

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY 19 P 2:53

1. Minutes, City Council Meeting, May 9, 2016.
2. PUBLIC HEARING On the Proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278.00 for review and appropriation in which this spending plan reflects an increase of 4.96% over the approved Fiscal Year 2016 budget, Order No. 16-1006553.
3. Communication from the Mayor re: Year-end transfer requests which moves funds from and to various accounts as noted on the attached spreadsheets which will cover expenses and balance accounts for FY16.
4. Communication from the Mayor re: transfer request in the amount of \$675,745.00 which moves funds from Undesignated to Overtime Snow & Ice, Snow Removal & Operating Expenses to fund the FY2016 Snow and Ice Deficit.
5. Communication from the Mayor re: Economic Development Corporation transfer request in the amount of \$647,580.00 which moves funds from Economic Development to MEDC Funding accounts to fully fund the FY17 operations and Walker Building Feasibility Study, X15/16-1006380.
6. Communication from the Mayor re: transfer request in the amount of \$62,400.00 which moves funds from Parks and Fields Capital to Interest on BAN to fund the City's interest payment obligations related to parks and recreation projects.
7. Communication from Mayor re: Community Compact Grant in the amount of \$5,000.00 awarded to the City to evaluate our economic competitiveness.
8. Communication from Mayor re: Dow Chemical Company grant in the amount of \$1,000.00 for general purposes associated with maintaining and beautifying our community.
9. Communication from the Mayor re: Deficit Spending for Snow & Ice Account, X15-1006108.
10. Communication from the Mayor re: Reauthorization of the Public Safety Revolving Fund.
11. Communication from the Mayor re: Reauthorization of the Council on Aging Revolving Fund.
12. Communication from the Mayor re: Reauthorization of the Parks and Recreation Revolving Fund.
13. Communication from the Mayor re: Appointments of Councilor David Doucette, Derek Chaves, & Laura Kyle to the Commission on Disabilities for terms of three years from date of City Council confirmation.
14. Communication from City Solicitor Rider re: Proposed Zoning Amendment-Lawful Pre-Existing Single and Two-family Residential Structures.
15. Application for LED Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd., to place a free-standing LED sign.
16. Communication from the Attorney Falk of Mirick O'Connell re: Easements for Atrium Place, X 16-1006366D
17. Communication from Kevin Erikson of Walker Realty LLC re: Apex Center – Proposed Master Plan and Development Agreement. (Plans and Maps may be viewed in the City Clerk's Office).
18. Communication from Attorney Bergeron of Mirick O'Connell re: Apex Center-Site Plan Review under the HRMUOD Ordinance, X16-1006443D.
19. Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane.
20. Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc. d/b/a Dumais and Sons Second Hand Store, 6 High St.

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.

21. Communication from State Lottery Commission re: KENO Monitor to existing KENO To Go at 7-Eleven, 92 Broad St.
22. Minutes, Conservation Commission, March 24, 2016.
23. Minutes, Board of Assessor's, May 4, 2016.
24. CLAIMS:
 - a. Jodi Gale, 26 Franklin St., other property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

25. **Order No. 16-1006534 – Transfer \$650,000.00 from Undesignated Funds to Capital Outlay Downtown account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$650,000.00 from the Undesignated Funds account to be used to set up a new Downtown Stabilization Account for economic development in the downtown area. **The Finance Committee voted 5 – 0 to approve the transfer.**
26. **Order No. 16-1006535 – Transfer \$43,500.00 from Undesignated Funds to Open Space Stabilization account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$43,500.00 from the Undesignated Funds account to the Open Space Stabilization account. **The Finance Committee voted 5 – 0 to approve the transfer.**
27. **Order No. 16-1006536 – Transfer \$20,714.00 from Collector's Salary account to Various Salary accounts.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$20,714.00 from the Collectors salary account to various salary line item accounts. The Finance Committee approved the reduction of the transfer by \$2,079.00 (eliminating the City Councilor Salary line item adjustment). **The Finance Committee voted 5 – 0 to approve the transfer of \$18,635.00.**
28. **Order No. 16-1006537 – Transfer \$10,480.00 from Events Coordinator to Fund Retirement in the Recreation Department.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$10,480.00 from the Event Coordinator account to fund the Recreation Department Director and Sick Leave Buy Back accounts for a retirement in the Recreation Department. **The Finance Committee voted 4-0 (Councilor Oram abstained) to approve the transfers.**
29. **Order No. 16-1006538 – Rescind Various Bonds Totaling More Than \$13,000,000.00.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting various bonds totaling more than \$13,000,000.00 be rescinded. The bonds are no longer available to be bonded for the particular projects. Rescinding the bonds will strengthen the City's position financially by lowering the amount of debt authorized and outstanding. **The Finance Committee voted 5 – 0 to approve the order to rescind the bonds.**
30. **Order No. 16-1006540 – Grant for \$1,119,210.00 for FY17 Chapter 90 Funds.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 identifying a \$1,119,210 FY17 Chapter 90 appropriation approved by the Legislature and signed by Governor Baker. **The Finance Committee voted 5 – 0 to accept and place on file.**
31. **Order No.16-1006512 – Transfer \$33,351.29 from Reserve for Salaries to Fire Department Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated March 31, 2016 requesting the transfer of \$33,351.29 from the Reserve for Salaries account to the Fire Department Sick Leave Buy Back account to fund a retirement in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfer.**

From Public Services Committee

32. **Order No. 16-106542 - Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main Street.** Police Chief Leonard approved the CORI report for Roger Gauthier of Savers and has no objection to the renewal of their Junk Dealer License. David Manoogian, an Attleboro attorney representing Savers, and Roger Gauthier, Store Manager for Savers, appeared before the committee to request renewal of their Junk Dealer License. Mr. Gauthier explained their store had increased their business by fourteen percent over this time last year and they work with the local community by making payment to community organizations as well. Mr. Gauthier stated they process about seventy-five percent of what is donated, priced and sent to the sales floor, and the other twenty-five percent is sent for recycling to developing countries.

Chairman Landers read through the conditions and waivers that are a part of their license which are as follows:

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.

8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Savers. The motion carried 3-0.

33. **Order No. 16-1006518 - Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard.** Police Chief Leonard has approved the CORI report for Antoine Bitar of Hannoush Jewelers and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Bitar explained the second hand jewelry business is almost non-existent as he hardly buys any gold, maybe one or two transactions per month. They also have a repair business for jewelry and watches and can create custom pieces as requested by customers which is their advantage over competitors. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Hannoush Jewelers. The motion carried 3-0.**
34. **Order No. 16-1006519 - Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard.** Police Chief Leonard has approved the CORI report for Sherein Khater of Best Buy Mobile and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Khater explained she took over as manager of this location last year and they had a profitable year. Ms. Khater explained the process for trade-ins and they provide the customer with a Best Buy gift card for use in purchasing accessories or other items. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Best Buy Mobile. The motion carried 3-0.**
35. **Order No. 16-1006521 - Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street.** Police Chief Leonard has approved the CORI report for Roman Kimyagarov of Arthur & Sons Shoe Repair and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Kimyagarov explained he does a little gold and silver buying but a majority of his business is the shoe repair. His customers bring him items, such as shoes and leather jackets, purchased at Savers and he repairs the heels and zippers for those items. **Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Roman Kimyagarov of Arthur & Sons Shoe Repair. The motion carried 3-0.**



RECEIVED
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2016 MAY 18 P 4:53

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

MAY 9, 2016

Regular meeting of the City Council held on Monday, MAY 9, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:50 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 25, 2016, **FILE;** adopted.

Suspension of the Rules requested-granted to allow the Mayor to speak.

ORDERED: That there being no objection thereto set **MONDAY, MAY 23, 2016** as date for a **PUBLIC HEARING** for the proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278 for review and appropriation in which this spending plan reflects an increase of 4.962% over the approved Fiscal Year 2016 budget, refer to **FINANCE COMMITTEE AND ADVERTISE;** adopted.

ORDERED: That the 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, refer to **FINANCE COMMITTEE;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Police				FISCAL YEAR:		2016:	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
\$520,539.84	11990006	57820	Reserve for Salaries	\$7,872.98	12100001	50500	Police Captains	\$38,855.67	
	Reason:	Contractual Obligation				Reason:	Contractual Obligation		
				\$14,648.08	12100001	50510	Police Lieutenants	\$155,558.83	
	Reason:					Reason:	Contractual Obligation		
				\$34,787.05	12100001	50820	Sergeants	\$130,515.94	
	Reason:					Reason:	Contractual Obligation		
				\$5,324.22	12100003	51440	Education	\$235,814.15	
	Reason:					Reason:	Contractual Obligation		
				\$1,422.67	12100003	51342	Longevity	\$50,468.51	
	Reason:					Reason:	Contractual Obligation		

				\$645.66	12100003	51450	Night Diff.	\$48,182.18
Reason:				Reason:	Contractual Obligation			
				\$69.58	12100003	51410	First Responder	\$15,768.14
Reason:				Reason:	Contractual Obligation			
				\$517.64	12100003	51360	Training	\$10,074.08
Reason:				Reason:	Contractual Obligation			
				\$6,058.42	12100003	51310	OT - Regular	\$48,898.48
Reason:				Reason:	Contractual Obligation			
				\$56.50	12100003	51319	OT - Cell Watch	\$0.00
Reason:				Reason:	Contractual Obligation			
				\$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			

Suspension of the Rules requested-granted to allow the Mayor to speak.

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.

APPROVED; adopted.

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

ORDERED: That the 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, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Solicitor Rider re: Marlborough Savings Bank, LED Sign Permit, 71 Boston Post Rd., East, Order No. 16-1006483A, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Councilor Delano recused.

ORDERED: That the 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, **MOVED TO ITEM 20**; adopted.

ORDERED: That the 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, **MOVED TO ITEM 21**; adopted.

ORDERED: That the 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, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Building Commissioner Camacho re: Site Plan Approval with Conditions, Atrium Place, 21-29 South Bolton St., Order No. 15/16-1006366B, **MOVE TO ITEM 21**; adopted.

ORDERED: That the 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, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Retirement Board re: Proposed Increase, Cost-of-Living (COLA), to be discussed at their May 25, 2016 Board meeting, **FILE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Rd. East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Department of Public Utilities, Condensed Financial Return for Year End December 31, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 4, 2016, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, March 22, & April 12, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, February 23, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessor's, April 13, 2016, **FILE**; adopted.

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

- a. Christin Olin, 608 Concord Rd., residential mailbox claim 2(a).
- b. Robert Malley, 459 Stratford Rd., Southfield, MA, pothole or other road defect.

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday May 2, 2016
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Irish and Doucette. Councilors Clancy, Elder and Landers were also in attendance. The meeting convened at 7:01 PM.

1. **Order No. 16-1006534 – Transfer \$650,000.00 from Undesignated Funds to Capital Outlay Downtown account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$650,000.00 from the Undesignated Funds account to be used to set up a new Downtown Stabilization Account for economic development in the downtown area. The Finance Committee voted 5 – 0 to approve the transfer.
2. **Order No. 16-1006535 – Transfer \$43,500.00 from Undesignated Funds to Open Space Stabilization account.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$43,500.00 from the Undesignated Funds account to the Open Space Stabilization account. The Finance Committee voted 5 – 0 to approve the transfer.
3. **Order No. 16-1006536 – Transfer \$20,714.00 from Collector's Salary account to Various Salary accounts.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$20,714.00 from the Collectors salary account to various salary line item accounts. The Finance Committee approved the reduction of the transfer by \$2,079.00 (eliminating the City Councilor Salary line item adjustment). The Finance Committee voted 5 – 0 to approve the transfer of \$18,635.00.
4. **Order No. 16-1006537 – Transfer \$10,480.00 from Events Coordinator to Fund Retirement in the Recreation Department.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the transfer of \$10,480.00 from the Event Coordinator account to fund the Recreation Department Director and Sick Leave Buy Back accounts for a retirement in the Recreation Department. The Finance Committee voted 4-0 (Councilor Oram abstained) to approve the transfers.
5. **Order No. 16-1006538 – Rescind Various Bonds Totaling More Than \$13,000,000.00.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting various bonds totaling more than \$13,000,000.00 be rescinded. The bonds are no longer available to be bonded for the particular projects. Rescinding the bonds will strengthen the City's position financially by lowering the amount of debt authorized and outstanding. The Finance Committee voted 5 – 0 to approve the order to rescind the bonds.
6. **Order No. 16-1006539 – Grant for \$250,000.000 for DPW Parks and Playground Projects.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 requesting the approval of a \$250,000.00 grant for the DPW Parks and Playground projects. The Finance Committee voted 5 – 0 to approve the grant.

The Finance Committee agreed to support suspending the rules at the May 9, 2016 City Council meeting to approve the grant.

7. **Order No. 16-1006540 – Grant for \$1,119,210.00 for FY17 Chapter 90 Funds.** The Finance Committee reviewed the Mayor's letter dated April 21, 2016 identifying a \$1,119,210 FY17 Chapter 90 appropriation approved by the Legislature and signed by Governor Baker. The Finance Committee voted 5 – 0 to accept and place on file.
8. **Order No.16-1006512 – Transfer \$33,351.29 from Reserve for Salaries to Fire Department Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated March 31, 2016 requesting the transfer of \$33,351.29 from the Reserve for Salaries account to the Fire Department Sick Leave Buy Back account to fund a retirement in the Fire Department. The Finance Committee voted 5 – 0 to approve the transfer.
9. **Order No. 15-1006349 – Review the Year to Date Budget Report for Gifts, Grants, Donations and Capital Accounts for City and Schools for FY2015.** The Finance Committee continued the review (tabled at the January 19, 2016 Finance Committee meeting) of the reports provided by the Mayor that identified the gifts, grants, donations and balances in the capital account in preparation for the FY16 Capital Bond request. The Finance Committee received updated information just prior to the meeting. The Finance Committee agreed to review the new information and discuss at a future Finance Committee meeting. The Finance Committee voted 5 – 0 to table the item in committee.

The Finance Committee discussed the meeting schedule to review the Mayor's FY17 budget. The initial dates for the Finance Committee budget meetings will start at 6 PM on May 11, 16, 17 and 18. The Finance Committee will conduct a meeting starting at 7 PM on May 12, 2016.

The Finance Committee meeting adjourned at 8:53 PM.

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

Meeting Name: City Council Public Services Committee

Date: May 2, 2016

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

Convened: 6:00 PM

Adjourned: 6:37 PM

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

Order No. 16-106542 - Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main Street. Police Chief Leonard approved the CORI report for Roger Gauthier of Savers and has no objection to the renewal of their Junk Dealer License. David Manoogian, an Attleboro attorney representing Savers, and Roger Gauthier, Store Manager for Savers, appeared before the committee to request renewal of their Junk Dealer License. Mr. Gauthier explained their store had increased their business by fourteen percent over this time last year and they work with the local community by making payment to community organizations as well. Mr. Gauthier stated they process about seventy-five percent of what is donated, priced and sent to the sales floor, and the other twenty-five percent is sent for recycling to developing countries.

Chairman Landers read through the conditions and waivers that are a part of their license which are as follows:

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Savers. The motion carried 3-0.

Order No. 16-1006518 - Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard. Police Chief Leonard has approved the CORI report for Antoine Bitar of Hannoush Jewelers and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Bitar explained the second hand jewelry business is almost non-existent as he hardly buys any gold, maybe one or two transactions per month. They also have a repair business for jewelry and watches and can create custom pieces as requested by customers which is their advantage over competitors. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Hannoush Jewelers. The motion carried 3-0.**

Order No. 16-1006519 - Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard. Police Chief Leonard has approved the CORI report for Sherein Khater of Best Buy Mobile and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Khater explained she took over as manager of this location last year and they had a profitable year. Ms. Khater explained the process for trade-ins and they provide the customer with a Best Buy gift card for use in purchasing accessories or other items. **Motion made by Councilor Doucette, seconded by Councilor Irish to approve the renewal of Junk Dealers/Second Hand License for Best Buy Mobile. The motion carried 3-0.**

Order No. 16-1006521 - Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street. Police Chief Leonard has approved the CORI report for Roman Kimyagarov of Arthur & Sons Shoe Repair and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Kimyagarov explained he does a little gold and silver buying but a majority of his business is the shoe repair. His customers bring him items, such as shoes and leather jackets, purchased at Savers and he repairs the heels and zippers for those items. **Motion made by Councilor Irish, seconded by Councilor Doucette to approve the renewal of Junk Dealers/Second Hand License for Roman Kimyagarov of Arthur & Sons Shoe Repair. The motion carried 3-0.**

Motion made by Councilor Doucette, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 6:37 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: April 26, 2016

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

Councilor Delano & Councilor Oram recused.

Convened: 5:18 PM

Adjourned: 8:27 PM

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

Absent: Councilor Delano recused.

Also Present: Rick Bennet (President, Marlborough Savings Bank); Joe Buchholz (Kay Gee Signs and Graphics); Donald Rider (City Solicitor, City of Marlborough)

Order No.16-1006483 - Application for Special Permit for LED Sign Special Permit by Marlborough Savings Bank, 71 Boston Post Road East, to erect an electronic message board below the existing Marlborough Savings Bank (MSB) sign. The Urban Affairs Committee met with Rick Bennet, President of Marlborough Savings Bank and Joe Buchholz of Kay Gee Signs and Graphics for a discussion an electronic message center for Marlborough Savings Bank at 71 Boston Post Road East. The requested sign was within allowable limits as permitted by the City of Marlborough Sign Ordinance and they requested permission to install the sign. Chairman Elder read the conditions for the applicant:

- A. 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 herein incorporated into and become part of this Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

Motion made by Councilor Juaire, seconded by Councilor Landers, to approve the application. The motion carried 4-0 (Councilor Delano recused.)

