle). The second is recent and includes 4 regular parking stalls, 1 van stall and 6 Handicapped stalls.

CITY OF MARLBOROUGH MEETING MINUTES

RECEIVED
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2016 NOV - 3 A 8:23

Meeting: Council on Aging Board of Directors Meeting
Date: Tuesday, September 13, 2016
Time: 8:30 AM
Location: Senior Center, 40 New Street, Conference Room

ATTENDANCE: *Leslie Biggar, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Pat Gallier, Judy Kane, Jeanne McGeough, Trish Pope*

Excused: *Richard Collins*

- I. CALL TO ORDER at 8:30 a.m.
- II. APPROVAL OF June 14, 2016 MINUTES
- III. DIRECTOR'S UPDATE - Trish Pope, Director

Trish reported that the evening events over this past summer were a huge success. She is planning to repeat the star gazing event in the spring.

One big event is being planned for each month to places such as Pickity Place in New Hampshire. The COA is co-sponsoring an event with the Marlborough public library on October 24th at 2:00 pm. The program to be presented is called, "How to get well, stay well & never be sick again". The senior center has a new bus driver.

Exercise sign-up is planned for a 1:30 pm time. Participants will get numbers at 9:30 am. The sign-up is being moved upstairs to alleviate congestion. Currently, the senior center has 22 exercise classes per week. There will be a new evening Zumba class on Tuesdays at 5:30 pm or 6:00 pm. Nov 9th & 10th is scheduled as the next exercise sign up.

The board supported the request to have Fran Bakstrom from BayPath Elder Services to come to the October board meeting.

Trish is going to attend a graduate class in senior gerontology on the ins & outs of transportation at Umass Boston.

The patio construction is planned for this fall. The patio equipment has been ordered, using the money received through the grant Representative Gregoire acquired for Marlborough.

IV. BOARD UPDATES

A. BAYPATH ELDER SERVICES UPDATE - Brenda Costa

Brenda reported that there was no BayPath board meeting in August, however, the agency was notified of the legislature's funding cut of 2 million less than last year. BayPath has taken steps to adjust for the decrease within the agency. Among these adjustments was the decision to cancel the

agency's annual meeting in October.

B. TRANSPORTATION REPORT – Jeanne McGeough

Jeanne reported that there in June there were 98 rides. Of those, 58 were to the senior center. In July there were 92 rides, with 60 to the senior center. Of the 125 rides in August, 76 were to the senior center. In October, additional rides are planned for Thursdays, to places like Russells and Wayside Country Store.

V. NEW/OLD BUSINESS

A. DISCUSS SENIOR CENTER ISSUES AND HAPPENINGS

Trish Pope reported that the HVAC issues that still persist are being addressed.

B. DISCUSS BOARD RE-APPOINTMENTS

Jim Confrey reported that the COA board re-appointments are still pending.

C. DISCUSS REPLACEMENT (VOLUNTEER) FOR BRENDA COSTA AT BAYPATH AFTER HER FINAL TERM

Jim Confrey and Brenda Costa explained what the BayPath Elder Services board COA representative appointments are and the importance of the Marlborough COA having representation on the BayPath board. Both Jim and Brenda, encouraged members to consider volunteering to fill the position in the spring of 2017, when Brenda's term on the BayPath board expires.

VI. MEETING ADJOURNED AT 9:57 a.m.

The next board meeting is Tuesday, October 11, 2016 at 8:30 a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

2016 NOV -9 A 10:42

CITY OF MARLBOROUGH MEETING MINUTES

Meeting: Council on Aging Board of Directors Meeting

Date: Tuesday, October 11, 2016

Time: 8:30 AM

Location: Senior Center, 40 New Street, Conference Room

ATTENDANCE: *Fran Bakstran (BayPath Elder Services), Leslie Biggar, Richard Collins, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Judy Kane, Jeanne McGeough, Trish Pope*

Excused: *Pat Gallier*

- I. CALL TO ORDER at 8:30 a.m.
- II. APPROVAL OF September 13, 2016 MINUTES
- III. DIRECTOR'S UPDATE – Trish Pope, Director

Fran Bakstran from BayPath Elder Services was a guest at the board meeting. Fran explained how the Federal government requires all the state's AAA's to develop 4 year area plans for their communities, in order to know that Title III monies are being used wisely to meet the needs in those communities. There are 24 area plans in our state plan. Fran requested that board members fill out the BayPath survey of community needs to help them develop their next 4 year plan.

