

REGULAR MEETING
DECEMBER 5, 2016

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 DEC -1 P 12: 39

1. Minutes, City Council Meeting, November 28, 2016.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Cipriano, on behalf of Tigercat Properties LLC, to construct a multifamily dwelling at 478 Lincoln St., Order No. 16-1006735.
3. JOINT TAX CLASSIFICATION PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2017.
4. Communication from the Mayor re: Tax Classification Hearing/Tax Levy Offset Transfer Request.
5. Communication from the Mayor re: Order to Approve Unique Acquisition and to Authorize Negotiation and Entering into Purchase & Sales Agreements; Order of Appropriation of Funds for Deposit Relating to Purchase & Sales Agreements.
6. Communication from the Mayor re: Acceptance of the Provisions of MGL c. 44 § 53F ¾ .
7. Communication from the Mayor re: Order Repealing Order No. 92-4412 which Established the Watershed Protection & Acquisition Fund.
8. Communication from City Solicitor, Donald Rider re: Application for Special Permit from Crabtree Lake Williams, LLC, to modify Conditions #20, #36, #38 & #39, in proper legal form, Order No. 16-1006638B.
9. Communication from the Planning Board re: Favorable Recommendation of the Proposed Zoning Ordinance within the Marlborough Village District including commentary, Order No. 16-1006667A.
10. Minutes, Board of Assessors, June 22, 2016.
11. Minutes, Zoning Board of Appeals, October 25, 2016.
12. Minutes, Assabet Valley Regional Vocational District School Committee, September 20 & October 18, 2016.
13. Minutes, Retirement Board, October 26, 2016.
14. CLAIMS:
 - a. Zahi Abuhameed, 26 Simonds Farm Rd., Billerica, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

15. **Order No. 16-1006723 – Transfer \$24,626.56 from the Reserve for Salaries Account to fund the Retirement in the DPW.** The Finance Committee reviewed the Mayor's letter dated November 9, 2016 requesting the transfer of \$24,626.56 from the Reserve for Salaries account to the Sick Leave Buy Back account to fund the retirement of a DPW employee. **The Finance Committee voted 4– 0 to approve the transfer.**

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.

16. **Order No. 16-1006720 – Transfer \$337,500.00 from the Undesignated Account to the Future Growth Stabilization Account.** The Finance Committee reviewed the Mayor’s letter dated November 9, 2016 requesting the transfer of \$337,500.00 from the Undesignated Fund account to the Future Growth Stabilization account. **The Finance Committee voted 4– 0 to approve the transfer along with a sunset clause that that states the Future Growth Stabilization Account funds will be transferred to the Undesignated Stabilization account if not utilized by June 30, 2018.**
17. **Order No. 16-1006722 – Transfer \$150,000.00 from the Undesignated Account to the Downtown Stabilization Account:** The Finance Committee reviewed the Mayor’s letter dated November 9, 2016 requesting the transfer of \$150,000.00 from the Undesignated Fund account to the Downtown Stabilization account. **The Finance Committee voted 4– 0 to approve the transfer.**



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2016 DEC -1 A 11: 58

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

NOVEMBER 28, 2016

Regular meeting of the City Council held on Monday, NOVEMBER 28, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Delano, Doucette, Elder, Tunnera, Irish and Landers. Absent: Robey. Meeting adjourned at 9:07 PM.

ORDERED: That the Minutes of the City Council meeting November 14, 2016, **FILE**; adopted.

ORDERED: That the **CONTINUED 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, all were heard who wish to be heard, hearing recessed at 8:05 PM.

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

Absent: Robey.

ORDERED: That the Communications from Councilors Clancy and Robey, re: Certifications After Review of Evidence, Adjudicatory Public Hearing, Apex Development Application for Special Permit to Operate a Drive-Through Restaurant Window, Order No. 16-1006632B, **FILE**; adopted.

ORDERED: It is moved that the Marlborough City Council conduct an executive session to discuss an ongoing contractual matter involving a property off Boston Post Road East, for the following purposes:

- 1) in conformance with the provisions of MGL c. 30A, section 21(a)(3), to discuss litigation strategy in the above matter, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect; and
- 2) in conformance with the provisions of MGL c. 30A, section 21(a)(7), to comply with MGL c. 44, section 33B governing transfer requests, and to receive legal advice relative thereto in accordance with the holding of *Suffolk Construction Co., Inc. v. DCAM*, 449 Mass. 444 (2007).

It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session; adopted.

Yea: 10-Nay: 0-Absent: 1

Yea – Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram, Ossing.

Absent – Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Recycling Dividends Program Grant in the amount of \$10,500.00 awarded to DPW to expend on approved equipment and activities as depicted in the scope of Grant; adopted.

ORDERED: That the Appointment of Robert Levine as a member of the Zoning Board of Appeals for a term to expire three years from the date of City Council confirmation as Mr. Levine will be replacing Ted Scott who is now the DPW Assistant Commissioner of Operations, **APPROVED**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Proposed Zoning Amendment-Assisted Living Facilities in proper legal form, Order No. 16-1006631C, **MOVED TO ITEM 20**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Application for Special Permit for a drive-thru window at Apex Center in proper legal form, Order No. 16-1006632C, **MOVED TO ITEM 19**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Acceptance of Deed-in-Lieu-of-Foreclosure, Russell Street, in proper legal form, Order No. 16-1006700, **MOVED TO ITEM 17**; adopted.

ORDERED: That the Communication from MA Public Employee Retirement Administration Commission, (PERAC), re: Appropriation for Fiscal Year 2018, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 24, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, September 27, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, October 4, 2016, **FILE**; adopted.

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

- a. Ann & Karen Leandres, 43 Maplewood Ave., other property damage.
- b. Thelma Balsler, 125 Framingham Rd., other property damage.
- c. Boys & Girls Club, 169 Pleasant St., other property damage.
- d. Curtis Square Condominium, 47A Curtis Ave., other property damage.
- e. Silas Evangelista, 27 Brook St., other property damage.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday November 21, 2016
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Oram, Doucette and Irish; Councilor Robey was absent. Councilor Clancy and Delano were also in attendance. The meeting convened at 7:00 PM.

1. **Order #16-1006721 – Transfer \$324,200.00 from the Reserve for Salaries Account to fund the Police Officer contract for Fiscal Years 2016, 2017 and 2018:** The Finance Committee reviewed the Mayor's letter dated November 9, 2016 requesting the transfer of \$324,200.00 from the Reserve for Salaries account to fund the Police Officers contract. **The Finance Committee voted 4– 0 to approve the Police Officer contract transfers.**

The Finance Committee agreed to support suspending the rules at the November 28, 2016 City Council meeting to approve the transfers.

2. **Order #16-1006723 – Transfer \$24,626.56 from the Reserve for Salaries Account to fund the Retirement in the DPW:** The Finance Committee reviewed the Mayor's letter dated November 9, 2016 requesting the transfer of \$24,626.56 from the Reserve for Salaries account to the Sick Leave Buy Back account to fund the retirement of a DPW employee. **The Finance Committee voted 4– 0 to approve the transfer.**
3. **Order #16-1006720 – Transfer \$337,500.00 from the Undesignated Account to the Future Growth Stabilization Account:** The Finance Committee reviewed the Mayor's letter dated November 9, 2016 requesting the transfer of \$337,500.00 from the Undesignated Fund account to the Future Growth Stabilization account. **The Finance Committee voted 4– 0 to approve the transfer along with a sunset clause that that states the Future Growth Stabilization Account funds will be transferred to the Undesignated Stabilization account if not utilized by June 30, 2018.**
4. **Order #16-1006722 – Transfer \$150,000.00 from the Undesignated Account to the Downtown Stabilization Account:** The Finance Committee reviewed the Mayor's letter dated November 9, 2016 requesting the transfer of \$150,000.00 from the Undesignated Fund account to the Downtown Stabilization account. **The Finance Committee voted 4– 0 to approve the transfer.**

The Finance Committee adjourned at 8:04 PM.

Reports of Committees Cont'd:

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

Meeting Name: City Council Urban Affairs Committee

Date: November 15, 2016

Time: 6:00 PM

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

Convened: 6:06 PM – Adjourned: 7:41 PM

Present: Chairman Juaire (Acting); Urban Affairs Committee Members Councilors Tunnera and Landers; and Councilors Clancy and Doucette

Absent: Councilors Delano and Elder

Also Present: Brian Falk (Attorney, Mirick O'Connell); Douglas Scott (Interim Building Commissioner, City of Marlborough); Chief Kevin Breen (Fire Chief, City of Marlborough); Donald Rider (City Solicitor, City of Marlborough); Rick Roper (Crabtree Lake Williams LLC)

Order No. 16-1006683: Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Avenue, to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, likely affecting Conditions #20, #22, #23, #36, #38 and #39, X16-1006636B, X08/09/-1002051E. The Urban Affairs Committee met with Attorney Brian Falk, representative of Crabtree Lake Williams LLC, for a discussion of a special permit modification regarding the emergency access road and perimeter fencing affecting Special Permit Conditions 20, 36, 38 and 39. They agreed upon the following changes to those conditions, (20) snow must be removed from the emergency access road to allow passage of emergency vehicles and such snow removal must not disturb the abutting Bond Street Neighbors; (36) the emergency access road shall be constructed using grass covered porous pavement materials between Bond Street and the interior of the Site; (38) the height of the gate shall be changed from eight feet to six feet; and (39) the emergency access road shall be maintained as a lawn accessible by emergency vehicles by way of the porous pavement materials. **Motion made by Councilor Tunnera, seconded by Chair, to approve as amended. The motion carried 3-0 (Councilors Delano and Elder absent.)**

Motion made by Councilor Tunnera, seconded by Chair, to adjourn. The motion carried 3-0 (Councilors Delano and Elder absent.) The meeting adjourned at 7:41 PM.

Suspension of the Rules requested – granted

ORDERED: That the 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, **APPROVED;** adopted.

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
\$671,172.25	\$324,200.00	11990006	57820	Reserve for Salaries	\$181,700.00	12100001	50420	Police Officers	\$1,915,371.52
	Reason:	Calculated amounts for contractual obligations			Reason:	Calculated amounts for contractual obligations			
					\$2,600.00	12100001	50435	Police Specialists	\$25,299.80
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$21,300.00	12100003	51310	Overtime - Regular	\$89,729.09
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$600.00	12100003	51319	Overtime-Cell Watch	\$541.57
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$13,300.00	12100003	51320	Overtime-Court Time	\$157,353.06
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$900.00	12100003	51329	On-Call Pay	\$9,087.86
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$11,600.00	12100003	51342	Longevity	\$124,988.12
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$3,400.00	12100003	51360	Overtime-Training	\$14,039.38
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$1,200.00	12100003	51370	Overtime-Celebrations	\$2,643.46
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$4,000.00	12100003	51410	First Responder	\$39,088.86
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$33,200.00	12100003	51440	Educational Incentive	\$392,580.23
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$8,700.00	12100003	51450	Night Shift Differential	\$92,847.15
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$19,700.00	12100003	51490	Holiday	\$218,609.63
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$1,100.00	12100003	51505	K-9 Unit	\$9,927.45
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$10,200.00	12100003	51920	Sick Leave Buy Back	\$155,785.25
	Reason:				Reason:	Calculated amounts for contractual obligations			
					\$10,700.00	88021001	51710	Workers Comp. Ins.	\$50,697.20
	Reason:				Reason:	Calculated amounts for contractual obligations			
	\$324,200.00	Total			\$324,200.00	Total			

Suspension of the Rules requested – granted

ORDERED: That the Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Avenue, to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, likely affecting Conditions #20, #22, #23, #36, #38 and #39, X16-1006636B, X08/09/-1002051E, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 5, 2016 CITY COUNCIL MEETING**; adopted.