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 8:27 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: May 3, 2016

Time: 5:30 PM

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

Convened: 5:30 PM

Adjourned: 8:17 PM

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

Also Present: Jeff Newman (Signarama); Steve Uliss (Owner, Firefly's); Christopher Flood (Attorney, Law Offices of Flood & Favata); Donald Rider (City Solicitor, City of Marlborough); Arthur Bergeron (Attorney, Mirick O'Connell); Priscilla Ryder (Conservation Officer, City of Marlborough); Cynthia Panagore Griffin (Assistant City Solicitor, City of Marlborough); Kevin Eriksen (General Counsel, Ryan Development LLC); Josh Fiala (Certified Land Use Planner & Registered Architect, MAPC)

Order No. 16-1006541 - Application for LED Sign, GE Healthcare, 200 Forest Street to mount a white LED illuminated channel letter wall sign on their building. Jeff Newman from Signarama of Framingham represented GE Healthcare of 100 Results Way, formerly 200 Forest Street, in their request for approval of a wall sign within the Results Way Mixed Use Overlay District. They proposed a LED illuminated channel letter sign mounted to the wall of tower five. The City of Marlborough Code Enforcement Officer supplied a letter to the Urban Affairs Committee that the sign met both the intent of the overlay district and development agreement for the project and there is no conflict with the existing sign ordinance. **Motion made by Councilor Elder, seconded by the Chair, to approve the application for the LED illuminated channel letter wall sign. The motion carried 5-0. Motion made and seconded to request a suspension of the rules at the next City Council meeting on May 9, 2016 to vote on the application. The motion carried 5-0.**

Order No. 16-1006482 - Application for Special Permit, Q Cafe 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. The Urban Affairs Committee met with Steve Uliss, owner of Firefly's, and his attorney Christopher Flood regarding the application to expand Firefly's outdoor patio area. The committee and applicant discussed several areas of concern raised by abutters at their Public Hearing. The applicant informed the committee he had replaced the fence surrounding his property and ordered a new dumpster for his site to address those concerns. They then reviewed the draft special permit conditions and made several minor changes. **Motion made by Councilor Elder, seconded by Chair, to approve the amended special permit as amended. The motion carried 5-0. Motion made by Councilor Elder, seconded by Chair, to refer to the Legal Department to place in proper legal form and to request a suspension of the rules at the next City Council meeting to vote on the application.**

Order No. 16-1006443 - Proposed Zoning Amendment by adding a new Section to Chapter 650 §35, HOSPITALITY AND RECREATION MIXED USE OVERLAY DISTRICT. The Urban Affairs Committee met with Attorney Arthur Bergeron and Kevin Eriksen, General Counsel for Ryan Development, and reviewed the proposed zoning amendment for a new section to Chapter § 650-35 Hospitality and Recreation Mixed Use Overlay District. They reviewed several additions and removals to the proposed zoning ordinance in the draft document dated May 2, 2016. They approved the document as amended and will suspend the rules at the next City Council meeting on May 9, 2016 to go through the first three stages for enrollment and will take a final vote on the zoning ordinance at the May 23, 2016 City Council meeting. **Motion made by Councilor Juaire, seconded by Chair, to approve as amended. The motion carried 5-0. The Urban Affairs Committee agreed to support suspending the rules at the May 9, 2016 City Council for the purpose of the first three stages to enrollment of the zoning ordinance.**

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 8:17 PM.

Suspension of the Rules requested-granted

ORDERED: That the City Council be notified that there is a request to place six freestanding signs (18 inches by 24 inches) one week before the Downtown Marlborough Car Show from May 29th through June 5th, 2016, as follows:

- Maple and Walker St. near Gold's Gym parking lot (Readable from both directions)
- Traffic Island at intersection of West Main and Mechanic St. (Readable when approaching from the West)
- Corner of Newton St. and Granger Blvd. (Readable from both directions)
- Comer of Route 20 and Farm Road (Readable when approaching from the West)
- Intersection of Concord St. and Boston Post Road (Readable when approaching from the east)

And directional signs with arrows to be placed the day of the show which is June 5th, which simply read "Show Cars" at the following locations:

- Comer of Bolton St. and Granger Blvd.
- Comer of Bolton and Main St.
- Comer of West Main and Mechanic St.
- At the Route 20 Exits of Route 495

Councilor Delano recused.

APPROVED; adopted.

Suspension of the Rules requested-granted

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Legislative Earmark Grant from the Commonwealth of Massachusetts, in the amount of \$250,000.00 awarded to DPW for various park and playground projects; adopted.

Suspension of the Rules requested-granted

ORDERED:

**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 April 26, 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.

Yea: 8 – Nay: 0 – Abstain: 3

Yea: Elder, Tunnera, Irish, Clancy, Landers, Juair, Ossing, & Robey

Nay: 0

Abstain: Delano, Doucette & Oram

Suspension of the Rules requested-granted

Motion made by Councilor Oram to propose a change to Condition 12, ..the applicant shall place a berm around all grease containers... “prior” to the issuance of a building permit – **DOES NOT CARRY.**

ORDERED:

**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 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.
9. 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.
10. The dumpster(s) on the Site shall have a cover and shall not be overfilled so that the dumpster lid cannot close.
11. The Applicant must keep all fencing on the Site in good repair at all times.

12. 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.
13. 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.
14. All such conditions above shall be complied with prior to an issuance of an occupancy certificate from the Marlborough Building Commissioner.
15. 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.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested-granted

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, **APPROVED;** adopted.

Suspension of the Rules requested-granted**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 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.

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 signs 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;**
 - i. **The placement of utilities and wiring underground, to the extent practical;**
 - ii. **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;**
 - iii. **Pedestrian amenities - sidewalks to provide access from internal site uses to Route 20, between parking areas and uses, and between sites;**
 - iv. **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

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

Yea: 11 – Nay: 0

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

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

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 Alteration of a Portion of Court Street Extension," dated February 19, 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.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Building Commissioner Camacho re: Site Plan Approval with Conditions, Atrium Place, 21-29 South Bolton St., Order No. 15/16-1006366B, **FILE**; adopted.

ORDERED:

Site Plan Permit # _____
Site Plan Approval with Conditions

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

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

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

Zoning District: Marlborough Village District (MV)

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

SITE PLAN APPROVAL FINAL CONDITIONS:**A. Site Conformance:**

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

B. Prior to Issuance of a Building Permit:**1. Construction Staging and Safety Plan:**

- a. The Applicant shall complete the project in accordance with a Construction Staging and Safety Plan (the "Construction Plan") approved by the Building Commissioner, Fire Chief, Police Chief, and City Engineer, which shall be consistent with the photo rendering plans entitled "Crane Staging Plan, Plan date: 3-16-2016;" "Delivery Route for Modules, Plan date: 3-16-2016;" "Module Placement Plan 3-3-2016;" and "Material and Storage Plan 3-3-2016," or as modified at the direction of the City officials listed above.
 - b. The Construction Plan shall provide detailed information concerning:
 - (i) areas of the Site and adjacent property that will be marked-off for the staging of a crane, construction vehicles, etc.;
 - (ii) traffic flow, pedestrian protection, blocked sidewalks, streets, etc.;
 - (iii) construction fencing to enclose material and equipment;
 - (iv) fencing and/or barricades to provide limits within the construction site for the separation of construction, pedestrian and vehicular traffic;
 - (v) dedicated illuminated and covered pedestrian walkways adjacent to the structure at egress paths in accordance with 780 CMR Massachusetts State Building Code and related Mass Amendments, including but not limited to Chapters 31, 32, 33, and 34, in effect at the time the building permit application is submitted; and
 - (vi) the life safety of the businesses inside the existing building on the Site and their ability to stay open during the construction, and the installation of the interior and exterior support systems.
2. **Green Building:** The building plans shall show compliance with Section 650-34 D.2. (m) of the Zoning Code of the City of Marlborough. Prior to the issuance of Building Permits, the Building Commissioner shall review the building plans to ensure that the design incorporates green building techniques.
 3. **Rooftop Mechanicals:** On the building plans, the elevation drawings shall show areas reserved for rooftop mechanicals and the elevator penthouse. Detail drawings illustrating the type, location, and dimensions of fencing/screening must be provided. The Building Commissioner shall confirm that the building drawings conform to the requirements of Section 650-34 D.2.(b) regarding screening of rooftop mechanical equipment.

C. Construction:

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

D. Storm Water:

1. **Siltation Control**: The Applicant, Property Owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if there is any visible siltation to the existing drainage system. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
2. **Storm Water Maintenance Plan**: Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide the City Engineer and the Conservation Officer with the final Storm Water Management Maintenance Plan. The name, address, and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.
3. **Maintenance Report**: By June 1st of each year, an annual maintenance report shall be provided to the City Engineer and to the Conservation Officer reporting on maintenance and operation procedures, as outlined in the Storm Water Management Maintenance Plan, which have been met for that year. The reporting requirement will follow the issuance of an Occupancy Permit.

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 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.

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 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.

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, § 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.

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:50 PM.



IN CITY COUNCIL

Marlborough, Mass., MAY 9, 2016

ORDERED:

Suspension of the Rules Requested – granted to allow the Mayor to speak.

That there being no objection thereto set **MONDAY, MAY 23, 2016** as date for a **PUBLIC HEARING** for the proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278 for review and appropriation in which this spending plan reflects an increase of 4.962% over the approved Fiscal Year 2016 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 16-1006553



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2016 MAY 19 A 11: 21

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 19, 2016

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

Re: Year-end Transfer Requests

Honorable President Clancy and Councilors:

I have enclosed for your review and approval several intra-department transfer requests that are needed to cover remaining expenses and balance our accounts for FY16. Our department heads look forward to the opportunity to meet with the Finance Committee to discuss these requests in greater detail.

Thank you in advance for your consideration and please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
BOARD OF HEALTH
140 Main Street, Lower Level
Marlborough, Massachusetts 01752
Facsimile (508) 460-3625 TDD (508) 460-3610

James Griffin, Chairman
John Curran, MD, Vice Chairman
Robin Williams, Member
Tel (508) 460-3751

May 17, 2016

Dear Mr. Mayor,

I am requesting an intra departmental transfer in the amount of \$1,050.00 to be moved from contract services into the office supplies and expenses account and the License Board Secretary account. The additional funds are needed for office supplies and expenses including but not limited to staff mileage reimbursement and food establishment inspection reports. Since the Fall, the Board of Health has been sharing a vehicle with Information Technology to reduce our reliance on staff vehicles and mileage reimbursements.

An additional \$50 is needed to fund the license board secretary for remaining meetings.

In closing, the Health Department would appreciate the approval of the request of transfer.

Sincerely,

Cathleen Liberty

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Health and Licensing

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,136.96</u>	<u>\$1,050.00</u>	<u>15120004</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$1,000.00</u>	<u>15120005</u>	<u>54220</u>	<u>Office Supplies/Expense</u>	<u>\$823.42</u>
	Reason:	<u>Funds available.</u>				<u>Additional funds needed for mileage reimbursements and supplies</u>			
					<u>\$50.00</u>	<u>11650002</u>	<u>51050</u>	<u>License Board Secretary</u>	<u>\$52.27</u>
						<u>Funds needed for remaining meetings</u>			
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	<u>\$1,050.00</u>	<u>Total</u>			<u>\$1,050.00</u>	<u>Total</u>			

Department Head signature:

Catherine Hebearty

Auditor signature:

Doreen

Comptroller signature:

[Signature]



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

May 17, 2016

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

Re: Transfer Requests

Dear Mayor Vigeant,

Enclosed herewith are the Department of Public Works and Public Facilities Department transfers for the remainder of Fiscal Year 2016. These request are being funded from surpluses within the operating budgets.

Explanations for the transfers have been included with each line item.

Please contact me if you require any additional information.

Sincerely,

John L. Ghiloni
Commissioner

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Department of Public Works

FISCAL YEAR: 2016

Available Balance	Amount	FROM ACCOUNT:	Amount	TO ACCOUNT:	Available Balance
		Org Code Object Account Description:		Org Code Object Account Description:	
<u>\$12,397</u>	<u>\$5,970</u>	<u>60080001 50580 Assistant Chemist</u>	<u>\$9,180</u>	<u>60080006 55650 Sewer Maintenance</u>	<u>\$0</u>
	Reason:	<u>Position vacant for a period of time.</u>		<u>Anticipated cost to cover remaining FY16.</u>	
<u>\$2,825</u>	<u>\$2,325</u>	<u>60080003 51440 Educational Incentives</u>			
	Reason:	<u>Position vacant for a period of time.</u>			
<u>\$1,085</u>	<u>\$885</u>	<u>60081003 51440 Educational Incentives</u>			
	Reason:	<u>Not used.</u>			
<u>\$60,073</u>	<u>\$40,918</u>	<u>61090001 50690 Foreman</u>	<u>\$40,918</u>	<u>61090006 55710 Water Maintenance</u>	<u>\$18,257</u>
	Reason:	<u>Position Vacant.</u>		<u>Anticipated cost to cover remaining FY16.</u>	
<u>\$115,346</u>	<u>\$39,648</u>	<u>61090001 50740 Equipment Operators</u>	<u>\$39,648</u>	<u>61090003 51310 Overtime - Regular</u>	<u>\$147</u>
	Reason:	<u>Vacant positions</u>		<u>Anticipated cost to cover remaining FY16.</u>	
	\$89,746	Total	\$89,746	Total	

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

[Handwritten signatures]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$7,334.44</u>	<u>\$4,530</u>	<u>61090003</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$4,530</u>	<u>61090006</u>	<u>55710</u>	<u>Water Maintenance</u>	<u>\$18,257</u>
	Reason:	_____				Anticipated cost to cover remaining FY16.			
<u>\$27,424.54</u>	<u>\$27,424</u>	<u>14001001</u>	<u>50630</u>	<u>Assistant Commissioner</u>	<u>\$27,424</u>	<u>11920006</u>	<u>52469</u>	<u>Repairs/Maintenance</u>	<u>\$149</u>
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16			
<u>\$22,499.34</u>	<u>\$22,499</u>	<u>14001002</u>	<u>50062</u>	<u>Finance Assistant</u>	<u>\$22,499</u>	<u>14001305</u>	<u>55310</u>	<u>Highway Construction</u>	<u>\$4,170</u>
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16			
<u>\$8,245.59</u>	<u>\$8,246</u>	<u>14001503</u>	<u>51430</u>	<u>Longevity</u>	<u>\$8,246</u>	<u>14001506</u>	<u>54640</u>	<u>Parks Maintenance</u>	<u>\$0</u>
	Reason:	_____				Anticipated c cost to cover remaining FY 16			
<u>\$2,075.60</u>	<u>\$2,076</u>	<u>14001503</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$2,076</u>	<u>14001506</u>	<u>54640</u>	<u>Parks Maintenance</u>	<u>\$0</u>
	Reason:	_____				Anticipated c cost to cover remaining FY 16			
	<u>\$64,775</u>	Total			<u>\$64,775</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

[Handwritten signatures]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2016

FROM ACCOUNT:

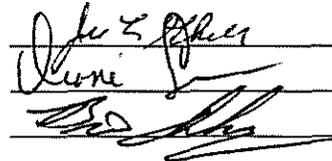
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$10,025.91</u>	<u>\$10,026</u>	<u>14001503</u>	<u>51920</u>	<u>Sick Leave BB</u>	<u>\$10,026</u>	<u>14001504</u>	<u>53140</u>	<u>Contract services</u>	<u>\$0</u>
	Reason:					Anticipated cost to cover remaining FY 16			
<u>\$98,618.19</u>	<u>\$7,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$7,000</u>	<u>14001504</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$0</u>
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 16			
<u>\$3,073.39</u>	<u>\$3,073</u>	<u>14001503</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$3,073</u>	<u>14001504</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$0</u>
	Reason:	Vacant positions							
<u>\$2,739.54</u>	<u>\$2,740</u>	<u>14001403</u>	<u>51920</u>	<u>Sick Leave BB</u>	<u>\$1,000</u>	<u>14001104</u>	<u>53150</u>	<u>Advertising</u>	<u>\$30</u>
	Reason:					Anticipated cost to cover remaining FY 16			
					<u>\$1,740</u>	<u>14001104</u>	<u>53180</u>	<u>Prof/Tech services</u>	<u>\$3,446</u>
	Reason:					Anticipated cost to cover remaining FY 16			
	\$22,839	Total			\$22,839	Total			

Department Head signature:

Auditor signature:

Comptroller signature:



CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2016

FROM ACCOUNT:

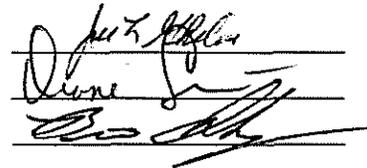
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$72,012.35	\$72,000	14001406	54830	Fuel and lubricants	\$60,000	11920006	52120	Electricity	\$249,951
	Reason:			Decrease in fuel costs				Anticipated cost to cover remaining FY 16	
					\$1,000	14001403	51470	Interim Foreman	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
					\$11,000	14001504	53140	Contract Services	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
	Reason:								
	Reason:								
	\$72,000	Total			\$72,000	Total			

Department Head signature:

Auditor signature:

Comptroller signature:





City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752

May 16, 2016

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

Re: Transfer request

Dear Mayor Vigeant,

I am submitting for your approval a transfer request totaling \$30,000.00 into our overtime account; this transfer may be necessary to complete FY16 due to retirements, vacant position and personal medical reasons.