Trish reported on all the new exciting events at the senior center. The Cummings grant is helping with bus trips to some events. The last dinner event was very successful although there were issues with the food catered by Quinsigamond. Because of the issues Quinsigamond is currently having with large events, an outside caterer will be used for this year's holiday parties. Buffet Way is being used for the upcoming Halloween party.

IV. BOARD UPDATES

A. BAYPATH ELDER SERVICES UPDATE – Brenda Costa

Brenda reported on the highlights of the last BayPath board meeting.

B. TRANSPORTATION REPORT – Jeanne McGeough

Jeanne reported that in September there were 151 rides. Of those, 74 were to the senior center. There were 14 new riders.

V. NEW/OLD BUSINESS

A. DISCUSS SENIOR CENTER ISSUES AND HAPPENINGS

Unfortunately, the new picnic tables outside the senior center were vandalized. The incident was reported to the proper authorities.

B. DISCUSS BOARD RE-APPOINTMENTS

There are 4 reappointments that will be rescheduled. Some board members up for reappointment were unable to attend the committee meeting due to the short notice. A question was raised as to the swearing in upon reappointment and Trish will inquire as to the procedure.

C. DISCUSS NOVEMBER 8, 2016 MEETING'S CHANGE OF LOCATION DUE TO VOTING DAY

The next board meeting will be at 27 Prospect Street due to voting at the senior center.

VI. MEETING ADJOURNED AT 9:45 a.m.

Board members stayed to complete the BayPath area plan survey. Brenda Costa collected the completed surveys from board members for submission to Fran Bakstran at BayPath.

The next board meeting is Tuesday, November 8, 2016 at 8:30 a.m. in the conference room at the 27 Prospect Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary



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2016 NOV -3 P 1:34

BOH MEETING MINUTES – 09/13/16

Attending

Robin Williams, Chairman
James Griffin, Member

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

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Meeting minutes of June 7, 2016

Motion to accept June 7, 2016 minutes – Member Griffin

Second – Chairperson Williams

2-0 Vote to accept and place on file the minutes of June 7, 2016 Yes, Chairperson Williams; yes, Member Griffin

There were no July and August meetings.

ADMINISTRATIVE

• Tobacco Violation

Vape City Smoke Shop: Owner Sophia Jimil – appeared for violation which included persons under 21 in store, vaping in store and incorrect cigar pricing based on BOH Regulations.

After much discussion with the owner of Vape City Smoke Shop about the violations, member Griffin motioned for the fine to be reduced from \$300 to \$100 and the store could remain open, seconded by Chairperson Williams. Vote 2-0 to a reduction of fine to \$100 and store remaining open, with this being the one and only warning; Yes, Chairperson Williams, Yes, Member Griffin.

• Person in Charge Training

Director Liberty discussed the Person in Charge Training being offered by the Health Department as a free service to new restaurant non-managerial, non-Servesafe staff. It is a food safety 101 class and is being taught by the Health Department's consultant inspector Maureen Lee.

Chairperson Williams asked that allergy training be added as well as sanitizing starting with soapy water, friction and then disinfectant. Director Liberty agreed.

PUBLIC HEALTH ISSUES

• **Review, Update, Discussion of the Immunization Program**

Director Liberty reported the clinic had been going on for three weeks now on Wednesday afternoons at the school registration offices from 1pm-3pm. Paula Trabucco and Pat Gallier were administering the vaccines. So far 23 vaccinations have been given. Director Liberty also noted that there were two translators available from the school to help out.

Director Liberty also noted that there will be a Citywide Flu Clinic on October 20th from 9:00 am to 4:00 pm at the Senior Center in conjunction with their Senior Health Fair. A municipal Flu Clinic will also be held at a later date.

Director Liberty also reported on a new TB case in the city a young girl, back from Morocco. The school is doing the DOT.

The Board discussed the article regarding Citgo that appeared in the Main Street Journal.

MONTHLY REPORTS

• **Nurses Report**

Director Liberty presented the Public Health Nurse's report – report was accepted and approved to be placed on file.

• **Sanitarians' report**

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

ADJOURN

Motion – to adjourn meeting at 7:35 pm - Member Griffin

Second –Chairperson Williams

2-0 vote to adjourn Board of Health Meeting at 7:35 pm, Yes, Chairperson Williams; yes, Member Griffin

Next Board of Health meeting will be set via email when all can check calendars.

