

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY -5 P 2:17

1. Minutes, City Council Meeting, April 25, 2016.
2. Communication from the Mayor re: FY2017 Budget Proposal. (You may view the 2017 Proposed Budget in the City Clerk's Office).
3. Communication from the Mayor re: Police Department transfer request in the amount of \$74,094.54 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheet to fund the recently ratified collective bargaining agreement between the City and Command Officers Union for FY16, 17, & 18.
4. Communication from the Mayor re: Home Rule Petition Exempting the Command Officers Union and MMEA from Civil Service.
5. Communication from Solicitor Rider re: Q Café, LLC d/b/a Firefly's, Amended Special Permit, 350 East Main St., in proper legal form, Order No. 16-1006482B.
6. Communication from Solicitor Rider re: Marlborough Savings Bank, LED Sign Permit, 71 Boston Post Rd., East, Order No. 16-1006483A.
7. Communication from Assistant Solicitor Panagore Griffin re: Alteration and Relocation of the Layout of Court Street Extension in proper legal form, Order No. 16-1006476A.
8. Communication from Assistant Solicitor Panagore Griffin re: Site Plan Approval with Conditions, Atrium Place, 21-29 South Bolton St., in proper legal form, Order No. 15/16-1006366B.
9. Communication from Assistant Solicitor Panagore Griffin re: Proposed Zoning Amendment to Chapter 650-35 Hospitality and Recreation Mixed Use Overlay District (HRMUOD) in proper legal form, Order No. 16-1006443A.
10. Communication from Building Commissioner Camacho re: Site Plan Approval with Conditions, Atrium Place, 21-29 South Bolton St., Order No. 15/16-1006366B.
11. Communication from the Planning Board re: Favorable Recommendation of the Proposed Zoning Amendment to Chapter 650-35 Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16-1006443A.
12. Communication from the Retirement Board re: Proposed Increase, Cost-of-Living (COLA), to be discussed at their May 25, 2016 Board meeting.
13. Application for Renewal of Junk Dealer's License, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Rd. East.
14. Communication from Department of Public Utilities, Condensed Financial Return for Year End December 31, 2015.
15. Minutes, Planning Board, April 4, 2016.
16. Minutes, School Committee, March 22, & April 12, 2016.
17. Minutes, Traffic Commission, February 23, 2016.
18. Minutes, Board of Assessor's, April 13, 2016.
19. CLAIMS:
 - a. Christin Olin, 608 Concord Rd., residential mailbox claim 2(a).
 - b. Robert Malley, 459 Stratford Rd., Southfield, MA, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

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.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY -4 P 4: 03

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

APRIL 25, 2016

Regular meeting of the City Council held on Monday, APRIL 25, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Doucette. Councilor Doucette arrived at 8:09 PM. Meeting adjourned at 10:28 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 4, 2016, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition from NGrid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Dr. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Dr. Order No. 16-1006500, all were heard who wish to be heard, hearing recessed at 8:04 PM.

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

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482A, X02-9505, 99-7884B, all were heard who wish to be heard, hearing recessed at 8:40 PM.

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

President Clancy reminded all present this was a continuation of a Public Hearing from the last City Council meeting held on April 4, 2016. Due to the weather that evening, there were concerns members of the public were unable to attend to ask questions or speak in favor or opposition to the application. President Clancy requested if an individual had previously spoken for them to wait until others were allowed the opportunity to speak before taking a second turn.

ORDERED: That the PUBLIC HEARING On the Application for LED Sign Permit, Discount Gas, 50 Main St, Order No. 16-1006517, all were heard who wish to be heard, hearing recessed at 8:48 PM.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, Order No. 16-1006516, all were heard who wish to be heard, hearing recessed at 9:34 PM.

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

The City Clerk indicated that the following letters of support are now part of this record:

Letters of Support from: Massachusetts Interscholastic Athletic Association, Inc., Residence Inn, Holiday Inn, Best Western Royal Plaza, Hilton Garden Inn, Hampton Inn, Olive Garden Restaurant & Holiday Inn Express.

ORDERED: At President Clancy's request, to recess at 9:34 PM and returned to open meeting at 9:36 PM; adopted.

MOTION made by Councilor Elder as follows:

I motion to re-open the April 4, 2016 public hearing held on the application from Marlborough Savings Bank for an LED sign special permit, for the limited purpose of reading the letters from Councilors Oram and Doucette (Agenda Items 6 and 7) and admitting into evidence their forthcoming written certifications, to be submitted under MGL c. 39, § 23D, that they will be viewing in the very near future the video recording of the April 4 public hearing so that they may vote in this matter. After discussion – Councilor Elder **WITHDREW** his motion.

ORDERED: That the Certification from Councilor-at-Large Mark Oram as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A, **FILE**; adopted.

ORDERED: That the Certification from Councilor David Doucette as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A, **FILE**; adopted.

ORDERED: That the Communication from the Mayor re: Downtown Economic Development transfer requests in the amount \$650,000.00 each which moves funds from Undesignated to Capital Outlay-Downtown and Stabilization-Downtown for downtown economic development, refer to **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS - | | | | | | | | | | |
|---|--------------|---------------|--------|----------------------|--------------|--|--------------|------------------------|-------------------|--|
| | DEPT: | Mayor | | | | | FISCAL YEAR: | 2016 | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$4,896,252.00 | \$650,000.00 | 10000 | 35900 | Undesignated Fund | \$650,000.00 | 83600 | 32700 | Stabilization-Downtown | \$0.00 | |
| | Reason: | | | | | Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development. | | | | |
| | | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | | | | | | | | | | |
| | \$650,000.00 | Total | | | \$650,000.00 | Total | | | | |

ORDERED: That the Communication from the Mayor re: transfer request in the amount of \$43,500.00 which moves funds from Undesignated to Stabilization-Open Space to shift revenues from Wireless Antenna receipts from FY15, refer to **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS - | | | | | | | | | | |
|---|-------------|--|--------|----------------------|-------------|----------|--------------|--------------------------|-------------------|--|
| | DEPT: | Mayor | | | | | FISCAL YEAR: | 2016 | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$4,896,252.00 | \$43,500.00 | 10000 | 35900 | Undesignated Fund | \$43,500.00 | 83600 | 32918 | Stabilization-Open Space | \$971,843.80 | |
| | Reason: | To transfer annual wireless antennae payments received by the City in fiscal year 2015 to Open Space Stabilization | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | \$43,500.00 | Total | | | \$43,500.00 | Total | | | | |

ORDERED: That the Communication from the Mayor re: Miscellaneous Salary Item transfer requests in the amount of \$20,714.00 which moves funds from City Collector to various salary line items as indicated on the attached spreadsheet to balance salary accounts for the remainder of this fiscal year, refer to **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|-------------|---------------------------------------|--------|----------------------|-------------|----------|---|----------------------|-------------------|--|
| | DEPT: | Various | | | | | FISCAL YEAR: | 2016 | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$30,104.45 | \$20,714.00 | 11440001 | 50042 | City Collector | \$2,079.00 | 11110003 | 50070 | City Councilors | \$33,072.20 | |
| | Reason: | Position vacant for a period of time. | | | | | To fund various salary accounts thru year-end | | | |
| | | | | | \$4,100.00 | 11920001 | 50690 | Foreman-Public Fac | \$9,021.86 | |
| | | | | | \$1,035.00 | 12100003 | 50540 | Chief Dispatcher | \$9,239.78 | |
| | | | | | \$980.00 | 12200001 | 50130 | Fire Chief | \$26,482.85 | |
| | | | | | \$1,805.00 | 12410001 | 50090 | Bldg Commissioner | \$15,607.37 | |
| | | | | | \$3,450.00 | 12410001 | 50260 | Local Inspector | \$18,406.13 | |
| | | | | | \$340.00 | 12410001 | 50370 | Plumbing Inspector | \$12,432.76 | |
| | | | | | \$500.00 | 12410001 | 50380 | Electrical Inspector | \$6,073.09 | |
| | | | | | \$1,500.00 | 15120001 | 50390 | Nurse | \$10,139.07 | |
| | | | | | \$1,425.00 | 15120001 | 50805 | Dir of Public Health | \$14,219.14 | |
| | | | | | \$1,500.00 | 15120001 | 50811 | Asst Sanitarian | \$17,353.44 | |
| | | | | | \$2,000.00 | 12100003 | 51120 | Crossing Guards | \$3,841.07 | |
| | \$20,714.00 | Total | | | \$20,714.00 | Total | | | | |

ORDERED: That the Communication from the Mayor re: Recreation Department transfer request in the amount of \$10,480.00 which moves funds from Events Coordinator to Director and Sick Leave Buy Back accounts due to a retirement in the Recreation Department, refer to **FINANCE COMMITTEE**; adopted.

Councilor Oram recused.

| CITY OF MARLBOROUGH BUDGET TRANSFERS – | | | | | | | | | | |
|---|-------------|----------------------------------|--------|----------------------|------------|--------------------------------|--------|----------------------|-------------------|--|
| DEPT: | | Recreation | | | | FISCAL YEAR: | | 2016 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$18,594.00 | \$10,480.00 | 14920003 | 50999 | Events Coordinator | \$5,480.00 | 14920001 | 50110 | Director | \$2,911.73 | |
| Reason: | | Position filled late in the year | | | | Retirement. Vacation payout | | | | |
| | | | | | \$5,000.00 | 14920003 | 51920 | Sick Leave Buy Back | \$9.68 | |
| Reason: | | | | | | Retirement. Sick leave payout. | | | | |
| Reason: | | | | | | | | | | |
| Reason: | | | | | | | | | | |
| Reason: | | | | | | | | | | |
| \$10,480.00 | Total | | | | | \$10,480.00 | Total | | | |

ORDERED: That the Communication from the Mayor re: Rescinding Various Bonds totaling more than \$13,000,000.00 as they are no longer available to be bonded for the associated projects and will further strengthen the City’s position financially, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Legislative Earmark Grant in the amount of \$250,000.00 awarded to DPW in which the funds will be used for various park projects, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: The City’s Apportionment of FY17, Chapter 90 Funds in the amount of \$1,119,210.00 in which the funds will be used for road infrastructure projects, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: At President Clancy's request, to recess at 9:59 PM and returned to open meeting at 10:03 PM; adopted.

ORDERED: That the Application for LED Sign, GE Healthcare, 200 Forest St. to mount a white LED illuminated channel letter wall sign on their building, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, EcoATM, Inc., 601 Donald Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Board of Assessor's, March 2 & 30, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, March 1, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 21, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, March 8 & April 5 & 7, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, March 8, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority (MCDA), October 29, 2015 & February 4, 2016, **FILE**; adopted.

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

- a. M. Ernest Glickman, 136 Taylor Rd., residential mailbox claim 2(a).
- b. Mark Fung-A-Fat, 204 Raymond Rd., residential mailbox claim 2(a).
- c. Maureen McCook, 44 Elm St., Shrewsbury, pothole or other road defect.

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: April 19, 2016

Time: 7:45 PM

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

Convened: 7:45 PM

Adjourned: 8:00 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; and Councilors Delano and Landers

Also Present: Eileen Bristol; Mayor Arthur Vigeant

Order No. 16-1006511: The Appointment of Eileen Bristol to the position of Collector upon confirmation by the City Council. Recommendation of the Personnel Committee is to approve the appointment of Eileen Bristol as Collector. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment of Eileen Bristol to the position of Collector. The motion carried 3-0.**

Reports of Committees cont'd:

Motion made by Councilor Elder, seconded by the Chair, to request suspension of the rules at the next City Council meeting to approve this appointment. The motion carried 3-0.

Motion made by Councilor Elder, seconded Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 8:00 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: April 19, 2016

Time: 5:30 PM

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

Convened: 5:33 PM

Adjourned: 7:37 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaire, Tunnera and Landers; and Councilors Doucette and Robey

Also Present: Arthur Bergeron (Attorney, Mirick O'Connell); Stephen Reid (Construction and Development Consultant); Cynthia Panagore Griffin (Assistant City Solicitor, City of Marlborough); Priscilla Ryder (Conservation Officer, City of Marlborough)

Order No. 16-1006476: Communication from Attorney Falk on behalf of Bolton Granger Realty Trust, regarding Proposed Order of Relocation of Court Street Extension. The Urban Affairs Committee met with Attorney Arthur Bergeron, representing Bolton Granger Realty Trust, and Assistant City Solicitor Panagore Griffin for a discussion of the relocation of Court Street Extension for resolution of the Marlborough Village District Zoning frontage requirement by eliminating the front yard setback problem for the property at 21-29 South Bolton Street. They agreed to relocation of the street by its alteration and the granting of a long term easement to the owner by City Council for landscaping maintenance and access to the driveway area. Also, a change of use for Court Street Extension from the current "highway purposes" to "other municipal uses" should be issued by City Council. **Motion made by Councilor Elder, seconded by the Chair, to approve the Proposed Order of Relocation of Court Street Extension. The motion carried 5-0. Motion made by Councilor Elder, seconded by the Chair, to send to Legal Department to be placed in proper legal form. The motion carried 5-0.**

Reports of Committees cont'd:

Order No. 15-1006366A: Application for Site Plan Review from Attorney Bergeron on behalf of Bolton Granger Realty Trust, George Voyiatzis Trustee, for the Atrium Place project at 21-29 South Bolton Street. The Urban Affairs Committee met with Attorney Arthur Bergeron and Stephen Reid, representing Bolton Granger Realty Trust, for a discussion of their parking requirements and a review of the draft "Site Plan Approval with Conditions." Mr. Reid presented his parking plan which created eighteen on-site spaces fully conforming to the zoning provisions and the applicant would provide payment in lieu of parking to the City for the remaining required twenty-four spaces. The committee then reviewed the changes made to the "Site Plan Approval with Conditions" and approved as amended. **Motion made by Councilor Elder, seconded by Councilor Landers, to approve the site plan permit as amended and also refer to the Building Commissioner for review and to the Legal Department for proper legal form. The motion carried 4-1 (Councilor Tunnera opposed).**

Motion made and seconded to adjourn. The motion carried 5-0. Meeting adjourned at 7:37 PM.

Suspension of the Rules requested-granted

ORDERED: That the Appointment of Eileen Bristol to the position of Tax Collector for a two-year term upon confirmation by the City Council, **APPROVED**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the Communication from Attorney Falk on behalf of Bolton Granger Realty Trust, regarding Proposed Order of Relocation of Court Street Extension, refer to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM AND PLACE ON THE MAY 9, 2016 COUNCIL AGENDA**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the Application for Site Plan Review from Attorney Bergeron on behalf of Bolton Granger Realty Trust, George Voyiatzis Trustee, for the Atrium Place project at 21-29 South Bolton Street, refer to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM AND PLACE ON THE MAY 9, 2016 COUNCIL AGENDA**; adopted.

ORDERED: That the City of Marlborough appropriate the amount of One Million Dollars (\$1,000,000) for the purpose of paying costs of a Feasibility Study/Schematic Design for new construction, or an addition to and renovation, of the Richer Elementary School at 80 Foley Rd, Marlborough, MA 01752, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, the Marlborough City Council approves the transfer of said amount from the Undesignated Fund Account into the Feasibility Study – Richer Account. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City, **APPROVED;** adopted.

| CITY OF MARLBOROUGH | | | | | | | | | |
|---------------------|----------------|---------------|--------|----------------------|----------------|---|--------|--------------------------|-------------------|
| BUDGET TRANSFERS -- | | | | | | | | | |
| DEPT: | | Mayor | | | | FISCAL YEAR: | | 2016 | |
| | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance |
| \$4,896,252.00 | \$1,000,000.00 | 10000 | 35900 | Undesignated Fund | \$1,000,000.00 | 19300006 | 52690 | Feasibility Study-Richer | \$0.00 |
| Reason: | | | | | | To fund a feasibility study for the Richer School | | | |
| | \$1,000,000.00 | Total | | | \$1,000,000.00 | Total | | | |

ORDERED: That the Mayor be requested to send to the City Council a transfer request in the amount of \$75,000.00 to fund the Walker Building Feasibility Study, **APPROVED;** adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE “CITY CODE”), AS AMENDED, BE FURTHER AMENDED BY AMENDING IN CHAPTER 125, ENTITLED “PERSONNEL,” SECTION 6, ENTITLED “COMPENSATION SCHEDULE,” AS FOLLOWS:

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 / Max |
|---------------------------------|--------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Start</i> | <i>6 months of service</i> | <i>1 year of service</i> | <i>2 yrs. of service</i> | <i>3 yrs. of service</i> | <i>4 yrs. of service</i> | <i>5 yrs. of service</i> |
| Assistant Building Commissioner | \$70,000.00 | \$71,400.00 | \$72,828.00 | \$74,284.56 | \$75,770.25 | \$77,285.66 | \$78,831.37 |

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

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 SECTION 125-6 OF CHAPTER 125, ENTITLED "COMPENSATION SCHEDULE," SAID AMENDMENT TO BE EFFECTIVE AS OF JULY 1, 2017, AS FOLLOWS:

| <u>Stipend Position</u> | <u>Stipend Per Election</u> |
|--|-----------------------------|
| Election Wardens | \$250.00 |
| Election Clerks | \$200.00 |
| Election Inspectors/Checkers (per approximate 6-hour shift) | \$ 60.00 |
| Constables at Polls | \$18.75 per hour |

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

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 7, ENTITLED "BUILDING DEPARTMENT," OF ARTICLE XIV, AS FOLLOWS:

- A. Chapter 7 is hereby amended by deleting section 7-76 in its entirety and replacing it with the following:

§ 7-76 Assistant Building Commissioner; Appointment of Local Inspectors.

- A. The Mayor may employ an Assistant Building Commissioner who shall assist in the performance of the duties of the Building Commissioner. At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.
- B. The Mayor shall employ local inspectors, as necessary, to support the mission and duties of the Building Department. Local inspectors shall be under the direction of the Building Commissioner and the Assistant Building Commissioner. Local inspectors shall meet the requirements and qualifications of the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:28 PM.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2016 MAY - 5 AM 5
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Arthur G. Vigeant
MAYOR

Nicholas J. Allano
EXECUTIVE AIDE

Patrieta Bernard
EXECUTIVE SECRETARY

May 5, 2016

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

Re: FY17 Budget Recommendation

Honorable President Clancy and Councilors:

As Mayor of the City of Marlborough, it is my duty and privilege to present my budget recommendation for Fiscal Year 2017. Over the course of the past few months, City Department heads and I have worked together to develop a comprehensive budget that reflects our priorities as a community.

The FY17 budget totals \$149,863,278 and represents a 4.96 percent increase over last year's total operating appropriation. The main driver of the increase this year is the payments on debt service which has been anticipated for a number of years. The major components are the upgrades to the Easterly and Westerly Wastewater Treatment Plants as well as the Millham Water Treatment Plant. An additional \$1,355,988 is for our initial principal payment for the Assabet Valley Regional Technical High School project.

These, as well as other investments in the City's infrastructure and recreation facilities, are what is necessary to ensure that we can deliver high quality services and schools to residents of Marlborough. They were completed while preserving Marlborough's strong AA+ credit rating.

Thanks to funding from the City Council, we have been able to perform a variety of street construction projects on a substantial number of roads throughout the City since I became Mayor. The City Council recently approved another capital spending package which means more projects in neighborhoods around the City are underway.

Senior Activity

The construction of the \$7.5 million Senior Center was an immediate success. The beautiful, state-of-the-art building is bursting with activity everyday thanks to great programming and a full class schedule.

Membership in programs has increased by approximately 1,000 people since the new Center opened. As a result of new interest in programming and activities at the Senior Center, Council on Aging Executive Director Trish Pope and I recommend increasing the part-time Program Coordinator position to a full-time position to continue accommodating our larger membership.

The Program Coordinator plans and implements new programs, day trips, special events, and the newsletter.

Parks and Recreation

The renovation project at Ward Park is nearly complete: the skate park, tennis and basketball courts, and the playground have already been put to great use not only by seniors visiting the center, but also by families in the neighborhood.

Memorial Beach is another resounding success. The revitalization of the beach which previously went underutilized by residents for years is one of my favorite projects the City recently completed. The beach was full of families enjoying the weather and the water throughout the summer last year.