ORDERED: That the City Solicitor contact the Department of Revenue and any other department at the state level for a legal opinion whether the City of Marlborough is legally allowed to overcharge residents on water and sewer bills as a result of old and faulty water meters that may have undercharged residents in previous readings, **FILE**; 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 Drive to December 2, 2018, **APPROVED**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Acceptance of Deed-in-Lieu-of-Foreclosure, Russell Street, in proper legal form, Order No. 16-1006700, **FILE**; 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.

APPROVED; adopted.

ORDERED: At a regular meeting of the Marlborough City Council on November 28, 2016, the following proposed amendment to the Code of the City of Marlborough, "PROPERTY MAINTENANCE", **TABLED UNTIL THE DECEMBER 19, 2016 MEETING AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF NOVEMBER 26, 2016**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 485, ENTITLED "PROPERTY MAINTENANCE," AS FOLLOWS:

1. Chapter 485, entitled "Property Maintenance," is hereby amended by adding a new Article III, entitled "Reporting Obligations After a Devastating Event," as follows:

ARTICLE III: Reporting Obligations After a Devastating Event

Section 485-16. Definitions.

When used in this article, the following terms shall have the following meanings, unless a contrary intention clearly appears:

BUILDING

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed of a combination of any materials, to form shelter for persons, animals, or property.

CITY

The City of Marlborough.

COMMISSIONER

The Building Commissioner of the City of Marlborough or his/her designee.

DEVASTATING EVENT

A fire, gas explosion, lightning strike, storm, flood, falling tree, earthquake, act of vandalism, plumbing burst or freeze, or other similar event that significantly damages, in the estimation of the Commissioner, a building or structure located, at least in part, within the City.

OWNER

Every person, entity, mortgage lender, service company, property manager or real estate broker, who alone or severally with others:

- A. Has legal or equitable title to any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise; or
- B. Has care, charge or control of any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- C. Is a mortgagee in possession of any such dwelling, dwelling unit, mobile home unit, building or parcel of land, vacant or otherwise; or
- D. Is an officer or trustee of the association of unit owners of a condominium;
- E. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- F. Is a person who operates a rooming house.

STRUCTURE

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Section 485-17. Reporting Obligations.

- A. Within 72 hours after the City has sent, by first class mail and by certified mail, written notification to the owner of a building or structure damaged by a devastating event, the owner of the building or structure damaged by the devastating event shall report in writing to the Building Commissioner the name, mailing address, and contact information including phone number of the insurance company providing insurance on the building or structure, as well as the name, mailing address, and contact information including phone number of any licensed public insurance adjuster retained by or on behalf of the owner.
- B. No later than 30 calendar days after the date of the devastating event, and at no less than 30-calendar-day intervals thereafter, the owner shall report in writing to the Building Commissioner the status of settlement negotiations with the insurer of the damaged building or structure, together with a timetable for repairing, renovating or otherwise disposing of the building or structure. The building or structure will be subject to evaluation by the Building Commissioner or his/her designee every 30 calendar days after the date of the devastating event.
- C. Failure of the owner to comply, within the pertinent 30-calendar-day period, with the reporting obligations of this Section 485-17 shall subject the owner to the antiblight provisions set forth in Article I of this Chapter.
- D. Nothing contained in this Section 485-17 shall prohibit the City from seeking any relief the City deems appropriate to protect and advance the health, safety, welfare and aesthetic concerns of the public, including but not limited to a demolition order pursuant to M.G.L. c. 139, § 1; an inspection of the building or structure by the Building Commissioner or his/her designee pursuant to M.G.L. c. 143, § 6; or a referral of the matter to the City's Board of Health to enforce the provisions of the sanitary code including by means of judicial appointment of a receiver pursuant to M.G.L. c. 111, § 127I. All costs incurred by the City pursuant to this section shall constitute a debt due the City pursuant to the provisions of M.G.L. c. 139, § 3A, M.G.L. c. 143, § 9, or M.G.L. c. 111, § 125, as applicable.

2. Since the deferred operation of this ordinance would tend to defeat its purpose, which is to make effective its provisions as soon as possible in order to protect the health and safety of the people or their property, this ordinance shall become effective immediately upon passage.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Application for Special Permit for a drive-thru window at Apex Center in proper legal form, Order No. 16-1006632C, **FILE**; adopted.

ORDERED:

**DECISION FOR SPECIAL PERMIT
IN CITY COUNCIL**

Special Permit
Ryan Development LLC
Order No. 16-1006632D

**DECISION ON AN APPLICATION FOR SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006632D**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Walker Realty LLC, its successors and assigns (the "Applicant") to build a third restaurant with a drive-through in the Hospitality and Recreation Mixed Use Overlay District (the "HRMUOD") located at 157 Apex Drive, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT & RULINGS

1. Applicant, is a duly organized and existing Limited Liability Company having a business address of 4 Lan Drive, Westford, Massachusetts 01886.
2. Apex WR 1031 LLC is the owner of the property located at 22 Apex Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcels 12, 14, 38 and 39, and Map 89, Parcel 7 (the "Site").
3. The Applicant proposes to build and operate a third restaurant with a drive-through at the Site (the "Use") as part of the larger Apex Center development (the "Project").
4. The Site is located in the HRMUOD, following the City Council's approval of a Master Concept Plan for the Project (See Order No. 16-1006443G-1), approval of the Development Agreement for the Project (See Order No. 16-1006443G-2), and the Owner's acquisition of the Site (See deed recorded in the Middlesex South District Registry of Deeds in Book 67444, Page 575).

5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit for the third restaurant with a drive-through at Apex Center, as provided in this Decision and subject to the following.
6. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "157 Apex Drive Building Pad and Site Plan" prepared by Hancock Associates and dated August 2, 2016, last revised September 15, 2016 (the "Plans").
7. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, September 12, 2016. The hearing was opened and closed on that date.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and 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 as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate restaurant with a drive-through in the Hospitality and Recreation Mixed Use Overlay District as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
 3. Site Plan Review. The issuance of the Special Permit is further subject to that certain Site Plan Review Decision issued on November 2, 2016 for the overall Project, which Site Plan Review Decision was issued in accordance with the HRMUOD Ordinance and the City of Marlborough Site Plan Review Ordinance.
 4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property (if any), all as shown on the Plans.
 5. Incorporation of Submission. All plans, photo and other renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 6. Rendering. The City Council expressly approves the appearance of the building design for the Use, illustrated in the form of an architectural rendering by Upland Architects, dated 9.7.2016 (the "Rendering"), which is herein incorporated into and becomes a part of this Special Permit and which becomes a condition and requirement of the same, unless otherwise altered by the City Council, except that minor alterations substantially consistent with the Rendering may be granted by the Building Commissioner, pursuant to paragraph 2. of section L. of §650-35 (HRMUOD) of the City Zoning Code, in the Building Commissioner's reasonable discretion.

7. Change of Operator. The Applicant intends that the operator of the drive-through will be Friendly's Restaurant, or an equivalent or similar type of food service establishment. For so long as Apex Drive remains a private way, a type of food service establishment equivalent or similar to Friendly's Restaurant may operate the drive-through without an amendment to this Special Permit provided that the Building Commissioner, in his reasonable discretion, determines that (i) the proposed new type of food service establishment is not likely to generate significantly greater drive-through traffic volumes, or (ii) in the event that the Building Commissioner, in his reasonable discretion, determines that the proposed new type of food service establishment is likely to generate significantly greater drive-through traffic volumes as provided in (i) above, the Site Plan Committee or its successor, through a Site Plan Approval decision may, in the Site Plan Committee's reasonable discretion, impose reasonable site and/or layout modification conditions to ensure safe drive-through operations.
8. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Applicant, its affiliates, successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 10 – Nay: 0

Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing.

Absent: Robey

ORDERED: That the Communication from City Solicitor, Donald Rider re: Proposed Zoning Amendment-Assisted Living Facilities in proper legal form, Order No. 16-1006631C, **FILE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 650, ENTITLED "ZONING," AS FOLLOWS:

1. Chapter 650, entitled "Zoning," is hereby amended as follows:
 - a. In Section 650-5.B, by deleting the definition of ASSISTED LIVING FACILITY and inserting in place thereof the following:-- ASSISTED LIVING FACILITY means a managed residential community, operating under the provisions of MGL Chapter 19D and the regulations promulgated thereunder at 651 CMR 12.00 as may be amended from time to time. An Assisted Living Facility may provide a Special Care Residence, but shall not provide a (i) Dementia Special Care Unit, or (ii) any other full-time nursing care such as provided at a Long-Term Care Facility, as defined in 105 CMR 150.001, including but not limited to a convalescent home or nursing home, as defined in this Zoning Ordinance.
 - b. In Section 650-5.B, by amending the definition of BOARDINGHOUSE OR LODGING HOUSE by inserting after the words "nursing homes" the following:-- Assisted Living Facilities.
 - c. In Section 650-5.B, by deleting the definition of CONVALESCENT HOME / NURSING HOME and inserting in place thereof the following:-- CONVALESCENT HOME / NURSING HOME means any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for four or more persons admitted thereto for the purpose of convalescent or nursing care, as provided in MGL c. 111, § 71 and the regulations promulgated thereunder at 105 CMR as may be amended from time to time.
 - d. In Section 650-5.B, by adding the following new definition:-- DEMENTIA SPECIAL CARE UNIT means a facility licensed pursuant to 105 CMR 150.000, or a unit thereof, that uses any word, term, phrase, or image, or suggests in any way, that it is capable of providing specialized care for residents with dementia, which must comply with 105 CMR 150.022 through 150.029. The purpose of a Dementia Special Care Unit is to care for its residents with dementia in the long term. A Dementia Special Care Unit may be a stand-alone use, or it may be part of another Long-Term Care Facility, as defined in 105 CMR 150.001, including but not limited to a convalescent home or nursing home, as defined in this Zoning Ordinance.
 - e. In Section 650-5.B, by adding the following new definition:-- SPECIAL CARE RESIDENCE" means a separate and distinct section within an Assisted Living Facility and comprising no more than 30% of its residence units, that provides an enhanced level of supports and services for one or more of its residents to address their specialized needs due to cognitive or other impairments.

- f. In Section 650-17, entitled “Table of Use Regulations,” by adding to said section Section 650-17 the following use to be regulated in each zoning district as follows:

Zoning District Abbreviations

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Assisted Living Facilities (44)	N	N	SP	N	N	N	N	N	N	N	N	N

- g. In Section 650-18, entitled “Conditions for uses,” by adding new subsection (44), as follows:--

(44) Assisted Living Facilities:

- a. shall only be located within the A-2 zoning district north of U.S. Route 20 and with frontage on Massachusetts State Route 85;
- b. shall be located only on parcels of five acres or more;
- c. shall be subject to a special permit based on the City Council’s written determination which shall include, but not be limited to, consideration of each of the following criteria:
 - (1) Adequate access to and from the proposed Assisted Living Facility for emergency response vehicles;
 - (2) Adequate alternative access, if necessary, to and from the proposed Assisted Living Facility in case an emergency requires evacuation thereof;
 - (3) Provision for medical transport; and
 - (4) The overall impact of the proposed Assisted Living Facility will not adversely affect the neighborhood or the City;
- d. and shall be subject to the following additional requirements:
 - (1) Dimensional Conformity.
A proposed Assisted Living Facility shall conform to the dimensional criteria for the A-2 zoning district as set forth in Section 650-41, entitled “Table of Lot Area, Yards, and Height of Structures”; provided, however, that if the City Council finds, in accordance with Section 650-59.C(12)(a), that (i) land to be donated for municipal purposes to the City as a condition of a special permit to be granted hereunder will benefit the City and its citizens generally, and that (ii) prior to such land donation the proposed Assisted Living Facility otherwise conforms to the dimensional criteria of Section 650-41, then the City Council may, as a condition for granting a special permit hereunder, modify Section 650-41’s dimensional criteria as applied to the proposed Assisted Living Facility.

(2) Application Process.

- (a) The applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. The application shall include at a minimum a completely designed first phase of development.
- (b) The application shall be filed in the name of the applicant. The applicant must either own the development parcel or, when the application is submitted, submit authorization in writing to act for all of the owners of the development parcel.