Attached is a transfer request spreadsheet outlining my request. Please feel free to contact me if you have any questions.

Sincerely,

Kevin J. Breen
Fire Chief



City of Marlborough
Office of the Comptroller

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

May 10, 2016

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

RE: TRANSFER REQUEST

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for several areas under the Comptroller's Department. The first request is for the widow's pension account. The Commonwealth of Massachusetts has notified the City of a payment which is due in the amount of \$10,914.80 which is higher than anticipated. The second request is for postage and it is due to the fact that the City Clerk's office has notified me of a mailer for voter confirmation notices which requires two envelopes with an estimated cost of \$17,000. The third request is for the worker's compensation account. It has been suggested to me that it would be in the City's best interest to offer a settlement on two claims which in the long run would reduce the City's expense for this account. The fourth request is from the City's Assessors office. They have a large abatement request which might end up in land court and they feel it would be in the City's best interest if they had an independent appraisal of the property. There are funds available in the City's short term interest account due to a favorable interest rate of 1.5% instead of the anticipated 2% on the \$39 million borrowing in June of 2015.

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

Sincerely,

Brian Doheny
Comptroller



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CITY CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2016 MAY 19 11:40 AM
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 19, 2016

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

Re: Transfer Request – Snow and Ice to Fund FY2016 Deficit

Honorable President Clancy and Councilors:

I have enclosed for your review and approval a transfer request to fund the FY2016 Snow and Ice Deficit. Upon your approval, a total of \$675,745.00 will be transferred from the Undesignated Fund to the following snow and ice accounts:

\$98,745.00	Overtime Snow & Ice	14001203-51390
\$122,000.00	Snow Removal	14001206-52960
\$455,000.00	Operating Expenses	14001206-57040

This past winter was significantly less severe than the previous year. As you may recall, the transfer to fund the FY2015 deficit was \$1,760,000.00.

This will allow us to fund the deficit from this past winter. In another communication, I will ask for your authorization to set up our snow and ice account for Fiscal Year 2017.

I appreciate your attention on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

BUDGET REPORT

AS OF 5/18/16

FOR 2016 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
100 GENERAL FUND							
4000 DEPARTMENT OF PUBLIC WORKS							
0120 STREETS-SNOW & ICE							
14001203 51390 OVERTIME-SNOW & ICE	125,000	.00	125,000.00	223,744.90	.00	-98,744.90	179.0%*
14001206 52960 SNOW REMOVAL	275,000	.00	275,000.00	391,813.34	3,024.13	-119,837.47	143.6%*
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	549,663.79	3,136.50	-452,800.29	552.8%*
TOTAL STREETS-SNOW & ICE	500,000	.00	500,000.00	1,165,222.03	6,160.63	-671,382.66	234.3%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	.00	500,000.00	1,165,222.03	6,160.63	-671,382.66	234.3%
TOTAL GENERAL FUND	500,000	.00	500,000.00	1,165,222.03	6,160.63	-671,382.66	234.3%
TOTAL EXPENSES	500,000	.00	500,000.00	1,165,222.03	6,160.63	-671,382.66	
GRAND TOTAL	500,000	.00	500,000.00	1,165,222.03	6,160.63	-671,382.66	234.3%

** END OF REPORT - Generated by Diane Smith **



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough

Office of the Mayor

2016 MAY 19 4:41 PM
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 19, 2016

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

Re: Transfer Request – Marlborough Economic Development Corporation

Honorable President Clancy and Councilors:

Enclosed for your review please find a transfer request in the amount of \$647,580.00 to fully fund the Marlborough Economic Development Corporation (the "MEDC") for their Fiscal Year 2017 operations. I have included an additional \$75,000.00 on this transfer sheet to fund the Walker Building Feasibility Study. Upon your approval, these funds will be moved from the Economic Development Account to the MEDC Funding Account.

Since its creation, the MEDC's goal has been to successfully advance economic development in the City to reduce the residential tax burden. We have continued to make great progress towards that goal and our residential tax rate has stayed low in recent years, with an average increase of only \$29 last year.

The City's economic resurgence has led to thousands of new jobs, new tax revenue for the City, and great opportunities for City residents. Marlborough is fast becoming the destination for life sciences and advanced manufacturing in MetroWest.

This progress was recently honored by the *Boston Globe* which named Marlborough one of their 2016 Game Changers. The *Boston Globe* recognized innovators who "had the vision, leadership, and determination to make a difference in lives around the world and around the corner." Marlborough is the only city or town to be awarded this distinction since the *Globe* first started awarding this recognition in 2014.

In the past year, GE Healthcare Life Sciences has opened its Marlborough offices, innovative marketing company Wakefly moved here, and companies like Hologic, CeQur, and ReWalk have expanded their operations in Marlborough.

Revenues from the hotels tax remain high; as of March 31, 2016 they are outpacing the previous year's receipts. I remain confident that we will continue to have a sustainable revenue stream to fund ongoing operations for the long term. As we have seen with the Apex proposal, hotels believe Marlborough is a great market to invest in and it is important that we continue to capture their business and tax revenue.

I have also enclosed a transfer for \$75,000 to fund the Walker Building Feasibility Study. The City Council recently requested that I submit a transfer in this amount for a study to be conducted with the MEDC's participation.

As in previous years, I have also enclosed a summary prepared by City Auditor Diane Smith that details revenues since 2011, the transfer sheets, and additional budget information prepared by MEDC staff.

It is important that we discuss the merits of the MEDC each year that we transfer this significant amount of revenue from the special revenue fund to MEDC's budget. At a cost of \$288,800, MEDC is able to employ 4 full-time employees and one temporary/summer part-time intern. If these same employees were on the City's payroll, the real cost to the taxpayer would be many times over that amount due to retirement expenses and other post-employment benefits.

\$280,000 is also allocated to special projects which MEDC will utilize in FY17 on:

- \$160,000 for Business Retention and Expansion
- \$75,000 for City Planning Services
- \$30,000 for Hospitality and Sports Tourism
- \$15,000 for Urban Village and Community Development

The city planning services that MEDC contracts through the Metropolitan Area Planning Council ("MAPC") are an effective use of taxpayer funds because MAPC is able to provide experts in any requested focus areas. Rather than having one city planner with broad knowledge across many fields, we are able to benefit from experts in every field. This team approach improves projects and provides the City with the information needed to move forward on various proposals.

Lastly, MEDC Executive Director Tim Cummings has accepted a new position with Nashua, New Hampshire. Tim was an effective leader and did a great job at MEDC. This new position is a step forward in his career and I hope you join me in wishing him the best of luck.

MEDC has employed a consultant to facilitate a thorough search for a new executive director, but will not miss a beat during this time period thanks to the ongoing hard work of Meredith Harris, Linda Martins, and the newest member of the MEDC team, Rhnissa Decker.

Thank you in advance for your consideration.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures

ECONOMIC DEVELOPMENT FUNDING

9/30/2011 State Aid	\$165,166.12
12/31/2011 State Aid	\$190,224.55
3/31/2012 State Aid	\$132,447.82
6/29/2012 State Aid	\$146,495.56
9/30/2012 State Aid	\$185,400.20
12/31/2012 State Aid	\$182,736.99
3/31/2013 State Aid	\$123,837.95
6/28/2013 State Aid	\$152,429.69
9/20/2013 State Aid	\$196,053.08
12/30/2013 State Aid	\$204,331.94
3/31/2014 State Aid	\$134,171.82
6/30/2014 State Aid	\$165,392.81
9/30/2014 State Aid	\$225,891.57
12/31/2014 State Aid	\$215,368.61
3/31/2015 State Aid	\$139,754.81
6/30/2015 State Aid	\$181,957.00
9/30/2015 State Aid	\$246,477.46
12/31/2015 State Aid	\$243,518.11
3/31/2016 State Aid	\$147,152.99

Total Funding	<hr/> \$3,378,809.08
---------------	----------------------

12/5/2011 CO# 11-1003048	-\$146,837.00
12/19/2011 CO# 11-1004004	-\$3,163.00
5/21/2012 CO# 12-1005008	-\$200,000.00
12/17/2012 CO# 12-1005205	-\$277,099.00
6/3/2013 CO# 13-1005418A	-\$499,000.00
6/30/2014 CO# 14-1005840	-\$513,915.00
6/1/2015 CO# 15-1006198A	-\$731,875.00

Total Transfers	<hr/> -\$2,371,889.00
-----------------	-----------------------

Available for future transfers	\$1,006,920.08
--------------------------------	----------------

The Marlborough Economic Development Corporation (MEDC) requests a total budget of \$647,580 to fund its operations and special projects which equates to a 2.49% increase year over year.

The budget is divided into 3 categories which represent salaries, expenses and special projects. The following snapshot is of budget line item allocations for the above listed categories.

➤ Salaries and Benefits

\$288,800 in personnel, employer taxes and fringe benefits are allocated to salaries and benefits.

Personnel & Benefits	\$263,800
Employer Payroll Taxes	\$ 25,000

➤ Operating and Administrative Expenses

\$78,780 is allocated to operating and administrative expenses in order to conduct business.

Materials & Supplies	\$20,230
Contracted Services	\$27,950
Occupancy	\$29,600
Capital Outlay	\$ 1,000

➤ Special Projects

\$280,000 is allocated to special projects in order for MEDC to carry out its goals & objectives

Business Retention & Expansion	\$160,000
City Planning Services	\$ 75,000
Hospitality & Sports Tourism	\$ 30,000
Urban Village & Community Development	\$ 15,000



April 26, 2016

Honorable Arthur G. Vigeant, Mayor
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752

RE: FY'17 Operating Budget Transfer Request & Transfer Request for the Walker Building Feasibility Study

Dear Mayor Vigeant:

I am writing seeking a transfer request for MEDC's operations and to follow up on the City Council's previous endorsement of a transfer request for a feasibility study/RFP of the Walker Building.

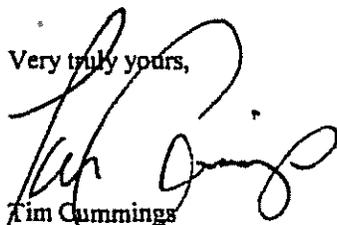
On behalf of the Marlborough Economic Development Corporation (MEDC), I am herewith submitting this letter requesting a transfer of funds to the Marlborough Economic Development Corporation in the amount of \$647,580.00 to fund operations and special projects for FY'17 as approved by the MEDC Executive Committee on April 20, 2016. This request reflects a 2.49% increase year over year.

Additionally, the MEDC is requesting a separate appropriation from the City in the amount of \$75,000.00 for the Walker Building Feasibility Study. It is our goal to enter into the first phase of the Walker Building project to better understand the "highest and best use" to maximize the asset's value then to transition into more of a technical review before ultimately crafting an RFP that we hope to issue by mid-fall. Therefore, the transfer of funding is crucial to moving the project forward.

I would appreciate your approving the above transfer requests as soon as possible and forwarding on to the City Council allowing MEDC an opportunity to update the City Council on the progress made thus far in implementing the City's Economic Development Master Plan.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Very truly yours,



Tim Cummings
Executive Director

Attachments

- A: FY'17 Operational Budget
- B: Walker Building Feasibility Study Backup

Cc: Diane Smith, Marlborough City Auditor
Brian Doheny, Marlborough City Comptroller/Treasurer

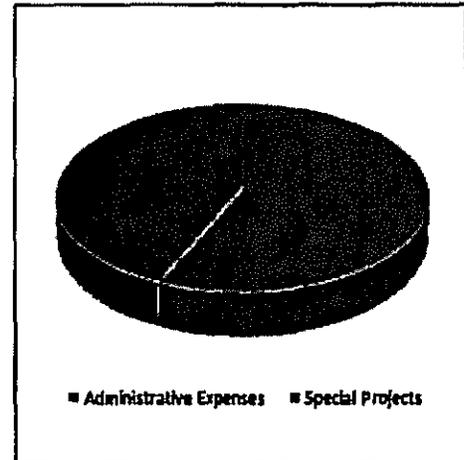
Attachment A

FY'17 Operational Budget

Mission: The Marlborough Economic Development Corporation (MEDC) is the state-chartered economic development arm of the City of Marlborough. It is our mission to stabilize the residential tax base by increasing the commercial tax revenue, in order to secure the future stability of our city and allow for higher quality of life for all its residents. We do this by working with municipal leaders and private investors to foster economic development, job growth, and community revitalization and expansion.

Overview: The Marlborough Economic Development Corporation (MEDC) requests a total budget of \$647,580 to fund its' operations and special projects which equates to a 2.49% increase year over year. Administrative Expenses are allocated \$367,580 which represents 57% of the total budget while Special Projects represents 43% at an allocation of \$280,000.

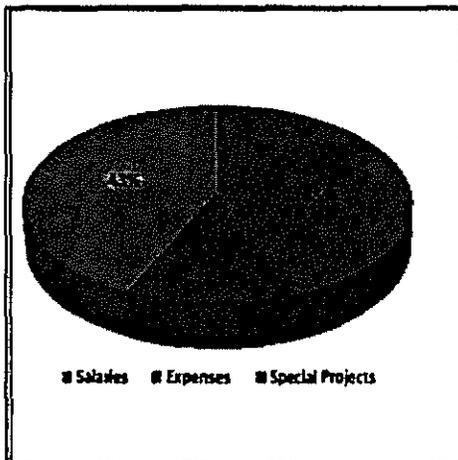
We are the sales and promotional arm for the City of Marlborough and this maintenance budget request will allow the MEDC to continue to advocate for infrastructure that supports economic development, promote and implement economic development policies and projects, to continue to promote and support hospitality and tourism and to maximize our efforts in business outreach, retention, expansion and attraction for the city.



Summary: The budget is divided into 3 categories which represent salaries, expenses and special projects. Salaries account for 45% of the budget and 12% accounts for the operations and administrative expenses of the office. Special projects represent 43% of the total budget with allocations spread over 4 specific areas. The following is a synopsis of budget line item allocations for the above listed categories.

Salaries and Benefits

\$288,800 in personnel, employer taxes and fringe benefits is allocated to 5 employees. The staffing schedule identifies 4 permanent full-time employees at \$260,600 including benefits and 1 temporary/summer part-time intern at \$3,200. Employer payroll taxes are allocated at \$25,000 based on the above staff schedule.



Expenses

\$78,780 is allocated to operating and administrative expenses. Materials and supplies covers collectively all operating supplies and services, which are defined as consumable commodities, necessary to conduct business: for example, office and custodial supplies, printing and reproducing general marketing collateral, subscriptions, postage, repairs and office maintenance. Contracted services covers operating services obtained by contract with the outsourced vendor. For example, agreements with our accountant, marketing & communications manager and our payroll service provider. Occupancy covers office rent, insurance, utility expenses and capital outlay covers operating expenditures of significant amounts resulting in the acquisition or replacement for extending life of fixed assets such as computers, copiers, etc.

The FY'17 expenditure breakdown is as follows:

- Materials & Supplies 20,230
- Contracted Services 27,950
- Occupancy 29,600
- Capital Outlay 1,000
- Total Expenses \$78,780

Special Projects

\$280,000 is allocated to special projects in order for MEDC to carry out the goals and objectives of the organization. The following goals were approved by the MEDC Board of Directors on January 27, 2016 (for a complete listing of the objectives please see *The Goals & Objectives of MEDC for FY'17 Attachment*).

We believe these goals are important, achievable and reflect the values of our community and organization.

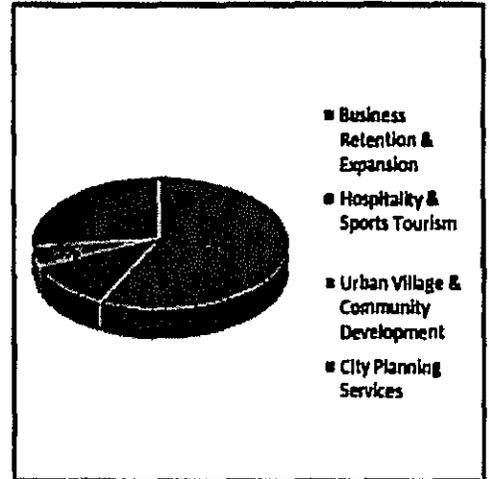
Goals:

- Renewed Commitment to the MEDC Mission Statement
- Continue to focus on the implementation of the Economic Development Master Plan
- Reduce Marlborough's vacancy rate
- Increase commercial property values (assessments) & create new jobs

The FY'17 expenditure breakdown is as follows:

- Business Retention & Expansion 160,000
- Hospitality & Sports Tourism 30,000
- Urban Village & Community Development 15,000
- City Planning Services 75,000
- Total Special Projects \$280,000

(For a complete listing of the FY'17 Special Projects, please see the *Special Accounts Attachment*)



Conclusion: The FY'17 Budget Narrative was created with the main goal of making the budget process more transparent to all stakeholders – by outlining the detailed budget in the following pages.