These crucial investments make Marlborough a better place to live for all and our work moving Marlborough forward will continue this summer. I am excited about our projects at Ghiloni Park, Stevens Park, the Community Center Field, and the John Street Playground. The biggest project we are undertaking this summer is the construction of the City's first turf field at the Whitcomb Middle School. This investment will enable school sports teams and the community to use the field more often, and longer in spring and fall than a grass field would allow.

Because of the increased debt service for this Fiscal Year, I have directed my City Department Heads to minimize budget increases. I appreciate their ability to write Departmental budgets that deliver for Marlborough residents, while not overburdening taxpayers.

Marlborough Public Schools

The Marlborough Public Schools continue to move forward. Investing in our schools has been one of my priorities and, thanks to your partnership, we have made consistent and substantial increases in funding to our public school system.

I want to thank my colleagues on the school committee and the school administration for understanding the City's financial constraints this year. The committee has forwarded to me a 1% increase to the 2017 budget. Additional spending will come from revolving accounts through the school system and anticipated surpluses this year. With school programs like STEM receiving both statewide and national recognition, we should not and will not move backwards.

Public Safety

As the City continues to grow and new developments come online, it will become necessary to make further investments in public safety. Although not included in my budget recommendation, as the year progresses and the financial picture becomes clearer for the upcoming year I hope to start looking at adding personnel to ensure that the Police Department has the officers it needs to keep Marlborough safe.

The Marlborough Fire Department budget includes several changes that Chief Breen has recommended to improve the Department's operations. As recommended by the Municipal Resources, Inc. study, Chief Breen has requested that a new Fire Prevention Officer position be

created. Additionally, he proposes adding four additional lieutenant positions to ensure company supervision on all fire engines operating at the tactical level.

Chief Breen has also recommended implementing a Training Officer position to oversee training programs.

These improvements will be made by using funds that already exist within the Department's budget. I believe the changes he has recommended due to his review and from the comprehensive MRI study will not only benefit Fire Department personnel, but will also help keep Marlborough residents safe.

Chief Breen and I look forward to discussing the Marlborough Fire Department budget with you further.

Inspectional Services

I am recommending two changes to the structure of the Inspectional Services Department. First, it is necessary due to the ongoing volume that the temporary local inspector be made a permanent position. As long as the Department stays as busy as it currently is, I intend to maintain the funding for this second local inspector position. If the volume sees a substantial decrease, we can reduce the second inspector through the budget process.

The second change is upgrading the part-time Wiring Inspector to a full-time position. The City has operated with a full-time Plumbing Inspector for years and it is important due to demand the City have a full time Wiring Inspector. By having a full-time inspector, the City will be able to reduce reliance on alternate inspectors and benefit from having an inspector whose full work week allows him to spend more time in the office helping customers and conducting plan reviews, rather than mostly conducting inspections.

State Aid, Revenue & Expenses

The current budget proposal uses the figures from Governor Baker's budget proposal, which is a decrease of \$58,112 from the FY16 Chapter 70 and unrestricted local aid appropriation; projected assessments have also increased from the FY16 budget.

The account for Massachusetts Water Resources Authority (MWRA) water is up 9 percent due to increased MWRA costs, chemical costs, and increased testing frequency as mandated by MassDEP.

Other Budget Highlights

- Last year, the City utilized funding available through our cable trust monies to reduce the City's portion of the Information Technology budget by \$334,620. This year, the City will utilize \$244,183 in cable trust monies to reduce the Information Technology budget.
- Several salary accounts have significant increases over the prior year. This is due to the updated salary ordinance that the City Council adopted in April. I thank you for your

support in making our Department Head salaries more competitive with comparable municipalities.

- Due to ongoing negotiations with several City unions, many salary accounts are level funded, pending completion of negotiations. Funds have been allocated to the Salary Reserve account to fund any agreed upon salary increases and retirements.
- The City's health insurance costs will see a six percent increase in FY17. As I reported to the City Council last year, I would prefer to see smaller premium increases in exchange for greater flexibility in designing the City's health insurance plans. We are still in union negotiations to achieve this change to provide savings to the City of Marlborough and the majority of our employees.

Over the next several weeks, I look forward to working with you and answering any questions you may have on this proposal. Every department is available to appear before you and discuss their offices in greater depth.

Thank you in advance for your consideration.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 4, 2016

Mayor Arthur G. Vigeant
City Hall, 4th Floor
Marlborough, MA 01752

RE: City Council's Receipt of Mayor's Annual Budget

Dear Mayor Vigeant:

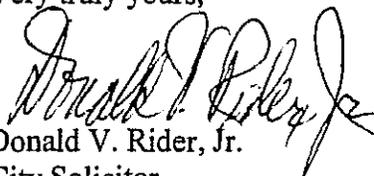
You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough City Clerk, in her capacity as Clerk of the Marlborough City Council, on Thursday, May 5, 2016, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of May 5, 2016, i.e., on or before June 19, 2016. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would fall "on the next succeeding business day," i.e., Monday, June 20, 2016.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor



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CLERK'S OFFICE
OF MARLBOROUGH

MAY -5 A 11:54

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 5, 2016

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

Re: Transfer Request – Command Officers Contract

Honorable President Clancy and Councilors:

I am pleased to submit for your review and approval a transfer request to fund the recently ratified collective bargaining contract between the City of Marlborough and the Marlborough Police Command Officers for Fiscal Years 2016, 2017 and 2018; it is effective as of July 1, 2015.

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

The crucial part of the MOA is our agreement to no longer use Civil Service for promotions for sergeants, lieutenants, and captains. The Civil Service system is an outdated, bureaucratic, and cumbersome method for promoting police officers in the 21st Century. By moving away from Civil Service and to a promotional system approved by the Command Officers we can assure Marlborough residents that only the highest qualified officers are promoted.

This change will help improve the Marlborough Police Department leadership for years to come. I wish to thank the Command Officers leadership team for their professionalism, patience, and shared goal of holding the Marlborough Police Department to high standards and performance.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

| DEPT: Police | | FISCAL YEAR: 2016 | | | | | | | |
|---------------------|--------------------|-------------------------------|--------------|-----------------------------|--------------------|-------------------------------|--------------|---------------------------|---------------------|
| FROM ACCOUNT: | | | | TO ACCOUNT: | | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance |
| <u>\$520,539.84</u> | <u>\$74,094.54</u> | <u>11990006</u> | <u>57820</u> | <u>Reserve for Salaries</u> | <u>\$7,672.98</u> | <u>12100001</u> | <u>50500</u> | <u>Police Captains</u> | <u>\$38,855.67</u> |
| | Reason: | <u>Contractual Obligation</u> | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$14,648.08</u> | <u>12100001</u> | <u>50510</u> | <u>Police Lieutenants</u> | <u>\$155,556.83</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$34,767.05</u> | <u>12100001</u> | <u>50820</u> | <u>Sergeants</u> | <u>\$130,515.94</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$5,324.22</u> | <u>12100003</u> | <u>51440</u> | <u>Education</u> | <u>\$235,814.15</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$1,422.67</u> | <u>12100003</u> | <u>51342</u> | <u>Longevity</u> | <u>\$50,469.51</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$645.66</u> | <u>12100003</u> | <u>51450</u> | <u>Night Diff.</u> | <u>\$48,182.16</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$69.58</u> | <u>12100003</u> | <u>51410</u> | <u>First Responder</u> | <u>\$15,768.14</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$517.64</u> | <u>12100003</u> | <u>51360</u> | <u>Training</u> | <u>\$10,074.08</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$6,058.42</u> | <u>12100003</u> | <u>51310</u> | <u>OT - Regular</u> | <u>\$48,898.48</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |
| | | | | | <u>\$56.50</u> | <u>12100003</u> | <u>51319</u> | <u>OT - Cell Watch</u> | <u>\$0.00</u> |
| | Reason: | | | | Reason: | <u>Contractual Obligation</u> | | | |

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: Police

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

| | | | | | | | | | |
|-------|-------|-------|-------|----------|----------|-------|------------|-------|-------------|
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | | | | \$822.77 | 12100003 | 51320 | OT - Court | | \$58,027.68 |

Reason:

Reason:

Contractual Obligation

| | | | | | | | | | |
|-------|-------|-------|-------|------------|----------|-------|-------------|-------|-------------|
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | | | | \$2,088.97 | 12100003 | 51490 | Holiday Pay | | \$66,765.01 |

Reason:

Reason:

Contractual Obligation

\$74,094.54 Total

\$74,094.54 Total

Department Head signature:

Auditor signature:

Comptroller signature:

**MEMORANDUM OF AGREEMENT
BETWEEN THE
CITY OF MARLBOROUGH
AND THE
MARLBOROUGH POLICE COMMAND OFFICERS
LOCAL 366, MASSCOP, IUPA, AFL-CIO**

The Negotiating Subcommittee of the City of Marlborough ("the City"), acting subject to the ratification of this Memorandum of Agreement ("MOA") by the Mayor of the City of Marlborough to whom the Subcommittee agrees to recommend acceptance, and the Negotiating Team of the Marlborough Police Command Officers, Local 366, MCOP, AFL-CIO ("the Union"), acting subject to the ratification of this Memorandum of Agreement by the membership of the Union to whom the Negotiating Team agrees to recommend acceptance, hereby mutually agree to the following terms and conditions of settlement of a Collective Bargaining Agreement that will be in effect for the three (3) year period from July 1, 2015 to June 30, 2018.

1. Duration: Irrespective of the following provisions, Article XXII, Duration of Agreement, shall be amended to state:

This Agreement shall be in full force and effect from July 1, 2015 to June 30, 2018. Commencing after January 1, 2018, on mutually agreed dates at the Mayor's convenience negotiations shall start for a new Command Officer Agreement. All portions of this Agreement shall remain in full force and effect until a successor Collective Bargaining Agreement is negotiated.

2. Past Provisions: Except as provided for in this MOA and, except for non-substantive technical matters such as date changes, all other provisions of the parties' previous integrated collective bargaining agreement attached hereto as Appendix A and memoranda of agreements attached hereto as Appendix B will remain in full force and effect.

All references to specific Articles contained in this MOA are to Appendix A.

3. Article VIII, Civil Service: In the event that the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions from the application of G.L. c. 31, Civil Service, then and only then, Article VIII, Civil Service, shall be deleted.

The Parties acknowledge that the revocation of Civil Service shall not affect Civil Service rights which have come into existence between the City and any employee prior to July 1, 2015. All Civil Service Lists shall remain in effect until Marlborough is removed from Civil Service and if that does not occur, no change to Article VIII shall occur.

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

4. Article XVIII, In the event that the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions from the application of G.L. c. 31, Civil

Service, then and only then, the following alterations to Article XVIII (Non Civil Service Job Posting and Bidding), shall occur:

Delete the following stricken language and add the following italicized language:

ARTICLE XVIII

~~NON-CIVIL SERVICE JOB BIDDING AND POSTING FOR~~
SPECIALISTS

When a *specialist* vacancy or position ~~not covered under Civil Service~~ occurs, the Chief of Police shall send written notification to all Command Officers in the rank in which the vacancy or position exists. The notification shall indicate the classification or specialty position and the general and specific duties of the position as well as a closing date for applicants. Command Officers wishing to be considered for the position shall notify the Chief of Police in writing by the closing date indicated on the notification. In determining who will fill said position, the Chief of Police shall consider: seniority, knowledge, training, ability, skill, efficiency, education, leadership ability, past performance, and any other factors which the Chief considers necessary. The Chief of Police, in the sole exercise of his discretion is to determine who will fill said position.

5. New Article: Promotions and Vacancies for Captains, Lieutenants and Sergeants

In the event that the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions from the application of G.L. c. 31, Civil Service, then and only then, the following new Article shall be effective:

ARTICLE ____

PROMOTIONS AND VACANCIES FOR
CAPTAINS, LIEUTENANTS, AND SERGEANTS

Promotions are based upon the merits of the candidates and their personal performance in the promotion process, and never on favoritism or seniority alone. A promotion is an investment in the future, not only for the department, but also for the employees who will be supervised and guided by the promoted member.

Policy

It is the policy of this department to recommend promotions based upon an employee's training, experience and merit. The Mayor is the Appointing Authority. No employees will be denied promotion based upon any discriminatory criteria, including, but not limited to, race, creed, color, national origin, gender, gender identity, sexual

orientation, parental status, veteran status, age, union activity, religion, political affiliation, handicap, or any other protected category. When a vacancy occurs within the Union, the City shall fill the position within a reasonable amount of time from the date the position becomes vacant.

Procedures

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

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

Testing/Scoring Materials

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

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

Notice of a Promotional Process

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

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

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

Eligibility

To be eligible for promotion to the rank of Sergeant the candidate must have three full years of permanent full time service with a police department as of the assessment date and have a minimum of an associate's degree.

To be eligible for promotion to the rank of Lieutenant the candidate must be a permanent full time member of the Marlborough Police department for a minimum of five years full time service with the department and with a minimum of two years of service as a Sergeant with the Marlborough Police as of the assessment date and have a minimum of a bachelor's degree.

To be eligible for promotion to the rank of Captain the candidate must be a permanent full time member of the Marlborough Police department with a minimum of one year of service as a Lieutenant with the Marlborough Police Department as of the assessment date and have a minimum of a bachelor's degree.

Should fewer than three Lieutenants elect to participate in a promotional process for the rank of Captain, the process will be open to Sergeants with a minimum of five years of full time service with the department and with a minimum of two years of service as a Sergeant with the Marlborough Police as of the assessment date and have a minimum of a bachelor's degree.

Promotional Process

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

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

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

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

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

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

Candidate Interviews

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

Candidate Selection

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

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

Final Selection

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

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

6. New Article. Layoff & Recall

In the event that the Legislature of the Commonwealth of Massachusetts exempts the Union's bargaining unit positions from the application of G.L. c. 31, Civil Service, then and only then, the following new Article shall be effective:

LAYOFF & RECALL

For purposes of this Agreement, the term "Seniority" shall mean length of continuous service of any member of the Bargaining Unit within the ranks he/she holds.

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

In the event that a layoff occurs in the rank of Captain, the employee with the least seniority in that rank shall have the opportunity to bump the employee with the least seniority in the rank of Lieutenant. In the

event that a layoff occurs in the rank of Lieutenant, the employee with least seniority in that rank shall have the opportunity to bump the employee with the least seniority in the rank of sergeant. In that event, and in the event that a layoff occurs in the rank of Sergeant, the employee with the least seniority shall have the opportunity to bump the patrolman with the least seniority. If any member of the Union is demoted due to layoffs, that member shall be subject to reinstatement to the previous rank for a period of five (5) years from the date of demotion.

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

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

This provision is subject to the grievance and arbitration provision.

7. New Article Just Cause

Irrespective of the foregoing, add a new Article:

**JUST CAUSE FOR EMPLOYEE DISCIPLINE AND
DISCHARGE**

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

8. ARTICLE XIX (Salaries):

Irrespective of the foregoing, the base salaries of Command Officers shall be increased by the following percentages on the dates indicated:

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

Additionally, Command Officers who are certified as "First Responders" in accordance with Massachusetts General Laws, Chapter 111, Section 201, shall receive a one-time \$2,000.00 increase to their base salaries, effective June 30, 2016.

9. Add New Section, Certification

Irrespective of the foregoing, all Command Officers shall receive a one-time \$1500.00 increase to their base salaries effective upon Certification of the Marlborough Police Department by the Massachusetts Police Accreditation Commission.

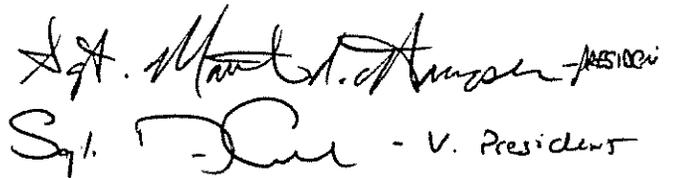
10. Add New Section, Direct Deposit

All employees shall be paid by way of electronic, paperless, direct deposit.

SIGNED 5/3/16



Arthur Vega
Mgca



Sgt. Mark A. Anger - ASST
Sgt. [unclear] - V. President

Executed the ___ of May 2016.

For the City of Marlborough:

For the Union:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 MAY -5 A 11:54
City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 5, 2016

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

Re: Home Rule Petition Exempting the Command Officers and MMEA from Civil Service

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a home rule petition to exempt the membership of the Command Officers union from the Civil Service. As noted in the transfer request I submitted to fund the Command Officers contract, the Command Officers union and I agreed to revoke Civil Service. The membership of the Marlborough Municipal Employees Association also previously agreed to revoke Civil Service.

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

In order to provide this to the Legislature as soon as possible before the end of their Legislative session on July 31, 2016, I respectfully request that you suspend the rules and approve the home rule petition in City Council.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

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

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

SECTION 1. Notwithstanding any general or special law to the contrary, the positions of sergeant, lieutenant and captain in the Marlborough Police Department, and all clerical, custodial, and technical positions in the City of Marlborough shall be exempt from the provisions of chapter 31 of the General Laws.

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

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

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MAY -5 A 11:39

City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 5, 2016

Edward Clancy
President
Marlborough City Council

RE: Order No. 16-1006482B
Application to Amend Special Permit
Q Café, LLC, d/b/a Firefly's
350 East Main Street, Marlborough

Dear President Clancy and Members:

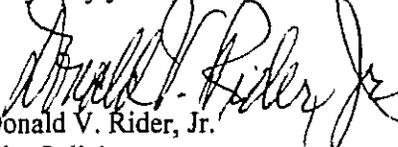
Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Q Café, LLC, d/b/a Firefly's, seeking permission to amend its original special permit at the existing restaurant on 350 East Main Street in Marlborough so as to expand the outdoor patio/deck area, add a small bar, add a serving/cooking kitchen, add acoustic music, add televisions, add games, add natural gas fire pits, and add outdoor heating.

Note that I have included a proposed condition not discussed at the May 3, 2016 Urban Affairs Committee meeting, namely, a Condition 4 dealing with the Board of Health's jurisdiction (over the proposed kitchen) which tracks Condition 3 dealing with the Licensing Board's jurisdiction (over the proposed bar, proposed outdoor acoustic music and proposed televisions):

4. The issuance of the Amended Special Permit is further subject to review by the Marlborough Board of Health as to all matters governed by the Applicant's food establishment permit (including the proposed kitchen) as may be amended. All further reviews, additions and/or amendments for the purposes of the Board of Health shall become part of the terms, conditions, maintenance and operation of the expanded patio/deck on the Site, and shall become conditions of this Amended Special Permit.

I have enclosed a copy of the proposed decision, which includes the above Condition 4. I certify that the decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Chris Flood, Esquire

May___, 2016

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 16-1006482C

Application of:
Q Café, LLC, d/b/a Firefly's
350 East Main Street
Marlborough, MA 01752

Locus:
350 East Main Street, Marlborough
Map 58, Parcel 42

DECISION

The City Council of the City of Marlborough voted to **GRANT** an Amendment of the Special Permit to Q Café, LLC, d/b/a Firefly's, 350 East Main Street, Marlborough, MA 01752 to expand the outdoor patio/deck area; add a small bar; add serving/cooking kitchen; add acoustic music; add televisions; add games; add natural gas fire pits; and add outdoor heating at 350 East Main Street, Marlborough, MA and did **GRANT** said Special Permit on May 9, 2016, as per City Council Order No. 16-1006482C.

Decision Filed:

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

APPEALS

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

ATTEST:

Lisa Thomas, City Clerk

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006482C**

The City Council of the City of Marlborough voted to **GRANT** an Amendment of the Special Permit to Q Café, LLC, d/b/a Firefly's, 350 East Main Street, Marlborough, MA 01752 to expand the outdoor patio/deck area; add a small bar; add serving/cooking kitchen; add acoustic music; add televisions; add games; add natural gas fire pits; and add outdoor heating at 350 East Main Street, Marlborough, MA and did **GRANT** said Special Permit on May 9, 2016, as per City Council Order No. 16-1006482C.