Respectfully submitted,



Chairperson Williams

10/11/2016

Dated

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



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BOH MEETING MINUTES – 10/11/16 NOV - 3 P 1:34

Attending

Robin Williams, Chairwoman
James Griffin, Member
Joseph Tennyson, MD, Member

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

Meeting called to order 6:30 pm

BOARD REORGANIZATION

With the joining of the new Board Doctor, Joseph Tennyson, the Board also did some reorganization of its members. Member Griffin motioned for Robin Williams to remain Chairwoman, Member Tennyson seconded the motion. 3-0 Vote for Robin Williams to continue as Board Chair; Yes, Chairwoman Williams; Yes, Member Griffin; Yes, Member Tennyson

Chairwoman Williams then motioned for Member Griffin to be named Vice-Chair, Member Tennyson seconded the motion. Vote 3-0 to approve member Griffin as vice-chair; Yes, Chairwoman Williams; Yes, Member Griffin; Yes, Member Tennyson.

REVIEW OF MEETING MINUTES

Meeting minutes of September 13, 2016

Motion to accept September 13, 2016 minutes – Member Griffin

Second – Chairwoman Williams

2-0 Vote to accept and place on file the minutes of September 13, 2016 Yes, Chairwoman Williams; Yes, Vice Chair Griffin, Member Tennyson abstained as he was not on the Board at the time of the September 13th meeting.

ADMINISTRATIVE

• Tobacco Violation Hearing

Loyal Order of Moose #1129, 67 Fitchburg St. requested a hearing before the Board regarding a violation received for smoking inside the club which is against the new City Smoking Regulations that went into effect September 1, 2015. Steve Roayne represented the Lodge. Assistant Sanitarian Rike Sterrett presented the Health Department's findings.

After much discussion Vice Chair Griffin motioned that because they immediately addressed the issue and got into compliance that the \$100 fine for the first time offence be waived, Member Tennyson seconded, Vote 3-0 to a waive the \$100 fine; Yes, Chairwoman Williams, Yes, Vice Chair Griffin, Yes, Member Tennyson.

BOARD BUSINESS

• Substance Use Prevention Coalition Update

Director Liberty updated the Board regarding the Substance Use Prevention Coalition and its "If Only Event" which will take place early 2017 in partnership with the MPS Superintendent. If Only is a short film

intended for teens, parents and adults to raise awareness about the dangers of prescription drug misuse and abuse and to start a conversation that encourages the safe use, storage and disposal of prescription drugs to keep them out of the hands of kids. It is presented by The Mark Wahlberg Youth Foundation and Millennium Health. It will be presented to Junior High and High School students.

- **Edward M Kennedy Report**

Director Liberty updated the Board regarding the EMK in Marlborough

PUBLIC HEALTH ISSUES

- **Immunization Program School Program**

Director Liberty reported the clinic is currently on hold because of the vacant Public Health Nurse Position. However, Framingham Health Department was helping out by vaccinating some of our children. Marlborough will be donating vaccine and resources to Framingham to help with this effort

- **Flu Clinic**

Director Liberty reported that the Health Department will be holding a Citywide Flu Clinic on October 20th from 9:00 am to 4:00 pm at the Senior Center in conjunction with their Senior Health Fair. The VNA will be doing the vaccinations. A municipal Flu Clinic will also be held at a later date in the month.

MONTHLY REPORTS

- **Nurses Report**

Director Liberty presented the Public Health Nurse's report – report was accepted and approved to be placed on file.

- **Sanitarians' report**

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

ADJOURN

Motion – to adjourn meeting at 7:45 pm – Vice Chair Griffin

Second – Member Tennyson

3-0 vote to adjourn Board of Health Meeting at 7:45 pm, Yes, Chairwoman Williams; Yes, Vice Chair Griffin. Yes, Member Tennyson

Next Board of Health meeting will be Tuesday, November 1, 2016

Respectfully submitted,



Chairwoman Williams

11/1/16

Dated

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

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

Minutes of the License Board Regular Meeting Held Wednesday, August 24, 2016
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

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

New Business

1. ONE DAY PERMITS

- **Loyal Order of Moose (6)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved
- **ITAM (5)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved
- **Eagles (1)**
Member Bouvier motioned for approval, Member Mitrakas seconded
Board vote: 3-0 approved
- **Immaculate Conception School Parent Association (1)**
Member Mitrakas Bouvier motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

2. Transfer of Stock – Plaza Liquors

Sandy Austin, Esq., Harold Benway and Linda Benway

Mr. Benway presented the application requesting the Transfer of Stock from Harold Benway and Patricia Naze to Harold Benway and Linda Benway.

Member Bouvier motioned to approve the Transfer of Stock requested, Member Mitrakas seconded, Board vote: 3-0 approved

3. Class II Dealership Application: All Star Auto Cycles Sales

Gracs Machado presented application – for 329 Maple St.