Marlborough Economic Development Corporation

FY'17 Budget Overview

July 2016 through June 2017

Jul '16 - Jun 17

Ordinary Income/Expense

Expense

Insurance

5080 · Director's Insurance	1,300.00
5085 · General Liability	600.00
5090 · Pocket Park Ins. - Main Street	0.00
5095 · Workers' Comp	600.00
5096 · Short Term Disability	400.00

Total Insurance	2,900.00
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Payroll Expenses

5150 · Dental Insurance	800.00
5180 · ER Taxes	25,000.00
5185 · Health Insurance	5,700.00
5170 · Salaries	244,100.00
5253 · Temporary Help	3,200.00
5270 · Retirement Plan	7,500.00

Total Payroll Expenses	286,300.00
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5005 · Advertising/Marketing	1,500.00
5010 · Annual Report	20.00
5015 · Business Travel	500.00
5030 · Computer Services & Licenses	2,000.00
5035 · Conferences/Meetings	1,500.00
5060 · Dues and Subscriptions	9,200.00
5065 · Events	400.00
5070 · Gifts and Promotions	600.00
5100 · Internet service	720.00
5105 · Maintenance & Repair	600.00
5135 · Media Contractor	20,000.00
5140 · Office Supplies	2,500.00
5180 · Payroll Fees	2,000.00
5185 · Phone	2,900.00
5190 · Postage and Delivery	500.00
5195 · Printing and Reproduction	1,300.00
5200 · Professional Development	2,500.00
5205 · Professional Fees	4,950.00
5235 · Rent	22,200.00
5240 · Service Charges	10.00
5245 · Software	400.00
5250 · Special Projects/Consultant	280,000.00
5260 · Utilities	1,600.00
5265 · Web design and maintenance	480.00

Total Expense	647,580.00
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Net Ordinary Income	-647,580.00
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Net Income	-647,580.00
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*FY' 17 Budget shown in QuickBooks Accountant 2013



FY17

Marlborough Economic Development Corporation	Expended & Encumbered as of 6/30/15	Expended & Encumbered as of 3/31/16	Original Appropriation	Expenditures	Request	Supervising Authority	City Council
	FY15	FY16	FY15	FY17	FY17	FY17	Approval
Salaries							
FullTime (1)	\$180,669	\$151,732		\$285,600		\$285,600	
Executive Director			\$87,700		\$89,400		
Executive Administrative Assistant			\$47,206		\$49,300		
Business Outreach Coordinator					\$88,200		
Hospitality Sports Tourism Coordinator					\$49,299		
Benefits: (Health, Dental, Retirement, Pro Dev)	\$4,737	\$5,039	\$39,456		\$26,600		
Employer Taxes	\$18,379	\$16,289			\$25,000		
PartTime (2)				\$3,200		\$3,200	
Hospitality Sports Tourism Coordinator			\$18,800				
Temporary Help/Internship	\$1,157	\$888	\$3,200		\$3,200		
Business Outreach Coordinator			\$22,300				
Salaries Total (Lines 1-2)	\$284,941	\$173,948	\$219,656	\$288,800	\$288,300	\$288,800	
Expenses							
Materials & Supplies (3)				\$29,230		\$29,230	
Advertising/Marketing	\$30,411	\$964	\$1,500		\$1,500		
Annual Report	\$15	\$19	\$15		\$20		
Business Travel	\$7,206		\$500		\$500		
Conferences/Meetings	\$25,105	\$2,146	\$800		\$1,500		
Contribution/Sponsorship							
Events	\$20,992	\$203	\$400		\$400		
Gifts & Promotions	\$3,063	\$466	\$600		\$600		
Grants Awarded	\$18,058						
Maintenance & Repair	\$12,158	\$50	\$800		\$800		
Media Contractor	\$26,963	\$18,103					
Membership Fees/Subscriptions	\$16,364	\$13,532	\$9,200		\$9,200		
Office Supplies	\$3,239	\$2,027	\$2,800		\$2,500		
Postage & Delivery	\$1,761	\$482	\$400		\$600		
Printing & Reproduction	\$2,255	\$3,942	\$500		\$1,300		
Reimbursable Expenses	\$7,304	\$4,041					
Service Charges	\$22	\$4	\$10		\$10		
Software	\$84	\$336			\$400		
Webbats/Internet	\$1,399	\$804	\$1,200		\$1,200		
Contracted Services (4)				\$27,950		\$27,950	
Accounting/Book Keeping			\$1,500		\$4,950		
Professional/Consultant Fees	\$51,820	\$3,272	\$26,800		\$26,000		
IT Maintenance Services	\$4,000	\$1,053	\$900		\$1,000		
ADP Payroll Services	\$2,015	\$1,658	\$2,900		\$2,900		
Occupancy (5)				\$29,600		\$29,600	
Lease Agreement	\$21,439	\$17,735	\$21,800		\$22,200		
Office Insurance	\$556	\$417	\$600		\$600		
Directors/Officers Liability Insurance	\$1,378	\$1,042	\$1,300		\$1,300		
Park Insurance - Main Street	\$1,262						
Workers' Comp	\$815	\$587	\$800		\$800		
Short Term Disability	\$240	\$268	\$400		\$400		
Utilities	\$3,532	\$2,848	\$4,500		\$4,900		
Capital Outlay (6)				\$1,000		\$1,000	
Computer Equip & Licenses			\$500		\$1,000		
Expenses Total (Lines 3-6)	\$282,900	\$74,116	\$71,325	\$78,780	\$78,780	\$78,780	
Special Accounts							
Special Projects (7)				\$280,000		\$280,000	
Business Retention & Expansion		\$44,662	\$44,000		\$180,000		
Hospitality & Sports Tourism		\$29,290	\$42,500		\$30,000		
Urban Village & Community Development		\$15,522	\$19,400		\$15,000		
City Planning Services		\$45,150	\$85,000		\$75,000		
Special Accts. Total (Line 7)	\$0	\$134,624	\$148,900	\$280,000	\$280,000	\$280,000	
THE GRAND TOTAL	\$487,841	\$382,686	\$631,876	\$647,580	\$647,580	\$647,580	

Salaries Fulltime (1)		PERMANENT FULL TIME									
CALCULATE 52 WEEKS OF PAY HERE - Annual Salary Increase of 3%											
FY 17 (July 2016 - June 2017)											
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
NAME	TITLE	WEEKLY SALARY BEFORE ANNIV.	ANNIV. DATE (for salary increases)	WEEKS TO ANNIV. DATE	LONGE- VITY AT % OR FLAT RATE	TOTAL SALARY TO ANNIV. DATE	WEEKLY SALARY AFTER ANNIV.	WEEKS LEFT IN BUDGET YEAR	LONGE- VITY AT % OR FLAT RATE	SALARY FROM ANNIV. TO END	TOTAL SALARY FOR BUDGET YEAR
Tim Cummings	Executive Director	1693.61	1/1/17	26	42.34	44,033.86	1,744.42	26	43.61	45,354.88	89,388.74
Linda Martins	Execulive Administrative Assistant	940.73	4/11/17	40	23.52	37,629.20	968.95	12	24.22	11,627.42	49,256.62
Meredith Harris	Business Outreach Manager	1030.20	7/20/16	2	25.78	2,060.40	1,061.11	50	26.53	53,055.30	55,115.70
	Hospitality Sports Tourism Coordinator	769.23	5/1/17	44	18.23	33,846.12	792.31	8	19.81	6,338.46	40,184.58
Grand Total											233,945.63
Employee Benefits/Payroll Taxes											
	ITEMIZE AND JUSTIFY:										AMOUNT
	Health, Dental, Retirement, Pro Dev	2 FT Employee @ 60% (single plans) SIMPLE IRA Retirement Plan									\$ 26,500
	Employer Payroll Taxes	Based on 4 Perm FT Employees & 1 PT Temp/Intern									\$ 25,000
											Total
											\$ 51,500
Salaries Fulltime (1)											\$233,945.63
Grand Total											285,445.63

Salaries Parttime (2)		Temp Part Time										
FY 17 (July 2016 - June 2017)												
(A) NAME	(B) TITLE	Hours/ week	Hourly rate	Weeks								Total Salary for Budget Yr
Temporary Help/Internship	Summer 2016	32	12.50	8								\$ 3,200
Salaries Parttime (2)												\$ 3,200
Salaries Parttime (2)												
Grand Total FY17												\$ 3,200

Expenses (3-6)		SUMMARY OF NON-SALARIED EXPENDITURES				
Line	Account	Expended FY15	Expended FY16 as of 3/31/16	Appropriated FY16	Supervising Authority Request FY17	City Council Approval
3	M&S	\$ 176,047	\$ 45,139	\$ 17,525	\$ 20,230	
4	Cont.Serv.	\$ 57,835	\$ 5,981	\$ 24,400	\$ 27,950	
5	Occup.	\$ 29,019	\$ 22,997	\$ 28,900	\$ 29,600	
6	Cap.Outlay	\$ -	\$ -	\$ 500	\$ 1,000	
TOTALS		\$ 262,901	\$ 74,117	\$ 71,325	\$ 78,780	
7	Spec.Accts		\$ 134,624	\$ 340,900	\$ 280,000	
Expenses (3-7)						
GRAND TOTALS		\$ 262,901	\$ 208,741	\$ 412,225	\$ 358,780	

Expenses (3)	MATERIALS AND SUPPLIES								
This category covers collectively all operating supplies and services, which are defined as consumable commodities, necessary to conduct business: for example, office and custodial supplies, printing and reproducing marketing collateral, subscriptions, postage, repairs and office maintenance, etc.									
Please list any non-consumable item costing over \$100 on the Capital Outlay page. This would include office equipment.									
ITEMIZE AND JUSTIFY									Amount Requested
Advertising/Marketing Supplies & Services (Ex. E-Newsletter & E-Survey Services, Creation of Marketing Flyers such as Retail/Case Studies/Incentives Tool Box, etc.)									\$ 1,500
State of Massachusetts Mandatory - Annual Report Filing									\$ 20
Business Travel - (Ex. Mileage to standard events/mtgs, parking, tolls)									\$ 500
Conferences/Meetings (Ex. Registration Fees for business events, luncheons, receptions & misc. attendance & hosting expenditures)									\$ 1,500
Events (Ex. Office Mtgs, office luncheons/breakfasts considered an MEDC operating "event")									\$ 400
Gifts & Promotions (Ex. Periodic staff luncheons, holidays, small tokens to clients/constituents)									\$ 600
Maintenance & Repair (Ex. Regular Office Cleaning, Office Fixtures & Dry Cleaning/Carpet Cleaning)									\$ 600
Membership Fees/Subscriptions (Ex. CoStar Realty Services, Yearly Newspaper Subscriptions & Membership Dues)									\$ 9,200
Office Supplies (Ex. Paper, pens, notepads, binders, paper clips, staples, labels, coffee, water, etc... - Including small/light office equip <\$100)									\$ 2,500
Postage & Delivery (Ex. USPS Stamps & FedEx Services, Basic Office Mailings - Operational & Outreach)									\$ 500
Printing & Reproduction (Ex. Xerox Services, Re-print Marketing Collateral & Special Article Poster Prints)									\$ 1,300
Service Charges (Ex. Bank monthly fees)									\$ 10
Software (Ex. Microsoft Office monthly fees)									\$ 400
Website/Internet/Email Services (Ex. Monthly web-hosting fee, internet connection & MS Email Hosted Exchange Server fees)									\$ 1,200
TOTAL MATERIALS & SUPPLIES									\$ 20,230

Expenses (4)	CONTRACTED SERVICES			
	Covers operating services obtained by contract with outsourced vendor. For example: accounting services, marketing & communications vendor, payroll services, etc.			
ITEMIZE AND JUSTIFY:				AMOUNT
Accounting/Book Keeping				\$4,950.00
- CPA on Retainer/Yearly Filings/FY'16 Audit				
- A/P & Payroll Services				
- Fiscal End Process				
Professional/Consultant Fees				\$20,000.00
- Communications/Media Vendor				
IT Maintenance Services				\$1,000.00
- Tech on Retainer				
- Computer & Licensing Fees				
- Electronics: Maintenance & Repair				
ADP Payroll Services				\$2,000.00
- Processing Charges				
- Tax Services				
- Year End Processing				
TOTAL				\$27,950.00

Expenses (5)	OCCUPANCY			
Marlborough Economic Development Corporation (MEDC)				Requested Amount
91 Main Street, Suite 203B / 204				
	Lease Agreement			\$ 22,200
	Office Insurance			\$ 600
	Directors & Officers Liability Insurance			\$ 1,300
	Workers' Comp Insurance			\$ 600
	Short Term Disability Insurance (FT Employees)			\$ 400
	Utilities			\$ 4,500
	- Phone Services & Voicemail System			
	- Electricity Supply			
	TOTAL			\$ 29,600

Special Projects (7)		SPECIAL ACCOUNTS							
SPECIAL PROJECTS:							AMOUNT		
Business Retention & Expansion									
Founders Reception	Annual Thank You event						\$	3,000	
Marketing Collateral	General MEDC Advertising/Marketing Collateral (i.e. RLF Program, Booklets,)						\$	2,000	
Professional Mailing	Annual Letter - City Mass Mailing						\$	1,000	
Hosted Outreach Events (Attraction)	4 Outreach events/trips (i.e. w/ MassEcon & MassBio)						\$	15,000	
Job Fair / Workshops	Annual Workforce events						\$	10,000	
Trade Show Attendance & Participation	4 Trade Shows (1 a qtr.. Specific industries)						\$	10,000	
Focus Group/Event (Retention)	Targeted event (i.e. Commercial Brokers)						\$	4,000	
Media Buy Branding Campaign ("Think Marlborough")	Targeted print/digital campaign - Branding Marlborough						\$	15,000	
ED "Tool Box"	Economic Development Incentive Programs						\$	100,000	
						Total	\$	160,000	
Hospitality & Sports Tourism									
Visit-Marlborough Website	Maintenance & Development						\$	500	
Marlborough Restaurant Association - Training	Training Initiative						\$	10,000	
Dine Local Campaign	Dine Local Initiative / Promotion						\$	1,500	
Hospitality Business Development	Hotel/Restaurant & Sports Tourism						\$	18,000	
						Total	\$	30,000	
Urban Village Development									
Downtown Beautification	Lighting, Landscaping, Signs, etc...						\$	10,000	
Downtown Marketing Collateral	Market the Downtown Overlay District						\$	5,000	
						Total	\$	15,000	
City Services									
City Planning Services - City of Marlborough	Analysis & Technical Assistance					Total	\$	75,000	
							TOTAL SPECIAL ACCOUNTS	\$	280,000

The Goals and Objectives of MEDC for FY'17

Background

At our annual meeting of January 27, 2016, the Marlborough Economic Development Corporation (MEDC) Board of Directors approved the following four (4) goals and the following objectives for FY'17.

This document along with the FY'17 Budget will be presented to the City Council for their approval in mid-April.

MEDC Goals

1. Renewed Commitment to the MEDC Mission Statement
2. Continue to focus on the implementation of the Economic Development Master Plan
3. Reduce Marlborough's vacancy rate
4. Increase commercial property values (assessments) & create new jobs

Objectives

(Prioritized by highest to lowest)

- o The organization shall continue to strengthen relationships with strategic partners for concrete progress in areas that improve the community's quality of life by pursuing issues of mutual benefit to Marlborough and the strategic partners
- o Develop a plan for Route 20E to enhance the assessments of the corridor and develop a Roadway Plan to include complete streets and sidewalks to make the area more pedestrian friendly (long-range multi-year objective)
- o Work with a planner (i.e. MAPC) to develop a conceptual plan for the City's South West Quadrant to add value
- o Maintain the general awareness of Marlborough as a pro-business municipality in the Commonwealth of Massachusetts
- o Continue to investigate options for working with owners/brokers of commercial/industrial space to reduce the commercial vacancy rate. This may include but is not limited to keeping an inventory of vacant space and tracking lease agreements for upcoming terminations
- o Attract or absorb 100,000 net positive sq./ft. of commercial space in the City of Marlborough
- o Expand the existing employment base by 300 net positive jobs in select areas of the city
- o Market the newly re-zoned downtown to attract developers and prospective businesses
- o Market the areas within the city identified for development or redevelopment (43D Expedited Permitting)
- o Bring forward a discussion on the Walker Building
- o Bring forward a discussion on the CDA land and whether development should occur on some key parcels
- o Bring forward a discussion on Transportation

- Bring forward a discussion on the Post Office site
- Identify and pursue attraction of at least one (1) new restaurant to the city (as part of the overall attraction effort)
- Collaborate with area hotels to improve the experience of company employees and visitors to Marlborough
- Increase hotel room nights by 500 net positive room stays

Tasks to Achieve Objectives

- Continue with outreach program to businesses within the city
- Provide a single point of contact for economic development a business ombudsman with clear authority from the city to coordinate all departments in business permitting
- Host 2 retention/targeted events (Annual Founders Reception, Commercial Brokers, etc.)
- Sponsor 2-3 outreach events/trips (attraction of new development/tenants)
- Continue to develop a specialized marketing campaign to attract business associations and sports tourism to Marlborough hotels
- Continue with job fair and/or workforce development workshops for the community
- Attend 4 trade shows (1 qtr.) in select industries/clusters Marlborough wants to further develop
- Continue with Media Buy Branding Campaign – “Think Marlborough”
- Continue with the Restaurant Training Initiative
- Continue with Economic Development “Toolbox”
 - Continue improving the Revolving Loan Fund Program for small businesses
 - Continue with the Small Business Jobs Incentive Program
 - Continue with downtown beautification (i.e. lighting, landscaping, signage)
 - Continue with rental assistance program for downtown

Metrics to benchmark success

The City of Marlborough’s:

- Vacancy Rate
- Local Option Tax:
 - Meals Revenue
 - Rooms Revenue
- Net New Revenue Certification
- Number of Building Permits Pulled
- Number of Permanent Jobs and/or Job Postings
- Number of Meetings with Local Businesses and Consultants

Attachment B

Walker Building Feasibility Study Backup



By Jeff Malachowski

Print Page

March 22, 2016 8:01PM

Marlborough: Committee OKs Walker Building study

MARLBOROUGH – With about half of the space inside the Walker Building unused, the Operations and Oversight Committee is recommending a \$75,000 study to examine future uses for the property.