The City Council of the City of Marlborough now hereby **GRANTS** the application for an Amendment of a Special Permit to Q Café, LLC, d/b/a Firefly's, 350 East Main Street, Marlborough, MA, as follows:

FINDINGS OF FACTS - RULINGS AND CONDITIONS

1. The Applicant, Q Café, LLC, d/b/a Firefly's is a duly organized and existing Delaware limited liability company, licensed to do business in Massachusetts with its principal place of business located at 350 East Main Street, Marlborough, MA 01752 (the "Site"). Steven Uliss is a manager of Firefly's Restaurant and the applicant.
2. The owner of the Site is Commonwealth Club, LLC, a duly organized and existing Delaware limited liability company, licensed to do business in Massachusetts with its principal place of business located at 350 East Main Street, Marlborough, MA 01752.
3. The Applicant, in conjunction with the appropriate licenses and permits, seeks permission to amend an existing special permit in order to expand the deck/patio area to the restaurant; add a small bar; add serving/cooking kitchen; add acoustic music; add televisions; add games; add natural gas fire pits; and add outdoor heating (the "Project").
4. On June 3, 2002, the Applicant was issued by the City Council for the City of Marlborough a special permit pursuant to Article V, Section 200-15, paragraph C(1) of Chapter 200, entitled "Zoning," of the Code of the City of Marlborough (the "Original Special Permit").
5. On March 3, 2016, the Applicant filed with the City Clerk of the City of Marlborough an application to amend the Original Special Permit pursuant to Article VIII, Section 650-59, paragraph A(1) of Chapter 650, entitled "Zoning," of the Code of the City of Marlborough (the "Application").
6. The Site is currently improved with an existing structure which houses a restaurant, bar, billiards recreation area and outdoor patio area, and will be further improved in accordance with the plan including the expanded deck/patio area.
7. The location of the expanded patio/deck will be within a small portion of the land on which the restaurant sits, attached to the existing structure and patio area with proper emergency exits, and will be surrounded by a six-foot-high fence and the north side and east side of the deck/patio and a four-foot-high fence on the south side facing Route 20.

8. The Application seeks the establishment of a family-oriented, outdoor dining area consisting of 2,840± square feet of outdoor dining with a kitchen, bar and recreational lawn area surrounded by existing stone retaining walls, as well as by additional shrubbery, to be placed along the fenced borders of the deck, front and side parking areas. The patio/deck area shall also have a six-foot-high railing and will contain seating for approximately seventy-five (75) people with downward-facing lighting, background music, acoustic music, natural gas fire pits, a recreational lawn area and outdoor heating.
9. The Building Commissioner, on behalf of the City Planner, has certified, pursuant to Section 650-59C(7) of the Rules and Regulations promulgated by the City Council for issuance (including amendment) of special permits, that the site plan meets all prior referenced informational requirements of Section 650-59C(7); that the plan conforms in all respects to the Code of the City of Marlborough to the Rules and Regulations; and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals with any applicable appeal period therefor having run.
10. Pursuant to Section 650-59C(1) of said Rules and Regulations, the Applicant has distributed sets of Application material to the City officials listed therein.
11. Further, pursuant to the said Rules and Regulations and the provisions of M.G.L. c. 40A, as amended, the City Council established a date for a public hearing for the Application, and the City Clerk caused to be advertised said date in the Main Street Journal and sent written notice of said Public Hearing to those abutters entitled to notice under applicable law.
12. The Marlborough City Council pursuant to the appropriate provisions of MGL c. 40A, as amended, held a public hearing on the Application on April 4, 2016 and continued to April 25, 2016, when the hearing was closed.
13. The Applicant presented evidence at the public hearing detailing the Project and its limited impact upon municipal services, the neighborhood, and traffic and noise.
14. The Applicant's employees (i.e., host/hostess, wait staff, kitchen staff) will be present and in control of the outdoor patio/deck area as expanded.

REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

The Marlborough City Council, having caused to establish a detailed record of its Conditions and Reasons for granting the Special Permit, makes the following findings:

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council for the Application to amend the Original Special Permit.
- B. The establishment of an outdoor dining area shall consist of 2,840± square feet of outdoor dining with a kitchen, bar and recreational lawn area surrounded by fencing to be placed along the two visible borders of the deck, near the front and side parking areas. The expanded patio/deck area shall also have a six-foot-high fence

on the north side and east side and a four-foot-high fence on the south side facing Route 20. The expanded patio/deck will contain seating for approximately to seventy-five (75) people with down-facing lighting, background music, acoustic music, natural gas fire pits, a recreational lawn area and outdoor heating. The area will have an outdoor kitchen and bar. The expanded patio/deck is an appropriate modification of the Original Special Permit. This amendment would be in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to the appropriate terms and conditions provided below.

- C. The City Council pursuant to its authority under M.G.L. c. 40A, as amended, GRANTS the Application to amend the Original Special Permit to expand the current patio/deck as described above as per plans filed with the City Council and the City Clerk, including plans discussed at the Urban Affairs Committee meeting on May 3, 2016 (the "Amended Special Permit"), SUBJECT TO THE FOLLOWING CONDITIONS which shall apply to the Applicant, its successors and assigns:
1. Construction of the expanded patio/deck on the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and shall be built according to the site plan filed with the Application and as amended during the Application process and Site Plan Review.
 2. The issuance of the Amended Special Permit is further subject to detail review by the Marlborough Site Plan Review Committee, in accordance with c. 270 of the City Code for the City of Marlborough, prior to the issuance of the actual building permit. Said Site Plan Review shall be consistent with and in conjunction with this Amended Special Permit. All further reviews, additions and/or amendments for the purpose of Site Plan Review shall become part of the terms, conditions, maintenance and operation of the Site, and shall become conditions of this Amended Special Permit.
 3. The issuance of the Amended Special Permit is further subject to review by the Marlborough Licensing Board as to all matters within the scope of the Applicant's common victualer all-alcoholic beverages license (including the proposed bar) as may be amended, and within the scope of by the Applicant's entertainment license (including the proposed outdoor acoustic music and the proposed televisions) as may be amended. All further reviews, additions and/or amendments for the purposes of the Licensing Board shall become part of the terms, conditions, maintenance and operation of the expanded patio/deck on the Site, and shall become conditions of this Amended Special Permit.
 4. The issuance of the Amended Special Permit is further subject to review by the Marlborough Board of Health as to all matters governed by the Applicant's food establishment permit (including the proposed kitchen) as may be amended. All further reviews, additions and/or amendments for the purposes of the Board of Health shall become part of the terms, conditions, maintenance and operation of the expanded patio/deck on the Site, and shall become conditions of this Amended Special Permit.

5. **Application and Documents:** All plans, drawings and documentation provided by the Applicant as part of this Application or later filed with the Urban Affairs Committee are herein incorporated into and become part of this Amended Special Permit and become conditions and requirements of the same.
6. **Compliance with Local, State and Federal Laws:** The Applicant agrees to comply with all rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the Federal Government as may be applicable to the construction, maintenance, equipping and operation of the expanded patio/deck on the Site.
7. **Public Peace and Good Order:** In the event that the Chief of Police, in his reasonable sole opinion, determines that either the business of the Applicant is, or the clientele of the Applicant are creating a condition that is contrary to public peace and good order, the Chief shall, in writing, notify the Applicant and demand reasonable corrective measures be put into effect within seven (7) days. Upon the failure or inability of the Special Permit holder to correct such conditions, the Police Chief may require the Applicant to employ one or more Police Detail Officers, during such hours and days as the Police Chief, in the exercise of his sole discretion, determines to be necessary for the purpose of correcting the condition.
8. **Abutter Conditions:** The Applicant agrees to fulfill the following conditions set forth by the abutters to the expanded patio/deck to be constructed on the Site located at 350 East Main Street, Marlborough:
 - Expanded patio/deck to be surrounded by a fence that is six-foot-high and on the north side and east side and a four-foot-high fence on the south side facing Route 20 to serve as both a light and sound-absorbent barrier;
 - Additional shrubbery shall be installed on the south side of the expanded patio/deck facing Route 20 as an additional barrier along the four-foot-high fence, and the railing along the walkway leading to the main entrance of the restaurant shall remain and be properly maintained. The additional shrubbery and the railing shall serve as an additional barrier for the south side of the expanded patio/deck;
 - No additional lighting to be erected or added to existing parking lot lights except for some downward-facing, shielded lamps on the expanded patio/deck itself;
 - Noise created on, at or from the expanded patio/deck shall be in compliance with local City Ordinance;
 - There shall be no access to the expanded patio/deck from the parking lot, except emergency exit access only;
 - All emergency exits shall be in compliance with the Americans with Disabilities Act;
 - The expanded patio/deck and the area underneath it shall be kept clean and in compliance with all Board of Health requirements;

- Occupancy on the expanded patio/deck shall still be limited to 75 patrons or as otherwise directed by the Marlborough Building Commissioner and shall be in compliance with the Marlborough Zoning Ordinance.
8. Except as may otherwise be modified by the Marlborough Licensing Board and/or the Marlborough Board of Health, the hours of operation of the expanded patio/deck shall be the same as the existing restaurant business, with seating up until 10:00 P.M. Sunday through Thursday and up until 11:00 P.M. Friday and Saturday.
 9. The dumpster(s) on the Site shall have a cover and shall not be overfilled so that the dumpster lid cannot close.
 10. The Applicant must keep all fencing on the Site in good repair at all times.
 11. The Applicant shall not power-wash and flush any grease or other waste products into the storm drain(s). The Applicant shall place a berm around all grease containers, and also must properly dispose of materials from inside the catch basin(s) on a regular basis and in no case less than annually.
 12. In compliance with fire safety regulations, the Applicant shall properly store and secure, and keep separated from public access, all gasoline, propane and other flammables and/or combustibles on the Site. Prior to being issued a certificate of occupancy for the patio/deck, the Applicant shall obtain a letter from the Fire Chief or his designee that the Applicant has properly stored, secured and kept separated from public access said flammables and/or combustibles.
 13. All such conditions above shall be complied with prior to an issuance of an occupancy certificate from the Marlborough Building Inspector.
 14. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Amended Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Amended Special Permit has elapsed with no appeal having been filed. Applicant shall provide to the City Council's office, the City Solicitor's office and the Building Department a copy of the recorded Amended Special Permit.

APPROVE

Yea: Nay:

Yea:

ADOPTED _____

In City Council

Order No. 16-1006482C

Adopted

Edward Clancy

City Council President

A TRUE COPY

ATTEST:

Lisa Thomas, City Clerk



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 5, 2016

Edward Clancy
President
Marlborough City Council

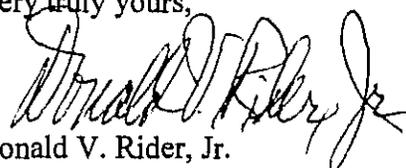
RE: Order No. 16-1006483A
Application for LED Sign Permit
Marlborough Savings Bank
71 Boston Post Road East, Marlborough

Dear President Clancy and Members:

In his capacity as Acting Chairman of the Urban Affairs Committee during its April 26, 2016 meeting on the LED sign permit application submitted by Marlborough Savings Bank, Councilor Elder asked that I provide this letter as to the legal form of the City Council's proposed decision on the Bank's application. The Bank seeks permission pursuant to City Code § 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," to operate an electronic message center sign at 71 Boston Post Road East in Marlborough.

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: Rick Bennett, President, Marlborough Savings Bank

**DECISION ON A SPECIAL PERMIT
IN CITY COUNCIL**

Special Permit

Marlborough Savings Bank

71 Boston Post Road East

Order No. 16-1006483B

**DECISION ON A SIGN ORDINANCE SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006483B**

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Ordinance Special Permit to Marlborough Savings Bank (the "Applicant") for the property located at 71 Boston Post Road East in Marlborough Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 71 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 58, Parcel 55 (the "Site").
2. On March 2, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks a Sign Ordinance Special Permit pursuant to Section 526-13 of the Code of the City of Marlborough, entitled "Electronic Message Center Signs and Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate a free-standing sign to include a light emitting diode message sign (the "Sign) at the Site.
3. The Sign overall is 21.25 square feet (8'1" wide by 2'7" high) with a double-faced color emitting diode message sign which has a display area of approximately 16.5 square feet (7'10" wide by 2'1" high) located below an internally illuminated sign on an free-standing pylon sign approximately 20' 4" high. The Sign installer is Kay Gee Sign and Graphics Company, 200 Southbridge Street, Auburn, MA 01501.
4. In connection with the Application, the Applicant has submitted schematic design plans of the Site and signage, which plans show the Sign and location of the Sign on the Site.
5. The Marlborough City Council held a public hearing on the Application on Monday, April 4, 2016.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
7. The Applicant further presented its Application at the Urban Affairs Committee meeting held on May 3, 2016.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the sign complies with the standards set forth in Section 526-13B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough. The Sign shall conform to the Sign Ordinance of the City of Marlborough without a request, or need, for a variance.
 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the plan entitled "Marlborough Savings Bank EMC Sign, prepared by Kay Gee Sign & Graphics, 200 Southbridge ST., Auburn, MA 01501 Dated 2-29, 2016", are incorporated into and become part of this Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED
In City Council
Order No. 16-1006483B
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Legal Department
140 MAIN STREET

2016 MAY 05 9 10 20
MARLBOROUGH, MASSACHUSETTS 01752
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CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 5, 2016

Edward Clancy, President and Members
Marlborough City Council

RE: Alteration and Relocation of the Layout of Court Street Extension
Order No. 16-1006476A

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. 16-1006476 Said Order is in proper form for consideration by the body.

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

Very Truly Yours,

Cynthia Panagore Griffin

Enclosure

Cc: John Ghiloni, Commissioner, Department of Public Works
Arthur Bergeron, Esq.
Brian Falk, Esq.

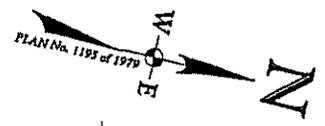
ORDERED:

Be it ordained by the City Council of the City Of Marlborough, under authority of Section 21 of Chapter 82 of the Massachusetts General Laws, that the common convenience and necessity require a certain portion of the layout of Court Street Extension, which layout was taken for highway purposes and accepted as a public way in 1981 by Order No. 21579 (recorded at the South Middlesex County Registry of Deeds in Book 14471, Page 257), to be altered and relocated as shown on the plan entitled "Plan of Acceptance," dated February 15, 2016 (the "Plan"), and further, that Court Street Extension is hereby altered, relocated, and laid out as a public way of the City of Marlborough, as shown on said Plan.

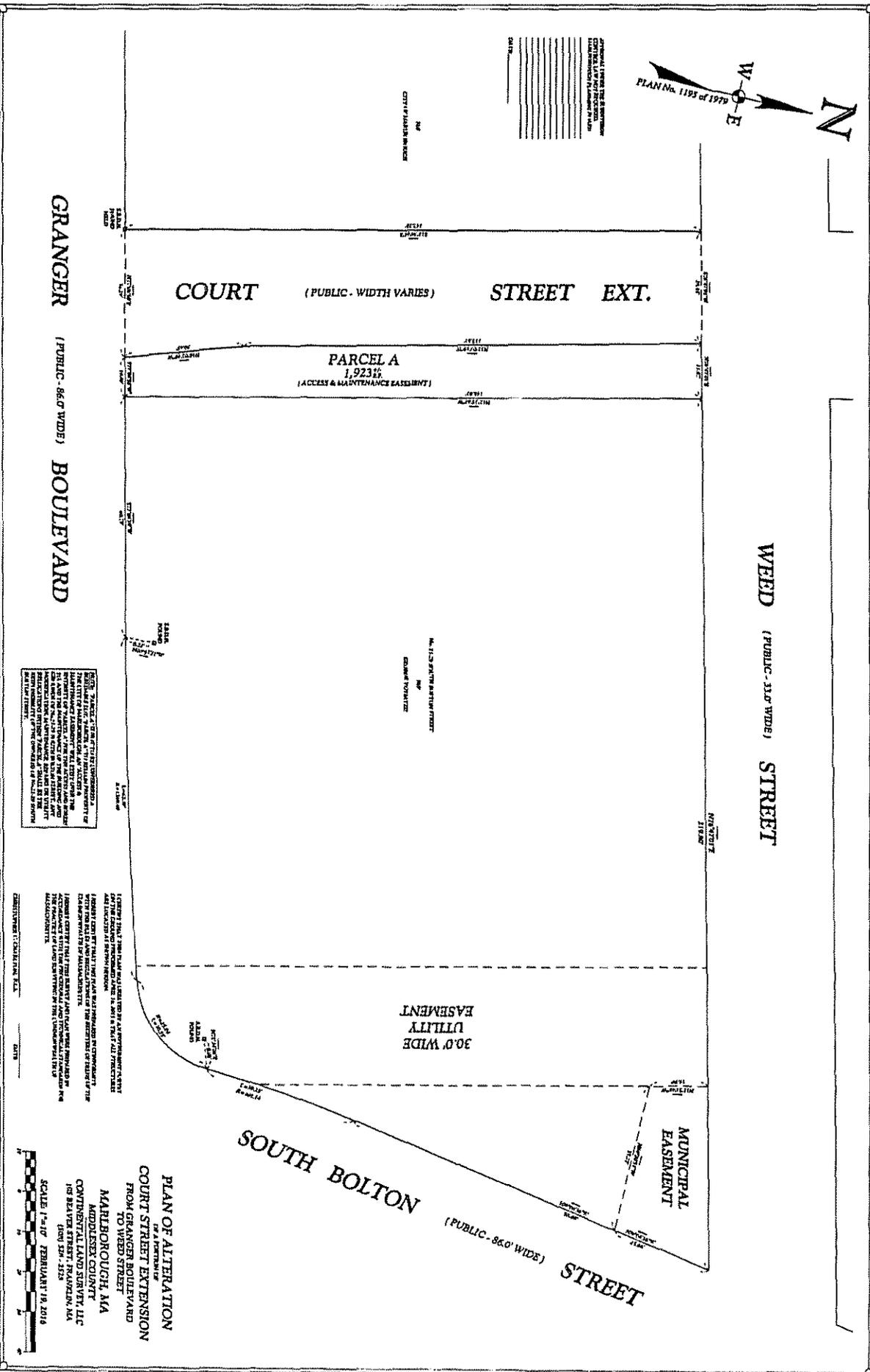
ADOPTED
In City Council
Order No. 16-1006476

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



APPROVED FOR THE CITY OF BOSTON
 BY THE CITY ENGINEER
 ON THE 14th DAY OF FEBRUARY 1918
 CITY OF BOSTON ENGINEER



GRANGER BOULEVARD
 (PUBLIC - 86.0' WIDE)

COURT STREET EXT.
 (PUBLIC - WIDTH VARIES)

WEED STREET
 (PUBLIC - 33.0' WIDE)

PARCEL A
 1,923 sq ft
 (ACCESS & MAINTENANCE EASEMENT)

**30.0' WIDE
 UTILITY
 EASEMENT**

**MUNICIPAL
 EASEMENT**

SOUTH BOLTON STREET
 (PUBLIC - 86.0' WIDE)

NOTE: PARCEL A IS THE PROPERTY OF THE CITY OF BOSTON. THE CITY ENGINEER HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR THE LEGALITY OF THE CLAIMS MADE HEREON.

1. THE CITY ENGINEER HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR THE LEGALITY OF THE CLAIMS MADE HEREON.

**PLAN OF ALTERATION
 COURT STREET EXTENSION
 FROM GRANGER BOULEVARD
 TO WEED STREET
 MARRIENROUGH, MA
 MIDDLESEX COUNTY
 CONTINENTAL LAND SURVEY, LLC
 100 BEAVER STREET, FRAMINGHAM, MA
 01901-2515**

SCALE 1" = 10' FEBRUARY 19, 2018



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY - 9 AM '16

City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 5, 2016

Edward Clancy, President and Members
Marlborough City Council

RE: Site Plan Approval With Conditions, Atrium Place, 29 S. Bolton Street
Order No. 15/16-1006366B

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. ^{15/}16-1006366. Said Order is in proper form for consideration by the body.

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

Very Truly Yours,


Cynthia Panagore Griffin

Enclosure

Cc: Priscilla Ryder, Conservation Commissioner/Site Plan Review Committee
Arthur Bergeron, Esq.
Brian Falk, Esq.