(3) Design Standards.

In addition to all applicable landscaping and screening regulations set forth in Section 650-47, the following design standards shall apply:

- (a) Structures shall be designed to be compatible in architectural character with the surrounding neighborhood and shall not present an 'institution'-like front façade;
 - (b) Surface parking in front of the facility shall be minimized, with staff parking preferably at the side and rear;
 - (c) Rooftop mechanicals shall be screened and not look like 'add-on' elements;
 - (d) Pedestrian walkways and connections to surrounding uses, particularly public uses, shall be encouraged;
 - (e) Bicycle parking shall be provided; and
 - (f) As appropriate, a covered bus shelter may be required.
- h. In Section 650-48, entitled "Off-street parking," subsection A, by inserting a new sub-subsection 16 as follows:-- (16) Assisted Living Facility: one space for each two beds. Reserve parking area equivalent to one space per four employees on the largest shift at the Facility shall be provided on the site plan in case of need, such provision to be reviewed after one full year of continuous Facility operation.
2. This ordinance shall become effective upon passage by the City Council and signature by the Mayor.

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

ORDERED: That the 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, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
	DEPT:	Sewer					FISCAL YEAR:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$12,178,290.00	\$1,650,000.00	10000	35900	Undesignated Fund	\$1,650,000.00	60086006	52935	Solid Waste Disposal	\$124,439.40	
	Reason:							We care settlement agreement		
	\$1,650,000.00	Total			\$1,650,000.00	Total				

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:07 PM.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 14, 2016

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 5, 2016** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit, from Attorney Cipriano, on behalf of Tigercat Properties LLC, to construct a multifamily dwelling at 487 Lincoln St, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 03/05/17 which falls on a Sunday, therefore 03/06/17 would be considered the 90th day.

ADOPTED

ORDER NO 16-1006735

Public Hearing – 2017 Tax Levy

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 NOV 18 A 8:13

LEGAL NOTICE
CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing** with the Board of Assessors on **Monday, December 5, 2016** at 8:00 PM in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2017. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

Per Order of: City Council President, Edward J. Clancy

Please publish in the Main Street Journal on Saturday, November 26, 2016.

Please bill:
Marlborough City Clerk's Office
140 Main Street
Marlborough, MA 01752



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
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia J. Milano
EXECUTIVE AIDE
2016 DEC -1 A 11:38
Patricia Bernard
EXECUTIVE SECRETARY

December 1, 2016

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

Re: Tax Classification Hearing / Tax Levy Offset Transfer Request

Honorable President Clancy and Councilors:

Enclosed for your information is my recommendation and corresponding draft motions for the Fiscal Year 2017 Tax Classification Hearing.

Our Board of Assessors has once again provided you with an informative packet that provides the basis for this recommendation. Below are a few highlights.

- **CIP Shift Factor: 1.40**
- **Residential Shift Factor: 0.811856**
- **Residential Property Valuation: 68.01%**
- **Commercial, Industrial, Personal Valuation: 31.99%**

In addition, to reduce the Fiscal Year 2017 tax levy, I am submitting for your approval the following transfer requests totaling \$1,341,573.09.

- 1) Transfer in the amount of \$39,200.00 from 27000-33020 (Sale of Graves) to offset the Fiscal Year 2017 Tax Levy.
- 2) Transfer in the amount of \$914,458.82 from 61000-31200 (Aquifer Protection) to offset the Fiscal Year 2017 Tax Levy.
- 3) Transfer in the amount of \$387,914.27 from 10000-32200 (Overlay Reserve) to offset the Fiscal Year 2017 Tax Levy.

The Board of Assessors, Comptroller Brian Doheny, and I will be available in City Council to answer any questions you may have. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Motion to Approve

I move to approve the residential factor of 0.811856 which results in a CIP shift factor of 1.40 and produces based upon the Fiscal Year 2017 tax levy a residential tax rate of \$15.32 and a commercial tax rate of \$26.41.



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

11/30/2016

RE: Overlay release

On 11/14/2016 at the Board of Assessors meeting starting at 9:00 am, the Board of Assessors voted unanimously to release a total of \$ 387,914.27 of prior fiscal year overlay monies back to the City of Marlborough.

Specifically:

Fiscal Year 2010 overlay fund \$209,084.41

Fiscal Year 2011 overlay fund \$178,829.86

Sincerely,

David Manzello
Principal Assessor

CC: Anthony Arruda
Ellen Silverstein

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Mayor's Office

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$39,200.00</u>	<u>\$39,200.00</u>	<u>27000</u>	<u>33020</u>	<u>Sale of Graves</u>	<u>\$653,658.82</u>			<u>To reduce FY17 Tax Levy</u>	<u>\$0.00</u>
<u>\$914,458.82</u>	<u>\$914,458.82</u>	<u>61000</u>	<u>31200</u>	<u>Aquifer Protection</u>					
	Reason:	<u>Other funds used to reduce FY17 Tax Levy</u>							
	\$953,658.82	Total			\$653,658.82	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Mayor's Office

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$387,914.27</u>	<u>\$387,914.27</u>	<u>10000</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$387,914.27</u>			<u>To reduce FY17 Tax Levy</u>	<u>\$0.00</u>

Reason: Overlay surplus used to reduce FY17 Tax Levy

\$387,914.27	Total	\$387,914.27	Total
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Fiscal Year 2017

Tax Classification Hearing

December 5, 2016

Marlborough Board of Assessors

Anthony C. Arruda, Jr. – Chairman

Ellen Silverstein – Member

David Manzello – Member/Principal Assessor

Harald M. Scheid – Chief Assessor

Introduction

Each year, prior to the mailing of 3rd quarter tax billings, the City Council holds a public hearing to determine the percentage of the city's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

Steps in Setting Tax Rates

Pre-classification Hearing Steps

- | | |
|--|------------------|
| Step 1: Determination of the property tax levy | (Budget Process) |
| Step 2: Determine assessed valuations | (Assessors) |
| Step 3: Tabulate assessed valuations by class | (Assessors) |

Classification Hearing Steps

- | | |
|---|-----------------------|
| Step 4: Classification hearing presentation | (Assessors & Council) |
| Step 5: Determine tax shift options | (City Council) |
| Step 6: Vote a tax shift factor | (City Council) |

Post Classification Hearing Steps

- | | |
|--|----------------|
| Step 7: Sign the LA-5 Classification Form | (City Council) |
| Step 8: Send annual recap to DOR for tax rate approval | (Assessors) |
| Step 9: Obtain DOR approval of tax rates | (DOR) |

Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. In Marlborough, the levy to be raised is reported to the Assessors by the City Comptroller. The fiscal year 2017 levy is \$94,119,594.17.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the city. Based on the Marlborough aggregate valuation of \$4,988,418,011, the City cannot levy taxes in excess of \$124,710,450.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property.

Levy Limit: Also referred to as the "maximum allowable levy", the levy limit is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue, and Proposition 2 ½ voted overrides and debt exclusions. Though the fiscal year 2017 levy limit is \$125,764,219, the city's effective levy limit cannot exceed the levy ceiling of \$124,710,450.

Excess Levy Capacity: Excess levy capacity is the difference between the actual property tax levy and the effective levy limit. Marlborough's tax levy is well below the limit permitted under Proposition 2 ½.

The Fiscal Year 2017 Levy Limit and amount to be raised

The following is a calculation of Marlborough's levy limit for fiscal year 2017.

Fiscal year 2016 levy limit	\$119,963,736
Levy increase allowed under Prop. 2 ½	2,999,093
New growth revenue	2,801,390
Proposition 2 ½ overrides	-0-
Fiscal year 2017 levy limit	125,764,219
Levy ceiling (effective levy limit)	124,710,450
Levy to be raised	\$94,119,595
Excess levy capacity	\$30,590,855

Valuations by Class before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	3,392,653,288	68.0106	68.0106
Commercial	925,791,174	18.5588	
Industrial	418,667,009	8.3928	31.9894
Personal Property	251,306,540	5.0378	
TOTAL	4,988,418,011	100.0000	

Mayor's Recommendation

After considering the valuations of Marlborough's residential and commercial property, and after examining the current fiscal strength of the city the Mayor recommends the adoption of a Commercial/Industrial/Personal Property (CIP) shift factor of 1.40 resulting in residential tax rate of \$15.32 and a CIP rate of \$26.41.

Tax Rates

Based on the above shift factor, the Board of Assessors has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2017</u>	<u>FY2016</u>
Residential	15.32	15.34
Commercial	26.41	25.69
Industrial	26.41	25.69
Personal Property	26.41	25.69

Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$18.87 per \$1,000 valuation.

Tax Impacts

While the residential tax rate is proposed to decrease, residential home values, as determined by the Board of Assessors, increased over the past year. The value of the average single family home in Marlborough increased 2.64 percent from last year.

Marlborough property owners are benefitting from increased property values and a real estate market that continues to improve. Other residential property classes, including condominiums and multi-family residences will also realize valuation increases. Homes in Marlborough are now worth more than they have been in recent years.

Though we are estimating a lower residential tax rate, most taxpayers will see an increase in their tax bills as the result of the increasing valuations.

Commercial values were held flat for Fiscal Year 2017 resulting in an adjustment to the CIP shift to equalize the overall increase per taxpayer.

Examples of Average Residential Tax Changes

<u>Residential Class</u>	<u>FY17 Value</u>	<u>Avg. Tax</u>	<u>FY16 Value</u>	<u>Avg. Tax</u>	<u>Change</u>	<u>% Change</u>
Single Family Homes	322,500	4,941	314,200	4,820	\$121	2.51%
Condominiums	172,300	2,640	172,000	2,638	\$2	0.08%
2 Family Homes	237,200	3,634	232,200	3,562	\$72	2.02%
3 Family Homes	271,900	4,165	264,500	4,057	\$108	2.67%

<u>Average SF Values & Tax</u>	<u>FY17 Value</u>	<u>Avg. Tax</u>	<u>FY16Value</u>	<u>Avg. Tax</u>	<u>Change</u>	<u>% Change</u>
Ranch	265,700	4,070	255,800	3,924	\$146	3.72%
Cape Cod	305,400	4,679	301,100	4,619	\$60	1.30%
Colonial	425,700	6,522	413,300	6,340	\$182	2.87%
Antique	318,700	4,882	316,500	4,855	\$27	0.56%
Split/Raised Ranch	317,200	4,859	308,800	4,737	\$122	2.57%

Commercial and industrial valuation changes vary by property type. Generally unless additions and/or renovations were made to the property, values will remain flat for FY 2017. Tax increases for CIP class properties as a whole will increase an average of 2-3%.

<u>Style</u>	<u>Sample FY 17 Tax Bill</u>	<u>FY16</u>	<u>Change</u>
Strip Mall - West	\$35,609	\$34,638	+2.80%
Office Building-West	\$89,342	\$86,907	+2.80%
Strip Mall- East	\$42,158	\$41,009	+2.80%
Office Building - East	\$69,247	\$67,359	+2.80%

Recommendations

The Board of Assessors recommends that the City Council adopt a Fiscal Year 2017 residential shift factor of 0.811856 with a corresponding CIP shift of 1.40, producing a residential tax rate of \$15.32 and CIP tax rate of \$26.41. Final tax rates are subject to Department of Revenue approval.