A fixture on Main Street for decades, the Walker Building only houses a handful of offices and city departments, including Veterans Services and the Retirement Board. In December, the Community Development Authority moved its offices from the Walker Building to the former senior center.

The Marlborough Economic Development Corporation's executive committee last year discussed redeveloping the building to stimulate economic activity in the new "Marlborough Village" zoning district.

In late 2014, the City Council approved new downtown rezoning aimed at spurring redevelopment to bring hotels, brewpubs, bed and breakfasts, music recording studios and a performing arts center.

Tim Cummings, MEDC executive director, said the feasibility study would determine the building's best use. A review of parking would also be part of the study. Cummings would report the results to full council. The city could then submit a request for proposals to developers.

On Tuesday, councilors suggested new functions, including a community center, housing, a new library, a performing arts center and office space.

"Nothing would be off the table," said Cummings.

The process, which will include public comment, is expected to take several months.

The money for the study would come from the economic development fund.

Cummings and Mayor Arthur Vigeant stressed that any future use will be predicated upon the building's exterior not being altered.

"What we're looking to do is all internal," said Cummings.

City Council President Ed Clancy suggested councilors tour the building with Cummings and Public Works officials in the coming weeks.

"A walkthrough would be great," said Operations and Oversight Committee member Donald Landers.

Committee members and councilors in attendance Tuesday agreed the building is a gem, but described it as an underperforming asset. Councilors stressed they do not want to sell the building.

"It's an asset to the city," said Landers. "It's a beautiful building. This building has so much potential."

The City Council is expected to vote on the committee's recommendation to appropriate funding for the study at an upcoming meeting.

Jeff Malachowski can be reached at 508-490-7466 or jmalachowski@wickedlocal.com. Follow him on Twitter @JmalachowskiMW.

<http://marlborough.wickedlocal.com/article/20160322/NEWS/160328408>

Print Page



Memorandum

TO: City Council
FROM: T. Cummings
DATE: March 22, 2016
SUBJECT: Addendum to December 2nd 2015 Letter to Mayor Vigeant

PART 1: General Discussion

The following memo outlines a program/process the City of Marlborough could pursue to adapt the Walker Building and put it into productive use.

Essentially, I am looking for general consensus and direction based off of this discussion that Marlborough Economic Development (“MEDC”) should move forward with actively repurposing the Walker Building as an adaptive reuse possibility.

- Would the City Council commit to putting the Walker Building out for an RFP?

I believe it is prudent to have this conversation prior to moving forward with other potential development opportunities in other areas of the downtown, because of the usual prioritization within urban planning to focus on adaptive reuse first. Additionally, I know this community wholeheartedly embraces this technique seen through such projects as: 91 Main / Design-Pak Lofts / Howe Condominiums or Renaissance Lofts.

To be clear nothing is off the table we just need to make the space productive.

PART 2: The Program/Process

Highest & Best Use Analysis – 1 - 1.5 months

Technical Assistance/Rendering(s)/Building code evaluation – 1 – 1.5 months

RFP preparation – 1 - 1.5 months

Say proposals due – 3 months after issuance

Proposal evaluation, approval of designation – 2 months

Negotiation of term sheet and documentation of lease/sale/development agreement – 2 - 4 months

Overall Timeline: 9 -12 months.

PART 3: Understanding the Process

The RFP can be written in such a way to ensure the priorities of all the stakeholders are taken into consideration.

- As we move through the process we will tailor the request for proposal appropriately to ensure the city obtains control.
 - THE EXTERIOR OF THE BUILDING WILL NOT BE DISTURBED
 - THE GRAVEYARD WILL NOT BE DISTURBED

- We know there are limitations, i.e. lack of sufficient parking.
 - These issues will all be worked through the entire process and we will set up a “go” “no go” phased approach where if we see that there is a significant obstacle we will conclude the project and make a report based on the findings to the city.
- We will not know what the issues are until we start the process.

PART 4: The Vision or Mission Statement

To put the Walker Building and its 60,000 sq/ft into productive use that benefits the revitalization of the downtown.

PART 5: Request

- IF There is interest a \$75K appropriation would be necessary to execute
- I want to request that the City Council President appoint a City Councilor to assist?



December 2, 2015

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

RE: Placing an Order with City Council to Discuss Walker Building Feasibility

Dear Mr. Mayor:

The Marlborough Economic Development's Executive Committee asked that I submit a letter to you requesting guidance from the Marlborough City Council relative to the Walker Building.

At a recent executive committee meeting the topic of redeveloping the Walker Building for the purpose of stimulating economic activity in the downtown village was discussed. The Walker Building is an iconic building totaling 60,000 square feet of which more than half remains vacant. It is an underperforming asset that has been very well maintained despite not having a clear purpose.

There are very limited opportunities in the downtown village area where such a large footprint exists that can act as an economic engine. Over the course of the summer my office obtained a few quotes ranging from \$75,000 - \$100,000 for a feasibility study to be conducted by an architecture firm predicated off of trying to develop an understanding of what the "highest and best use" may be for the asset. This technical review would provide the city with the information necessary to decide how best to maximize the asset's value as there will be many issues to be dealt with should this analysis occur.

My office wanted to have a discussion with the City Council and take direction as to whether there is an appetite to redevelop the Walker Building for another purpose. Should such an appetite exist my office would either need to seek a separate appropriation by the City or be instructed to include it in our operational budget for FY'17.

In closing, I want to be clear that this feasibility study of the building would be predicated on the current site as it is and there would be no intention of substantially altering the exterior of the building.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Kindest regards,

A handwritten signature in black ink, appearing to read "Tim Cummings". The signature is written in a cursive, flowing style.

Tim Cummings
Executive Director



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2016 MAY 19 A 11: 20

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 19, 2016

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

Re: Transfer Request – Interest on BAN

Honorable President Clancy and Councilors:

I have enclosed for your review and approval a transfer request in the amount of \$62,400 to fund the City's interest payment obligations related to parks and recreation projects.

The City's local option meals tax which created a dedicated revenue stream for parks and recreation projects across Marlborough has available funds and I believe it would be beneficial to utilize these funds to cover FY16's short term borrowing costs. The interest payments that would be funded by this transfer are related to projects at Ward Park, Baldelli Field, the high school tennis courts, and Memorial Beach.

Comptroller Brian Doheny will be available to answer any further questions about this transfer. In the meantime, if you have any questions, please do not hesitate me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

MAY 19 A 11:21

City of Marlborough
Office of the Mayor

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May 19, 2016

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

Re: Grant Acceptance – Mayor's Office

Honorable President Clancy and Councilors:

I have enclosed for your acceptance a grant in the amount of \$5,000.00 for the City of Marlborough to evaluate our economic competitiveness. This grant will fund the engagement of Northeastern University's Dukakis Center for Urban and Regional Policy and the utilization of their Economic Development Self-Assessment Tool ("EDSAT").

This grant has been awarded to the City through Governor Baker and Lieutenant Governor Polito's Community Compact initiative. As you may recall, the City chose Job Creation and Retention as one of the three initiatives we would continue to work on over the next two years. While the City has benefited from strong economic growth – and was recently recognized by the *Boston Globe* as a game changer for our progress – it is important to continuously self-evaluate and assess our programs.

My office will work closely with the Marlborough Economic Development Corporation to engage the Dukakis Center and utilize EDSAT.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 5/18/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Nicholas Milano

NAME OF GRANT: Community Compact Grant Award

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$5,000.00

GRANT PERIOD: FY2016

SCOPE OF GRANT/
ITEMS FUNDED To engage a consultant to evaluate the community's competitiveness
using the Economic Development Self-Assessment Tool (EDSAT)

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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

Nicholas Milano

From: Mayor
Sent: Monday, April 04, 2016 9:57 AM
To: Nicholas Milano
Cc: Patricia Bernard
Subject: FW: Marlborough Community Compact Contract Documents
Attachments: 2 Commonwealth Terms and Conditions.pdf; 3 Commonwealth Signatory Pages.pdf; 4 Attachment A - Marlborough.docx; 1 Standard Contract Form - Marlborough.docx

From: EOHEDGrants (SEA) [mailto:ehedgrants@state.ma.us]
Sent: Friday, April 01, 2016 4:41 PM
To: Mayor <mayor@marlborough-ma.gov>
Subject: Marlborough Community Compact Contract Documents

Hello,

Congratulations on entering into a Community Compact with the Baker-Polito Administration. Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as together we seek to create better government for our citizens. We are excited to partner with you as you implement your HED best practice.

Attached you will find your contracting documents including: 1 Massachusetts Standard Contract Form, 2 Terms and Conditions, 3 Authorized Signatory Form, and 4 Attachment A. Please print all documents, check for accuracy, fill out and sign the Terms and Conditions and Authorized Signatory pages, then sign the Standard Contract Form. Please let us know if there have been any changes to the project scope since the application was submitted. Any proposed changes must be approved by program staff and accurately reflected in Attachment A.

Once you are satisfied that the documents are accurate please mail a hardcopy to the address below. If you require an original contract, please print and sign two originals and one will be returned to you. Otherwise, we will be happy to email you a copy of the executed contract.

If you have any questions please feel free to let us know.

Thanks,

The Community Compact Team

Stephen O'Neil
Finance Director, MassWorks Infrastructure Program
Massachusetts Permit Regulatory Office
Executive Office of Housing and Economic Development
One Ashburton Place, Rm 2101
Boston, Massachusetts 02108
Stephen.O'Neil@state.ma.us

**Community Compact Program
GRANT AGREEMENT
Attachment A**

This Grant Agreement (“Agreement”) is made by and between the Commonwealth of Massachusetts, acting through the Executive Office of Housing and Economic Development (“EOHED”), and the City/Town of Marlborough (“the Grantee”).

PRELIMINARY STATEMENT

The Massachusetts Community Compact Cabinet elevates the Administration’s partnerships with cities and towns, and allows the Governor’s Office to work more closely with leaders from all municipalities, and champions municipal interests across all executive secretariats and agencies. The Compact promotes and develops, in consultation with cities and towns, mutual standards and best practices for both the state and municipalities. As a result of the Grantee signing a Community Compact, which included a grant commitment, EOHED is executing this grant agreement to work with the Grantee in advancing their community goals.

EOHED agrees to make the funds (“EOHED Grant”) available to the Grantee for the Project, subject to the terms and conditions set forth in this Agreement and in compliance with all applicable state laws and regulations governing the disbursement and expenditure of state funds.

The Grantee shall exercise complete management and oversight responsibility of the Project and agrees that the Commonwealth’s provision of state funding under this Agreement shall not in any way be construed as assuming responsibility or liability for the completed Project by the Commonwealth.

SECTION 1. PROJECT SCOPE AND BUDGET

- 1.1 As part of the Community Compact program, EOHED has committed to provide a grant to the Grantee in the amount not to exceed \$5,000, authorized under Chapter 46 of the Acts of 2015, Section 2, Item 7002-0039 [“Act”], in support the municipality’s work/project related to the HED: Job Creation/Retention Best Practice.
- 1.2 The scope of the Project to be funded under the EOHED Grant is: To engage a consultant to evaluate the community’s competitiveness using the Economic Development Self-Assessment Tool (EDSAT)
- 1.3 The timeline of performance under this grant agreement will span from the execution of this grant agreement and end no later than June 30th, 2016.
- 1.4 Any significant deviation from the scope as outlined in 1.2 shall be approved by EOHED in advance.

SECTION 2. DISBURSEMENT OF EOHED GRANT

2.1 Disbursement of the EOHED Grant under this Agreement shall be made pursuant to Chapter 46 of the Acts of 2015, Section 2, Item 7002-0039; and any other information EOHED may require.

2.1 Disbursement Schedule – For grants up to \$10,000: 100% of the grant award will be disbursed within 45 days of execution of the grant agreement. For grants over \$10,000: Seventy-five percent (75%) of the grant award will be disbursed to the Grantee within 45 days of execution of the grant contract. The

remaining twenty-five percent (25%) of the grant award will be disbursed to the Grantee within 45 days of receipt of the Grantee report, further defined in Section 3.1, certifying substantial project completion and submission of supporting documentation.

2.2 It is understood and agreed that the grant provided under this Agreement shall be used solely to pay for expenses associated with the Project, subject to appropriation. Expenses relating to project administration and management shall be assumed by the Grantee, including, but not limited to: (i) salaries and wages of Grantee staff; (ii) legal fees; (iii) travel, meal and entertainment expenses; (iv) overhead and supplies; (v) project costs incurred prior to the execution and subsequent to termination of this Agreement; (vi) costs of any other service or activity not related to the Project, and (vii) sales tax.

2.3 The Grantee shall keep detailed records of all activities associated with the Project including, but not limited to, all disbursements made pursuant to this Agreement. EOHED shall have the right to examine all records kept by the Grantee related to the Project.

SECTION 3. REPORTING

3.1 Once the Project is completed, the Grantee shall furnish to EOHED, in addition to a memo certifying project completion, the following documentation: (i) any outstanding vendors' invoices, certified payment vouchers, cancelled checks or other documentation verifying actual expenditures in connection with the Project and (ii) a statement from the Grantee certifying to the best of his or her knowledge that the Project was undertaken in conformance with all applicable laws, rules and regulations. Said Grantee report shall be submitted to EOHED no later than July 31, 2016.

SECTION 4. COMPLIANCE WITH ALL APPLICABLE LAWS/REGULATIONS

4.1 The Grantee and its consultants and contractors shall comply with any and all federal, state and local laws, rules and regulations, orders or requirements that apply to the Project.

4.2 This Agreement shall in no way relieve the Grantee from the full force and application of any laws, rules, regulations and orders or requirements.

SECTION 5. INTEREST OF MEMBERS OR EMPLOYEES OF THE GRANTEE

5.1 No officer, servant, agent, or employee of the Grantee has participated or will participate in any decision relating to the development and implementation of the Project that affects directly or indirectly his/her personal interest or the interest of any corporation, partnership or proprietorship with which her/she is directly or indirectly affiliated. Furthermore, no officer, servant, agent or employee of the Grantee shall have any interest directly or indirectly in any contract in connection with the Project or shall in any way violate M.G.L. Chapter 268A.

SECTION 6. AMENDMENTS

6.1 Grantee shall make no amendment to this Agreement or any significant modification to the scope of the Project funded under this Agreement without the prior written approval of EOHED.

#####

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH (and d/b/a):	COMMONWEALTH DEPARTMENT NAME: Executive Office of Housing and Economic Development MMARS Department Code: EED
Legal Address: (W-9, W-4,T&C): 140 MAIN ST, MARLBOROUGH, MA 01752	Business Mailing Address: One Ashburton Place, Room 2101, Boston, MA 02108
Contract Manager: Arthur Vigeant	Billing Address (if different):
E-Mail: mayor@marlborough-ma.gov	Contract Manager: Stephen O'Neill
Phone: 508-460-3770 Fax:	E-Mail: stephen.oneill@state.ma.us
Contractor Vendor Code: VC6000192111	Phone: 617-788-3653 Fax: 617-788-3605
Vendor Code Address ID (e.g. "AD001"): AD001, (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): 16CommCompactMarlbro RF/Procurement or Other ID Number: FY16 Compacts
<p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;">___ CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions ___ Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new Total</u> if Contract is being amended). \$5,000.	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); <u>X</u> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <u>Community Compact Program funding (pursuant to pursuant to Chapter 46 of the Acts of 2015, Section 2, item 7002-0039) in accordance with the scope and terms described in Attachment A.</u>	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of ____, 20__, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2016</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " <u>Effective Date</u> " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur Vigeant</u> Date: <u>5/15/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Jay Ash or Designee</u> Print Title: <u>Secretary of the Executive Office of Housing and Economic Development</u>



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2016 MAY 19 A 11: 21

City of Marlborough
Office of the Mayor

140 Main Street
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Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 19, 2016

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

Re: Conservation Grant Acceptance

Honorable President Clancy and Councilors:

Enclosed for your acceptance is a grant in the amount of \$1,000.00 from Dow Chemical Company to be utilized for general purposes associated with maintaining and beautifying our community. I am grateful for this generous donation, which was made last month during the city-wide Project Clean Sweep.

The relevant paperwork, including the grant cover sheet, cover letter from Conservation Officer Priscilla Ryder, and the letter and check from Dow Chemical are included with this correspondence.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

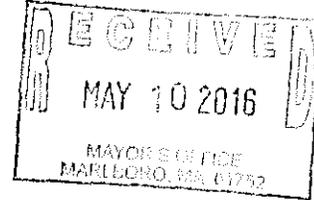


City of Marlborough Conservation Commission

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

May 10, 2016

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



RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund
Dow Chemical Co.

Dear Mayor Vigeant,

Once again the City of Marlborough has been given a gift of \$1,000 from Dow Chemical Company to help with the maintenance and beautification of the city. The Dow Chemical Company participated in the city wide Project Clean Sweep and offered this gift to help offset the costs of any city wide beautification project. The letter from the Dow Chemical Co. is attached. We are grateful for this support.