Site Plan Permit # _____
Site Plan Approval with Conditions

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

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

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

Zoning District: Marlborough Village District (MV)

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

SITE PLAN APPROVAL FINAL CONDITIONS:

A. Site Conformance:

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

B. Prior to Issuance of a Building Permit:

1. Construction Staging and Safety Plan:

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

2. **Green Building:** The building plans shall show compliance with Section 650-34 D.2. (m) of the Zoning Code of the City of Marlborough. Prior to the issuance of Building Permits, the Building Commissioner shall review the building plans to ensure that the design incorporates green building techniques.
3. **Rooftop Mechanicals:** On the building plans, the elevation drawings shall show areas reserved for rooftop mechanicals and the elevator penthouse. Detail drawings illustrating the type, location, and dimensions of fencing/screening must be provided. The Building Commissioner shall confirm that the building drawings conform to the requirements of Section 650-34 D.2.(b) regarding screening of rooftop mechanical equipment.

C. Construction:

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

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

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

D. Storm Water:

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

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

D. Landscaping:

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

E. Prior to Issuance of a Certificate of Occupancy:

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

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

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

F. General Provisions:

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

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

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

IN CITY COUNCIL ____ May ____, 2016

APPROVED; adopted.

Yea: ____ Nay: _____



City of Marlborough

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CITY OF MARLBOROUGH
410 MAIN STREET
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CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 5, 2016

Edward Clancy, President and Members
Marlborough City Council

RE: Proposed Zoning Amendment – Chapter 650-35 Hospitality and Recreation Mixed Use
Overlay District (“HRMUOD”)
Order No. 16-1006443

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. 16-1006443. Said Order is in proper form for consideration by the body.

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

Very Truly Yours,

Cynthia Panagore Griffin

Enclosure

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

ORDERED

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY ADDING A NEW SECTION 650-35, AS FOLLOWS:

ARTICLE VI

§650-35 – HOSPITALITY AND RECREATION MIXED USE OVERLAY DISTRICT

A. Purpose and Objectives

1. The Hospitality and Recreation Mixed Use Overlay District (herein, also a “HRMUOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (hereinafter any reference to City approval shall be deemed to mean approval by the City Council) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Hospitality and Recreation Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of, hospitality/hotel, recreation, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).
2. For the purposes of this Section, the HRMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the HRMUOD, in accordance with the procedures set forth in Section C.3 below. The HRMUOD district is located on the southerly side of Boston Post Road West (Route 20) to the west of Glenn Street to Ames Street, containing approximately 43.6 acres as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.
3. For the purposes of the Zoning Ordinance, a “Mixed Use Development” or “MUD” shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the Development Agreement described in Subsection C(2) below. Accordingly, Mixed Use Developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

1. The City Council shall be the Permit Granting Authority for Special Permit Approval in the HRMUOD where applicable. In all instances, a development which proceeds under the HRMUOD overlay is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code, with the exception that the City Council shall be the Permit Granting Authority for Special Permit, where applicable, and Site Plan Approval in the HRMUOD.
2. The City Council may elect to vary the dimensional and parking requirements of this Section by Site Plan Approval if, in their opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This authority continues subsequent to occupancy.

C. Master Concept Plan

1. The property owner/developer of the HRMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for the HRMUOD, where applicable, file the following with the City Council for approval:
 - a. A Master Concept Plan (“Master Plan”) which shall in a general manner show:
 - (i) The location and areas of proposed development;
 - (ii) Proposed open space (usable or natural);
 - (iii) Proposed site access curb cuts off of Boston Post Road West;
 - (iv) Proposed building “envelope(s)” where construction is anticipated to occur (excluding internal site driveways);
 - (v) Proposed parcel interconnection for vehicular and pedestrian travel both within and to the site;
 - (vi) Wetlands, water supply protection areas, riverfront zones and other significant natural resources, and the relationship of these resources to the proposed development, as well as a description of the mitigation of impacts on the resource;
 - (vii) General locations of proposed bus stops and routes within the site, and commitments to the improvements (shelter, seating and signage) at these stops;
 - (viii) In general, the stormwater management location and methods to be used;

- (ix) A master Signage Plan for the premises comprising the HRMUOD setting forth the types, locations and dimensions of signage among other issues at the properties comprising the HRMUOD;
 - (x) A parking plan;
 - (xi) A photometric plan; and
 - (xii) A master Landscaping Plan for the premises comprising the HRMUOD.
- b. A table showing approximate acres and calculations of the following:
- (i) Total land area of each development area (building envelope area);
 - (ii) Total development limitations, if any, of uses in any developable area;
 - (iii) Total maximum development (gross square footage/use limitations);
 - (iv) Approximate number of parking spaces for the entire HRMUOD District; and
 - (v) Approximate distribution and allocation of parking spaces relative to the proximity to the uses said parking spaces will be serving.
 - (vi) Total impervious area and percentage of impervious area for each lot.
 - (vii) Total temporary and permanent disturbance within the Water Supply Protection District's fifty-foot buffer area, and percentage of buffer area affected by temporary and permanent disturbance.

The Master Plan shall be approved by a super majority (2/3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the HRMUOD. The Master Plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

2. A Development Agreement, in recordable form and binding upon the property owner/developer, shall be required. The Development Agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the HRMUOD which shall contain, without limitation, the following:

- a. Required mitigation (including traffic demand management initiatives), to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the HRMUOD progresses;
- b. Restrictions on development areas and such other development limitations as may be agreed upon;
- c. Proposed phasing of the development of the HRMUOD;
- d. Obligations with respect to pedestrian and vehicular interconnectivity within the HRMUOD to facilitate pedestrian access and parking efficiencies;
- e. A requirement that the property owner/developer submit each proposed individual (or group of) building(s) for architectural review by the City Council prior to issuance of a building permit to ensure that the detailed building design will substantially conform in all material respects, including but not limited to building form, motif, shape, grouping of forms, materials and design with the details provided within the Master Plan and the Development Agreement. To the extent practicable, and provided the same are commercially reasonable, consistent with the proposed use and requirements of the applicable tenant, and in keeping with the details presented by the property owner/developer within the Master Plan and the Development Agreement, the property owner/developer will incorporate comments and input from Council; and
- f. The authority of the City Council to retain the necessary professionals to assist in their review of development applications.

The Development Agreement shall govern the implementation of the Master Plan and development at the HRMUOD.

3. Upon approval of the Master Plan by the City Council, or at such later date as may be specified in the Development Agreement, this Section (§650-35 et. seq.) of the Zoning Ordinance shall govern the development of all parcels within the HRMUOD, in accordance with the approved Master Plan. In the event that individual parcels comprising the HRMUOD are under the ownership of different entities each such entity shall be permitted to seek the approval of a modification (in accordance with the procedures of Subsection C.2., above) to the Master Plan and Development Agreement as it applies to each such parcel.
4. Separation of the HRMUOD into future separate parcels or leaseholds shall not release any of the owners or leaseholders from obligations under the Master Plan and Development Agreement.

D. Exclusivity/Control

Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this Section (§650-35 et. seq.) shall continue to remain in full force and effect, provided however that the City Council shall be the Special Permit Granting and Site Plan Approval Authority, if applicable. This Section (§650-35 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the HRMUOD and supersedes any other provision of the Zoning Ordinance, as set forth in Section C.3 above; provided, however, that this Section supersedes §650-24 (Water Supply Protection District) only with respect to the fifty-foot no disturbance/buffer zone to a wetland, as set forth in Subsection K.3 below; and provided further, that the maximum total impervious surface coverage for the HRMUOD shall be 60% calculated on the entire land area of the HRMUOD and not on an individual lot basis. In the event of any conflict between the provisions of this Section (§650-35 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

E. Eligible Uses

Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Limited Industrial District and within the Business District under § 650-17, Table of Use Regulation, of the Zoning Ordinance, shall be prohibited.

1. The following uses are permitted BY-RIGHT in the HRMUOD:
 - a. Medical office and diagnostic medical laboratories appurtenant to offices of physicians, optometrists, dentists, and other medical professionals.
 - b. Retail sales and services – up to 20,000 square feet of gross floor area per establishment and one (1) establishment of up to 85,000 gross square feet.
 - c. Hotels (as defined below) containing not more than 250 keyed sleeping rooms with conference facilities and commercial uses.

For purposes of this subparagraph (c) a “hotel” shall be defined as:

“Hotel”

A commercial establishment offering lodging for travelers and other transient guests, that may include uses accessory to the principal use, such as meals, entertainment, retail stores, recreation facilities or other amenities, and subject to the following restrictions:

Individual rooms or lodging units shall not be occupied by guests as their sole residence. Guests may not occupy rooms or lodging

units for more than six (6) months in any calendar year without a valid employment contract.

Notwithstanding anything contained herein, any hotel within which more than 10% of the keyed sleeping rooms have permanent cooking facilities shall require a Special Permit.

- d. Public or Private commercial recreation establishment, indoor/outdoor commercial recreation, recreation grounds, movie theatres or places of amusement
- e. Offices, professional offices, banks insurance and financial institutions
- f. Consumer service establishments complimentary to the other principal uses
- g. Restaurant, café with or without table service (including outside seating and service) with or without drive-thru, provided that said facilities have no dedicated driveway with a curb cut on a public way.
- h. Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
- i. Up to two (2) drive-through facilities associated with retail (e.g. banks; pharmacies), provided that said facilities have no dedicated driveway with a curb cut on a public way and integrate vehicular circulation with the surrounding site plan and circulation in an efficient manner.
- j. Up to two (2) drive-through facilities associated with food services, provided that said facilities have no dedicated driveway with a curb cut on a public way and integrate vehicular circulation with the surrounding site plan and circulation in an efficient manner.
- k. Taxable schools for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)
- l. Copy shops, newspaper offices
- m. Brew pubs
- n. Accessory research, experimental labs and light manufacturing incidental to a medical office, medical laboratories, professional office, or veterinary hospital
- o. Accessory solar energy installations
- p. Accessory sale of cigars incidental to a business engaged in the sale of beer, wine and/or alcohol

- q. Accessory uses
2. The following additional uses are also permitted BY-SPECIAL PERMIT in the HRMUOD:
- a. Any drive-through facilities associated with retail (e.g. banks; pharmacies) beyond the two (2) such facilities permitted by-right in the HRMUOD
 - b. Any drive-through facilities associated with food services beyond the two (2) such facilities permitted by-right in the HRMUOD
 - c. Retail sales and services in excess of 20,000 square feet of gross floor area per establishment (excluding the one establishment of up to 85,000 gross square feet noted in Subsection E.1. b., above)
 - d. Dry Cleaning
 - e. Veterinary Hospitals
 - f. Car Washes
 - g. Self Service Laundry
3. All uses not noted in Subsection E.1 and Subsection E.2 above shall be deemed prohibited in the HRMUOD, including but not limited to the uses listed below, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation:
- a. Adult entertainment, including an adult bookstore, adult video store, adult paraphernalia store, adult movie theatre, or adult live entertainment establishment
 - b. Tattoo and body piercing parlors and shops
 - c. Dye Works
 - d. Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention
 - e. Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling
 - f. Electroplating, metal finishing
 - g. Hazardous and toxic chemical manufacturing
 - h. Trucking terminal and distribution center

- i. Automotive sales and services
- j. Retail gasoline, oil and lubrication stations, and tire sales
- k. Commercial bakeries
- l. On site sales and rental of heavy machinery and vehicles
- m. Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center
- n. Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility
- o. Sales of tobacco products, e-smoking products, smoking accessories and paraphernalia, flavored tobacco products, vaping products, and similar products, excepting the sale of cigars within a hotel cigar bar which is accessible to adults only

F. Dimensional Requirements

The HRMUOD shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:

1. The HRMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Hospitality and Recreation Mixed Use Overlay District.
2. Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the HRMUOD.
3. Minimum Front Yard measurement shall be no less than twenty (20) feet for any lot wholly located within boundaries of a HRMUOD.
4. Maximum building height in HRMUOD shall not exceed 80 feet.
5. Maximum Lot Coverage shall be calculated on the entire land area of the HRMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the HRMUOD.
6. Notwithstanding anything contained herein to the contrary, there shall be no setback requirements or planting strips required as to (i) internal lot lines within the HRMUOD, and (ii) parcels outside the HRMUOD that abut the HRMUOD along at least three (3) lots lines.

G. Parking, Curb Cut and Landscaping Requirements

Except as otherwise provided in this Section, parking and circulation requirements shall conform with the provisions of §650-47, §650-48 and §650-49 of the Zoning Ordinance.

1. General - In the HRMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal, for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
2. Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses, but must be integrated into the surrounding site plan and oriented as to minimize visual impact of the garage on surrounding uses.
3. Parking in the HRMUOD shall be at a minimum of 1 parking space per 333 square feet of Net Floor Area. Each space shall be no less than 9' x 18' except that the use of compact spaces (no smaller than 8' x 16') may be utilized throughout the HRMUOD provided that no more than 33% of the total parking spaces within the HRMUOD shall be compact spaces. Aisle widths shall be a minimum of 11' for one way travel lanes and 22' for two way travel lanes. The Master Plan is required to show further detail and explanation as to the distribution and allocation of parking space supply relative to the net floor area of each building distributed on the site.
4. Landscaping Strips - Continuous landscaping strips shall be provided no less than 10 feet to the right of way line along Boston Post Road West (Route 20) not including the width of sidewalks, unless the sidewalk is constructed within the right of way.
5. Planting quantity and spacing along Boston Post Road West (Route 20):
 - a. Plantings shall consist of at least one tree per 50 linear feet of planting area length.
 - b. Plantings may be grouped, not evenly spaced, but groups of trees shall be spaced no further apart than 100 linear feet.
6. Location of landscaped islands in parking areas - Landscaped islands shall be contained within or project into a parking lot and be so located that some part of

every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

7. Granting of Relief from Parking, Curb Cut and Landscaping Regulations - The City Council may, during the Site Plan Approval process, waive any of the foregoing requirements or the requirements of §650-47, §650-48, and §650-49 if it makes a finding that to do so will enhance the overall design of the HRMUOD.
8. In order to enhance the functionality of reduced parking requirements, parking for employees of retail, restaurant, and hotel establishments should be designated in areas of the site which are remote, retaining the most convenient parking locations for patrons of the development's establishments.

H. Signage

Except as otherwise provided in this Section, signage shall conform to the provisions of §526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this Section (§650-35 et. seq.) and any provision of §526 of the City Code, the provisions of this Section shall govern and control. Subject to approval by the City Council as part of the Signage Plan pursuant to Section C(1)(a)(ix), including but not limited to appearance, the following signs are allowed in the HRMUOD district:

1. A maximum of two (2) wall signs, individual letter signs, logo signs or projecting signs affixed to a building for each store, business or tenant. No sign shall project above the highest line of the roof, parapet or building. Each wall sign, individual letter sign, or roof sign shall not exceed an area of 2.5 square feet for each linear foot of the storefront, business front or occupied tenant space for each applicable business or tenant advertised. In the event that a storefront, business front or occupied tenant space occupies more than one front of a building, the longest front shall be utilized to calculate the total area per wall sign, individual letter sign, logo sign or projecting sign (up to a maximum of two (2)). The total area as calculated herein shall be the applicable maximum area for each sign and not split between the two.
2. Projecting signs shall not project more than 6 feet from the building, subject to approval by the City Council as part of the Signage Plan.
3. Illumination, including internal illumination with translucent faces, shall be permitted for wall signs, individual letter signs, logo signs or projecting signs provided under this Section.
4. Any business, tenant, or storefront may divide any allowed exterior sign(s) affixed to a wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall provided however that the aggregate area of the separate signs shall not exceed the maximum area allowed under this Section for a single exterior sign on the same front.

5. A lot in an HRMUOD Zoning District shall be allowed one free standing pole, monument, ground or pylon sign for every 933 linear feet of cumulative frontage on a street or way, provided that each freestanding sign shall be subject to the following dimensional and lighting requirements:
 - a. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per free standing sign, exclusive of any electronic messaging board as provided in item (e) below and exclusive of any sign embellishments, structure and address panels located thereon;
 - b. The height of any freestanding sign shall not exceed thirty (30) feet from the ground measured directly at the sign base;
 - c. No freestanding sign shall be located closer than five (5) feet from any property line provided that there shall be no setback requirements to interior lot lines within the HRMUOD;
 - d. Signs, logos or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces; and
 - e. Electronic Messaging Boards shall be subject to the provisions of §526-13 of the City Ordinance, except as expressly approved by the City Council, provided however, that one (1), double sided, Electronic Messaging Board (“EMB”) in the HRMUOD shall be allowed by-right with a display area of up to sixty (60) square feet. Notwithstanding the provisions of §526-13 of the City Ordinance, the EMB within the HRMUOD may: 1) be located as the uppermost element of the pylon/monument sign upon which it is attached; 2) may display no more than four (4) colors from sunrise to sunrise within background, field and message during any single display or message; 3) may present logos; and 4) may have a minimum display time of twenty (20) seconds.
6. During construction, one free standing pole, ground, monument or pylon sign per 500 linear feet of cumulative frontage on a street or way, or wall sign where applicable, may be erected or installed advertising the rental, lease or sale of the premises, or portions thereof provided that said signs shall be removed within seven (7) days of the rental, lease or sale of the premises (or applicable portions thereof).
7. Wire frame and A-frame signs are prohibited.
8. The City Council may elect to vary the requirements of this Section by Site Plan Approval if, in their opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This authority continues subsequent to occupancy.

I. Application

1. Special Permits - An application for a Special Permit for a use in the Mixed Use Development in the HRMUOD shall comply with the requirements of §650-59 et. seq. of the Zoning Ordinance.
2. Site Plan Approval - An application for Site Plan Approval shall comply with the requirements of the City Code, Article II, Permits and Approvals, §270-2 et. seq.

J. Site Plan Approval Design Criteria

An application for Site Plan Approval under this Section shall adhere to the following design criteria, in addition to those specified in §270-2 of the Marlborough City Code:

1. Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
2. The placement of utilities and wiring underground, to the extent practical;
3. The placement of HVAC equipment, fans, generators, and other site related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view wherever reasonably practicable and where elevation permits;
4. Pedestrian amenities - sidewalks to provide access from internal site uses to Route 20, between parking areas and uses, and between sites;
5. Lighting – The Applicant shall consider the following standards when designing a lighting plan:
 - a. The use of lighting should be integrally designed as part of the built environment and should reflect a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics which are appropriate for the uses;
 - b. The lighting designers shall consider utilizing lighting designs with automatic controls systems wherever possible;
 - c. Architectural lighting may be utilized to highlight special site features and areas;
 - d. Landscape lighting may be utilized to accent landscaping and special site features;
 - e. All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design;

- f. On-site lighting shall not be directed towards Glen Street;
- g. A lighting plan, as applicable, shall be included with any application for Site Plan Approval.

K. Standards for Roadways, Drainage and Water Supply Protection

1. Roadways – Internal HRMUOD roadways shall be private ways and shall be maintained by the owners/developers of the HRMUOD and portions thereof. Private ways within the HRMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the subdivision standards or dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation should be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
2. Storm Water Management System - The HRMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines and the City's Stormwater Ordinance (Ch. 271) and Water Supply Protection District ordinance (§650-24), as amended.
3. The HRMUOD shall comply with the provisions of §650-24 (Water Supply Protection District). The City Council may waive the provisions of §650-24 F(8) with regard to a fifty-foot no disturbance/buffer zone to a wetland within the Water Supply Protection District, if upon a review of additional information provided, a similar or greater protection is provided to the water supply with a buffer less than fifty feet but in no case less than twenty feet. Notwithstanding anything contained herein to the contrary, in no event shall the owner/developer be permitted to cause a temporary disturbance of more than 20% of the total area of the fifty-foot no disturbance/buffer zone located within the HRMUOD, and in no event shall the owner/developer be permitted to create a permanent encroachment of impervious surface of more than 6% of the total area of the fifty-foot no disturbance/buffer zone located within the HRMUOD. Additional on-site and off-site protection measures near the water supply may be required in exchange for encroachment into the fifty-foot wetland buffer.

L. Modifications

1. After approval, the owner/developer of the HRMUOD or any individual applicant may seek modifications to any approved Special Permits or Site Plan Approvals.