Voting a Tax Shift Factor

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2017 tax rates and set the Residential Factor at 0.811856 with a corresponding CIP shift of 1.40, pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

Marlborough LA-4

MASSACHUSETTS DEPARTMENT OF REVENUE
 DIVISION OF LOCAL SERVICES
 BUREAU OF LOCAL ASSESSMENT

Marlborough
 City / Town / District

ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2016
Fiscal Year 2017

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	7,030	2,267,198,200				
102	2,466	424,829,868				
MISC 103,109	47	37,403,500				
104	796	188,811,761				
105	164	44,583,500				
111-125	158	389,858,908				
130-32,106	856	15,987,400				
200-231	0		0			
300-393	557			903,606,000		
400-442	270				416,661,119	
450-452	0				0	
CH 61 LAND	0	1	0	702		
CH 61A LAND	1	16	0	135,363		
CH 61B LAND	0	7	0	810,600		
012-043	95	23,980,151	0	21,238,509	2,005,890	
501	270					53,501,160
502	426					104,855,730
503	0					0
504	3					54,767,580
505	8					34,298,600
506	1					896,600
508	4					2,986,870
550-552	0					0
TOTALS	13,176	3,392,653,288	0	925,791,174	418,667,009	251,306,540
Real and Personal Property Total Value						4,988,418,011
Exempt Parcel Count & Value					532	525,077,280

LA-5

MASSACHUSETTS DEPARTMENT OF REVENUE
 DIVISION OF LOCAL SERVICES
 BUREAU OF ACCOUNTS

Marlborough
 City / Town / District

CLASSIFICATION TAX ALLOCATION Fiscal Year 2017

1. The selected Residential Factor is 0.811856

If you desire each class to maintain 100% of its full values tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?

Yes No

If Yes, what is the percentage discount? 0

3. Was a residential exemption adopted?

Yes No

If Yes, please complete the following:

<u>Class 1 Total Assessed Value</u>	=	<u>3,392,653,288</u>	X	<u>0</u>	=	<u>0</u>
Class 1 Total Parcel Count *		0		Selected Res. Exemption %		Residential Exemption

* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption 0

Net value to be exempted 0

4. Was a small commercial exemption adopted?

Yes No

% Selected 0

If Yes, please complete the following:

No. of parcels eligible	<u>0</u>
Total value of parcels	<u>0</u>
Total value to be exempted	<u>0</u>

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A Class	B Certified Full and Fair Cash Value Assessments	C Percentage Full Value Shares of Total Tax Levy	D New Percentage Shares of Total Tax Levy
Residential	3,392,653,288.00	68.0106%	55.2148%
Open Space	0.00	0.0000%	0.0000%
Commercial	925,791,174.00	18.5588%	25.9824%
Industrial	418,667,009.00	8.3928%	11.7499%
Personal Property	251,306,540.00	5.0378%	7.0529%
TOTALS	4,988,418,011.00	100.0000%	100.0000%

NOTE: The information is preliminary and is subject to change.
 NOTE: The information is preliminary and is subject to change.

Marlborough LA-13 New Growth

MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
BUREAU OF LOCAL ASSESSMENT

Marlborough
City / Town / District

LA13 Tax Base Levy Growth Retain documentation for 5 years in case of DOR audit - Fiscal Year 2017

Property Class	(A) PFY LA4 Values	Omitted and Revised No.	(B) Omitted and Revised Values	Abatement No.	(C) Abatement Values	Other Adjustment No.	(D) Other Adjustment Values	(E) Adjusted Value Base
RESIDENTIAL								
SINGLE FAMILY (101)	2,204,702,300	3	308,100	20	774,800	16	1,292,700	2,205,528,300
CONDOMINIUM (102)	413,158,468	0	0	6	136,500	0	0	413,021,968
TWO & THREE FAMILY (104 & 105)	228,249,961	0	0	4	266,800	2	-245,600	227,737,561
MULTI - FAMILY (111-125)	350,008,652	0	0	0	0	0	0	350,008,652
VACANT LAND (130-132 & 106)	17,086,100	0	0	2	38,400	19	-1,599,800	15,447,900
ALL OTHERS (103, 109, 012-018)	51,798,754	0	0	0	0	0	0	51,798,754
TOTAL RESIDENTIAL	3,265,004,235	3	308,100	32	1,216,500	37	-552,700	3,263,543,135
OPEN SPACE	0	0	0	0	0	0	0	0
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0	0	0	0	0	0
TOTAL OPEN SPACE	0	0	0	0	0	0	0	0
COMMERCIAL	933,789,421	0	0	17	13,442,100	9	-9,290,000	911,057,321
COMMERCIAL - CHAPTER 61, 61A, 61B	941,718	0	0	0	0	0	0	941,718
TOTAL COMMERCIAL	934,731,139	0	0	17	13,442,100	9	-9,290,000	911,999,039
INDUSTRIAL	429,626,915	0	0	1	3,281,400	4	-1,302,100	425,043,415
PERSONAL PROPERTY	241,180,640	0	0					
TOTAL REAL & PERSONAL	4,870,542,929	3	308,100					

MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
BUREAU OF LOCAL ASSESSMENT

Marlborough
City / Town / District

LA13 Tax Base Levy Growth Retain documentation for 5 years in case of DOR audit - Fiscal Year 2017

Property Class	Reval Perct	(F) + or - Reval Adj Values	(G) Total Adjusted Value Base	(H) CFY LA4	(I) New Growth Valuation	(J) PY Tax Rate	(K) Tax Levy Growth
RESIDENTIAL							
SINGLE FAMILY (101)	0.02397	52,867,800	2,258,396,100	2,267,198,200	8,802,100		
CONDOMINIUM (102)	0.01561	6,449,200	419,471,168	424,829,868	5,358,700		
TWO & THREE FAMILY (104 & 105)	0.02118	4,823,800	232,561,361	233,395,261	833,900		
MULTI - FAMILY (111-125)	0.03520	12,321,656	362,330,308	389,858,908	27,528,600		
VACANT LAND (130-132 & 106)	-0.05372	-829,800	14,618,100	15,987,400	1,369,300		
ALL OTHERS (103, 109, 012-018)	0.18318	9,488,297	61,287,051	61,383,651	96,600		
TOTAL RESIDENTIAL	0.02608	85,120,953	3,348,684,088	3,392,653,288	43,989,200	16.34	674,794
OPEN SPACE	0.00000	0	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0.00000	0	0	0	0		
TOTAL OPEN SPACE	0.00000	0	0	0	0	0.00	0
COMMERCIAL	-0.00677	-6,167,132	904,890,189	924,844,509	19,954,320		
COMMERCIAL - CHAPTER 61, 61A, 61B	0.00525	4,947	946,665	946,665	0		
TOTAL COMMERCIAL	-0.00676	-6,162,185	905,836,854	925,791,174	19,954,320	25.69	512,626
INDUSTRIAL	-0.02769	-11,769,561	413,273,854	418,667,009	5,393,155	25.69	138,550
PERSONAL PROPERTY				251,306,540	57,431,700	25.69	1,475,420
TOTAL REAL & PERSONAL				4,988,418,011	126,768,375		2,801,390

Levy Limit Calculation

MASSACHUSETTS DEPARTMENT OF REVENUE
 DIVISION OF LOCAL SERVICES
 BUREAU OF ACCOUNTS

Marlborough
 City / Town / District

Levy Limit Fiscal Year 2017

FOR BUDGET PLANNING PURPOSES

I. TO CALCULATE THE FY 2016 LEVY LIMIT

A. FY 2015 Levy Limit	113,153,270	
A1. ADD Amended FY 2015 Growth	0	
B. ADD (IA + IA1)*2.5%	2,828,832	
C. ADD FY 2016 New Growth	3,981,634	
C1. ADD FY 2016 New Growth Adjustment	0	
D. ADD FY 2016 Override	0	
E. FY 2016 Subtotal	119,963,736	
F. FY 2016 Levy Ceiling	121,763,573	I. <u>119,963,736</u> FY 2016 Levy Limit

II. TO CALCULATE THE FY 2017 LEVY LIMIT

A. FY 2016 Levy Limit from I	119,963,736	
A1. ADD Amended FY 2016 Growth	0	
B. ADD (IIA + IIA1)*2.5%	2,999,093	
C. ADD FY 2017 New Growth	2,801,390	
C1. ADD FY 2017 New Growth Adjustment	0	
D. ADD FY 2017 Override	0	
E. ADD FY 2017 Subtotal	125,764,219	
F. FY 2017 Levy Ceiling	124,710,450	II. <u>124,710,450</u> FY 2017 Levy Limit

III. TO CALCULATE THE FY 2017 MAXIMUM ALLOWABLE LEVY

A. FY 2017 Levy Limit from II.	124,710,450	
B. FY 2017 Debt Exclusion(s)	0	
C. FY 2017 Capital Expenditure Exclusion(s)	0	
D. FY 2017 Stabilization Fund Override	0	
E. FY 2017 Other Adjustment	0	
F. FY 2017 Water/Sewer	0	
G. FY 2017 Maximum Allowable Levy	124,710,450	



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
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2016 DEC -1 A 11:50
EXECUTIVE SECRETARY

December 1, 2016

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

Re: Order to Approve Unique Acquisition and to Authorize Negotiation and Entering into Purchase & Sales Agreements; Order of Appropriation of Funds for Deposit Relating to Purchase & Sales Agreements

Honorable President Clancy and Councilors:

Please find enclosed the above captioned proposed orders concerning land which is proposed for acquisition as part of the proposed construction project at the Marlborough Public Library.

As the Library Building Committee has worked closely with its professional consultants to develop a plan for a proposed project, they have contacted property owners in the neighborhood via a letter to determine their interest in possibly selling their property for additional parking. The owners of the parcels listed below expressed an interest, or did not respond to the letter.

Authorizing my office to enter negotiations will enable us to better determine the availability of these parcels. While the orders will authorize the City to enter negotiations, establish a purchase price, and make a deposit on a binding purchase and sale, they do not permit the purchase without prior City Council approval.

The grant application to the Massachusetts Board of Library Commissioners is being finalized and will be submitted to the Council for approval in the coming months. As you may recall, the MBLC will reimburse the City for a percentage of costs associated with the library project as well as site acquisition.

The Legal Department and I will be available to answer any specific questions relative to the project.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Library

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$12,176,290.00

\$75,000.00

10000 35900

Undesignated Fund

\$75,000.00

19300006 58120

Land Acquisition

\$0.00

Reason:

To fund deposit for purchase of property

Reason:

Reason:

Reason:

\$75,000.00

Total

\$75,000.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:

[Handwritten signatures]

City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752

DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610

BSLEEPER@MARLBOROUGH-MA.GOV

December 1, 2016

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

RE: Unique Acquisition of Real Property – Additional Library Parking

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City must solicit proposals prior to obtaining real property valued in excess of \$35,000 *unless* the City Council determines in writing that advertising for the submissions of proposals will not benefit the City's interests because of the unique qualities or location of the property needed (M.G.L. c. 30B, § 16(e)(2)). It is my understanding that the City is interested in acquiring parcels of land, located within close proximity of approximately three hundred feet (300') radius to the existing Marlborough Public Library, identified as follows:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

The parcels remain privately-owned and are uniquely located to the existing public library which can be utilized to increase library parking as the library currently does not have enough parking to meet present or future demands.

For the City Council's deliberation and approval, I have determined that the locations and/or qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, the Land is uniquely situated because it lies within close proximity to the existing Marlborough Public Library which currently does not have sufficient parking to meet the requirements of the Massachusetts Board of Library Commissioners, making a renovation or new construction project challenged. The only way to increase needed parking is to purchase parcels uniquely located either adjacent to or within close proximity to the existing library site. The City seeks to acquire this property in order to increase parking for access to the public library, which would also increase usage of the public library.

In light of the foregoing, it is my opinion that it is proper to waive the advertisement requirements of M.G.L. c. 30B, § 16 with respect to the acquisition of the Land. Pursuant to M.G.L. c. 30B, § 16, I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City enters into a binding agreement with the current owners to purchase real property identified above under a unique acquisition determination.

If you have any questions or require further information, please let me know.

Sincerely,



Beverly J. Sleeper
Chief Procurement Officer

cc: John L. Ghiloni, DPW Commissioner/Public Facilities Director
Margaret Cardello, Library Director
Cynthia Panagore-Griffin, Assistant City Solicitor/Legal Department

ORDERED:

Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of one or more of four (4) parcels of land will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandez.