As required by MGL Ch. 44 Section 53A the acceptance and expenditure of this gift requires your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Conservation Maintenance Fund account #84500-48300 to be used for conservation land maintenance and city wide beautification projects.

If you have any questions on the above, please let me know.

Sincerely,

Priscilla Ryder
Conservation Officer

cc: Con. Com.
Diane Smith ✓

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 4/29/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: Dow Chemical Company

GRANT AMOUNT: \$1,000

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used for the Project Clean Sweep (2016) and city beautification

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: None

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



The Dow Chemical Company
Midland, Michigan 48674
USA

April 15, 2016

Ms. Priscilla Ryder
City of Marlborough
140 Main Street, City Hall
Marlborough, MA 01752

Dear Ms. Ryder:

On behalf of The Dow Chemical Company, I am pleased to enclose a check in the amount of \$1,000.00 for the GAC: Marlborough Clean Sweep.

As a condition of accepting this check, we require an IRS tax form to be completed and submitted within fifteen days of receiving payment. You will receive an email notification regarding this online tax form.

If you have any questions regarding this payment or the tax form, please feel free to contact me at globalcontributions@Dow.com or 989-636-3145. We are delighted to have the opportunity to help you achieve goals in which we have a mutual interest and wish you much continued success.

Sincerely,

A handwritten signature in black ink, appearing to read "DeAnn Coan".

DeAnn Coan
Global Contributions Administrator

Enclosure:
Check

Dow International Finance S.a.r.l.
Attn: Accounts Payable
2511 E Patrick Road
Midland, MI 48641-1286



PAGE 1 OF 1
04/20/16

2100344 01 SD T 6076 CKMM -P00344



CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752-381

YOUR INVOICE NO.	INVOICE AMOUNT	DISCOUNT/ DEDUCTION	NET AMOUNT	INVOICE DATE	OUR DOCUMENT NO.	PAYMENT ON BEHALF OF
000100441935	\$1,000.00	\$0.00	\$1,000.00	04/15/2016	2200310499	THE DOW CHEMICAL COMPANY

VOUCHER # _____
 PO _____
 VENDOR # _____
 ACCT # 84500 - 48300
 AMOUNT \$ 1000⁰⁰
 OFFICE EXT _____
 APPROVED [Signature]
 (DEPT. HEAD)



TOTAL: \$1,000.00

SD2100344-0001_of_0001 6076-000344 (F235)

DETACH AND RETAIN THIS STUB FOR YOUR RECORDS

CHECK # 2200310499 ATTACHED



Dow International Finance S.a.r.l.
Attn: Accounts Payable
2511 E Patrick Road
Midland, MI 48641-1286

62-20
311

No. 2200310499

04/20/16

PAYMENT ON BEHALF OF: SEE ATTACHED REMITTANCE ADVICE

PAY TO THE ORDER OF
CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752-381

\$\$\$\$\$\$\$\$\$\$\$1,000.00

NOT VALID AFTER 1 YEAR

[Signature]
AUTHORIZED SIGNATURE

One Thousand and 00/100 Dollars

CITIBANK N.A.
ONE PENN'S WAY, NEW CASTLE, DE 19720

⑈ 2 2003 10499 ⑈ ⑆ 03 1 100 209 ⑆ 388598 14 ⑈



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2016 MAY 19 AM 11:21
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 19, 2016

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

Re: FY17 Deficit Spending for Snow & Ice Account

Honorable President Clancy and Councilors:

I have enclosed for your review and approval an order authorizing the City to incur liability and make expenditures for FY17 in excess of the approved appropriation for the purposes of snow and ice removal. This is done annually as required by M.G.L. Chapter 44, section 31D.

I appreciate your attention on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

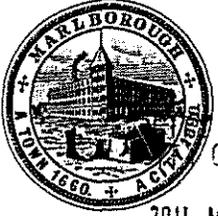
That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2017.

ADOPTED
In City Council
Order No. 16 -

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2016 MAY 19 AM 11:20
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 19, 2016

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

Re: Reauthorization of the Public Safety Revolving Fund

Honorable President Clancy and Councilors:

I have enclosed for your approval an order to reauthorize the Public Safety Revolving Fund for emergency dispatch fees resulting from the City of Marlborough's contract with Patriot Ambulance. The fund is used for public safety training initiatives by the Marlborough Fire and Police Departments.

State law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2016.

For your review, I have included a year-end financial report compiled by Auditor Diane Smith.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Public Safety Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during fiscal year 2017, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 16 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

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ATTEST:



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

May 17, 2016

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2015	\$35,823.27
Funds received to date	40,810.00
Expenditures to date-	
Trench Rescue Training	(5,206.87)
Fire Instructor Training	(524.80)
New England School Safety	(209.00)
Student Officer Academy	(6,000.00)
National Fire Alarm Signaling	(1,566.00)
Public Risk Management	(871.76)
Fire Arson Origin & Cause	(300.48)
Breath Test Operator Course	(640.00)
Justice System Training & Rescue	(810.00)
CPR Training	(209.94)
Taser Training	(7,507.81)
Subtotal	(23,846.66)
Encumbrances	(2,300.00)
Balance as of May 17, 2016	<u>\$50,486.61</u>



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2016 MAY 19 A 11: 21

140 Main Street

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Arthur G. Vigeant
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EXECUTIVE SECRETARY

May 19, 2016

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

Re: Reauthorization of the Council on Aging Revolving Fund

Honorable President Clancy and Councilors:

Last fall, I submitted for your approval the creation of a Council on Aging Revolving Fund to collect donations to the Council on Aging, streamlining the process for utilization of funds by the Council on Aging.

I have enclosed for your approval, an order to reauthorize this revolving fund for Fiscal Year 2017. For your review, I have included a year-end financial report compiled by Council on Aging Executive Director Trish Pope.

State law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2016.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

Council on Aging Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, authorize a revolving fund to be utilized by the Council on Aging. It is further ordered that:

(a) receipts credited to the fund shall be limited to donations to the Council on Aging/Senior Center; and

(b) expenditures from said fund shall be limited to Council on Aging/Senior Center programming; and

(c) the Executive Director of the Council on Aging shall be the only officer authorized to approve expenditures from the same; and

(d) no more than forty thousand dollars (\$40,000.00) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and

(e) the Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, description of expenditures, and year-end balance; and

(f) the provisions of this order shall not be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Memo

To: Mayor Arthur Vigeant
From: Trish Pope
Date: May 18, 2016
Re: Council on Aging Revolving Account

Pursuant to the provisions of Council Order #15-1006306, the revolving account established by this order had income and expenditures as shown below:

Balance when established	\$	0
Total revenue generated 10/15-5/18/16	\$	22,646.24
Funds expended 10/15-5/18/16	\$	3,618.32
Funds to be encumbered	\$	(0)
Current Balance:	\$	19,027.92

EXPENDITURE SUMMARY

Silver Fox Coaches	\$	543.00
Computer Teacher	\$	824.00
Assabet Valley (catering-Thanksgiving)	\$	900.00
Center Grille (catering- Holiday Party)	\$	1215.00
Multi-Cultural Computer Class	\$	100.00
Best of Times Travel	\$	36.32



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

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Nicholas J. Milano
EXECUTIVE AIDE

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

2016 MAY 19 A 11:47

Patricia Bernard
EXECUTIVE SECRETARY

May 19, 2016

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

Re: Reauthorization of the Parks and Recreation Revolving Fund

Honorable President Clancy and Councilors:

I have enclosed for your approval an order to reauthorize the Parks and Recreation revolving account. This account was created in FY2011 by the consolidation of the Fairmount and Easterly Treatment Plant revolving accounts.

As you may recall, last year, upon my recommendation, the City Council consolidated the Sligo Hill Revolving account into the Parks and Recreation Revolving account.

State law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2016.

For your review, I have included a year-end financial report submitted by Public Works Commissioner John Ghiloni.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Parks and Recreation Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2017 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than one hundred thousand dollars (\$100,000) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED

In City Council

Order No. 16 -

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

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2016 MAY 19 A 11: 21

City of Marlborough

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May 19, 2016

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

Re: Appointments to the Commission on Disabilities

Honorable President Clancy and Councilors:

I am pleased to appoint three new members to the Commission on Disabilities for three year terms to expire from the date of Council confirmation:

- Councilor David Doucette – the Commission on Disabilities has traditionally included one member of the City Council. Since the passing of our friend and colleague, Bob Page, there has not been a Council representative on the Commission. I thank Councilor Doucette for volunteering to serve.
- Derek Chaves – Derek is an impressive young man who has experience working with and advocating for the disabled. Through his position at the E.K. Shriver Center at the University of Massachusetts Medical School, he has helped improve the online and virtual experience for many people with disabilities.
- Laura Kyle – Laura's parents and sister are deaf and she has dedicated much of her life to working with individuals with disabilities. Currently a substitute teacher for Marlborough Public Schools, Laura would bring her personal and professional experiences to the Commission.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Derek Chaves

Director of Technology | ~~Derek A. Chaves~~ | ~~617-518-6581~~

Summary

8 years of experience as a team oriented, engaging project manager with a proven track record of driving successful projects. Versed in all phases of the Software Development Lifecycle from conception to delivery and beyond. Participates in all activities including UX design, coding, functional testing, and product support. Leverages creative acumen to solve problems and deliver unique solutions resulting in a competitive advantage for stakeholders.

Experience

Director of Technology 2011 – Present

INDEX Program, E.K. Shriver Center, University of Massachusetts Medical School

Managed a project portfolio of 10+ agile, continuous release projects while leading business development activities, strategic planning, and product development. Managed various technical projects for public sector agencies on local, state and federal levels.

- Directly managed 6 team members and lead cross-functional teams across business units
- Lead the performance review process, identified strengths and areas of needed improvement for team members
- Led sales demonstrations leading to the realization of new revenue streams
- Managed various projects for public sector agencies on local, state and federal levels
- Aligned INDEX's strategic plan with the business goals of UMMS ensuring success through continuity across business units
- Increased quality of outcomes for the Mass CANS helpdesk (20,000 registered users) by redesigning workflows and new, improved helpdesk system
- Ensured usability and accessibility by enforcing strict standards and requirements such as Section 508, W3C, and WCAG standards
- Managed and customized learning management systems helping organizations such as Mass Health and The Executive Office of Health and Human Services improve the quality of healthcare in Massachusetts, especially for people with disabilities
- Oversaw the continuous delivery of many proprietary and off the shelf software products
- Architected user experience outcomes for web apps by eliciting user expectations and needs
- Maintain active relationships with MA Office of Elder Affairs, Office of Long Term Services and Supports, Mass Rehab Commission, Department of Developmental Services, MassHealth / Childrens Behavioral Health Initiative,

Skills

- Agile / Scrum & Waterfall Methodologies
- Section 508, WCAG Accessibility Standards
- ITIL
- Instructional Design
- Business Analysis
- Application Testing
- PMBOK
- Project Scheduling
- Learning Management Systems
- Change Management
- Contract Management
- UX Design
- Critical Thinking
- Problem Solving
- Budgeting & Bookkeeping
- Cross-Functional Collaboration
- Team Building & Mentoring
- Client Relationship Management
- Business Planning
- Vendor Management ROI Analysis
- Strategic Planning
- SaaS
- PaaS
- IaaS
- HIPAA
- FISMA
- LAMP and WAMP Stack Architecture
- VMWare
- Database Design & Administration
- HTML
- CSS
- JQuery

Projects

Project Name	Role	Client	Purpose
<u>MassOptions</u>	Technical Lead	MA Office of Long Term Services and Supports, US Center for Medicaid Services	Streamline access to LTSS for elders and people with disabilities
<u>Mass Real Lives</u>	Director of Technology	MA Department of Developmental Services	Enable individuals with intellectual and developmental disabilities to self-direct their care
<u>Mass CANS</u>	Project Manager	MassHealth / Children's Behavioral Health Initiative	Train clinicians on how to perform CANS assessments
<u>Jobs Without Limits</u>	Director of Technology	Commonwealth Medicine / Work Without Limits	Connect job seekers with disabilities to employers actively looking to hire PWD
<u>DisabilityInfo.org</u>	Director of Technology	Mass Rehab Commission, MA Dept. of Developmental Services	Provide information and referral about programs and services for PWD
<u>Am I Covered</u>	Designer / Developer	MA Department of Public Health	Inform caregivers of children with autism if their health insurance plan is subject to the ARICA law
<u>One Care Learning</u>	Project Manager	MassHealth	Educate providers on how to deliver services to individuals who are eligible for both Medicare and Medicaid (Duals)

Activities

- Committee Member, UMASS Medical School Committee on Disabilities
- Member, Hudson Portuguese Club

Education

Bachelor of Science, Network Information Systems, Wentworth Institute of Technology
Certificate in Language (Portuguese), University of the Azores (Portugal)

References available upon request

Laura Kyle, LMHC 5017

[REDACTED]

Marlboro, MA 01752

[REDACTED]

EDUCATION

Assumption College, Worcester, MA 1998

M.A. Counseling Psychology – concentrations: Cognitive-Behavioral Therapy & Marital/Family Studies

Westfield State College, Westfield, MA 1995

B.A. Psychology, minor in Social Science and Women’s Studies

CERTIFICATION

Licensure - Commonwealth of Massachusetts – Licensed Mental Health Counselor 1998

WORK EXPERIENCE

Marlborough Public Schools, Marlborough, MA 2015 - 2016

Substitute Teacher and Substitute Paraprofessional(Grades K – 4)

- Responsible for following the current curriculum and the teacher’s plans in their absence in order to maintain an effective and organized approach to learning.
- Using an interdisciplinary approach to enable students to work at their current skill level and help them be successful in the goals set by the teacher.

Marlborough Public Schools, Marlborough, MA 2010 - 2014

American Sign Language (ASL) translator and Substitute Support Tech Communication Aide

- Translate for Deaf families when they attend school events including, but not limited to, parent-teacher conferences, Core Curriculum presentations, as well as preschool screenings for hearing preschool age children whose parent or parents are Deaf.

- Assisted at the high school with a student who uses ASL to communicate when her full-time aide is absent.

The Learning Center for the Deaf, Walden School

1998 – 2004

Licensed Mental Health Counselor

- Counseled students that were challenged by severe social and emotional difficulties resulting from childhood trauma, mental illness, and/or organic dysfunction
- Assisted families in having successful visitations at home with their child whenever possible, including coordinating out of state support when needed.
- Ran group therapy sessions with the students to build support and trust to improve dynamics between staff and student as well as student to student.
- Coordinated psychiatric evaluations when needed as well as support staff when students needed hospitalization for safety and/or medication management.

VOLUNTEER

Francis J. Kane Elementary School

2006-2014

Newsletter Editor

- Prepare bimonthly newsletter for distribution to families of 750 students.
- Work in collaboration with PTO, Principal, and teachers to ensure each section is represented in the newsletter.

Cultural Arts Co-Coordinator

- Schedule and prepare events for each grade that support the curriculum being taught in that grade.
- Work closely as a liaison between presenters and the school to make sure things run smoothly
- Include press releases when necessary to advertise the presentations to the community.

St. Matthias Church

2011-2016

Faith Formation Teacher 5th grade students

2011-2016

- Teach children about concepts in the Catholic religion following guided curriculum.
- Adhere to the study guide provided by the church.
- Create fun and creative ways to help the children be involved in the experience.



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

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

2016 MAY 19 11:58 AM
CYNTHIA M. ANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 19, 2016

Edward Clancy
President
Marlborough City Council

RE: Proposed Zoning Amendment –
Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures

Dear President Clancy and Members:

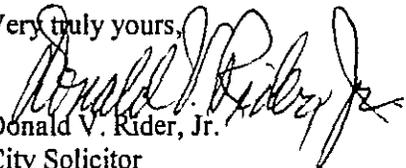
Recently, President Clancy, the Mayor, the Acting Building Commissioner and I met to discuss a Massachusetts Appeals Court opinion dealing with how, under § 6 of MGL Chapter 40A, a city or town should process homeowner requests seeking to make modifications to so-called lawful pre-existing nonconforming single or two-family residential structures. The Appeals Court ruled that a modification which would increase or intensify the existing nonconforming nature of the residential structure requires a special permit, whereas a modification which would create a new nonconformity requires a variance.

In Marlborough, this court ruling means that some homeowners may potentially be faced with applying to the Council for a special permit to allow an increased or intensified nonconformity, while separately applying to the Zoning Board of Appeals for a variance to allow a new nonconformity – two separate processes with two separate public hearings, all as part of the very same project to 'upgrade' their single or two-family homes. In fact, there is at least one homeowner who is presently facing this dual situation.