2. **Special Permits – Major modifications to a Special Permit may be granted by a super majority (2/3) vote of the City Council, and minor modifications to Special Permit may be granted by the Building Commissioner. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested modification to a Special Permit is deemed to be a major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment or the neighborhood. Where the effect of a modification to a Special Permit is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten (10%) percent or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section. If it is determined that a modification to a Special Permit is not minor, per §650-59 of the Zoning Ordinance, an application for a revised Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under §650-59 C(3)(f).**

3. **Site Plan Approvals – Major amendments to a Site Plan Approval may be granted by a majority vote of the City Council, and minor amendments to a Site Plan Approval may be granted by the Building Commissioner. It shall be a finding of the Building Commissioner, not subject to dispute by the applicant, whether a requested modification to a Site Plan Approval is deemed to be a major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment or the neighborhood. Where the effect of a modification to a Site Plan Approval is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten (10%) percent or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section. If it is determined that a modification to a Site Plan Approval is not minor, an application for a revised Site Plan Approval shall be filed in accordance with the requirements of the City Code, Article II, Permits and Approvals, §270-2 et. seq.**

EXHIBIT A

The newly established Hospitality and Recreation Mixed Use Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 78, Parcel 12

Assessors Map 78, Parcel 14

Assessors Map 78, Parcel 38

Assessors Map 78, Parcel 39

Assessors Map 89, Parcel 77



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3766 Facsimile (508) 460-3736 TDD (508) 460-3610

ROBERT F. CAMACHO - C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

April 29, 2016

To: Council President-Clancy
From: Building Commissioner-Robert F. Camacho
Subject Property: 21-29 South Bolton
Regarding: Proposed Project – “Atrium Place”

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2016 APR 29 P 12:47

After reviewing the most recent documents (“Site Plan Approval with Conditions) dated 4-25-2016, attached plans, related submittals and discussing the project known as “Atrium Place” with the owner, Steve Reid, Conservation Officer and Cynthia Panagore Griffin, I have come to the following conclusion.

It appears that all requirements and concerns have been addressed and the project has met compliance for this “level of approval”

In the Interest of “Public Safety” and for the purpose of moving this project forward, the Building Commissioner reserves the right to make minor “reasonable, common sense modifications” as the project moves forward. Any major unforeseen modifications shall be taken up with the appropriate “Jurisdictional Authority” through the Building Commissioner.

With that being said, I hereby approve the project as submitted to Urban Affairs Sub-committee on Monday April 25th, 2016.

Sincerely

Robert F. Camacho – Inspector Buildings/Building Commissioner

Cc: File

~ Public Safety ~ A Joint Responsibility ~

4.25.2016
revised by CPG
(per most recent
VA meeting &
comments)

DRAFT

Site Plan Permit # _____
Site Plan Approval with Conditions

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

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

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

Zoning District: Marlborough Village District (MV)

Plans: The following Site Plan Approval Final Conditions are based on the plans and notes entitled: " _____ " prepared by _____ containing sheets entitled _____, last revised _____ (the "Site Plan").

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SITE PLAN APPROVAL FINAL CONDITIONS:

A. Site Conformance:

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

B. Prior to Issuance of a Building Permit:

1. Construction Staging and Safety Plan:
 - a. The Applicant shall complete the project in accordance with a Construction Staging and Safety Plan (the "Construction Plan") approved by the Building Commissioner, Fire Chief, Police Chief, and City Engineer, which shall be consistent with the photo renderings entitled Crane Staging Plan 3-3-2016, Module Delivery Route Plan 3-3-2016, Module Placement Plan 3-3-2016, Material and Storage Plan 3-3-2016, or as modified at the direction of the City officials listed above.

- b. The Construction Plan shall provide detailed information concerning: (i) areas of the Site and adjacent property that will be marked off for the staging of a crane, construction vehicles, etc.; (ii) traffic flow, pedestrian protection, blocked sidewalks, streets etc.; (iii) construction fencing to enclose material and equipment; (iv) fencing and/or barricades to provide limits within the construction site for the separation of construction, pedestrian and vehicular traffic; (v) dedicated illuminated and covered pedestrian walkways adjacent to the structure at egress paths in accordance with 780 CMR Massachusetts State Building Code and related Mass Amendments, including but not limited to Chapters 31, 32, 33, and 34, in effect at the time the building permit application is submitted; and (vi) the life safety of the businesses inside the existing building on the Site and their ability to stay open during the construction and the installation of the interior and exterior support systems.

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

~~2-3. Green Building Standards: The Building Commissioner shall review building design to ensure that it meets U.S. Green Building Council techniques. The building plans will detail compliance with Section 650-34 D.2(m) prior to the issuance of a building permit.~~

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

C. Construction:

1. Preconstruction Meeting: Prior to the commencement of construction, a preconstruction meeting shall be held on-site with the Building Commissioner, City Engineer, Conservation Officer, Fire Chief, Police Chief and the site contractor responsible for doing the work. At this meeting the departments will review the plans and conditions, exchange contact information including emergency contact numbers, and inspect erosion controls.

2. Temporary Site Changes: Consistent with the photo renderings entitled "Crane Staging Plan 3-3-2016," "Module Delivery Route Plan 3-3-2016," and "Module

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Placement Plan 3-3-2016.” all areas for construction staging, crane placement, and offloading of concrete, steel and/or modular components shall be coordinated to maximize public safety and to minimize interference with the customary use of the public ways and Site. Temporary detours for parking and circulation are established in these plans. The Police Chief shall have the discretion and authority to require additional protection and/or details as needed. The Applicant shall pay to the City the cost for every police detail which is provided by the Marlborough Police Department for the project.

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

D. Storm Water:

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

number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.

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

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

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E. Landscaping:

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

F. Prior to Issuance of a Certificate of Occupancy:

1. Payment in Lieu of Parking: As summarized in the ZONING REQUIREMENT TABLE on Sheet C1 of the Site Plan, the 18 existing parking spaces located on the Site shall count towards the total of [REDACTED] required parking spaces. The difference between the parking spaces provided and the parking spaces required, which is [REDACTED] spaces, will be addressed in strict accordance with Section 650-34 E(2)(b) of the Zoning Ordinance of the City of Marlborough. Per the Ordinance, a payment-in-lieu-of-parking equal to [REDACTED] (\$10,000 for each of the [REDACTED] spaces required but not provided on the Site) shall be paid to the City of Marlborough prior to the issuance of the first Certificate of Occupancy for the project.

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2. As-Built Plan: An as-built plan must be submitted to the City Engineer for review prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the website for the City of Marlborough.

3. Time for Completion: Work as provided for on the Site Plan shall be carried into effect and completed within three (3) years following the date of issuance of the Building Permit, unless the City Council has granted an extension of time for completion of the work in writing.

4. Signage: Pursuant to Section 650-35 I of the Code of the City of Marlborough, the City Council hereby retains jurisdiction over all signage of the project to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content, and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council which must meet the requirements of Section 650-34 I of the Code of the City of Marlborough.

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~~4. Signage: The City Council hereby retains jurisdiction over all signage of the project (pursuant to Section 650-34.I of the Code of the City of Marlborough), to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content, and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council, which must meet 650-34-I and Chapter 526 of the Code of the City of Marlborough as applicable.~~

5. Access Agreement: The Applicant shall secure any necessary rights across the parcel of land owned by the City of Marlborough along Court Street created by the Plan of Acceptance, Iteration dated [REDACTED] February 15, 2016, in order to access the loading area and sidewalks, and in order to landscape and maintain said landscaping, as shown on the approved Site Plan. The City shall be held harmless for any activities of the Applicant on this parcel.

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G. General Provisions:

1. Minor Changes: The City Council delegates to the Building Commissioner the authority to approve minor changes to the approved Site Plan.
2. Enforcement: The City Council designates the Building Commissioner as the enforcing authority to bring enforcement actions for violations of this permit.
3. Parking Areas: (i) Parking areas will be swept at a minimum semiannually, or more frequently if needed. (ii) Pursuant to the provisions of M.G.L c. 90, section 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual of Uniform Traffic Control Devices. (iii) Parking spaces located on the Site may not be reserved for use by the building's commercial businesses, and must be available for use by the residents of the Site at any time.

4. Deliveries: At no time shall delivery trucks, either during or after construction, stop on Court Street or restrict the flow of traffic in any way into the Court Street parking garage.

In order to mitigate the impact on traffic flow on Weed Street, South Bolton Street, and Granger Boulevard and the impact of noise to the residents of the Atrium, deliveries to the businesses on the Site by semi-trailers shall occur between 8:00 a.m. and 8:30 p.m. Daily deliveries to businesses on the Site by a small box truck, van or similar sized vehicle may not restrict the flow of traffic on Weed Street or Court Street, but may occur between the hours of 7:00 a.m. and 9:00 p.m. On-site trash collection shall occur twice a week between the hours of 7:00 a.m. and 9:30 a.m. All possible measures shall be taken to avoid noise and disturbances to the residents and neighboring businesses.

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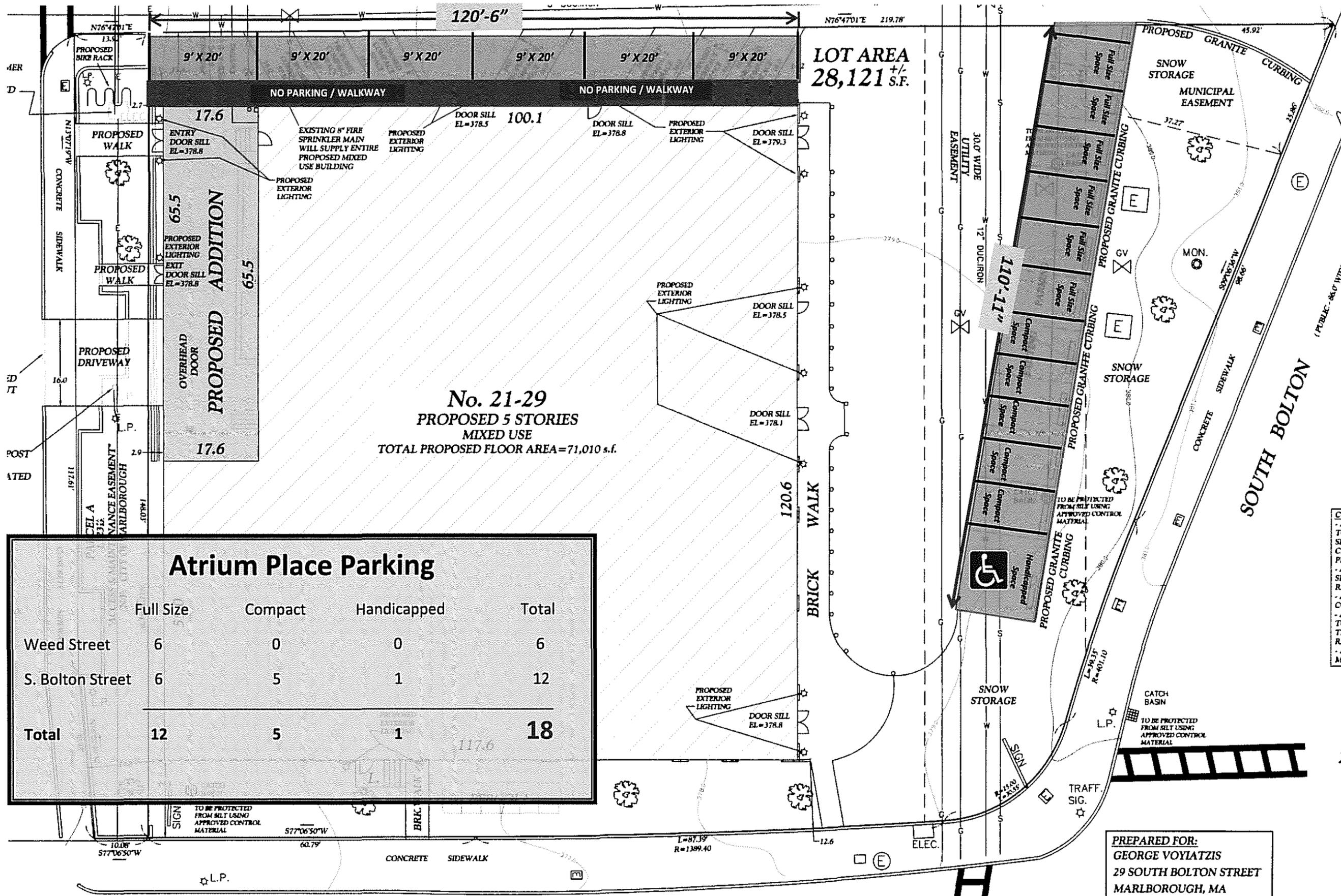
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IN CITY COUNCIL _____ April _____, 2016

APPROVED: adopted.

Yea: _____ Nav: _____

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No. 21-29
PROPOSED 5 STORIES
MIXED USE
TOTAL PROPOSED FLOOR AREA = 71,010 s.f.

LOT AREA
28,121 +/- s.f.

| Atrium Place Parking | | | | |
|----------------------|-----------|----------|-------------|-----------|
| | Full Size | Compact | Handicapped | Total |
| Weed Street | 6 | 0 | 0 | 6 |
| S. Bolton Street | 6 | 5 | 1 | 12 |
| Total | 12 | 5 | 1 | 18 |

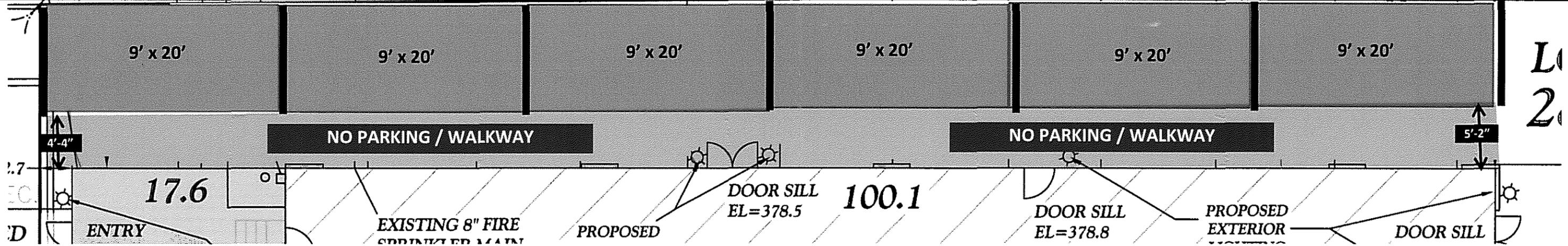
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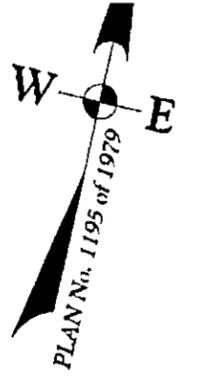
PREPARED FOR:
 GEORGE VOYATZIS
 29 SOUTH BOLTON STREET
 MARLBOROUGH, MA

6 Parallel Full Size Parking Spaces on Weed Street

WEED Street

120.5





I CERTIFY THAT THIS PLAN WAS CREATED BY AN INSTRUMENT SURVEY ON THE GROUND PERFORMED APRIL 16, 2015 & THAT ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

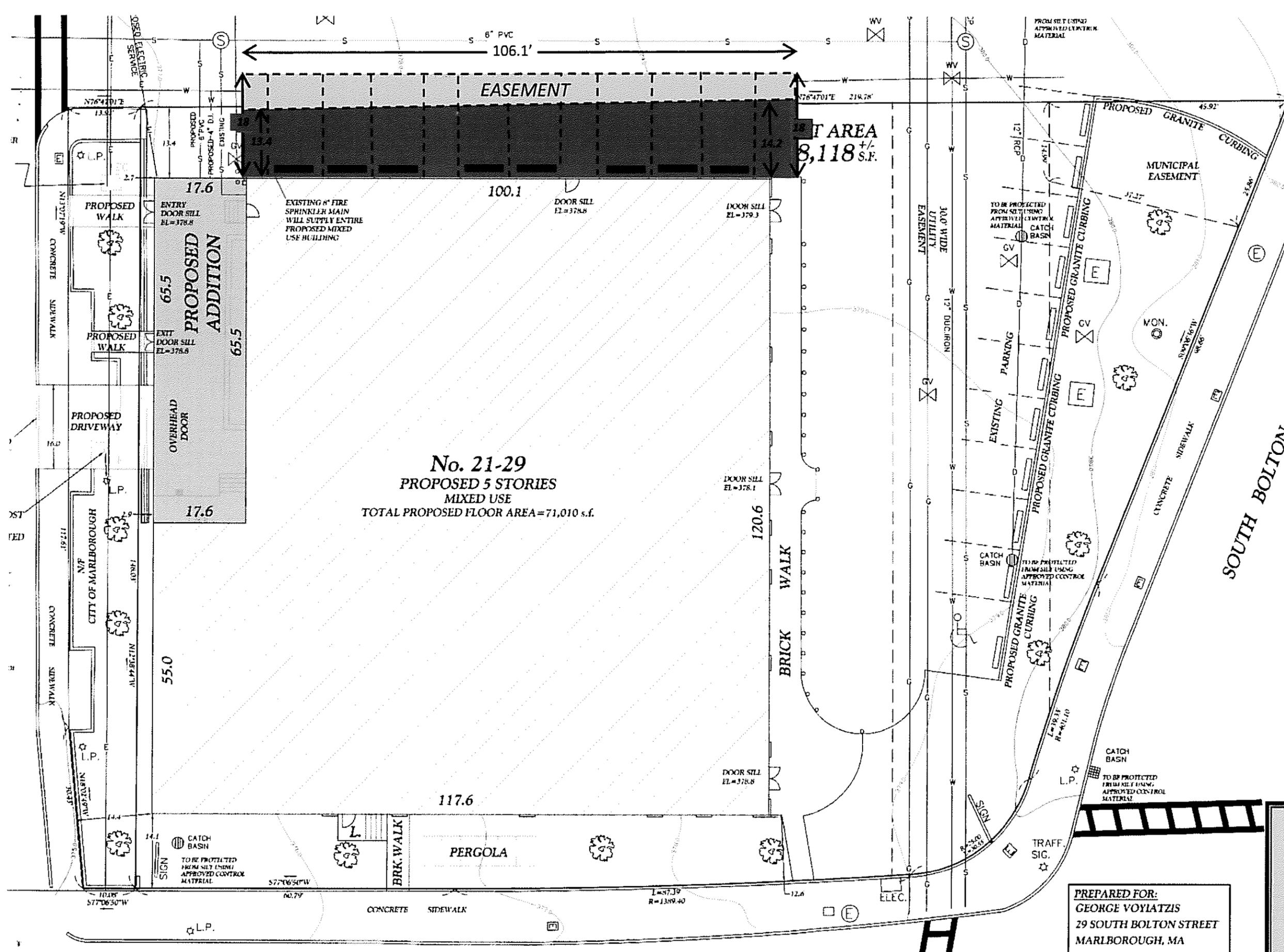
CHRISTOPHER C. CHARLTON, PLS

CONSTRUCTION NOTES:
- ANY MINOR MODIFICATIONS (AS DETERMINED BY THE CITY) TO THE INFORMATION SHOWN ON APPROVED SITE PLANS SHALL BE SUBMITTED TO THE BUILDING COMMISSIONER & CITY ENGINEER AS A MINOR PLAN REVISION FOR APPROVAL PRIOR TO THE WORK BEING COMPLETED.
- ANY WORK AND MATERIAL WITHIN THE CITY RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF MARLBOROUGH REQUIREMENTS
- ALL HANDICAP PARKING, RAMPS, AND ACCESS SHALL CONFORM TO AAB REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION. EROSION CONTROL SHALL CONFORM TO THE CITY OF MARLBOROUGH CONSERVATION COMMISSION REQUIREMENTS AS STATED IN THE ORDER OF CONDITIONS.
- ALL PAVEMENT MARKINGS & SIGNS SHALL CONFORM TO THE MUTCD REQUIREMENTS.

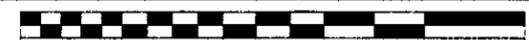
WEED STREET EASEMENT

PREPARED FOR:
GEORGE VOYLATZIS
29 SOUTH BOLTON STREET
MARLBOROUGH, MA

REFERENCES:
DEED: BOOK 45709, PAGE 120
PLAN: BOOK 15, PAGE 43
PLAN No. 1195 of 1979



GRANGER (PUBLIC - 66.0' WIDE) BOULEVARD



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



2016 APR 26 P 4:40

PLANNING BOARD

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

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

April 26, 2016

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

Re: City Council Order #16-1006443

Dear Council President Clancy:

At its regular meeting on April 25, 2016, the Planning Board took the following action in regards to the proposed zoning ordinance to create a Hospitality and Recreation Mixed Use Overlay District (City Council Order #16-1006443).