The above-identified parcels satisfy the requirements of said M.G.L. c. 30B, § 16(e)(2), because: (i) the parcels are uniquely situated because they are located within close proximity to the existing Marlborough Public Library which does not currently have sufficient parking to meet the requirements of the Board of Library Commissioners in relation to the proposed renovation and addition project; (ii) the only way to increase the amount of parking is to purchase parcels uniquely located either adjacent to, or within close proximity of, the Marlborough Public Library; and (iii) the proposed acquisition of these parcels will increase parking for access to, and increased usage of, the Marlborough Public Library.

It is further ordered that the Mayor is authorized to negotiate and enter into individual purchase and sales agreements for each of the above-identified parcels subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed 25% of the average assessed value of the parcel during the previous three years; (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the City to acquire the parcel for the amount stated in the purchase and sales agreement; and (iii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel. As of this date, the average assessed value of each of the above-described parcels during the previous three years is as follows:

49 West Main Street (Map 69 Parcel 224) = \$303,266.66
29 Witherbee Street (Map 69 Parcel 245) = \$206,600.00
24 Gay Street (Map 69 Parcel 256) = \$223,133.33
30 Gay Street (Map 69 Parcel 255) = \$227,266.66

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That the pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$75,000 from the Undesignated Fund, Account Number 10000-35900, for the purposes of providing the deposit(s) which would be paid by the City to bind offers on the proposed purchase and sales agreements which are the subject of Order No. _____, with respect to the any or all of the following parcels:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

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
RECEIVED FOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Nicholas J. Costana
EXECUTIVE AIDE
2016 DEC -1 A 11:38
Patricia Bernard
EXECUTIVE SECRETARY

December 1, 2016

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

Re: Acceptance of the Provisions of MGL c. 44 § 53F 3/4

Honorable President Clancy and Councilors:

Please find enclosed a draft order accepting the provisions of MGL c. 44 § 53F ¾ which would create a separate revenue account for receipts received in connection with the City's franchise agreements with cable providers.

As you may recall, cable access fees were previously placed into a revenue fund, but the Department of Revenue determined this was inconsistent with their interpretation of Massachusetts General Laws since the revenues are fees and they ought to be reported in the general fund, unless the City accepts these provisions.

Accepting the provisions will enable the City to create a separate revenue account for these receipts, meaning we will continue to place them in an account separate from the general fund. The acceptance will be effective July 1, 2017 and after it becomes effective, an appropriation by the City Council will be necessary to spend any monies in the fund. The fund will operate in the same manner as the hotel tax and meals tax special revenue funds.

I have enclosed a letter from Auditor Diane Smith with additional information as well as a draft order. If you have any questions, please do not hesitate to contact me or Ms. Smith.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City of Marlborough accepts Section 53F3/4 of Chapter 44 of the Massachusetts General Laws, as amended, as follows:

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

And further, that said PEG Access and Cable Related Fund shall begin operation in the fiscal year which begins on July 1, 2017.

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 City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

November 29, 2016

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

RE: Cable Television Public, Educational and Governmental Access Special Revenue Funds

Dear Mayor Vigeant:

As you know, the Department of Revenue's legal division determined that the accumulating of cable access fees into a special revenue fund was inconsistent with their interpretation of Massachusetts General Laws as these revenues are fees and therefore required to be reported in the general fund.

The Department of Local Services sent out an Informational Guideline Release explaining the options now available to cities and towns to separately account for these funds. One of the options is accepting MGL c. 44, sec 53F 3/4. This fund would be a receipts reserved for appropriation special revenue fund. All revenues received in connection with the City's franchise agreements may be credited to the fund. An appropriation is required to spend any monies in the fund. This fund would operate in the same manner as the hotel and meals tax special revenue funds.

If the City does nothing, any remaining funds at June 30, 2017 will close out to free cash and all future revenue will go to the general fund.

Sincerely,

Diane Smith
City Auditor



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Mark E. Nunnely
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Informational Guideline Release

Bureau of Accounts
Informational Guideline Release (IGR) No. 16-102
January 2016

CABLE TELEVISION PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS SPECIAL REVENUE FUNDS

(G.L. c. 44, § 53F½; G.L. c. 44, § 53F¾)

This Informational Guideline Release (IGR) explains to local officials the procedures and requirements for establishing an enterprise fund to account for monies received and spent for cable television public, educational and governmental (PEG) access facilities and operations, or alternatively, for creating a receipts reserved fund known as the PEG Access and Cable Related Fund to fund PEG access programming, as well as certain other municipal cable-related expenses.

Topical Index Key:

Accounting Policies and Procedures
Special Funds

Distribution:

Treasurers
Clerks
Accountants/Auditors
Mayors/Selectmen
Managers/Administrators/Exec. Secys.
Finance Directors
City Solicitors/Town Counsels

**CABLE TELEVISION PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS
SPECIAL REVENUE FUNDS**

(G.L. c. 44, § 53F½; G.L. c. 44, § 53F¾)

SUMMARY:

These guidelines explain two options now available to cities and towns to separately account for cable franchise fees collected from customers by cable companies and other cable-related monies negotiated in cable television agreements between the municipality and the cable television operator.

Those monies include fees collected from customers by the cable operator in connection with the franchise and in support of public, educational and government (PEG) programming. In addition to the imposition of these franchise fees, cable licensing agreements typically require that cable companies provide services, facilities and equipment for PEG channels, deliver cable television programming to municipal buildings, and maintain customer service quality. Under state law, cable operators also pay the municipality an annual license fee, which is based on the number of cable customers. All of these monies are general fund revenues, absent a special act treating them otherwise. G.L. c. 44, § 53.

Cities and towns may now designate cable PEG access operations or services as an enterprise and separately account for all franchise fees and other revenues derived from enterprise activities in the same manner as other enterprise funds. G.L. c. 44, § 53F½.

Alternatively, cities and towns may reserve the franchise fees and other cable related revenues for appropriation to support PEG access services, monitor compliance with the franchise agreement or prepare for license renewal by accepting G.L. c. 44, § 53F¾ and establishing a PEG Access and Cable Related Fund.

This statute may be accepted to take effect for fiscal years beginning on or after July 1, 2015.

GUIDELINES:

I. TRANSITION TO SPECIAL REVENUE FUND

As part of the certification of general fund free cash, the Director of Accounts will close any reservations of cable franchise fees or other cable-related funds that appear on a city or town balance sheet on or after June 30, 2016 unless:

- A. The city or town has accepted one of the special revenue funds, as explained in Sections II and III below, and
- B. The legislative body of the city or town has voted to have the accounting officer transfer any balance to the accepted fund at the beginning of the fiscal year the fund will start operation. The transfer may be voted as part of the acceptance or separately.

II. CABLE PUBLIC ACCESS ENTERPRISE FUND

Cities and towns may accept G.L. c. 44, § 53F¹/₂ and establish an enterprise fund to separately account for all revenues and expenditures in connection with operating cable PEG access service for city or town residents, whether the service is operated by a city or town department or a contractor.

For detailed guidance on adoption of an enterprise fund, setting the annual enterprise budget, accounting for enterprise activities and operation of the fund, see the Enterprise Funds Guidelines issued by the Bureau of Accounts.

III. PEG ACCESS AND CABLE RELATED FUND

A. Local Acceptance

1. Acceptance Procedure

Acceptance of G.L. c. 44, § 53F³/₄ for a PEG Access and Cable Related Fund (Fund), is by majority vote of the municipality's legislative body, subject to charter. G.L. c. 4, § 4. (See attached sample acceptance vote.)

2. Revocation of Acceptance

Acceptance may be revoked, but the city or town must wait until at least three years after acceptance. Revocation is also by majority vote of the municipality's legislative body, subject to charter. G.L. c. 4, § 4B.

3. Notification of Acceptance or Revocation

The city or town clerk must notify the Municipal Databank if it accepts or revokes G.L. c. 44, § 53F³/₄. (See "Notification of Acceptance or Revocation.") The notification should be made as soon as possible after the vote.

4. Effective Date

The Fund will begin operation for the fiscal year that begins the next July 1, unless a later fiscal year is designated in the acceptance. Revocation of the statute terminates the Fund at the end of the fiscal year in which the revocation is voted.

B. Special Revenue Fund

The Fund is a receipts reserved for appropriation special revenue fund.

1. Receipts

The following revenues received in connection with the municipality's franchise agreements may be credited to the Fund:

- a. Cable franchise fees collected by the cable operator for PEG access and received by the city or town.
- b. Annual license fees paid by the cable operator. G.L. c. 166A, § 9.
- c. Other revenues received in connection with the franchise agreement.

2. Investment

The treasurer is the custodian of the Fund. The treasurer may invest the monies of the Fund in the same manner as general funds under G.L. c. 44, §§ 55, 55A and 55B. The treasurer may pool the cash and does not have to establish a separate bank account for the Fund.

Interest earned on Fund monies belongs to the general fund.

C. Expenditures

An appropriation is required to spend any monies in the Fund. Appropriations are by majority vote of the legislative body and are limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated.

Monies from the Fund may be appropriated consistent with the cable franchise agreement to:

1. Support cable PEG access service or programming for city or town residents, whether operated by a city or town department or a contractor.
2. Monitor the cable operator's compliance with the franchise agreement.
3. Prepare for renewal of the cable franchise license, including any associated expert and legal services.

Payment of bills charged to appropriations from the Fund must follow the same process used for payment of other municipal expenses. G.L. c. 41, §§ 52 and 56. A payment voucher with appropriate supporting documentation is submitted to the accounting officer for placement of the bill on the treasury warrant.

D. Accounting

The accounting officer must establish and maintain the Fund as a separate account and record all activity in the Fund.

1. Receipts are recorded directly into the Fund.
3. Expenditures are recorded as direct expenditures in the Fund.
4. The unspent and unencumbered balance of an appropriation for a particular cable-related purpose is closed to the Fund.
5. The balance in the Fund at the end of a fiscal year carries forward to the next fiscal year.

E. Supplemental Appropriations

Appropriations may be made from other municipal funding sources, such as the tax levy, free cash or other available funds, to supplement and carry out cable-related purposes funded by the Fund. However, monies from these sources may not be appropriated directly into the Fund. Depending on the purpose, appropriations from the Fund could be operating or special purpose appropriations and the accounting officer would close them out in the same manner as other such appropriations.

F. Fund Revocation

If the city or town revokes its acceptance of G.L. c. 44, § 53F¾, the accounting officer is to close the fund balance to the general fund at the end of the fiscal year.

SAMPLE

(Sample should not be used without the advice of municipal counsel.)

PEG ACCESS AND CABLE RELATED FUND ACCEPTANCE

Legislative Body Vote

ARTICLE/ORDER. To see if the city/town will accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year _____, which begins on July 1, _____ or take any other action relative thereto.

MOTION. Moved/ordered that the city/town accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year _____, which begins on July 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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2016 DEC - 1 A 11: 38
EXECUTIVE SECRETARY

December 1, 2016

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

Re: Order Repealing Order No. 92-4412 Which Established the Watershed Protection and Acquisition Fund

Honorable President Clancy and Councilors:

Please find enclosed a proposed Order Repealing Order No. 92-4412 Which Established the Watershed Protection and Acquisition Fund.

In 1992 Mayor Hogan proposed creating a fund, which we refer to informally as the Aquifer Protection account, for a small portion of each month's water bill receipts. In 1992, that amount was \$0.08 of the water rate, or 5.06 percent, and it was dedicated to the Aquifer Protection account for use, with City Council approval, to protect parcels which were located near the City's watershed areas and water supply. We have continued to move 5.06 percent of receipts from water bill payments into this account each month since 1992. In recent years, with your approval, we have transferred the funds from the Aquifer Protection account to reduce the tax levy.

By eliminating the fund, all receipts from water bills will remain in the water fund reducing the need for a transfer out of the account each fiscal year. Surpluses in the water fund will continue to close out to free cash at the end of each fiscal year.