Therefore, in an effort to assist homeowners with a more streamlined permitting process, President Clancy has recommended, with the concurrence of the Mayor and the Acting Building Commissioner, that a proposed amendment to the zoning ordinance be drafted and submitted for the Council's consideration. The enclosed amendment proposes to vest the ZBA – already the variance-granting body – with jurisdiction over applications seeking special permits to increase or intensify the existing nonconforming nature of their lawful pre-existing nonconforming homes. In the event the Council wishes to retain its current jurisdiction over special permit applications seeking to increase or intensify the existing nonconforming nature of such residential structures, the ZBA would remain simply as the variance-granting body.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Arthur Vigeant, Mayor
Douglas Scott, Acting Building Commissioner
Zoning Board of Appeals

ORDERED:

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

1. Section 650-12, entitled “Nonconforming uses,” is hereby amended by deleting the words “except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling,” and inserting in place thereof the following words:-
- except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3).
2. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended by adding to subsection B thereof, entitled “Powers and duties,” after sub-subsection (2), entitled “Variances,” the following new sub-subsection (3), entitled “Lawful pre-existing nonconforming single-family dwellings and two-family houses”:
 - (3) Lawful pre-existing nonconforming single-family dwellings and two-family houses.
 - (a) As of right. Lawful pre-existing nonconforming single-family dwellings and two-family houses may be altered, reconstructed, extended or structurally changed as a matter of right upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or change would not increase or intensify the existing nonconforming nature of the dwelling or house in question. Upon such a determination, an application to the Board of Appeals for a special permit need not be made, and the owner may apply to the Building Commissioner for a building permit.
 - (b) By special permit. Upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would increase or intensify the existing nonconforming nature thereof, a special permit granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under M.G.L. c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use; and

provided, further, that any such special permit shall comply with the requirements of the Zoning Ordinance of the City of Marlborough, including but not limited to Section 650-12, entitled "Nonconforming uses," as amended. Application for a special permit in such a case shall be made to the Board pursuant to procedures set forth in Subsection C(5) of this Section 650-58.

- (c) By variance. Upon the determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would create a new nonconformity(ies), a variance granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. Application for a variance in such a case shall be made to the Board pursuant to the procedures set forth in Subsection C(1)-(4) of this Section 650-58.

3. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection C thereof, entitled "Procedure," after sub-subsection (4), the following new sub-subsection (5), entitled "Special permit procedure":

- (5) Special permit procedure. The application for a special permit proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house, shall be filed with the City Clerk's office in accordance with MGL Chapter 40A, accompanied by a filing fee in the amount calculated to be the same as for special permit applications submitted to the City Council. The application for the special permit shall be made in writing by the applicant or its duly authorized agent, who shall file the following number of sets of application materials at the offices set forth below:

Number of Sets	Office
1	Office of City Clerk
1	Building Department
1	Office of City Council
1	City Engineer
1	Legal Department
1	Conservation Officer

The Board may adopt rules and regulations for the issuance of special permits applicable to this Section 650-58 in accordance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough.

A public hearing shall be held on each special permit application proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house. The procedures for the public hearing and for the notice thereof to parties in interest shall be in conformance with M.G.L. c. 40A, but the Board shall endeavor to hold the public hearing on a special permit application on the same evening as it would be holding the public hearing on any variance petition that may be associated with the same dwelling or house. Within 90 days after the close of the public hearing on the special permit application, the Board of Appeals shall take final action on a decision to grant or deny the requested special permit.

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

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ATTEST:



City of Marlborough

RECEIVED
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CITY OF MARLBOROUGH

2016 MAY 12 P 4:03

MARLBOROUGH CITY COUNCIL

LED SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

LED SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be filled out and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located: Street and Number:

757 Boston Post Road

2. What other signs exist on the property (type, size, location):

North Elevation: 64" x 136" Channel letter wall sign, East Elevation: 52" x 110 1/2" Channel letter wall sign West Elevation: 16 1/2" x 96" cabinet sign LED Message board will be installed on a double-pole pylon sign with a 48" x 78" sign cabinet above.

3. Are there other signs on the property of similar type to what is requested in the LED Sign Permit Application? If so, please state size and location.

Freestanding double-pole pylon sign located perpendicular with the street. LED message board will be mounted under a 48" x 78" sign cabinet.

4. Names of business or activity applying for sign:

Carewell Urgent Care

5. Applicant:

Back Bay Sign

Street/City/Zip Code:

65 Industrial Way Unit I Wilmington, MA 01887

6. Building Owner:

Route 20 Marlboro Properties, LLC
Street/City/Zip Code:
50 Cabot St Suite 200
Needham, MA 02494

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: RK Centers Business: 781-320-0001 Mobile: _____

Agent/Owner of Business where sign will be located.

E-mail: _____ Business: _____ Mobile: _____

Applicant.

E-mail: jayparilla@hotmail.com Business: 617-250-4434 Mobile: _____

8. Applicant is (please check).

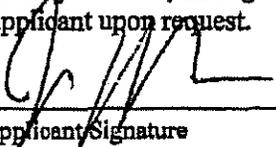
Business Owner: _____ Tenant: _____ Other (describe): sign contractor

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Special Permit for an LED Sign. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Application for an LED Sign. Applicant shall pay for advertising of Hearing. Applicant shall obtain abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft LED Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.


Applicant Signature

5/10/16
Date


Property Owner Signature

5/11/2016
Date

RK CENTERS
50 CABOT STREET, SUITE 200
NEEDHAM, MA 02494

Landlord (RK Centers)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals 

City of Marlborough
Commonwealth of Massachusetts



Pamela A. Wilderman
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3765
Fax: (508) 460-3736
Email: pwilderman@marlborough-ma.gov

May 6, 2016

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

RE: Carewell Urgent Care
LED Message Sign Application
757 Boston Post Road East

Dear President Clancy and Members:

Attached please find an application for a LED Message Board sign submitted by Back Bay Sign Company on behalf of their client, UMass Memorial. All of their other signs have been approved.

I have reviewed the application for conformance to Chapter 526 of the City Code with regards to allowable height and square footage and the sign is well within the allowable calculations.

As always, please feel free to contact this office if you have any questions or if I can be of any further assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela A. Wilderman".

Pamela A. Wilderman
Code Enforcement Officer

cc: Back Bay Sign
File



CITY OF MARLBOROUGH

**Building Department
(508) 460-3776**

**BUILDING
PERMIT
JOB WEATHER CARD**

PERMIT NO BP-2016-000558
ISSUE DATE 04/28/2016
APPLICANT Back Bay Signs

PERMIT TO _____

AT (LOCATION) 757 Boston Post Road East, MARLBOROUGH, MA **ZONING DISTRICT** _____ **Bldg. Type:** Commercial

SUBDIVISION MAP BLOCK LOT 61-30 **BUILDING IS TO BE:** CONST TYPE _____ **USE GROUP** _____

WORK DESCRIPTION
 Free Standing LED Message Sign "Carewell Urgent Care", Length 99", Width 29", Height 25', Area 20 SQFT.

CONTRACTOR
LICENSE 0000
 Construction Supervisor

SIGN INSTALLATION

AREA (SQ FT) 10,967,405.6 **EST COST(\$)** 1000.00 **PERMIT FEE (\$)** 50.00

OWNER ROUTE 20 MARLBORO PROPERTIES LLC
ADDRESS C/O RK CENTERS

BUILDING DEPT BY _____
PHONE _____

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

	REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER:	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



Pylon Sign - LED Message Board

City of Marlborough BUILDING DEPARTMENT

APR 28 2016

140 Main Street
Marlborough, Massachusetts 01752

Date: April 21 2016

Permit No. BP-2016-000558

Address/Location of Sign 757 Boston Post Rd

Name of Business Cavanell Urgent Care

Name of Owner of Business Cavanell Urgent Care Telephone 617-230-4434

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 99" Width 29" Height (Free Standing) 25' Area 20

Location of Sign on Bld. North South East West

Dimensions Façade:

FRONT: 56' SIDE: 67'

Length Width Area

Signature of Responsible Party

Telephone 617-230-4434

Installer Company Back Bay Sign

Telephone 617-230-4434

Email jay.parillo@hotmail.com

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Signature

Date 4/16/16

Cost of Sign(s)

Permit Fee \$ 50.00



CareWell

URGENT CARE



757 Boston Post Road, Marlborough, MA

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Customer Approval <input checked="" type="checkbox"/> _____ Date _____																				

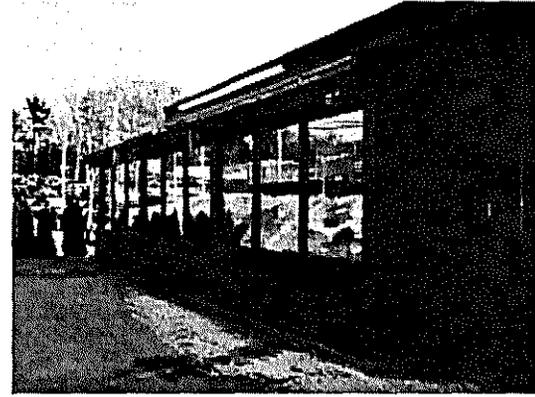
North Elevation



East Elevation



West Elevation



EXISTING CONDITIONS

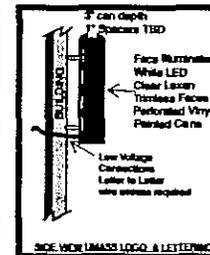
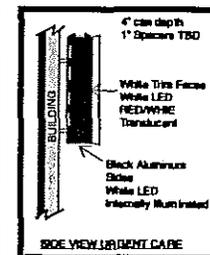
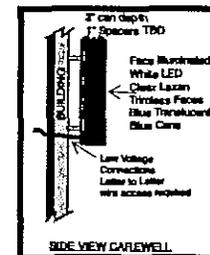
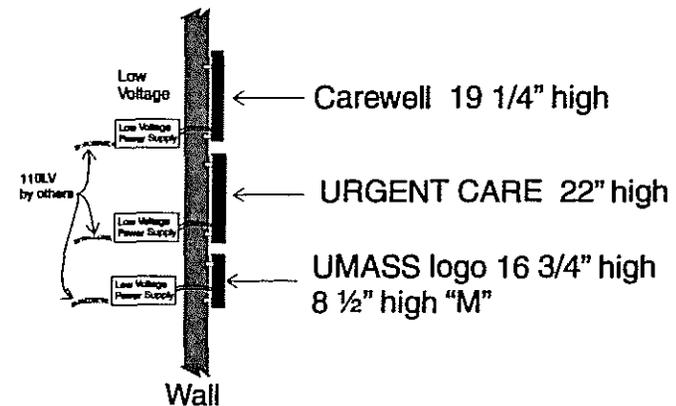
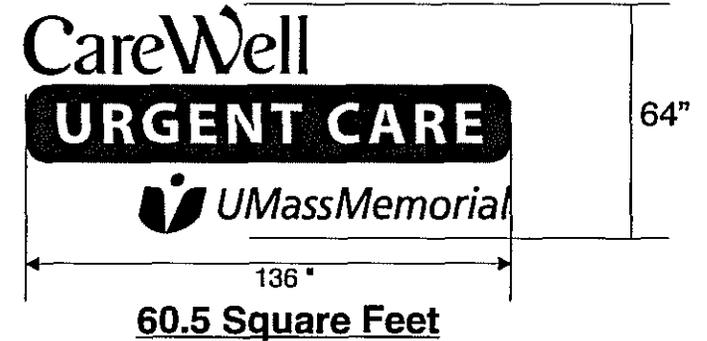
Main ID Pylon



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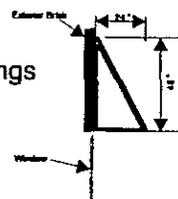
North Elevation: 56 Linear Feet



COLOR DETAILS

- RED PMS 186
- Blue PMS 2955
- UMass Logo PMS 072
- Black

(4) new awnings
this elevation



Side Profile

PROPOSED SIGN SIGN AREA: 60.5 SQ.FT. DRAWING SCALE: 1/4" = 1'-0"

Wall Mounted Face illuminated Channel letters, sign cabinet

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65 Industrial Way Wilmington, MA
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www.backbaysign.com

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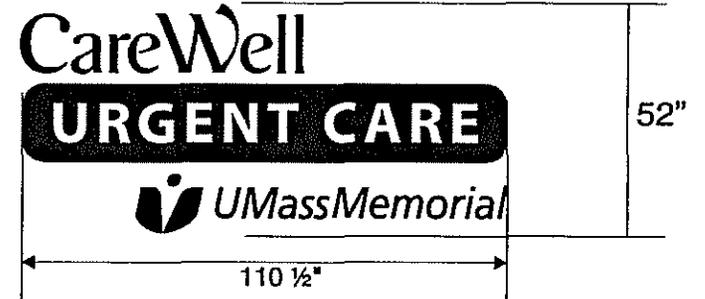
Rev#	Revision Notes	DATE	BY
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Customer Approval **X** _____ Date _____

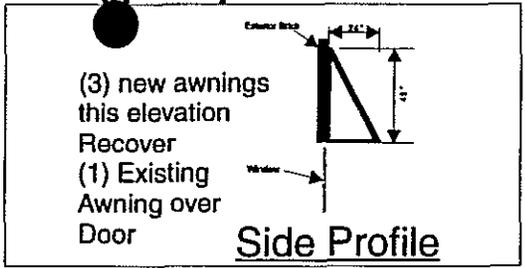
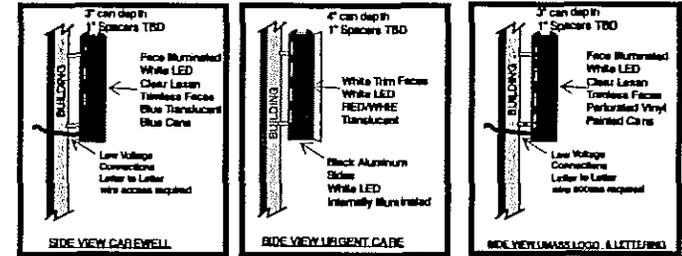
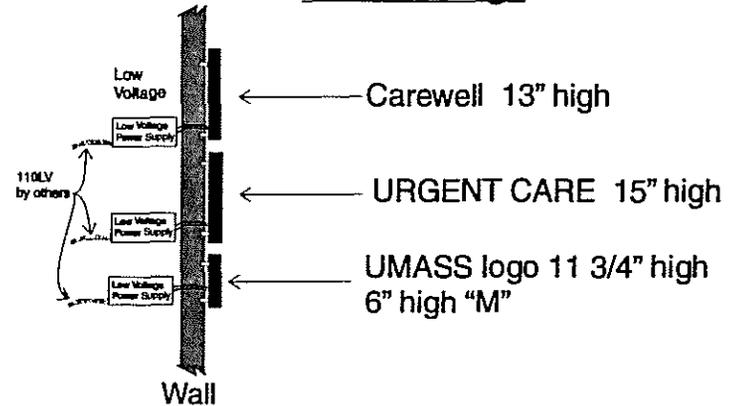
Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 3 of 6

East Elevation: 67 Linear Feet



40 Square Feet
w UMass Logo



(3) new awnings
this elevation
Recover
(1) Existing
Awning over
Door

Side Profile

COLOR DETAILS

- RED PMS 186
- Blue PMS 2955
- UMass Logo PMS 072
- Black

PROPOSED SIGN SIGN AREA: 40 SQ.FT. DRAWING SCALE: 1/4" = 1'-0"

Wall Mounted Face illuminated Channel letters, sign cabinet

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www.backbaysign.com

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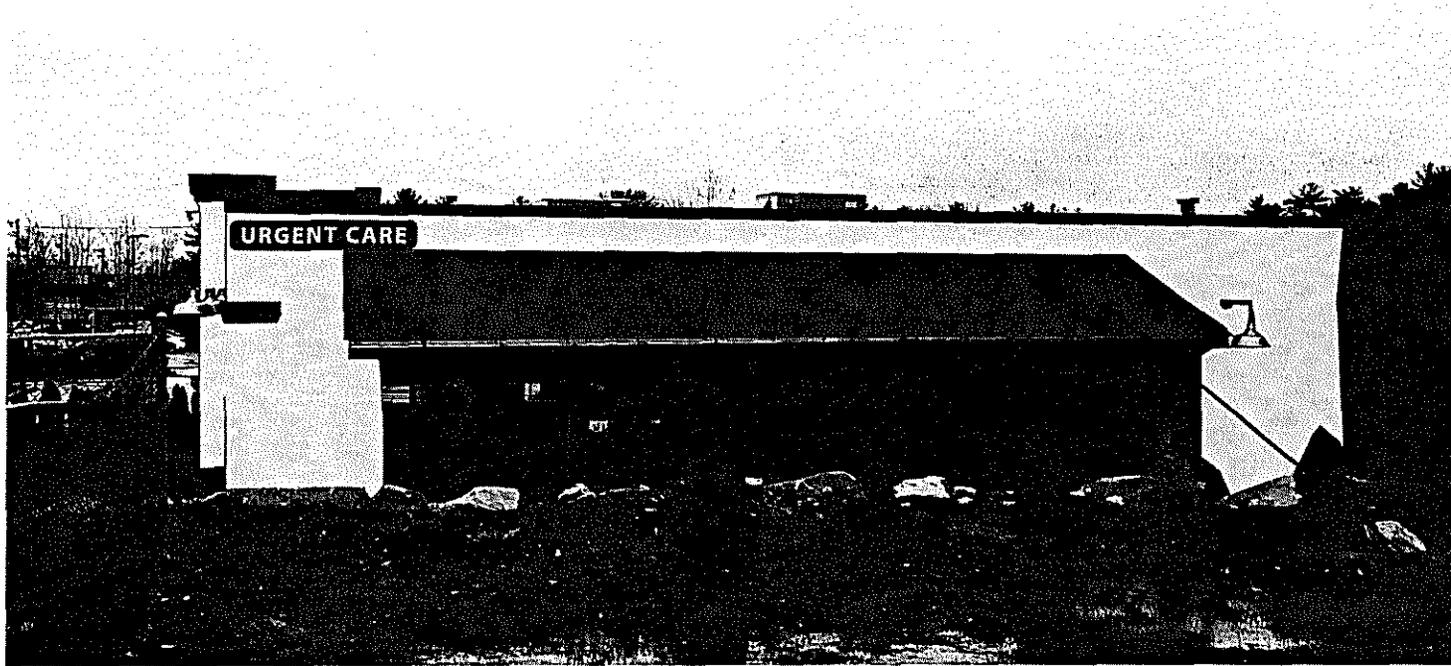
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Customer Approval **X** _____ Date _____