After much discussion, Chairman Bonin, motioned to table a vote on the application until Mr. Donnarumma, the previous license holder, comes into the Board to surrender the license and report to the Board what is planned for the other portion of the property under

the license. This license had consolidated several licenses across various properties back in February 2016 and the application before the Board tonight was for only part of the property. The Board also requested that a letter from Conservation be presented showing what is required with respect to the stream that runs along the property. Member Bouvier seconded the motion, Board vote 3-0 in favor of tabling the application until Mr. Donnarumma could appear before the Board and the conservation letter presented.

4. New Restaurant – Brasileirinho Market & Restaurant

Jehaney Mendonca presented the concept, plan and layout of the restaurant as well as brief background of her experience in the industry. Ms. Mendonca is looking for a Wine and Malt License for the restaurant which will serve Breakfast, lunch and dinner and be a sit down, family location.

The Board suggested she put in a formal application for the license and then return for formal review.

5. Italian American Club Complaint

Residents Annemarie Taylor and Steven Bergstrom spoke of a number of issues that they have been having with the ITAM including parking, noise, disorderly conduct – most stemming from one event on July 9, 2016.

John Manning, Quartermaster, represented the ITAM explained they did not know about the incident at the July 9th event, but are more than happy to notify members to move cars if need be as they also have access to the DPW lot at the end of the street if needed on larger events. He explained that the ITAM had instituted a number of rules and put in place a fence to cut down on noise and disturbances over the years. Siting they can only attempt to handle what they know about and invited the neighbors to call him if issues arise and he would deal with them.

The ITAM was asked by the Board to be somewhat more proactive on the parking situation, having someone out to direct parking on the busier events and to make members aware of where they cannot park. Neighbors were asked to notify the ITAM as soon as issues arose so that they could be accountable to address them at the time.

As there is some question of when the disorderly conduct incident on July 9th occurred the Clerk has been asked to obtain a copy of the police report from the night in question.

6. Reports from Chairman

There were no reports from the chairman

7. Misc. Correspondence

- ABCC Advisory regarding alcohol sales the day after Christmas
- ABCC Advisory regarding extension of Farmer-Series Pouring Permit Premises and New § 19H Pouring Permit
- ABCC Advisory regarding ownership of § 12 and § 15 Licenses in the same city or town
- New ABCC Applications

It was decided that all ABCC correspondence would be placed on the website for licenses.

Member Bouvier motioned to accept and place on file the various items of correspondence, Member Mitrakis seconded the motion, Board vote 3-0 to accept and place the correspondence on file.

8. Review of Minutes

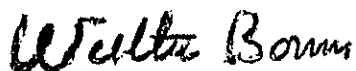
July 20, 2016

Member Mitrakas motioned to accept and place on file the minutes of the June 20, 2016 Member Bouvier seconded. Board Vote 3- 0 to approve July, 2016 meeting minutes and place on file.

Next meeting will be Wednesday, September 28th, 2016 at 7:30

Motion made to adjourn: 9:10 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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**City of Marlborough
License Board**

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

**Minutes of the License Board SPECIAL Meeting Held Thursday, September 15, 2016
at 5:30 pm, City Hall, 1st floor, Council Committee Room.**

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 5:30 PM

New Business

1. ONE DAY PERMITS

- **Steve Dombro – Stevie's (at Masonic Hall)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

Motion made to adjourn: 4:40 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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

Minutes of the License Board SPECIAL Meeting Held Thursday, September 22, 2016
at 12:15 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Dave Bouvier, Member; Tina Nolin, Clerk
Absent: Gregory Mitrakas, member

Meeting called to order by Walter Bonin, Chairman at 12:15 PM

New Business

1. ONE DAY PERMITS

- **Marlborough Chamber of Commerce Heritage Weekend Festival – Doug Rowe**
Member Bouvier motioned for approval, Chairman Bonin seconded
Board vote: 2-0 approved, 1 absent

Motion made to adjourn: 12:25 pm vote: 2-0 for adjournment, 1 absent

Respectfully submitted,



Walter Bonin, Chairman

City of Marlborough
License Board
140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3638

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Minutes of the License Board Regular Meeting Held Wednesday, September 28, 2016
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

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

New Business

1. ONE DAY PERMITS

- **Masonic Hall (2)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

2./3./4. Class II Car Dealership Application – All Star Auto (5 Mill Street/341 Maple St.)
Ben Donnarumma, Arthur Bergeron, Atty. Presented and **Class II Dealership Application: All Star Auto Cycles Sales** Mr. Machado presented application – for 329 Maple St.