I look forward to discussing this with you further, but if you have any questions, please do not hesitate to contact me or Auditor Diane Smith.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

Be it ordained by the City Council of the City of Marlborough that Order No. 92-4412, adopted on February 24, 1992, which established the Watershed Protection and Acquisition Fund, is hereby repealed.

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

FEBRUARY 24, 1992

Marlborough, Mass., _____ 19

ORDERED:

That the communication from the Comptroller/Acting Water Registrar regarding a change in WATER AND SEWER RATES and the establishment of a WATERSHED PROTECTION and ACQUISITION FUND be and is herewith APPROVED.

ADOPTED.

ORDER NO. 92-4412

ADOPTED
In City Council
Order No: 92/4412
Adopted Date: February 24, 1992

Approved by Mayor
Michael P. Hogan
February 26, 1992

A TRUE COPY
ATTEST:



City Clerk



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

February 19, 1992

President and Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Dear President and Members:

~~Concerned about the historic subsidy by the General Fund of water and sewer services to City properties, the City Council some time ago expressed an interest in bringing the water and sewer rates to a point where they would fully support the cost of those services. It was our intention to increase rates annually in July at a pace that exceeded the increasing costs to provide these services, with the goal of making the water and sewer funds self-sufficient in the year 2000.~~

Due to the state of the region's economy, it was the administration's position that rates be kept unchanged last July, with an increase delayed until January, 1992. Barring an unforeseen improvement in the economic forecast, the next rate adjustment will also be delayed by six months.

Thus, in accordance with the provisions of Section 194-13A and 161-2E of the Code of the City of Marlborough, the Council is hereby advised that the rates for water and sewer usage effective January 1, 1992, is \$1.50 per hundred cubic feet of metered water consumption. This is an increase of 15 cents, an increase of 11.1 percent, substantially less than the 18 percent increase we face from the Massachusetts Water Resources Authority, which currently provides some 70 percent of our water.

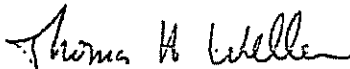
The current fiscal year's budget reflects water and sewer fund expenses of \$6.9 million, and anticipated revenues of \$4.5 million, based on these rates.

A. Cy

City Council
February 19, 1992

In addition, there will be a Watershed Protection and Acquisition Fund surcharge of \$0.08 per hundred cubic feet. This new fund will be used, with Council approval, to protect parcels which, because of their proximity to the City's watershed areas or other characteristics, are critical to the long-term availability, quality, and cost-effectiveness of our water supplies.

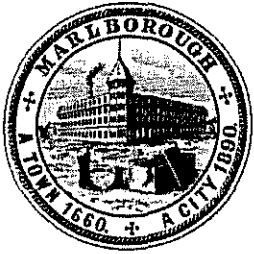
Very truly yours,



Thomas H. Wellen
COMPTROLLER
ACTING WATER REGISTRAR

THW/b

pc: Mayor Hogan
Commissioner Sharon



**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 DEC - 14 11:23
CYNTHIA M. PINAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 30, 2016

Edward Clancy
President
Marlborough City Council

RE: Order No. 16-1006683B
x16-1006636B
x08/09-1002051E
Application to Amend an Amended Special Permit
Crabtree Lake Williams, LLC
Lakeside Avenue, Marlborough

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 Crabtree Lake Williams, LLC ("Crabtree"), seeking permission to amend its 2009 special permit, as first amended in September 2016, regarding its condominium project on Lakeside Avenue in Marlborough. Specifically, Crabtree seeks to modify Conditions #20, #36, #38 and #39 of the Original Special Permit, in order to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street.

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

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Arthur Bergeron, Esquire
Brian Falk, Esquire

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 16-1006683C
x16-1006636B
x08/09-1002051E

Application of:
Crabtree Lake Williams, LLC

Locus:
Lakeside Avenue, Marlborough, MA
MBLU 67-45, 68-30A

**DECISION ON AN AMENDMENT TO AN AMENDED SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006683C
X16-1006636B
X08/09-1002051E**

The City Council of the City of Marlborough hereby **GRANTS** the Application of Crabtree Lake Williams, LLC as provided in the **DECISION** and subject to the following **FINDINGS OF FACTS AND CONDITIONS**.

Decision filed: _____, 2016

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2016.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 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, MA.

ATTEST:
City Clerk

**DECISION ON AN AMENDMENT
TO AN AMENDED SPECIAL PERMIT**

**CITY COUNCIL ORDER NO. 16-1006683C
X16-1006636B
X08/09-1002051E**

Application of:
Crabtree Lake Williams, LLC

Locus:
Lakeside Avenue, Marlborough, MA
MBLU 67-45, 68-30A

FINDINGS OF FACT AND CONDITIONS

The City Council of the City of Marlborough hereby GRANTS the application of Crabtree Lake Williams, LLC, a Massachusetts limited liability company having a mailing address of 50 Deer Run, Ayer, Massachusetts 01432 (the "Applicant"), to amend an existing amended special permit, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. Applicant is the owner of certain real estate located on Lakeside Avenue, Marlborough, MA, as shown on City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68, Parcel 30A (the "Site").
2. On June 18, 2009, the City Council of the City of Marlborough voted to grant a special permit concerning the Site, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 53183, Page 1 (the "Original Special Permit").
3. On September 26, 2016, the City Council of the City of Marlborough voted to grant an amendment to the Original Special Permit, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 68276, Page 423 (the "First Amended Special Permit").
4. On September 22, 2016, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Conditions #20, #22, #23, #36, #38 and #39 of the Original Special Permit, as amended by the First Amended Special Permit, in order to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59.C(20) (the "Application").

5. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and copies of the existing site plan for the Site.

6. The existing site plan was certified by the Planning Director of the City of Marlborough, acting by and through the Building Commissioner, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit or an amendment thereof.

7. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk caused to be advertised the public hearing's date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.

8. On Monday, October 17, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

9. The Applicant, through its representatives, presented testimony at the public hearing detailing the project, describing its impact upon municipal services, the neighborhood, and traffic.

10. With respect to the First Amended Special Permit, the Applicant expressly acknowledges that the phased-occupancy of the Site requires prior approval by the City of Marlborough Department of Public Works' Water/Sewer Division of all service connections, construction of sidewalks to at least binder grade at the subject building, and the submission of interim as-built plans.

11. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and the First Amended Special Permit, which are expressly incorporated herein by reference.

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

A. The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.

B. The City Council finds that the proposed use of the Site is an appropriate use and 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 as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough Zoning Ordinance, GRANTS the Applicant an amendment to modify Conditions #20, #36, # 38 and #39 of the Original Special Permit, as amended by the First

Amended Special Permit (the "Second Amended Special Permit"), in order to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, as follows:

1. By deleting Condition #20 in its entirety and inserting in place thereof the following:

20. Snow Storage on Emergency Access Road. There will be no storage of snow on the emergency access road east of the gate and fencing as shown on the Site Plan, abutting the Bond Street neighbors. The Applicant, its affiliates, successors and/or assigns shall clear snow from the emergency access road, as required by the Fire Department, into the Project Site away from the abutting Bond Street neighbors, and store and stockpile in designated snow storage areas as delineated on the Site Plan page SP 7 "Snow Storage Plan". No snow may be brought onto the Site from off site. In addition, the Applicant, its affiliates, successors and/or assigns shall make reasonable efforts to ensure that snow is removed from the emergency access road in such a way that does not disturb the abutting Bond Street neighbors.

2. By deleting Condition #36 in its entirety and inserting in place thereof the following:

36. Construction of Emergency Access Road. As shown on the plan entitled "Supplemental Instruction for Site Plan of Land in Marlborough Massachusetts Entitled Overlook at Lake Williams" dated November 16, 2016 and prepared by S.J. Mullaney Engineering, Inc. (the "Supplemental Plan"), which was submitted to the City Council and the City Council's Urban Affairs Committee to supplement the existing site plan for the Site, the entire emergency access road shall be constructed using grass covered porous pavement materials. The emergency access road shall have a vertical clearance of sixteen feet (16'). Applicant, its affiliates, successors and/or assigns shall erect a sign at or near the western terminus of the emergency access road warning that parking which would block and/or impede emergency access from that road to the Project Site is strictly prohibited.

3. By deleting Condition #38 in its entirety and inserting in place thereof the following:

38. Emergency Access Road Gate. The emergency access road gate shall be maintained so as to operate freely by one person, and shall be provided and maintained with an opening and locking system approved by the Fire Department. The emergency access road gate shall be a six (6') foot high chain link fence with white vinyl slats consistent in design with

the proposed stockade fence along the Bond Street side of the Project as noted herein. An approved fire annunciator panel shall be located on the main entrance roadway into the Project, with details of its exact location and installation requirements to be determined during the Site Plan Review and fire alarm permitting process.

4. By deleting Condition #39 in its entirety and inserting in place thereof the following:

39. Vegetation on Emergency Access Road. The emergency access road shall be maintained as a grass lawn accessible by emergency vehicles by means of porous pavement materials as shown on the Supplemental Plan.

All other conditions of the Original Special Permit and the First Amended Special Permit shall continue in full force and effect, and are expressly incorporated herein by reference.

In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Second Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Second Amended Special Permit has elapsed with no appeal having been filed, and further shall provide to the Building Commissioner's office and the City Solicitor's office a copy of the recorded Amended Special Permit before the issuance of any Occupancy Permit, permanent or otherwise, regarding the Site.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 16-1006683C
x16-1006636B
x08/09-1002051E

Adopted: _____ 2016

Signed by City Council President
Edward J. Clancy
Date: _____ 2016

A TRUE COPY
ATTEST: _____ City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
City of Marlborough
Commonwealth of Massachusetts

2016 NOV 29 P 2:35



PLANNING BOARD

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

Melissa Peltier - Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: MPeltier@marlborough-ma.gov

November 29, 2016

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

City Council Order #16-1006667

President Clancy & Members,

At the regular meeting of the Marlborough Planning Board on November 28, 2016 the Board took the following action:

The Public Hearing for City Council Order #16-1006667 was closed on November 14, 2016.
The following motion and vote took place at the regularly scheduled meeting on November 28, 2016


On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to forward a favorable recommendation to the City Council regarding the Proposed Zoning Amendment to Section 650-34 & 41 with the following comments. (Motion carried)

Item number 14 in the proposed zoning should be amended to include the following:
...Provided however that consideration is given to include Visible Public Space Green or Otherwise.

The Board would like to note that Mr. McCarthy was a dissenting member in this opinion.

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

Sincerely,


Barbara L. Fenby
Chairperson

CITY OF MARLBOROUGH

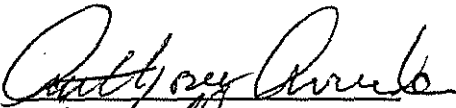

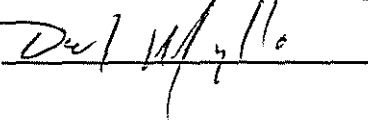
BOARD OF ASSESSORS

MEETING MINUTES: June 22, 2016

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CITY OF MARLBOROUGH

2016 NOV 14 P 1:16

1. CALL TO ORDER: 9:04 am
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein
Also in attendance: Harald Scheid, Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the May 18, 2016 meeting: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
3. APPROVE AND SIGN: Excise Tax Abatements, 3ABC Filings for Fy 2017
4. DISCUSS AND VOTE: Application for Statutory Exemption: 399 Lincoln St, 76 Mechanic St
Motion to Grant: Mr. Arruda, second Ms. Silverstein
Vote:3-0
5. DISCUSSION AND VOTE: Real Estate Abatement Application: 169 Lakeside Ave
Motion to Grant: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
6. Mr. Scheid informed the Board that talks are underway regarding the 895-1001 Boston Post Rd East Real Estate Tax Abatement Application.
7. Mr. Manzello informed the Board of the progress with the sales analysis for Fy 2017 values.
8. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein
Meeting Adjourned – 9:30 am


 - 11/14/16


Marlborough, MA
Zoning Board of Appeals
Minutes
October, 25, 2016

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CITY OF MARLBOROUGH
2016 NOV 23 A 11: 04

Members Present: Paul Giunta-Chairman, Thomas Golden, Theodore Scott, Ralph Loftin and Robert Levine.