On a motion made by Mr. Fay, seconded by Mr. Hodge, it was voted to:

Submit to the City Council a favorable recommendation regarding the proposed Hospitality and Recreation Mixed Use Overlay District (HRMUOD), with the following recommendations and suggestions:

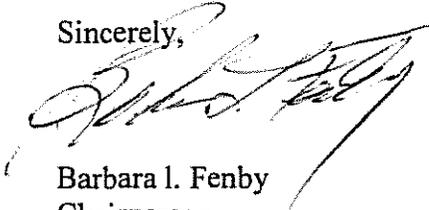
- Require the addition of mature trees to create an additional buffer for the Glen Street neighborhood.
- Require the creation of separate gateway signage.
- Prohibit wire-framed or A-frame style signs on the proponent's property at any time.
- Require strict adherence to the Sign Ordinance.
- Remove inclusion of the by-right use for a car wash.
- Have the proponent draft for Urban Affairs a site plan showing full compliance with the 50' setback required by the Water Supply Protection District Ordinance, simply to see what the project would look like absent a waiver of that setback requirement.
- Move Buildings 10A and 10B out of the 50' setback required by the Water

Supply Protection District.

Generally, the Planning Board is in favor of the proposed Overlay District as it specifically pertains to the Landscaping, Building Height, and Water Supply District.

Should you have any questions or concerns regarding this communication, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara I. Fenby', written in a cursive style. The signature is positioned to the right of the typed name.

Barbara I. Fenby
Chairperson

MARLBOROUGH RETIREMENT BOARD

255 Main Street, Room 201
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

CITY CLERK'S OFFICE
201 OF MARLBOROUGH

2016 APR 29 A 8:36 FAX (508) 481-7814

Board Members

Gregory P. Brewster, Chairman
Thomas J. Abel
Christopher M. Sandini, Sr.
Diane Smith
William S. Taylor

April 26, 2016

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

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its May meeting.

The meeting will be held on May 25, 2016 at 8:00 a.m. in the first floor conference room at the Walker Building, 255 Main Street, Marlborough.

Sincerely,



Margaret R. Shea
Director



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2016 APR 22 A 9:00

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 4/19/16

To the City Council:

Owner Name: Jean Rabelo

Residential Address: 24 Causeway St Hudson, MA 01749

Telephone Number: 978-310-7971

Business Name: POST ROAD Used AUTO PARTS of MARLBORO, INC

Business Address: 785 BOSTON POST RD

Business Telephone Number: 508-485-1538

Email Address: pruapjes@aol.com

Owner Signature: Jean Rabelo

The above-signed Jean Rabelo respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council

DEPARTMENT OF Public Utilities

This statement is filed in accordance with Chapter 164, Section 84A

CONDENSED FINANCIAL RETURN

FOR YEAR ENDED DECEMBER 31, 2015

NSTAR GAS COMPANY

FULL NAME OF COMPANY

800 BOYLSTON STREET

LOCATION OF PRINCIPAL BUSINESS OFFICE

BOSTON, MA 02199

RECEIVED
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CITY OF HARLBOROUGH

2016 APR 25 A 10:05

STATEMENT OF INCOME FOR THE YEAR

| Item | Current Year | Increase or (Decrease) from Preceding Year |
|--|--------------|--|
| OPERATING INCOME | | |
| Operating Revenues | | |
| Operating Expenses | | |
| Operation Expense | | |
| Maintenance Expense | | |
| Depreciation Expense | | |
| Amortization of Utility Plant | | |
| Amortization of Regulatoru Debts | | |
| Amortization of Investment Tax Credit | | |
| Taxes other than Income Taxes | | |
| Income Taxes | | |
| Provisions for Deferred Federal Income Taxes | | |
| Federal Income Taxes Deferred In Prior Years..(Credit) | | |
| Total Operating Expenses | | |
| Net Operating Revenues | | |
| Income from Utility Plant Leased to Others | | |
| Other Utility Operating Income | | |
| Total Utility Operating Income | | |
| OTHER INCOME | | |
| Income from Mdse. Jobbing & Contract Work | | |
| Income from Nonutility Operations | | |
| Nonoperating Rental Income | | |
| Interest and Dividend Income | | |
| Miscellaneous Nonoperating Income | | |
| Total Other Income | | |
| Total Income | | |
| MISCELLANEOUS INCOME DEDUCTIONS | | |
| Miscellaneous Amortization | | |
| Other Income Deductions | | |
| Total Income Deductions | | |
| Income Before Interest Charges | | |
| INTEREST CHARGES | | |
| Interest on Long-Term Debt | | |
| Amortization of Debt Discount and Expense | | |
| Amortization of Premium on Debt-Credit | | |
| Interest on Debt to Associated Companies | | |
| Other Interest Expense | | |
| Interest Charged to Construction-Credit | | |
| Total Interest Charges | | |
| Net Income | | |

SEE THE ATTACHED INCOME STATEMENT FOR 2015 AS FILED IN THE DPU ANNUAL RETURN

STATEMENT OF INCOME FOR THE YEAR

| Line No. | Account (a) | Current Year (b) | Increase or (Decrease) from Preceding Year (c) |
|----------|---|------------------|--|
| 1 | OPERATING INCOME | | |
| 2 | Operating Revenues (400) P.43..... | \$ 486,603,291 | \$ (13,356,592) |
| 3 | Operating Expenses: | | |
| 4 | Operation Expense (401) P.42,47..... | 371,328,094 | (19,043,871) |
| 5 | Maintenance Expense (402) P.42,47..... | 7,925,636 | (1,565,464) |
| 6 | Depreciation Expense (403) P.34..... | 30,408,371 | 1,963,739 |
| 7 | Amortization of Utility Plant (404 and 405)..... | 815,662 | 226,313 |
| 8 | Amortization of Regulatory Debits (407.3)..... | 2,898,000 | (1) |
| 9 | Amortization of Investment Tax Credit (406)..... | - | - |
| 10 | Taxes Other Than Income Taxes (408) P.49..... | 18,696,303 | 5,101,103 |
| 11 | Income Taxes (409) P.49..... | 4,535,093 | 8,278,338 |
| 12 | Provision for Deferred Fed. Inc. Taxes (410) P.36..... | 36,959,157 | (704,237) |
| 13 | Fed. Inc. Taxes Def. in Prior Yrs.-Cr. (411) P.36..... | (25,834,452) | (11,459,700) |
| 14 | Total Operating Expenses..... | 447,731,865 | (17,203,779) |
| 15 | Net Operating Revenues..... | 38,871,426 | 3,847,187 |
| 16 | Income from Utility Plant Leased to Others (412)-Net..... | - | - |
| 17 | Other Utility Operating Income (414) P.50..... | - | - |
| 18 | Total Utility Operating Income..... | 38,871,426 | 3,847,187 |
| 19 | OTHER INCOME | | |
| 20 | Income from Mdse. Job & Contract Work (415) P.51..... | - | - |
| 21 | Income from Nonutility Operations (417)..... | 22,608 | (12,506) |
| 22 | Nonoperating Rental Income (418)..... | 83,375 | (78,897) |
| 23 | Interest and Dividend Income (419)..... | 32,304 | 18,040 |
| 24 | Miscellaneous Nonoperating Income (421)..... | 2,297,267 | 813,038 |
| 25 | Total Other Income..... | 2,435,553 | 739,674 |
| 26 | Total Income..... | 41,306,979 | 4,586,861 |
| 27 | MISCELLANEOUS INCOME DEDUCTIONS | | |
| 28 | Miscellaneous Amortization (425)..... | - | - |
| 29 | Other Income Deductions (426)..... | 1,084,465 | 634,958 |
| 30 | Total Income Deductions..... | 1,084,465 | 634,958 |
| 31 | Income Before Interest Charges..... | 40,222,514 | 3,951,903 |
| 32 | INTEREST CHARGES | | |
| 33 | Interest on Long-Term Debt (427) P.31..... | 12,576,833 | 265,833 |
| 34 | Amortization of Debt Disc. & Expense (428)..... | 104,615 | (71,599) |
| 35 | Amortization of Prem. on Debt-Credit (429) P.26..... | - | - |
| 36 | Int. on Debt to Associated Companies (430) P.32..... | 130,830 | (113,537) |
| 37 | Other Interest Expense (431)..... | 342,354 | 1,011,375 |
| 38 | Interest Charged to Construction-Credit (432)..... | (55,866) | 11,936 |
| 39 | Total Interest Charges..... | 13,098,766 | 1,104,008 |
| 40 | Net Income..... | 27,123,747 | 2,847,895 |
| 41 | EARNED SURPLUS | | |
| 42 | Unappropriated Earned Surplus (at beginning of period) (216)..... | 4,353,802 | 8,671,585 |
| 43 | Balance Transferred from Income (433)..... | 27,123,747 | 2,847,895 |
| 44 | Miscellaneous Credits to Surplus (434)..... | 9,232 | (386,500) |
| 45 | Miscellaneous Debits to Surplus (435)..... | - | - |
| 46 | Appropriations of Surplus (436)..... | - | - |
| 47 | Net Additions of Earned Surplus..... | 27,132,979 | 2,461,395 |
| 48 | Dividends Declared-Preferred Stock (437)..... | - | - |
| 49 | Dividends Declared-Common Stock (438)..... | 16,000,000 | - |
| 50 | Unappropriated Earned Surplus (at end of period) (216)..... | \$ 15,486,781 | \$ 11,132,979 |

NOTES: SEE THE ATTACHED BALANCE SHEET FOR 2015 AS FILED IN THE DPU ANNUAL RETURN

BALANCE SHEET

| Title of Account | Balance End of Year | Title of Account | Balance End of Year |
|---|------------------------|---|------------------------|
| UTILITY PLANT | | PROPRIETARY CAPITAL | |
| Utility Plant..... | | CAPITAL STOCK | |
| OTHER PROPERTY AND INVESTMENTS | | Common Stock Issued..... | |
| Nonutility Property..... | | Preferred Stock Issued..... | |
| Investment in Associated Companies..... | | Capital Stock Subscribed..... | |
| Other Investments..... | | Premium on Capital Stock..... | |
| Special Funds..... | | Total..... | |
| Total Other Property and Investments | | SURPLUS | |
| CURRENT AND ACCRUED ASSETS | | Other Paid-In Capital..... | |
| Cash..... | | Earned Surplus..... | |
| Special Deposits..... | | Surplus Invested in Plant..... | |
| Working Funds..... | | Total..... | |
| Temporary Cash Investments..... | | Total Propriety Capital..... | |
| Notes and Accounts Receivable..... | | LONG-TERM DEBT | |
| Receivables from Associated Companies..... | | Bonds..... | |
| Materials and Supplies..... | | Advances from Associated Companies..... | |
| Prepayments..... | | Other Long-Term Debt..... | |
| Interest and Dividends Receivable..... | | Total Long-Term Debt..... | |
| Rents Receivable..... | | CURRENT AND ACCRUED LIABILITIES | |
| Accrued Utility Revenues..... | | Notes Payable..... | |
| Misc. Current and Accrued Assets..... | | Accounts Payable..... | |
| Total Current and Accrued Assets..... | | Payables to Associated Companies..... | |
| DEFERRED DEBITS | | Customer Deposits..... | |
| Unamortized Debt Discount and Expense..... | | Taxes Accrued..... | |
| Extraordinary Property Losses..... | | Interest Accrued..... | |
| Preliminary Survey and Investigation Charges..... | | Dividends Declared..... | |
| Clearing Accounts..... | | Matured Long-Term Debt..... | |
| Temporary Facilities..... | | Matured Interest..... | |
| Miscellaneous Deferred Debits..... | | Tax Collections Payable..... | |
| Total Deferred Debits..... | | Misc. Current and Accrued Liabilities..... | |
| CAPITAL STOCK DISCOUNT AND EXPENSE | | Total Current and Accrued Liabilities..... | |
| Discount on Capital Stock..... | | DEFERRED CREDITS | |
| Capital Stock Expense..... | | Unamortized Premium on Debt..... | |
| Total Capital Stock Discount and Expense..... | | Customer Advances for Construction..... | |
| REACQUIRED SECURITIES | | Other Deferred Credits..... | |
| Reacquired Capital Stock..... | | Total Deferred Credits..... | |
| Reacquired Bonds..... | | RESERVES | |
| Total Reacquired Securities..... | | Reserves for Depreciation..... | |
| Total Assets and Other Debits..... | | Reserves for Amortization..... | |
| | | Reserves for Uncollectible Accounts..... | |
| | | Operating Reserves..... | |
| | | Reserve for Depreciation and Amortization of Nonutility Property..... | |
| | | Reserves for Deferred Income Taxes..... | |
| | | Total Reserves..... | |
| | | CONTRIBUTIONS IN AID OF CONSTRUCTION | |
| | | Contributions in Aid of Construction..... | |
| | | Total Liabilities and Other Credits..... | |

COMPARATIVE BALANCE SHEET Assets and Other Debits

| Line No. | Title of Account (a) | Balance Beginning of Year (b) | Balance End of Year (c) | Increase or (Decrease) (d) |
|----------|---|-------------------------------|-------------------------|----------------------------|
| 1 | UTILITY PLANT | | | |
| 2 | Utility Plant (101-107) P.13..... | \$ 1,025,653,797 | \$ 1,110,921,852 | \$ 85,268,055 |
| 3 | OTHER PROPERTY AND INVESTMENTS | | | |
| 4 | Nonutility Property (121) P.19..... | 4,067,500 | 2,983,419 | (1,084,081) |
| 5 | Investments in Associated Companies (123) P.20..... | - | - | - |
| 6 | Other Investments (124) P.20..... | 6,000 | 6,000 | - |
| 7 | Special Funds (125,126,127,128) P.21..... | - | - | - |
| 8 | Total Other Property and Investments..... | 4,073,500 | 2,989,419 | (1,084,081) |
| 9 | CURRENT AND ACCRUED ASSETS | | | |
| 10 | Cash (131)..... | 2,925,048 | - | (2,925,048) |
| 11 | Special Deposits (132,133,134) P.21..... | - | - | - |
| 12 | Working Funds (135)..... | - | - | - |
| 13 | Temporary Cash Investments (136) P.20..... | - | - | - |
| 14 | Notes and Accounts Receivable (141,142,143) P.22..... | 69,986,867 | 53,794,581 | (16,192,286) |
| 15 | Receivables from Assoc. Companies (145,146) P.23..... | 3,696,198 | 38,107,194 | 34,410,996 |
| 16 | Material and Supplies (151-159,163,164) P.24..... | 25,031,226 | 21,001,355 | (4,029,871) |
| 17 | Prepayments (165)..... | - | - | - |
| 18 | Interest and Dividends Receivable (171)..... | - | - | - |
| 19 | Rent Receivable (172)..... | 15,845 | 12,742 | (3,103) |
| 20 | Accrued Utility Revenues (173,175)..... | 39,663,591 | 7,575,074 | (32,088,517) |
| 21 | Misc. Current and Accrued Assets (174)..... | - | - | - |
| 22 | Total Current and Accrued Assets..... | 141,318,775 | 120,490,946 | (20,827,829) |
| 23 | DEFERRED DEBITS | | | |
| 24 | Unamortized Debit Discount and Expense (181) P.26..... | 579,695 | 786,405 | 206,710 |
| 25 | Extraordinary Property Losses (182) P.27..... | - | - | - |
| 26 | Preliminary Survey and Investigation Charges (183)..... | 11,364 | - | (11,364) |
| 27 | Clearing Accounts (184)..... | - | - | - |
| 28 | Temporary Facilities (185)..... | - | - | - |
| 29 | Miscellaneous Deferred Debits (186) P.27..... | 272,212,289 | 269,563,151 | (2,649,138) |
| 30 | Matured Interest (240)..... | - | - | - |
| 31 | Total Deferred Debits..... | 272,803,348 | 270,349,556 | (2,453,792) |
| 31 | CAPITAL STOCK DISCOUNT AND EXPENSE | | | |
| 32 | Discount on Capital Stock (191) P.28..... | - | - | - |
| 33 | Capital Stock Expense (192) P.28..... | - | - | - |
| 34 | Total Capital Stock Discount and Expense..... | - | - | - |
| 35 | REACQUIRED SECURITIES | | | |
| 36 | Reacquired Capital Stock (196)..... | - | - | - |
| 37 | Reacquired Bonds (197)..... | - | - | - |
| 38 | Total Reacquired Securities..... | - | - | - |
| 39 | Total Assets and Other Debits..... | \$ 1,443,849,420 | \$ 1,504,751,773 | \$ 60,902,353 |

| COMPARATIVE BALANCE SHEET Liabilities and Other Credits | | | | |
|---|---|-------------------------------|-------------------------|----------------------------|
| Line No. | Title of Account (a) | Balance Beginning of Year (b) | Balance End of Year (c) | Increase or (Decrease) (d) |
| 1 | PROPRIETARY CAPITAL | | | |
| 2 | CAPITAL STOCK | | | |
| 3 | Common Stock Issued (201) P.29..... | \$ 71,425,000 | \$ 71,425,000 | \$ - |
| 4 | Preferred Stock Issued (204) P.29..... | - | - | - |
| 5 | Capital Stock Subscribed (202,205)..... | - | - | - |
| 6 | Premium on Capital Stock (207) P.29..... | - | - | - |
| 7 | Total..... | 71,425,000 | 71,425,000 | - |
| 8 | SURPLUS | | | |
| 9 | Other Paid-In Capital (208-211) P. 12..... | 270,954,238 | 271,233,483 | 279,245 |
| 10 | Earned Surplus (215, 216 & 219) P. 12..... | 4,353,802 | 15,486,781 | 11,132,979 |
| 11 | Surplus Invested In Plant (217)..... | - | - | - |
| 12 | Total..... | 275,308,040 | 286,720,264 | 11,412,224 |
| 13 | Total Proprietary Capital..... | 346,733,040 | 358,145,264 | 11,412,224 |
| 14 | LONG TERM DEBT | | | |
| 15 | Bonds (221) P.31..... | 210,000,000 | 310,000,000 | 100,000,000 |
| 16 | Advances from Assoc. Companies (223) P.31..... | - | - | - |
| 17 | Other Long-Term Debt (224) P.31..... | - | - | - |
| 18 | Total Long-Term Debt..... | 210,000,000 | 310,000,000 | 100,000,000 |
| 19 | CURRENT AND ACCRUED LIABILITIES | | | |
| 20 | Notes Payable (231) P.32..... | - | - | - |
| 21 | Accounts Payable (232)..... | 47,856,699 | 40,588,579 | (7,268,120) |
| 22 | Payables to Associated Companies (233,234) P.32..... | 107,644,184 | 18,445,015 | (89,199,169) |
| 23 | Customer Deposits (235) P.80C..... | 1,134,345 | 1,269,852 | 135,507 |
| 24 | Taxes Accrued (236)..... | 17,834,193 | 27,505,539 | 9,671,346 |
| 25 | Interest Accrued (237)..... | 3,406,997 | 3,705,505 | 298,508 |
| 26 | Dividends Declared (238)..... | - | - | - |
| 27 | Matured Long-Term Debt(239)..... | - | - | - |
| 28 | Matured Interest (240)..... | - | - | - |
| 29 | Tax Collections Payable (241)..... | 632,756 | 319,876 | (312,880) |
| 30 | Misc. Current and Accrued Liabilities (242) P.33..... | 17,512,989 | 10,068,543 | (7,444,446) |
| 31 | Total Current and Accrued Liabilities..... | 196,022,163 | 101,902,909 | (94,119,254) |
| 32 | DEFERRED CREDITS | | | |
| 33 | Unamortized Premium on Debt (251) P.26..... | - | - | - |
| 34 | Customer Advances for Construction (252)..... | 2,496,572 | 2,023,500 | (473,072) |
| 35 | Other Deferred Credits (253) P.33..... | 140,751,302 | 143,436,833 | 2,675,531 |
| 36 | Total Deferred Credits..... | 143,257,874 | 145,460,333 | 2,202,459 |
| 37 | RESERVES | | | |
| 38 | Reserves for Depreciation (254-256) P.13..... | 352,753,911 | 372,458,640 | 19,704,729 |
| 39 | Reserves for Amortization (257-259) P.13..... | 1,629,773 | 2,049,386 | 419,613 |
| 40 | Reserve for Uncollectible Accounts (260)..... | 14,825,362 | 15,773,238 | 947,876 |
| 41 | Operating Reserves (261-265) P.35..... | 21,757,803 | 24,904,907 | 3,147,104 |
| 42 | Reserve for Depreciation & Amortization of Nonutility Property (266)..... | (3,203) | (2,054) | 1,149 |
| 43 | Reserves for Deferred Federal Income Taxes (268)..... | 156,872,699 | 174,059,150 | 17,186,451 |
| 44 | Total Reserves..... | 547,836,344 | 589,243,267 | 41,406,923 |
| 45 | CONTRIBUTIONS IN AID OF CONSTRUCTION | | | |
| 46 | Contributions in Aid of Construction (271) P. 36..... | - | - | - |
| 47 | Total Liabilities and Other Credits..... | \$ 1,443,849,420 | \$ 1,504,751,773 | \$ 60,902,353 |