Mr. Donnarumma was before the Board seeking to modify his current dealership license that combined 5 Mill Street, 341 Maple Street and 329 Maple Street and get a license for 5 Mill Street, 341 Maple Street only. The request was for the dealership to have 150 Cars/cycles on the lot for sale.

After much discussion Member Mitrakas motioned to nullify the original Class II dealership license owned by Mr. Donnarumma and to grant a new license to him that covers 5 Mill Street and 341 Maple Street and to grant Mr. Machado a Class II Dealership License for 329 Maple Street. Mr Donnaruma will retire his current Class II license, adhere to all conservation requests and city requirements and have no more than 150 vehicles / cycles on the lot for sale. For 329 Maple St., Mr. Machado will be allowed 100 cars/cycles for sale on the lot. Member Bouvier seconded, Board vote: 3-0 approved

5. Application for Live Entertainment – Chill Kitchen and Bar
John Logomasini, Manager

Mr. Logomasini presented an application to add live entertainment (individuals and groups up to three people) as an option to his entertainment license. It would be both on the patio and in the main dining room.

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

6. Change of Hours - Chill Kitchen and Bar

John Logomasini, Manager

Mr. Logomasini requested a change of hours from 11:30 am to 8:00 am – Monday through Saturday and from 11:30 am to 10:00 am on Sunday. Request accepted.

5. Reports from Chairman

There were no reports from the chairman

6. Misc. Correspondence

- Police Report re: ITAM
- Compliance Check, notice of hearing: La Tapatia Taquiera
- Compliance Check, notice of hearing: Monti's Mini Market, Inc.
- ABCC Advisory to local licensing authorities regarding Alcohol-Infused Ice Cream

Member Mitrakis motioned to accept and place on file the various items of correspondence, Member Bouvier seconded the motion, Board vote 3-0 to accept and place the correspondence on file.

7. Review of Minutes

- August 24, 2016, Regular Meeting
- September 15, 2016, Special Meeting
- September 22, 2016, Special Meeting

Member Mitrakas motioned to accept and place on file the minutes of the August 24 regular monthly meeting, September 15 special meeting and the September 22 special meeting; Member Bouvier seconded the motion. Board Voted 3-0 to approve July, 2016 meeting minutes and place on file.

Next meeting will be Wednesday, October 26, 2016 at 7:30 pm

Motion made to adjourn: 8:35 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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2016 NOV -3 P 1:34

**City of Marlborough
License Board**

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

**Minutes of the License Board SPECIAL Meeting Held Tuesday, October 18, 2016
at 5:30 pm, City Hall, 1st floor, Council Committee Room.**

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Tina Nolin, Clerk
Absent: Dave Bouvier, Member

Meeting called to order by Walter Bonin, Chairman at 12:20 PM

New Business

1. ONE DAY PERMITS

- **Steve Dembro – Stevie's (at Masonic Hall)**
Member Mitrakas motioned for approval, Chairman Bonin seconded
Board vote: 2-0 approved, 1 absent

Motion made to adjourn: 12:30 pm vote: 2-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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

March 31, 2015

Regular Meeting Minutes

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2015 NOV -7 P 3:08

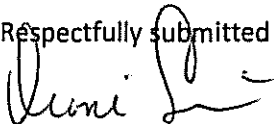
Call to order: 7:05 p.m.

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

Members Absent:

- Motion made to accept the minutes of the March 3, 2015 meeting by Diane Smith, seconded by Al Weaver. Approved 5-0.
- The Board discussed and drafted an OPEB Trust Investment Policy Statement that included investment parameters and performance reporting. A motion was made by Mike Bergeron, seconded by Al Weaver to approve the OPEB Trust Investment Policy Statement. Approved 5-0.
- A letter of recommendation was drafted to the Mayor. A motion was made by Mike Bergeron, seconded by Al Weaver to approve the letter of recommendation. Approved 5-0.
- A list of pros and cons was drafted to support the Board's recommendation for an investor. A motion was made by Mike Bergeron, seconded by Al Weaver to approve the list of pros and cons. Approved 5-0.
- A timeline for the funding of the Trust was drafted and the transferring of funds from the City was discussed. A motion was made by Mike Bergeron, seconded by Al Weaver to approve the timeline and transfer. Approved 5-0.
- Board to submit recommendations on the April 6th City Council agenda.
- Motion to adjourn at 9:00 p.m. Approved 5-0.

Respectfully submitted



Diane Smith