The property in question is located at 230 Hudson St. being Map 43, Parcel 31 of the Assessor's Maps. Located in Zoning District A-3.

Present this evening was the applicant, Jennifer Macedo.

Petition: The applicant proposes to expand her driveway opening to 27 ft. And to also expand her existing pavement to accommodate a 3rd vehicle for her son's car. Thus requesting an additional 3 ft. to the 24 ft. maximum required driveway opening. Thus a deviation of 3 ft.

The Board finds the following:

- The lot contains 28,625 sq. ft.
- Front lot line is 44.65 ft. vs. the minimum required of 100 ft. for Zoning District A-3.
- This is an odd pie shape lot which fans out to the rear. The lot slopes from the front to the rear. With a slight sloping effect on both sides.
- If the applicant tries to construct a parking space to the right or left of the house, it may encroach onto the side property lines.
- The driveways to the left and right of 230 Hudson St. (the lot in question) are against or on the side lot lines.
- If she can add 2 ft. to the left of the existing paved parking area, (the existing driveway has a 25 ft. wide opening) it will leave 8 ft. ± to the side lot line.

The applicant stated she is located a few houses down from Marlborough Hospital. She did not want to park her cars on the street if they will impede in any way with emergency vehicles.

She also stated that there is no parking on Hudson St. The Board corrected her to say there is allowed parking on Hudson St., but of course there is a winter ban throughout the city in which there is no street parking in the evenings and during storm events.

Neighbors informed her that before she bought the house, there was enough parking for three cars at the front. She purchased the house at a foreclosure, which she razed and rebuilt. Her contractor at that time told her she may have to go to the city about widening her driveway opening.

Her neighbors have no objections to her petition.

Hardship as stated by the applicant:

- The shape of the lot is pie shape, which fans out towards the rear.
- The lot slopes from the front to the rear, with a slight sloping to the sides.
- No logical location to add another parking space due to the location of the existing house.

Board Member, Ralph Loftin, stated that the code limits to a 24 ft. wide curb opening. Being an inconvenience does not constitute as a hardship. It appears the applicant has ample room on her lot to create another parking space.

Board Member, Theodore Scott, stated that maybe there is a case of a hardship here by having a 40 ft. ± frontage vs. 100 ft. minimum required for Zoning District A-3. The topography of the lot slopes from front to rear and slightly on the sides. She did purchase the house knowing she can only accommodate two cars. The lot has limited frontage with existing structure being close to the lot lines.

Speaking in favor of the petition:

- 212 Hudson St. – Joseph Bisol stated the applicants purchased the house at a foreclosure. The applicants have done lots of work to upgrade the lot and house. During the reconstruction of Hudson St. the city did not install curbing to this portion of Hudson St. He also stated that his neighbor to the right of him, 222 Hudson St. – Albertine, is also in favor of the petition.

No one spoke in opposition to the petition.

With no other testimony taken or given, the public hearing was closed.

Board Member, Theodore Scott, stated, the lot in question is pie shaped and it appears that it is the only pie shape lot in the area. It has an existing structure on the lot which makes it difficult to add an additional parking

space. The topography of the lot slopes from front to rear. There is also a slight slope on the two sides. The abutting house lots on both sides of her have their driveways on the side lot lines. There is topography and shape constraints which does not allow the applicant to use the space as needed.

The Board realized they needed additional clarification from Pamela Wilderman, Code Enforcement Officer, that a variance maybe needed for the width of the proposed driveway.

Considering the continuation hearing will be November 23rd, beyond the 75 days for the Board to vote on a decision, the applicant signed a letter to waive the 75 days for the Board to vote. (letter in the Board's file)

With the consent of the applicant, the Board voted to continue the public hearing to November 15, 2016 at 7:00 PM.

The public hearing was adjourned.

Respectfully submitted,


Paul Giunta - Chairman

**ASSABET VALLEY REGIONAL VOCATIONAL
DISTRICT SCHOOL COMMITTEE**

2016 NOV 30 A 10:05

EXECUTIVE SESSION

September 20, 2016

At 9:05 p.m., a motion was made by Mr. George and seconded by Ms. Ross to move to Executive Session for purposes of discussing matters pertaining to collective bargaining, it was noted that the committee would not be returning to regular session. Voting 'yea' on the motion were Ms. Ryan, Mr. George, Mr. Evers, Ms. Ross, Ms. Simms George and Mr. Charbonneau. There were no 'nay' votes.

A motion was made by Ms. Ryan and seconded by Mr. George to accept and release the Executive Session meeting minutes of June 28, 2016. The motion was passed unanimously.

A motion was made by Ms. Simms George and seconded by Mr. George to accept and release the Executive Session meeting minutes of August 30, 2016. The motion was passed unanimously.

Mr. Houle noted that a meeting with the union had to be cancelled and rescheduled to Tuesday, October 4, 2016

At 9:10 p.m., a motion was made by Ms. Simms George and seconded by Ms. Ross to go out of Executive Session and adjourn the meeting. Voting 'yea' on the motion were Ms. Ryan, Mr. George, Mr. Evers, Ms. Ross, Ms. Simms George and Mr. Charbonneau. There were no 'nay' votes.

The minutes herein were recorded by the Clerk and will not become official until approved by the Committee and so noted in a subsequent record.

Laura Ross, Secretary

Minutes were released by a vote of the District School Committee on October 18, 2016.

**ASSABET VALLEY REGIONAL VOCATIONAL
DISTRICT SCHOOL COMMITTEE**

2016 NOV 30 A 10:05

September 20, 2016

The School Committee met in regular session on the above date in the Conference Room. The meeting was called to order at 6:30 p.m. by the Chair. Members present were Mr. Evers, Ms. Ryan, Ms. Simms George, Ms. Ross and Mr. Charbonneau. Mr. George arrived at 7:40 p.m. Ms. Ayers was absent. Also present were Mr. Houle, Mr. Luoto and Mr. Hollick.

APPROVAL OF MINUTES

A motion was made by Ms. Ross and seconded by Ms. Simms George to approve the regular session meeting minutes of August 30, 2016. The motion was passed unanimously.

BILLS AND PAYROLL

A motion was made by Ms. Simms George and seconded by Ms. Ross to approve warrant numbers 7-9, 1016, 1019-1024, 5538-5542. The motion was passed unanimously.

AUDIENCE

Mr. Houle introduced his New Superintendent Introduction Program (NSIP) coach, Rosemary DiTullio, Ms. DiTullio joined the table to discuss the NSIP's history and purpose.

Keith Baldinger, JROTC Parent Auxiliary Liaison was present to discuss recent and upcoming activities of the JROTC.

STUDENT REPRESENTATIVE REPORT

Molly Manganaro was present to discuss recent and upcoming student events and sports team results.

CHAIR'S REPORT

Members received a list of important dates for the 2016-2017 school year to assist members with the new goal of being more visible at school activities. A schedule of JROTC activities will also be forwarded.

Discussion of the Chair's report from the last meeting. Members will continue the discussion at the next meeting when all members are present.

Mr. Charbonneau indicated that Ms. Ayres noted that she would like to be the voting delegate to the MASC/MASS Joint Conference. Ms. Ryan offered to be the alternate. Ms. Ayers and Ms. Ryan were appointed as voting delegate and alternate.

Mr. Charbonneau informed the Committee that he received a letter from a concerned parent regarding whether a book on the freshmen summer reading list entitled, The Curious Incident of a Dog in the Nighttime is appropriate reading. Ms. Simms George suggested the letter be shared with the English Department.

SUPERINTENDENT-DIRECTOR'S REPORT

Mr. Houle discussed his mailed report as follows:

- Assabet LPN Program - members viewed an LPN Program video highlighting the program and its students.
- MAVA OSHA Safety Institute - Assabet Valley will be hosting the MAVA Connecting for Success Conference in June 2017.
- FS2 @ AV Food Study - The program began on September 14, 2016. Mr. Luoto shared some facts about the cafeteria program that came as a result of changes made to the cafeteria program and staff as part of the Food Study program.
- Superintendent Evaluation - members received copies of the summative evaluation that was completed using the DESE version of the Superintendent Evaluation Form for the 2015-2016 school year. Mr. Houle also asked that a Superintendent Evaluation Subcommittee be formed to help with the development of SMART Goals and a timeline for the 2016-2017 school year.
- Preliminary Entry Plan Findings - Members received a copy of the Preliminary Report of Entry Findings, September 2016 for review. Mr. Houle distributed a copy of the Lincoln Public Schools Strategic Plan to show an example of what needs to be developed by Assabet Valley.

DIRECTOR OF BUSINESS OPERATIONS REPORT

Mr. Luoto discussed his mailed report as follows:

- FY18 Budget Development & Approval Timeline - Overview of the budget process. A discussion of FY18 Budget Assumptions followed.

PRINCIPAL'S REPORT

Mr. Hollick discussed his mailed report as follows:

- Grade Equivalent Reading Levels - Review of reading levels for incoming 9th graders for students YOG 2014 - 2020.
- DESE CPR - The Coordinated Program Review is scheduled to take place on November 14-18, 2016 and preparations for their arrival are in progress.
- School Events - Back-to-School Night - to be held on September 29, 2016
- School Threat Assessment and Response System (STARS) - Assabet Valley has been selected to participate and completed an onsite assessment on July 14, 2016. The process that would be followed during an incident was discussed.
- Out-of-State Travel Requests - A request was made for permission for Pre-Engineering students to travel to the NH Pumpkin Chuckin event in October. A motion was made by Ms. Ryan and seconded by Ms. Simms George to approve the request. The motion was passed unanimously.
- A request was made for the FIRST Robotics team to travel to the Providence Bruins game on October 21, 2016 to participate in a half-time entertainment opportunity. A motion was made by Ms. Ryan and seconded by Ms. Simms George to approve the request. The motion was passed unanimously.

- A request was made for permission for 36 Cosmetology students to attend a hair show at the Rhode Island Convention Center on October 17, 2016. A motion was made by Ms. Ryan and seconded by Ms. Simms George to approve the request. The motion was passed unanimously
- Massachusetts Safety Summit to be held at Assabet Valley on October 6, which will include school safety topics for educators and law enforcement agencies.
- Hidden in Plain Sight presentation to be on-site for parents during Back-to-School Night.

POLICY DEVELOPMENT

Members conducted a second reading of Policy BDG, School Attorney. Ms. Ryan made a motion to approve the policy as amended, Ms. Ross seconded. The motion was passed unanimously.

Members conducted a second reading of Policy BEDH, Public Participation at School Committee Meetings. A motion was made by Ms. Ryan to approve the policy as amended. Mr. George seconded. The motion was passed unanimously.

Members conducted a second reading of Policy BHC/GBD, School Committee-Staff Communication. A motion was made by Ms. Ryan and seconded by Mr. George to approve the policy as amended. The motion was passed unanimously

Ms. Ryan gave the subcommittee members a list of suggestions for policy amendments for existing policies.

COMMUNICATIONS

- Article from Wicked Local re: Assabet Valley Regional High School welcomes its class of 2020
- Article from Marlborough Patch re: Assabet Valley HS Students Explore Tech Programs
- Copy of Bill to Reauthorize Career and Technical Education Law Passed by U.S. House
- Letter from MARS Executive Director re: An Acct to Modernize Municipal Finance and Government
- Assabet fact card
- Open House Lawn sign sample

OLD BUSINESS

Members received a copy of the BoardPaq information booklet for review. A motion was made by Mr. George and seconded by Ms. Ross to move ahead with getting the platform and technology necessary for BoardPaq. The motion was passed by a vote of 5-1. Ms. Ryan was opposed, all others were in favor.

PERSONNEL

Members conducted a reading of the proposed Staff Handbook. A motion was made by Mr. George and seconded by Ms. Ross to approve the handbook. The motion was passed unanimously.