STATEMENT OF EARNED SURPLUS

| Account | Amount for Year | Inc/(Dec) from Preceding Year |
|---|-----------------|-------------------------------|
| Unappropriated Earned Surplus (at beginning of period)..... | | |
| Balance Transferred from Income..... | | |
| Accumulated Other Comprehensive Income | | |
| Miscellaneous Debits to Surplus..... | | |
| Appropriations of Surplus..... | | |
| Net Additions to Earned Surplus..... | | |
| Paid in Capital Adjustments..... | | |
| Dividends Declared-Common Stock..... | | |
| Unappropriated Earned Surplus (at end of period)..... | | |

SEE THE ATTACHED STATEMENT OF EARNED SURPLUS FOR 2015 AS FILED IN THE DPU ANNUAL RETURN

ELECTRIC OPERATING REVENUES

| Account | Operating Revenues | |
|---|--------------------|-------------------------------|
| | Amount for Year | Inc/(Dec) from Preceding Year |
| SALES OF ELECTRICITY | \$ | |
| Residential Sales..... | | |
| Commercial and Industrial Sales..... | | |
| Small (or Commercial)..... | | |
| Large (or Industrial)..... | | |
| Public Street and Highway Lighting..... | | |
| Other Sales to Public Authorities..... | | |
| Sales to Railroad and Railways..... | | |
| Interdepartmental Sales..... | | |
| Miscellaneous Electric Sales..... | | |
| Total Sales to Ultimate Consumers..... | | |
| Sales for Resale..... | | |
| Less: Provision for Rate Refunds..... | | |
| Total Sales of Electricity..... | | |
| OTHER OPERATING REVENUES | | |
| Forfeited Discounts..... | | |
| Miscellaneous Service Revenues..... | | |
| Sales of Water and Water Power..... | | |
| Rent from Electric Property..... | | |
| Interdepartmental Rents..... | | |
| Other Electric Revenues..... | | |
| Total Other Operating Revenues..... | | |
| Total Electric Operating Revenues..... | None | None |

SUMMARY OF ELECTRIC OPERATION AND MAINTENANCE EXPENSES

| Functional Classification | Operation | Maintenance | Total |
|--|-----------|-------------|-------|
| Power-Production Expenses..... | | \$ | \$ |
| Electric Generation | | | |
| Steam Power..... | | | |
| Nuclear Power..... | | | |
| Hydraulic Power..... | | | |
| Other Power..... | | | |
| Other Power Supply Expenses..... | | | |
| Total Power Production Expenses..... | | | |
| Transmission Expenses..... | | | |
| Distribution Expenses..... | | | |
| Customer Accounts Expenses..... | | | |
| Sales Expenses..... | | | |
| Administrative and General Expenses..... | | | |
| Total Electric Operation and Maintenance Expenses..... | None | None | None |

STATEMENT OF EARNED SURPLUS (Accounts 215, 216 & 219)

1. Report in this schedule an accounting for changes in appropriated and unappropriated earned surplus for the year.
 2. Each credit and debit during the year should be identified as to the surplus account in which included (Accounts 433-438 inclusive) and the contra primary account affected shown. Minor items may be grouped by classes; however, the number of items in each group should be shown.
 3. For each reservation or appropriation of earned surplus state the purpose, amount, and in the case of reservations, the reserve account credited.

Explain in a footnote the basis for determining the amount reserved or appropriated and if such reservation or appropriation is to be recurrent, state the number and annual payments to be reserved or appropriated as well as the totals eventually to be accumulated.
 4. Dividends should be shown for each class and series of capital stock. Show amounts of dividends per share.
 5. List credits first; then debits.

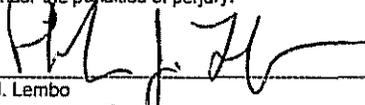
| Line No. | Item (a) | Contra Primary Account Affected (b) | Amount (c) |
|----------|---|-------------------------------------|------------|
| 1 | UNAPPROPRIATED EARNED SURPLUS (Accounts 216 & 219) | | \$ |
| 2 | Balance-Beginning of Year | | 4,353,802 |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | Credits: | | |
| 15 | Net income (loss) | 433 | 27,123,747 |
| 16 | Accum Other Comprehensive Income | 219 | 9,232 |
| 17 | | | |
| 18 | Debits: | | |
| 19 | Dividends on Common Stock: | 131 | 16,000,000 |
| 20 | Cash Dividend on Common Stock | | |
| 21 | | | |
| 22 | | | |
| 23 | 03/15- 2,857,000 shares at \$1.40 per share | | |
| 24 | 06/15 - 2,857,000 shares at \$1.40 per share | | |
| 25 | 09/15 - 2,857,000 shares at \$1.40 per share | | |
| 26 | 12/15 - 2,857,000 shares at \$1.40 per share | | |
| 27 | Balance - end of year | | 15,488,781 |
| 28 | APPROPRIATED EARNED SURPLUS (Account 215) | | \$ |
| 29 | State balance and purpose of each appropriated earned surplus amount at end | | |
| 30 | of year and give accounting entries for any applications of a appropriated earned | | |
| 31 | surplus during the year. | | |
| 32 | | | |
| 33 | NONE | | |
| 34 | | | |
| 35 | | | |
| 36 | | | |
| 37 | | | |
| 38 | | | |
| 39 | | | |
| 40 | | | |
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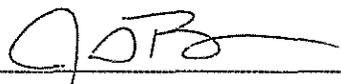
| GAS OPERATING REVENUES | | |
|--|--------------------|--|
| Account | Operating Revenues | |
| | Amount for Year | Increase or (Decrease) from Preceding Year |
| SALES OF GAS | | |
| Residential Sales..... | \$ 271,042,011 | \$ 2,165,202 |
| Commercial and Industrial Sales | | |
| Small (or Commercial)..... | 97,529,428 | 8,445,005 |
| Large (or Industrial)..... | 15,885,610 | 6,869,337 |
| Other Sales to Public Authorities..... | 12,695,022 | 794,513 |
| Interdepartmental Sales..... | - | - |
| Miscellaneous Gas Sales - Deferrals..... | (31,919,725) | (41,702,345) |
| Total Sales to Ultimate Consumers..... | 365,232,346 | (23,428,288) |
| Sales for Resale..... | 59,971,273 | 23,287,455 |
| Total Sales of Gas..... | 425,203,619 | (140,833) |
| OTHER OPERATING REVENUES | | |
| Forfeited Discounts-Late Payment Charges..... | 385,355 | 68,859 |
| Miscellaneous Service Revenues..... | 3,901,477 | (3,249,365) |
| Revenues from Transportation of Gas to Others..... | 55,393,026 | (10,077,220) |
| Sales of Products Extracted from Natural Gas..... | - | - |
| Revenues from Natural Gas Processed by Others..... | - | - |
| Rent from Gas Property..... | 703,001 | (144,229) |
| Interdepartmental Rents..... | - | - |
| Other Gas Revenues..... | 1,016,813 | 186,196 |
| Total Other Operating Revenues..... | 61,399,672 | (13,215,758) |
| Total Gas Operating Revenues..... | \$ 486,603,291 | \$ (13,356,592) |

SUMMARY OF GAS OPERATION AND MAINTENANCE EXPENSES

| Functional Classification | Operation | Maintenance | Total |
|---|----------------|--------------|----------------|
| Steam Production..... | | | |
| Manufactured Gas Production..... | | | |
| Other Gas Supply Expenses..... | \$ 297,846,594 | \$ - | \$ 297,846,594 |
| Total Production Expenses..... | 297,846,594 | - | 297,846,594 |
| Local Storage Expenses..... | 709,219 | 152,912 | 862,131 |
| Transmission and Distribution Expense..... | 22,974,576 | 7,772,724 | 30,747,300 |
| Customer Accounts Expense..... | 16,002,216 | - | 16,002,216 |
| Sales Expense..... | 2,381,497 | - | 2,381,497 |
| Administrative and General Expenses..... | 31,413,992 | - | 31,413,992 |
| Total Gas Operation and Maintenance Expenses..... | \$ 371,328,094 | \$ 7,925,636 | \$ 379,253,730 |

April 15, 2016, I hereby certify that the foregoing statements are full, just and true to the best of my knowledge and belief. This statement is signed under the penalties of perjury.


Philip J. Lembo
Vice President and Treasurer


Jay S. Buth
Vice President, Controller and Chief Accounting Officer

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2016 APR 26 A 9:13

Call to Order

April 4, 2016

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

Also in attendance were Board Secretary Melissa Peltier & Assistant City Engineer Timothy Collins.

Edward Coveney, Shawn McCarthy and Colleen Hughes were absent

Mr. DuPont was appointed Acting Clerk for the meeting.

1. Meeting Minutes:

A. Regular Meeting March 21, 2016

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept and place on file the minutes of the March 21, 2016 Regular Meeting as amended. Motion carried.

2. Chair's Business: None

3. Approval Not Required:

A. Court Street Extension

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

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted based on the recommendation of the Engineering Department as provided at the last regular meeting of the Planning Board to accept and endorse the plan as presented. Motion carried.

Mr. DuPont questioned why exactly this was being done?

Attorney Bergeron responded that his issue was discovered during the Site Plan Review process. There were two alternatives to mediate the discovered issue, the first was to amend the zoning ordinance that would take considerable time or reconfigure the road layout for Court Street that was already in place which is the much shorter time frame option.

Mr. DuPont acknowledged the response however he is not in agreement that this was the proper way to achieve the desired result.

A motion was made by Mr. DuPont to send a letter to the City Council as an unfavorable recommendation to the alteration of Court Street. There was no second to the motion. The motion was withdrawn by Mr. DuPont.

Mr. Fay noted that he believes this slight change is in keeping with the Intent of the Downtown Village Zoning District.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to send a favorable recommendation to the City Council regarding the alteration of Court Street as proposed. Motion carried.

B. Quad Rink Limited Partnership Donald J Lynch Blvd

Mr. DuPont read the request of Quad Rink Limited Partnership into the record.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the request and place it on file. Motion carried.

Mr. Chip Orcutt presented the plan to the Board and walked them through the intention. The New England Sports Center is looking to expand and will incorporate a section of this parcel into the main parcel that the rink is on. This will leave the bulk of the second parcel open for future development.

i) Quad Rink ANR Decision (Engineering)

Mr. DuPont read the favorable recommendation into the record.

On a motion made by Mr. Hodge, seconded by Mr. Fay it was voted to accept the recommendation from the Engineering Department and place it on file. Motion carried.

On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to endorse the Approval Not Required Plan titled:

Plan of Land
Marlborough Massachusetts
Prepared for:
Quad Rink Limited Partnership
84 South Street
Carlisle, MA 01741

Prepared by:
GLM Engineering Consultants, Inc
19 Exchange Street
Holliston, MA 01746

Motion carried.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to move up Items 9B & 9A. motion carried.

9. Unfinished Business:

B. Decision from Public Hearing Zone Change (June 5, 2016) Attorney Bergeron

Attorney Bergeron was in attendance to answer any questions from the Board regarding the requested Zoning Change (Overlay).

Attorney Bergeron noted that the overlay as it is presented was structured utilizing the existing Mixed Use Overlay District as a guide. The requested overlay district allows for all uses that are

currently allowed within the Business (B) District already.

The requested language has already had some modifications made to it from the City Council subcommittee review that is presently under way. It is the preference of the Council that multifamily housing not be allowed in this overlay district.

The proposed overlay district will allow for lot coverage to be calculated as one number instead of individual calculations per lot. There is proposed to be one master signage plan as well as one master landscape plan.

At the request of the Board, Attorney Bergeron will submit electronically the plan for the proposed project that is looking to be placed in this entire parcel taking into effect layouts with both the overlay in place as well as by right uses and zoning, for comparison.

The Board will keep this item on the next regularly scheduled agenda for discussion and or decision, April 25, 2016.

9. Unfinished Business:

A. Goodale Farms (June 19, 2016) Update if Available

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

Mr. DuPont read the correspondence from Conservation Officer Priscilla Ryder into the record. On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the correspondence and place it on file. Motion carried.

Mr. Fay noted that the Tree Warden should go out and look at the trees in the potential open space parcel to determine if any of the trees need to be removed for various reasons by the developer prior to deeding the space over to the City.

Discussion also concentrated on the requirement for continuous sidewalks to connect the entire neighborhood to the potential open space parcel. As well as the potential for landscaping to soften the appearance of the pump station located on Goodale Street adjacent to the proposed project.

Mr. DuPont read the favorable recommendation from the Engineering Department into the record. On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the recommendation and place it on file. Motion carried.

Mr. Fay requested that draft findings be prepared for review at the next regularly scheduled meeting (April 25, 2016). Attorney Austin agreed that she would have the draft findings available for review for the next meeting.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Collins handed out an updated Subdivision Status Report to the Board.

Assistant City Engineer Collins also noted the following:

The Blackhorse Farms Subdivision is again being used to stored hauled in material.

The Mauro Farms Subdivision is set to expire next month and may not be adequately finished by the expiration date of May 10, 2016.

The Walker Brook Estates Subdivision is moving along as well as The Howe's Landing Subdivision.

The Cider Mill Subdivision roadways need to be reexamined for deterioration of the pavement.

Regarding the proposed changes to Macomber Lane, it is the opinion of the Engineering Department that an 81W Plan will not be needed. The Road layout itself will not be changing only the pavement width is proposed to be changed.

It is the request of Chairperson Fenby that the Board members go out and look at the location of Macomber Lane and be prepared to discuss the proposal for the next meeting.

Also of note the Commonwealth Heights Subdivision has not started or met any of its own imposed benchmarks. There has been no communication with the developer since last Summer.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Goodale Farms (June 19, 2016) Update if Available

This item was taken up earlier in the agenda

B. Decision from Public Hearing Zone Change (June 5, 2016) Attorney Bergeron

This item was taken up earlier in the agenda

C. Discussion Unresolved Detention Basin Issue (Bresslough)

Mr. DuPont read the communication from Code Enforcement Officer Wilderman into the record. On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the communication and place it on file. Motion carried.

The discussion ranged between the need to relocate the existing gate, adding a second gate, easement law, the blight ordinance, potential deed restrictions, and exclusive right of access. After much discussion/debate the following action was taken:

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to explore the issue of relocating the gate with the DPW Commissioner for public safety and security reasons. Motion carried.

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Hudson zoning Board of Appeals, Notices (5)

B. Town of Framingham Planning Board, Notices (4)

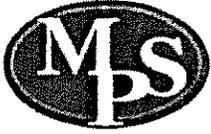
On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to accept notices A-B and place them on file. Motion carried.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to adjourn at 9:00pm. Motion carried.

Respectfully submitted,

Brian DuPont
Acting Clerk

/mai



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Marlborough Public Schools

2016 APR 27 AM 10:28
~~School Committee~~

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

March 22, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:45 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were Superintendent Langlois, MEA Representative Rupal Patel, Student Representative Kimberly Baker & Clerk Melissa Peltier.

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

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

3. **Presentation:** None

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

5. **Communications:** None

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: FY '17 Budget Work Session #3, Aspen Interruption in Service, FY '16 MTSS Goals, Joint MASS-ESE "Drive in" Conference, Administrator Quarterly Forum, MPS ESL Adult Education & MASS Cue Conference.

A. Executive Director of Finance and Operations Report

Mr. Bergeron gave his report covering a couple of topics including: Update on Cafeteria Accounts, Online Payment Portal, Modernizing Payroll Functions, MUNIS Training and Transfers for Next Meeting.

7. Acceptance of Minutes:

A. Minutes of March 8, 2016 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the March 8, 2016 regular School Committee Meeting as presented. Motion passed 6-0-1.

8. Public Participation:

Mrs. Melinda Elder, of 12 Tucker Ave, asked for consideration in the school calendar to observe Good Friday as a day off instead of an excused absence day due to the nature of Good Friday. She was requesting that the calendar swap the Friday before Labor Day with Good Friday as a day off.

The Committee will give all due consideration to the request.

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9. Action Items/Reports

A. MHS Advance Placement Trip to Arizona

Mr. Langlois presented the details regarding the proposed trip to Arizona, this trip will be taking the place of the Puerto Rico trip that was rescinded.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the trip as presented. Motion passed 6-0-1.

B. FY '17 MPS Calendar – DRAFT

Mr. Langlois presented the DRAFT SY '16/17 calendar to the Committee.

After discussion among the members ranging from teacher contractual obligations to school committee meeting dates and possible State mandated decisions on vacations, the Committee took the following action:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to table the calendar until the next regularly scheduled meeting. Motion passed 6-0-1.

C. Student Activity Accounts

Mr. Bergeron presented this request to the Committee.

It appears that the School Principals, mainly the High School and Whitcomb School Principals, are not bonded in regards to handling the funds that are in the Student Activity Accounts for their respective schools. In order to get the bonding capacity for both that is needed to administer/oversee the funds properly, Mr. Bergeron is requesting that the Committee adopt MGL Chapter 71, Section 47, regarding "...school principal designated to operate and control a Student Activity Checking Account..."

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the request as presented. Motion passed 6-0-1.

D. Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendation

Mrs. Bodin-Hettinger presented the resolution to the Committee asking for support of the resolution by a positive vote from the Committee.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to formally approve the resolution calling for full funding of the foundation budget. Motion passed 6-0-1.

E. Interim Superintendent

Mrs. Bodin-Hettinger presented to the full Committee the nomination of Mrs. Greulich to fill the position of Interim Superintendent effective July 1, 2016 for the upcoming school year.

Mrs. Greulich is the choice of the subcommittee consisting of Chairman Vigeant, Mr. Walter and Mrs. Bodin-Hettinger.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to enter into negotiations with Mrs. Greulich as Interim Superintendent. Motion passed 6-0-1.

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F. Acceptance of Donations and Gifts

Target Take Charge of Education Program has donated to the Kane Elementary School Student Activities Fund \$1,456.15.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$1456.15 from the Target Take Charge of Education Program to the Kane Elementary School Student Activities Fund. Motion passed 6-0-1.

Kane Elementary School PTO has donated \$6,251.00 to the Kane School to replace the school sign.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of 6,251.00 from the Kane School PTO to the Kane School to replace the School Sign. Motion passed 6-0-1.

Staples has donated \$5,000.00 to the Whitcomb Middle School STEM Program.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$5,000.00 from Staples to the Whitcomb School STEM Program. Motion passed 6-0-1.

Commonwealth of MA Department of Public Health has awarded to the District the Essential School Health SBIRT Grant in the amount of \$7,541.00.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the Essential School Health SBIRT Grant in the amount of \$7,541.00. Motion passed 6-0-1.

Commonwealth of MA Department of Public Health has awarded to the District the Essential School Health Grant in the amount of \$3,000.00.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the Essential School Health Grant in the amount of \$3,000.00. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy reported that the Policy Sub Committee met earlier today and there will be 3 policies on the next agenda for consideration. There are several more policies in committee that are in the final stages.

11. Members Forum:

Mrs. Hennessy wanted to remind everyone about the Spring Musical "Legally Blonde" is April 8, 9, 10, 2016 at the Whitcomb Auditorium. Tickets can be purchased online now.

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12. Adjournment: Motion made by Mrs. Matthews, seconded by Chairman Vigeant to reenter into Executive Session at 8:56 pm to continue discussion regarding a Non-Union Negotiation. The committee will adjourn directly from Executive Session.