A motion was made by Ms. Ryan and seconded by Mr. George to change the meeting minutes of June 28 to add ADF in front of the Wellness Policy, and to eliminate the BEDL, Remote participation from the list. The motion was passed unanimously.

At 9:05 p.m., a motion was made by Mr. George and seconded by Ms. Ross to move to Executive Session for purposes of discussing matters pertaining to collective bargaining, it was noted that the committee would not be returning to regular session. Voting 'yea' on the motion were Ms. Ryan, Mr. George, Mr. Evers, Ms. Ross, Ms. Simms George and Mr. Charbonneau. There were no 'nay' votes.

At 9:10 p.m., a motion was made by Ms. Simms George and seconded by Ms. Ross to go out of Executive Session and adjourn the meeting. Voting 'yea' on the motion were Ms. Ryan, Mr. George, Mr. Evers, Ms. Ross, Ms. Simms George and Mr. Charbonneau. There were no 'nay' votes.

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

Laura Ross, Secretary

Accompanying Paperwork for September 20, 2016

- Meeting agenda for September 20, 2016
- Proposed regular session meeting minutes for August 30, 2016
- Memo from Mr. Houle to School Committee members dated September 19, 2016 re: Warrant Vote
- Resume for Rosemary DiTullio
- List: Important Dates 2016-2017 for School Committee
- Sports for the Week of September 19-September 24
- 2016-2017 Meet & Greet Events
- 2016-2017 Career & College Ready Events
- Memo from Mr. Houle to School Committee members dated September 14, 2016 re: Superintendent-Director's Report to the School Committee
- Memo to MARS Superintendents from Perry P. Davis, Executive Director of MARS, dated September 14, 2016 re: An Act to Modernize Municipal Finance and Government
- An Act to Modernize Municipal Finance and Government Section by Session Summary of Final Bill to Be Signed on August 9, 2016
- Preliminary Report of Entry Findings, September 2016
- Lincoln Public Schools Strategic Plan
- Memo from Mr. Luoto to the School Committee dated September 14, 2016, re: Fiscal & Operations Updated
- FY18 Budget Schedule
- FY18 Budget Assumptions
- Memo from Mr. Hollick to the School Committee dated September 13, 2016 re: Principal's Report for September 20, 2016
- Eighth Grade Reading Scores Grade Equivalent
- Letter from Mr. Hollick to the School Committee dated September 15, 2016
- Memo from instructor Chuck DuPont requesting permission to take students to the NH Pumpkin Chuckin event on October 14, 15 and 16, 2016
- Letter from Mr. Hollick to School Committee members dated September 1, 2016
- Memo from Cindy Zomar requesting permission for the Robotics Team to take students to a Providence Bruins game on October 21, 2016
- Letter from Mr. Hollick to School Committee members dated September 19, 2016
- Letter from Sue Viens, Cosmetology Instructor, dated September 19, 2016 requesting permission to take students to a hair show
- Policy BDG, School Attorney
- Policy BEDH, Public Participation at School Committee Meeting
- Policy BHC/GBD, School Committee-Staff Communications
- Article from Wicked Local re: Assabet Valley Regional High School welcomes its class of 2020
- Article from Marlborough Patch re: Assabet Valley HS Students Explore Tech Programs
- Copy of Bill to Reauthorize Career and Technical Education Law Passed by U.S. House
- Letter from MARS Executive Director re: An Act to Modernize Municipal Finance and Government
- Assabet fact card
- Open House Lawn sign sample
- Report on BoardPaq

MINUTES

2016 NOV 30 A 10:05

**Assabet Valley Regional Technical High School
School Committee
School Committee Meeting
Tuesday, October 18, 2016**

School Committee Conference Room

In Attendance:

Christopher Evers; Lynn Ryan; Peggy Ayres; Virginia Simms George

Also:

Ernest F. Houle; Kris Luoto; Mark Hollick;

Not In Attendance:

Bill Charbonneau; Laura Ross; Paul George

The meeting was called to order at 6:30 p.m. by the Vice-Chair.

Approval of Minutes

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

Move: Peggy Ayres Second: Christopher Evers Status: Passed

Bills and Payroll

A motion was made and seconded to approve Warrant Nos. 10-11, 1025-1035, 5543-5547 as presented.

Move: Christopher Evers Second: Peggy Ayres Status: Passed

Student Representative Report

Anna O'Connell, student representative, was present to discuss recent and upcoming activities. Members received a distribution of her report for review.

Audience

-To hear from any individual recognized by the Chairperson who wishes to express an opinion on matters currently before the Committee.

Keith Baldinger, JROTC Parent Auxiliary Liaison, was present to give an overview of recent and upcoming JROTC parent and group activities.

Steve Hemman from MARS was present to discuss Inter-municipal Agreements. He distributed a copy of the Intergovernmental Agreement for member review.

Members discussed the School Committee's position on ballot Question No. 2 up for state-wide vote on November 8.

A motion was made and seconded to oppose Question No. 2, the lifting of the cap on Charter schools based on the lack of accountability, the nature of the funding mechanism and the lack of fundamental sharing.

Move: Lynn Ryan Second: Christopher Evers Status: Passed

Director of Business Operations

Mr. Luoto presented his mailed report as follows:

FY18 Budget Development - PowerPoint presentation of the proposed FY18 Budget. Members also received a copy of the preliminary budget book.

Chair's Report

-MASS/MASC Joint Conference- discussion of delegate manual.

Discussion of Resolution recommendations for the voting delegate for the MASS/MASC Joint Conference.

Members agreed that the voting delegate vote her conscience on the resolutions.

Superintendent-Director's Report

Mr. Houle discussed his report as follows:

Discussion of West Boylston's recent agreement with Leominster CTEi.

Members received a copy of the Superintendent-Director's Draft SMART Goals for the 2016-2017 School Year.

-VOTE: A motion was made and seconded to accept the 2016-2017 Superintendent-Director's goals.

Move: Christopher Evers Second: Peggy Ayres Status: Passed

Principal's Report

Discussion of Principal's Report as follows:

MCAS results for the Class of 2018 were discussed.

Student Enrollment - numbers were discussed.

A motion was made by Ms. Ayres and seconded by Ms. Ryan to approve a request for students to travel to the Women in STEM Conference on November 18, 2016 in Manchester, NH. The motion was passed unanimously.

A motion was made by Mr. Evers and seconded by Ms. Ayres to approve a request for students to attend the SkillsUSA Fall Leadership Conference in Marlborough, MA November 20-22, 2016. The motion was passed unanimously.

Communications

-Reading and distribution of communications received by the Committee and the Superintendent as follows:

- Community Advocate article dated September 23, 2016, re: Assabet Valley High's Epicurean Restaurant now open for season
- Homestead Senior Care email dated September 28, 2016
- Article from Telegram.com dated September 26, 2016 re: Technical Schools are not a disadvantage
- Sentinel & Enterprise article dated October 12, 2016 re: West Boylston students given OK to attend Leominster CTEi

Old Business

-None

Program Advisory Committee

Members received notification of appointees to Program Advisory Committees. No vote was necessary due to a recent policy change.

At 9:21p.m., a motion was made by Mr. Evers and seconded by Ms. Ayres to go into Executive Session for purposes of discussing matters

pertaining to collective bargaining. It was noted that the Committee would not be returning to regular session. The motion was passed by a vote of 4-0. Voting 'yea' on the motion were Ms. Ryan, Mr. Evers, Ms. Ayres and Ms. Simms George. There were no 'nay' votes.

At 9:30 p.m., a motion was made by Ms. Ryan and seconded by Mr. Evers to go out of Executive Session and adjourn the meeting. The motion was passed by a vote of 4-0. Voting 'yea' on the motion were Ms. Ryan, Mr. Evers, Ms. Ayres and Ms. Simms George. There were no 'nay' votes.

The minutes herein were recorded by the Clerk and will not become official until approved by the Committee and so noted in a subsequent record.

Dawn M. Bacon, Clerk

Total Meeting Time: 3 hr 0 min

Accompanying Paperwork for 10/18/2016 Meeting:

- Agenda for 10/18/2016
- Proposed meeting minutes from 9/20/2016
- Memo from Mr. Houle to School Committee dated October 18, 2016 re: Warrant Vote
- School Representative Report
- Inter Municipal Agreement documents
- Intergovernmental Agreement
- Memo from Mr. Luoto to the School Committee dated October 12, 2016 re: Fiscal & Operations Update
- MASC Report of the Resolutions Committee
- Memo to the School Committee from Mr. Houle dated October 12, 2016 re: Superintendent-Director's Report to the School Committee
- Superintendent-Director's Draft SMART Goals for 2016-2017
- Memo from Mr. Hollick to the School Committee dated October 12, 2016 re: Principal's Report – October 18, 2016
- MCAS Update report
- Enrollment by Town Report
- FIRST Travel request memos
- SKILLS USA Travel request memos
- Community Advocate article dated September 23, 2016, re: Assabet Valley High's Epicurean Restaurant now open for season
- Homestead Senior Care email dated September 28, 2016

- Article from Telegram.com dated September 26, 2016 re: Technical Schools are not a disadvantage
- Sentinel & Enterprise article dated October 12, 2016 re: West Boylston students given OK to attend Leominster CTEI
- Program Advisory recommendation memos and applications for Hailey Brinn, Zachary Baldini, Emeric Feldmar, Karen Henderson, Lisa Martino, and James Sullivan
- Proposed Executive Session meeting minutes of 9/20/2016

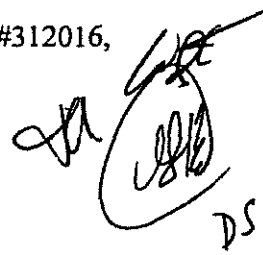
**Minutes
Retirement Board Meeting of
October 26, 2016**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 DEC -1 A 11: 25

The monthly meeting of the Marlborough Retirement Board was held on October 26, 2016. Gregory Brewster, Thomas Abel, William Taylor, Chris Sandini, Diane Smith, and Margaret Shea were present.


1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes of the meeting of September 28, 2016. Vote unanimous.
3. The Board reviewed Roselli, Clark & Associates' draft audit report.
4. A motion was made and seconded to approve the following applications for superannuation retirement: Phyllis Bowser, Richard Cloutier, Wendy Conrado, Marcia Josephson, Linda Konvalinka, and Kevin McCarthy. Vote unanimous.
5. A motion was made and seconded to approve the following refunds: Francis Beauregard, James Geary, and Linda Konvalinka. Vote unanimous. A motion was made and seconded to approve transfers for the following members: Tia Karpowitz, Ruth Webber, Mariah Dolan, and Deborah Orkin Dennett. Vote unanimous.
6. A motion was made and seconded to approve a travel reimbursement request from Margaret Shea. Vote unanimous.
7. A motion was made and seconded to approve a legal invoice for September, 2016. Vote unanimous.
8. The Board reviewed the operating budget for the period ending October 31, 2016.
9. The Board discussed potential changes to their policy in regard to Compensation paid in Lieu of Vacation. The updated policy will be presented at the November meeting.
10. The Board reviewed the cash books, journals, and cash reconciliation for July and August of 2016.
11. Under New/Old Business, the director updated the Board on the PTG software conversion process.
12. A motion was made and seconded to approve warrants RP10L, #302016, #312016, and #322016. Vote unanimous.



Handwritten signatures and initials, including a large signature and the initials 'DS'.

13. The Board reviewed miscellaneous correspondence.

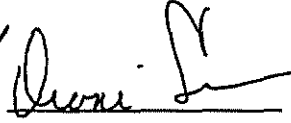
14. A motion was made and seconded to adjourn the meeting. Vote unanimous.



Gregory P. Brewster,
Chairman

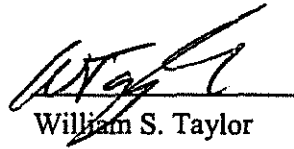


Thomas J. Abel



Diane Smith

Christopher M. Sandini, Sr.


William S. Taylor