Roll Call Vote:

| | |
|----------------------|-----|
| Mr. Geary | Yes |
| Mrs. Hennessy | Yes |
| Mrs. Ryan | Yes |
| Mrs. Bodin-Hettinger | Yes |
| Chairman Vigeant | Yes |
| Mrs. Matthews | Yes |
| Mr. Walter | Yes |

Motion passed unanimously.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn from Executive Session at 9:22 pm. Motion passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai

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Call to Order

April 12, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:35 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were MEA Representative Rupal Patel, Student Representative Kimberly Baker & Clerk Melissa Peltier.

Superintendent Langlois was absent, Mrs. Greulich filled in his absence.

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

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

Public Hearing: FY '17 School Operating Budget Public Hearing 7:30 pm

The public hearing was opened by Chairman Vigeant at 7:37 pm. The hearing was taken in the traditional four stages:

Those Speaking in Favor
Questions from the Public
Those Speaking in Opposition
Questions from the Members

Speaking in Favor – No one spoke

Questions from the Public – No one spoke

In Opposition – No one spoke

Questions from the Members: None

The Entire Public Hearing was closed by Chairman Vigeant at 7:38 pm.

The Regular School Committee Meeting continued directly upon the close of the Public Hearing.

3. **Presentation:** None

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

5. **Communications:** None

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6. Superintendents Report:

Mrs. Greulich gave the report covering a range of topics including: FY '17 State Budget Update, FY '17 School Budget, Senate Bill #2203-The RISE Act, Legal Advisory Champa v. Weston Public Schools, Women's Educational Leadership Network, Google Expeditions, Senate Immersion Model, PARCC/Infrastructure Trials and Parent Communication, District Art Show, Middle School STEAM Schedule & 2015-2016 Professional Development Data.

• **Primary & Elementary Education**

Ms. Mary Murphy gave an update on the status of Primary and Elementary Education. Topics included: April 2016 UDL Presenters Academy, K-5 Elementary Literacy Adoption, K-5 Elementary Math/ELA Curriculum Committees & PARCC.

7. Acceptance of Minutes: None

8. Public Participation: None

9. Action Items/Reports

A. MHS Business Professionals of America National Leadership Conference

Mrs. Greulich presented the details regarding the proposed trip to the Business Professionals of America National Leadership Conference.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the trip as presented. Motion passed 6-0-1

B. SY '17 MPS School Calendar

Mrs. Greulich presented the DRAFT SY '16/17 calendar to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the SY '17 calendar as amended. Motion passed 6-0-1.

C. Policies for First Review

Mrs. Hennessy presented the following 3 policies for approval:

Policy 6.110 Personnel Records

Policy 6.160 Substitute Teachers

Policy 8.600 Student Dress Code

Mrs. Hennessy presented the following 7 policies for REMOVAL from the MPS Policy Handbook:

Policy 6.400 Administrative and Supervisory Positions (last approved 12/12/00)

Policy 6.425 Employment of Principals (last approved 7/26/04)

Policy 6.427 Principals Duties and Responsibilities (last approved 1/1/90)

Policy 6.429 Working Conditions for Principals (last approved 7/26/94)

Policy 6.429.1 Principals Work Year (last approved 7/26/94)

Policy 6.429.3 Principals Professional Development Compensation (last approved 12/9/97)

Policy 6.430 Curriculum Development and Summer Teacher Compensation (last approved 3/11/08)

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The Policies were laid on the table to be taken up as Action Items on the next regularly scheduled meeting April 26, 2016.

D. Ratification of the Marlborough School Administrators Association Contract

Mrs. Matthews presented that the School Administrators have ratified the contract as negotiated and the School Committee had also voted to approve the contract as negotiated in Executive Session.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the contract as negotiated. Motion passed 6-0-1.

E. FY '16 Operating Budget Transfers

Mr. Bergeron presented the requested FY '16 transfers as submitted.

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

F. FY '17 School Budget

Mr. Bergeron presented a Power Point presentation to the Committee in which a 1% increase over the FY '16 Operating budget was requested. The Operating budget presented to the Committee for FY '17 is \$60,700,414.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Mrs. Matthews to approve the FY '17 Marlborough Public School District Operating Budget of \$60,700,414.00. Motion passed 6-0-1.

**An electronic version of the presentation is available. **

G. Acceptance of Donations and Gifts

Hannaford Helps School Program has donated \$81.00 to the Kane School Student Activities Fund.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$81.00 from the Hannaford Helps School Program. Motion carried 6-0-1.

Richer School PTO has donated \$4,500.00 to the Richer School After School Activities Fund.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$4,500.00 from the Richer School PTO. Motion carried 6-0-1.

Hannaford Helps School Program has donated \$210.00 to the Richer School Student Activities Fund.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$210.00 from the Hannaford Helps School Program. Motion carried 6-0-1.

MA DESE has awarded to the District the School Assistance Grant 323-B in the amount of \$11,738.00

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the School Assistance Grant 323-B in the amount of \$11,738.00. Motion passed 6-0-1.

MA DESE has awarded to the District the School Assistance Grant 220-E in the amount of \$2,235.00

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the School Assistance Grant 220-E in the amount of \$2,235.00. Motion passed 6-0-1.

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MA DESE has awarded to the District the Title IIB MA Mathematics & Science Partnership Program in the amount of \$124,630.00

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the Title IIB MA Mathematics & Science Partnership Program in the amount of \$124,630.00. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees: None

11. Members Forum:

Mrs. Hennessy wanted to make sure that the staff was on board from the Whitcomb School regarding the change to the S.T.E.M program in the school to the new format of S.T.E.A.M.

Mrs. Hennessy also wanted to give a "shout out" to the students and staff regarding the High School Musical from the previous weekend it is really amazing to see the amount of involvement with both staff and students.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 9:41 pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai



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2016 APR 28 A 11:40

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, February 23, 2016 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins and City Councilor Katie Robey and local resident Daniel Winn. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, January 26, 2016.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2 – New Business

2a) Communication from Arthur Bergeron, re: Request for on-site traffic and parking regulations at 110 Pleasant Street.

Chief Leonard advised that as part of the Special Permit for 110 Pleasant Street, they were supposed to petition the Traffic Commission. Tim Collins brought a copy of the Special Permit. He thought Arthur Bergeron would be at the meeting to discuss specifically what he was looking to have enforced. There doesn't appear to be anything unusual requested. The Traffic Commission may not need to regulate anything. As long as any handicapped spots are clearly marked with proper signage, police can enforce this on private property. Anything unusual would require a Grant of Authority.

The wording on the Special Permit may have been a standard condition on the permit. All agree to table until Chief Leonard has a chance to discuss the issue in more detail with Arthur Bergeron.

MOTION was made, seconded, duly VOTED to TABLE until the issue is clarified with Arthur Bergeron.

2b) Discussion – Temporary traffic regulations for New St. polling location.

Tim Collins passed out a GIS diagram of the New Street Polling location with all turns out of the parking lot marked. After the last election, there were a few issues that came up which they would like to address before the upcoming primary. Chief Leonard advised that he has authority for any temporary rules and regulations that are needed. All agreed that it can be difficult getting in and out of New Street. The merge from traffic coming down from Mechanic Street can make it more difficult.

For the upcoming election, the City is proposing 1) a right turn only out of New Street onto Granger Blvd and 2) coning off access to Granger Blvd. from Mechanic Street. This would eliminate the merge that causes some of the problem. Sign holders and site distance also caused some problems at the last elections. If sign holders were moved to the right side corner they would not be blocking site distance for cars looking left to take a right onto Granger.

Lisa Thomas has already talked to the Chief on some of these issues. They are hoping to make voting as easy as possible for people going to the polls at the new Senior Center. She is hoping to have police presence there at the busiest times, i.e. 6:30 to 10:30am and 5:00 to 8:00pm. Tim Collins also said that at the last election we also blocked off a lane on Granger. His concern is that those coming off of West Main are in the same lane as those turning right onto New Street. The Chief does not feel this will be necessary as there will be no merge from Mechanic to worry about this time.

Tim Collins said that people will learn that they can take alternate routes through the neighborhoods. This will then cause complaints from the neighborhoods on Election Day. Chief Leonard said he thinks that most people will take a right onto Granger and circle around. He said that there is “no great answer”. It is all new and we just have to try out a few things and see how it goes.

Local resident and election poll worker, Daniel Winn, was also in attendance. He said that there are a lot of voters that come from the West and would normally take Mechanic Street to New Street. He thinks it is a good plan to block off the traffic from Granger but still thinks it will get very congested at certain times. Chief Leonard advised that he will have officers monitor the intersection and see what happens. Lisa Thomas said that they are anticipating at least a 50% voter turnout. Fire Chief Breen said that he actually thinks the bottleneck will be more likely due to limited parking at the actual voting location. Lisa Thomas noted that all 351 municipalities have to deal with parking issues on election days.

Councilor Robey said that, as a resident from the west side of town, it would be best to alert people as soon as possible to the detour rather than when they get to the intersection of Mechanic and Main Street so that they could take an alternate route.

Chief Leonard noted that he already has to have five officers at all the schools. He may not be able to have enough officers available to fill all spots. He asked if a blackboard

message could be sent out notifying residents of the detour or if a notice could be put on the City's website. Lisa Thomas said that she could definitely put a notice and a diagram on the website and send a copy to a local reporter so they could put it in the paper. Lisa Thomas said that we will definitely get complaints but we can at least try to alleviate some of the problems ahead of time. Chief Leonard said that if we do nothing, we will get "huge complaints". He also said that a notice can also be put on the Police Department's Facebook page and Twitter account.

Lisa Thomas said that she can also have a constable monitor the parking lot and report back to the officer there or at least contact the chief on his cell phone if there are any major problems. Chief Leonard said that all we can do is assess the day as it goes along and do the best we can.

MOTION was made, seconded, duly VOTED to create a "right turn only" out of New Street on Election Day and to cone off access to Granger Blvd. from Mechanic Street.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING, the Police Department and the City Clerk's Office to provide the necessary notices to the community of the roadway changes on Election Day.

3-Old Business

3a) High School parking regulations.

Chief Leonard prepared four regulations, with emergency preambles, for a vote. Copies of each are included in this packet. The emergency preambles are due to the fact that school is currently in session and that some of the signs are already in place just not formally regulated. There are no changes being made. Engineering is just firming up what is already there. The three amendments to the regulations involve:

- 1) Stop Intersections
- 2) One-Way Streets
- 3) Crosswalk Locations
- 4) Do Not Enter Streets

MOTION was made, seconded, duly VOTED to APPROVE all four amended regulations. Lisa Thomas asked the Chief for electronic copies of all four amendments by tomorrow so that she could submit them for advertisement in the Main Street Journal on Saturday.

3b) Stop signs on Bigelow St.

Chief Leonard reviewed the fact that the Bigelow Street stop sign issue has been a very long process that goes back to the neighborhood meeting we had at Hillside School in 2011. As part of this meeting, it was determined that if the Traffic Commission were to remove any of the signs (as they do not meet the MUTCD warrants for stop signs) they would also do whatever they could to mitigate any potential problems. It was finally determined that three signs would be removed when funding became available for two

speed indicator signs. Chief Leonard said that he thinks these signs actually do a good job of getting people to slow down. Once the signs are taken down, he will have his Officers do radar patrols. It was determined, after much review, that the stop signs at Flagg, Shea and Doucette would be removed. There is no requirement to notify any other authority. They are all local roadways under the control of the Traffic Commission and the signs never met the MUTCD warrants required for stop signs.

There was some question, however, on the site distance coming out of Doucette. Tim Collins passed out a few photos of the area. The yellow markings indicate the layout of Bigelow Street. The City has no issue in taking down some of the problem vegetation. It is all on City owned land. It was agreed that if this vegetation was removed it would be helpful.

Initially the Traffic Commission was looking to install four speed indicator signs, however, there was only funding available for two. The likelihood of finding future funding for any additional signs is probably not very high. Commissioner Ghiloni said that if the Forestry Dept. cleans up the area we should be good to go.

Chief Leonard prepared the amended regulation to remove the stop signs, in both directions, at Flagg Road, Sheaf Drive and Doucette Drive for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation. ALL IN FAVOR.

MOTION was made, seconded, duly VOTED to REFER to the DPW to cut back the vegetation at Doucette Drive.

Part II

The big issue now is now is notification. It was discussed that the best way to alert residents is through a blackboard connect message and social media. Tim Collins said that we could also use the message boards. They are currently being used for the election until March 2nd but are available after that. Commissioner Ghiloni also said that signs had been ordered warning of traffic changes in the area. He thinks they have come in now.

Chief Leonard asked if we could do a citywide blackboard connect message now and then follow up with a specific message to the affected neighborhoods. Tim Collins advised that the blackboard messages would be sent out March 2nd. Chief Leonard said that a notice would go out on the Police Department's Facebook page and twitter as well. Lisa Thomas will also post it on the City's webpage. Tim Collins said that he will also post it on the message board and leave it up for a week or two to indicate that traffic patterns will be changing. The blackboard database comes from Verizon. If your landline is from Verizon or Comcast you should get a call on your home phone. Some residents have also registered their cell phones. A citywide blackboard message should reach everyone.

Chief Leonard wanted to be sure that everything was ready to go at the same time. The day the three stop signs come down he wants to be sure that the additional info. signs go up.

Fire Chief Breen had to leave at this point for another meeting.

It was determined that Wednesday March 16th would be the target date for the three stop signs coming down and the additional signage going up on the side streets.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING, the POLICE DEPARTMENT and Lisa Thomas to make the necessary announcements and notifications.

MOTION was made, seconded, duly VOTED to REFER to the DPW to remove the stop signs and install the additional warning signs on the side streets on March 16th.

3c) Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED to TABLE.

3d) Traffic pattern, parking deck behind City Hall.

Tim Collins prepared the wording for the new regulations for One-Way and Do Not Enter signs and also included a diagram of the lower level of the parking deck in the agenda packet. All agreed that it makes sense and is how most of the traffic travels anyways. Tim Collins said that it also makes for a better turn movement onto Court Street. Chief Leonard will prepare the amended regulation for vote at the next meeting based on Tim Collins' recommendations.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the regulation for a vote at the next meeting.

3e) Mill St. parking restriction.

MOTION was made, seconded, duly VOTED to TABLE

3f) Crosswalk Locations on Lincoln St.

It was reviewed that when Tim Collins was looking into the crosswalk in front of The Lofts he realized that none of the other crosswalks on Lincoln Street were ever actually regulated.

Chief Leonard prepared a new regulation to add the six crosswalks on Lincoln Street to the "Crosswalk Locations" section of the regulations. Lisa Thomas noted that the regulation also includes the name of specific businesses along with street #'s. She suggested it would be better to remove the business name (i.e. former St. Anne's church and Fitzgerald & Collins Funeral Home) and just use the number so there will be no confusion in the future.

Chief Leonard advised that he would make this revision and send it to Lisa for advertisement.

MOTION was made, seconded, duly VOTED to APPROVE the regulation as amended. All in favor.

3g) Traffic concerns at Wilson & Hemenway Sts.

Evan Pilachowski and Tim Collins went out and took a look at this area again. Mr. Collins passed out a diagram of the area and a photo of a rumble strip island. This type of island would cause drivers to make more of a 90 degree turn and cause them to slow down when they go over the rumble strip. He also had the new sign moved closer to the actual turn. It was previously installed too far away. The rumble strip could be installed in the spring and Engineering believes it will help.

Chief Leonard said that he has "his own personal opinion on rumble strips". He mentioned one on Miles Standish Drive and how he thinks it doesn't do very much because people tend to ignore it or go around it. There is also a "bit of noise associated with it" and it becomes a plowing and maintenance issue. Commissioner Ghiloni said that he also did not want to use a rumble strip here. Mr. Collins said that maybe it is enough that they have at least moved the new sign closer to the intersection. Chief Leonard said that he would like to think it would help but believes most of the traffic travels this way every day and would tend to ignore it.

Mr. Collins also suggested that he look into taking the turn radius down a little and making it more of a T-intersection. Commissioner Ghiloni liked this idea also and wanted to look into "squaring off the intersection" and seeing if it would make things any better.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into further.

MOTION was made, seconded, duly VOTED to keep this item on the agenda as it is still a "work in process".

3h) Discussion of stop sign on Broadmeadow Rd. – Panther Trail

Chief Leonard reviewed again that with the opening of the new Panther Trail there is the anticipation that more people will be coming to this area. The proposal is for a new stop sign for eastbound traffic at Parmenter Street. He asked if there was any further discussion necessary. If not, he had prepared the new regulation in the agenda packet for a vote. He also had the regulation for the new crosswalk on Broadmeadow at Garabed Blvd. for a vote.

Chief Leonard said that we should at least notify Guilbankian's of the change and give them a heads up as they the only ones living beyond this area. Both directions on Broadmeadow will now be required to stop at Parmenter.

MOTION was made, seconded, duly VOTED to APPROVE the new stop sign at Broadmeadow at Parmenter Street. All in favor.

MOTION was made, seconded, duly VOTED to APPROVE the new crosswalk on Broadmeadow at Garabed Blvd. All in favor.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:17 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, February 23, 2016. (Including City of Marlborough Meeting Posting.
- Draft of minutes from Tuesday, January 26, 2016.
- Copy of a letter from Arthur Bergeron, dated 2/2/16, re: Application Pursuant to General Laws Chapter 90 Sec. 18 (request for on-site traffic and parking regulations at 110 Pleasant Street).
- Four amendments (including emergency preambles) for the regulations in the High School parking lot. 1) Stop Intersections 2) One-Way Streets 3) Crosswalk locations 4) Do Not Enter Streets.
- Amended regulation to delete three stop signs under the schedule for "Stop Intersections" on Bigelow Street.
- E-mail from Tim Collins to Chief Leonard, dated 2/18/16, re: Do Not Enter Language and One-Way Language, including diagram, for Parking Deck behind City Hall.
- Amended regulation to add 6 Crosswalks to the "Crosswalk location" schedule on Lincoln Street, including a diagram.
- Amended regulation to a stop sign on Broadmeadow at Parmenter
- Amended regulation to add a crosswalk on Broadmeadow at Garabed Blvd.

Additional Handouts:

- GIS photo of the intersection of Bigelow Street and Doucette Drive.
- Diagram of intersection of Hemenway Street and Wilson Street with photo of proposed rumble strip.
- GIS map of area of New Street and Granger Blvd. (i.e New Street Polling location) with right turn only at New Street & Granger indicated with suggested travel patterns.

CITY OF MARLBOROUGH

BOARD OF ASSESSORS

MEETING MINUTES: April 13, 2016

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2016 MAY -4 P 4:09

1. CALL TO ORDER: 10:35 am
MEMBERS PRESENT: Anthony Arruda, David Manzello
Also in attendance: Harald Scheid, Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the March 30, 2016 meeting: Mr. Manzello, second Mr. Arruda
Vote: 2-0
3. DISCUSSION AND VOTE: Clause Exemptions: 45F Curtis Ave, 290 West Hill Rd
Motion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
4. DISCUSSION AND VOTE: Exempt Status Filing: Partners Community Physicians' Organization
Motion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
5. DISCUSSION AND VOTE: Real Estate Abatement Applications: 701 Boston Post Rd East, 200 Donald J Lynch Blvd, Glen St (79-29A), 251 Locke Dr, 2 Results Way
Motion to Grant: Mr. Arruda, second Mr. Manzello
Vote: 2-0
6. DISCUSSION AND VOTE: Real Estate Abatement Applications: 895-1001, 928, 934 Boston Post Rd E, Boston Post Rd W (79-49A), 33, 293 & 313 Boston Post Rd W, 19, 31, 43 & 67 Cook Ln, 42 Curtis Ave, 150, 200, 290, 295, 400 & 450 Donald J Lynch Blvd, 319 East Main St (58-67 & 58-69B), 333 East Main St, Forest St (90-5), 26, 62, 67 & 200-230 Forest St, 18 Graves Ln, 82 Northboro Rd E, Simarano Dr (100-1), Sudbury St (49-3, 49-13), 397 Williams St
Motion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
7. Mr. Scheid informed the Board that on April 4, 2016 under M.G.L. ch 59, s5, clause 54, the minimum exemption value for personal property taxation has been modified to \$10,000 per City Council Order 16-1006456A.
8. MOTION TO CONCLUDE – Mr. Arruda, second Mr. Manzello
Meeting Adjourned – 11:50 pm