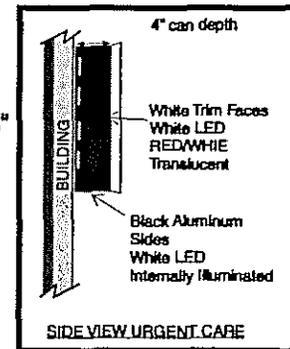
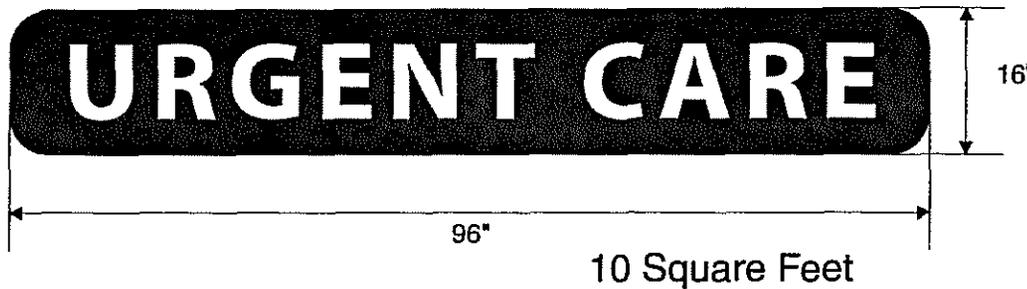
Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 4 of 6

West Elevation:67 Linear Feet



New Fabric on Existing Awning Frame



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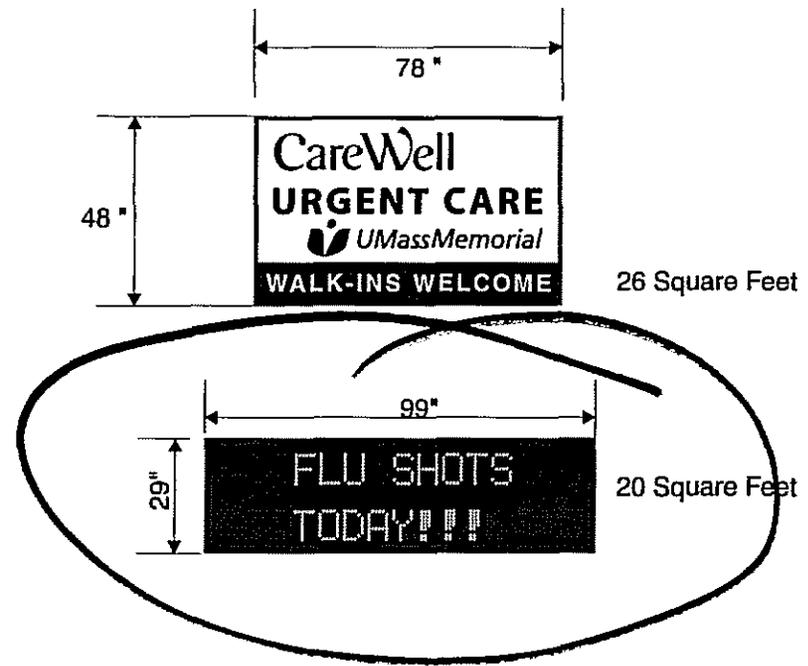
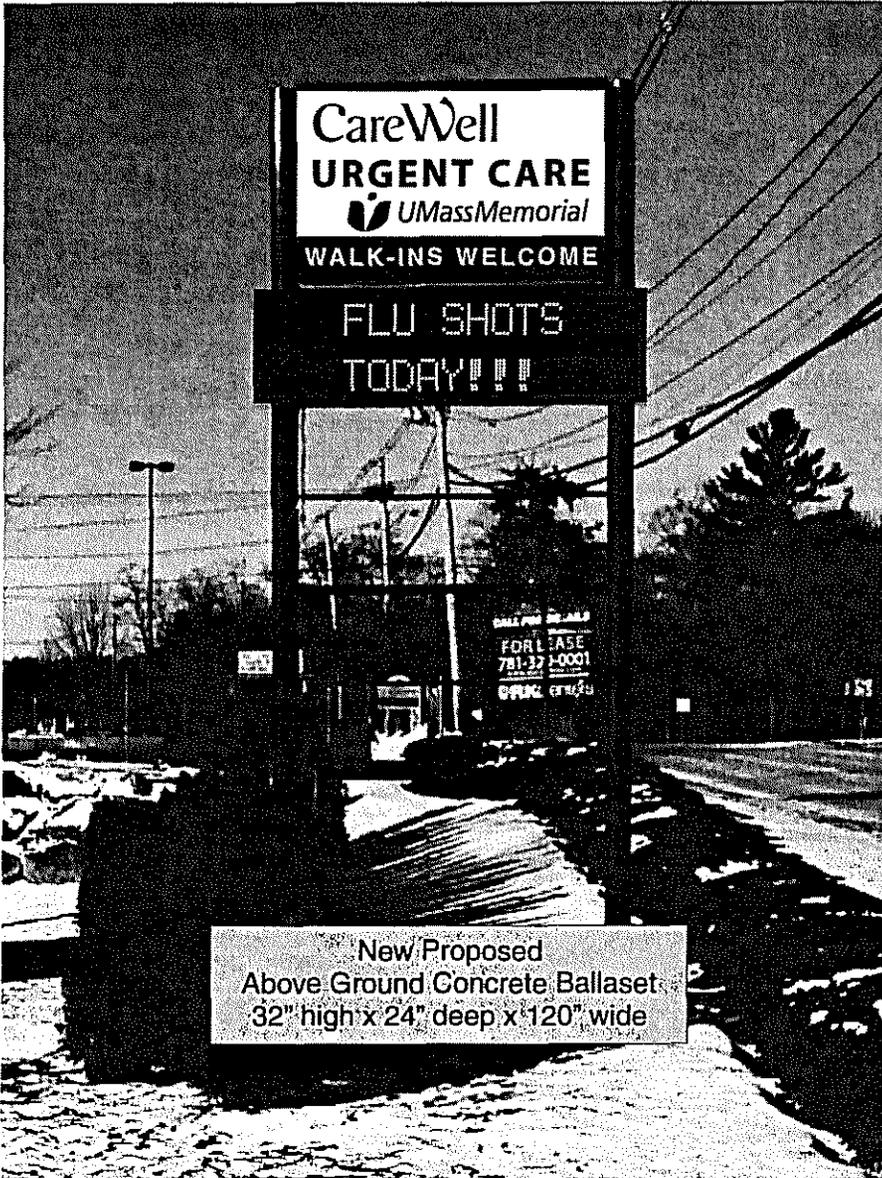
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Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 5 of 6

Customer Approval X _____ Date _____



Top View



PROPOSED SIGN **SIGN AREA: 46 SQ.FT.** **DRAWING SCALE: 1/4" = 1'-0"**

1 - 78"x 48"x 6" Internally Illuminated Double Faced Sign Cabinet with Lexan faces and Translucent Vinyl.

2 - Single Faced 99"x 29" LED Message Boards. Electrical by others.

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 65 Industrial Way Wilmington, MA
 tel.978.203.0570 • fax.978.203.0573
 www.backbaysign.com

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Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
SRe Address: 757 Boston Post Rd
Marlborough, MA

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 6 of 6

Customer Approval _____ Date _____



CareWell

URGENT CARE

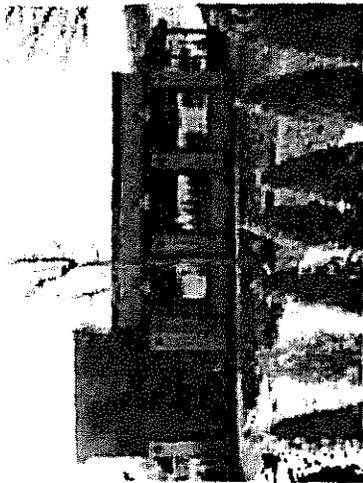
Landlord (PK Centers)
 Tenant Plan Approval
 Subject to Receipt
 of All Required
 Building Department Permit
 and Zoning Approvals

[Handwritten signature]
 5/11/16

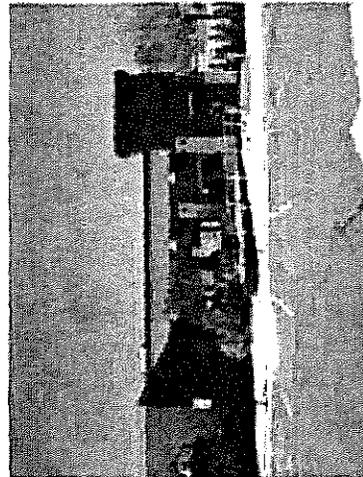
757 Boston Post Road, Marlborough, MA

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1	Permit Sketch															
<p>Customer Approved X _____ Date _____</p>																

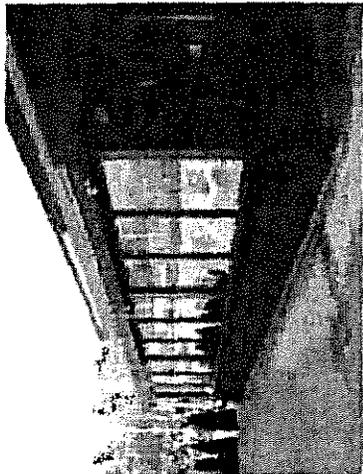
North Elevation



East Elevation



West Elevation



EXISTING CONDITIONS

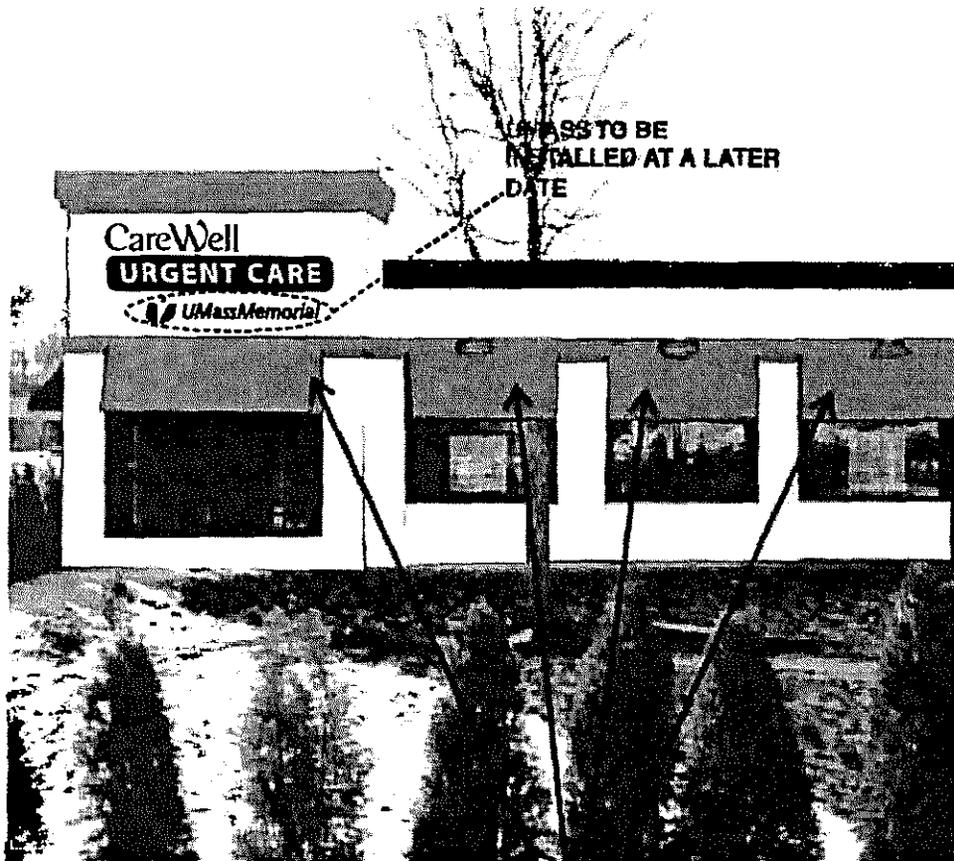
Main ID Pylon



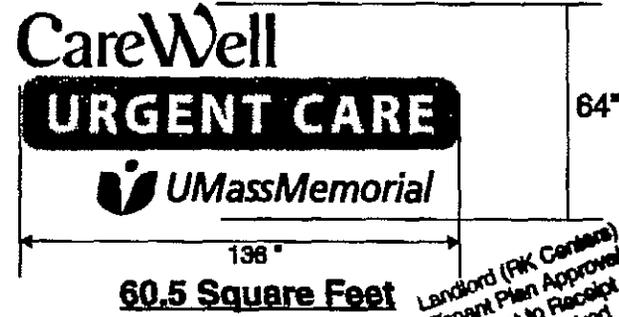
5/11/16
Landed (JK Carers)
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals

<p>BACK BAY SIGN 65 Industrial Way Weymouth, MA Tel: 0215-203-0570 Fax: 0215-203-0574 www.backbaysign.com</p>	<p>The applicant and interested parties are notified hereby of this sign company's participation, verification, or approval of this sign. This sign is provided to you with certain restrictions and is provided as a service for your convenience and is not intended to be used as a permanent sign. The sign is provided as a service for your convenience and is not intended to be used as a permanent sign. The sign is provided as a service for your convenience and is not intended to be used as a permanent sign.</p>	<p>1 Initial sketch. 1 Permit Sketch</p> <p>DATE: 12/1/16 BY: MB</p>
<p>Customer: CareWell Contract Name: David Lowe Contract No: 617-902-4194 Site Address: 757 Boston Post Rd Marlborough, MA</p>		<p>Job#: _____ Project Mgr: PD Account Rep: PD Date: 1/21/2016</p>
<p>Customer Approval: _____ Date: _____</p>		<p>Page: 2 of 6</p>

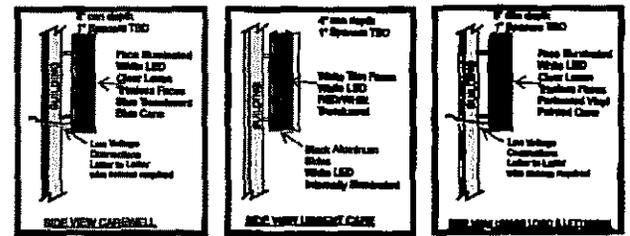
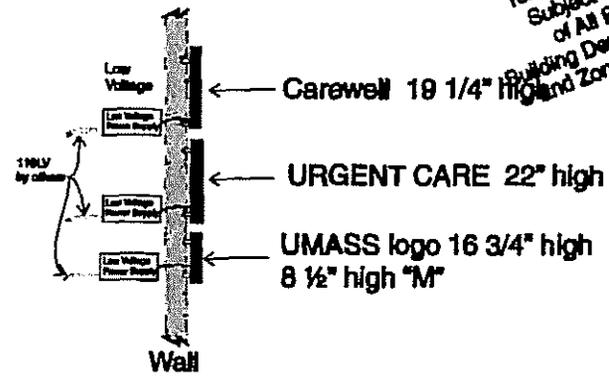
North Elevation - Channel Letters



North Elevation: 56 Linear Feet

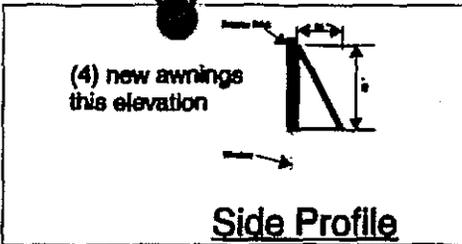


Landlord (FK Contract)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals
AS
5/11/16



COLOR DETAILS

- RED PMS 186
- Blue PMS 2965
- Umass Logo PMS 072
- Black



PROPOSED SIGN SIGN AREA: 60.5 SQ. FT. DRAWING SCALE: 1/4" = 1'-0"

Wall Mounted Face Illuminated Channel letters, sign cabinet

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25 Industrial Way Wilmington, MA
Tel: 978-203-0570 Fax: 978-203-0573
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REV#	Revision Notes	DATE	BY
1	Initial sketch.	1/21/16	MB
1	Per wall Sketch		

Customer: **CareWell**
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

Job#: _____
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 3 of 6

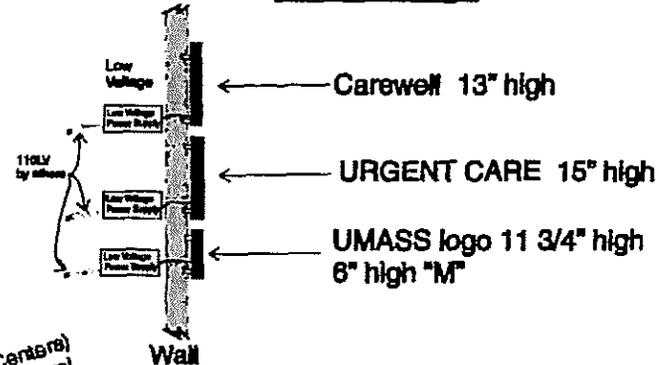
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East Elevation - Channel Letters

UMASS TO BE
INSTALLED AT A LATER
DATE

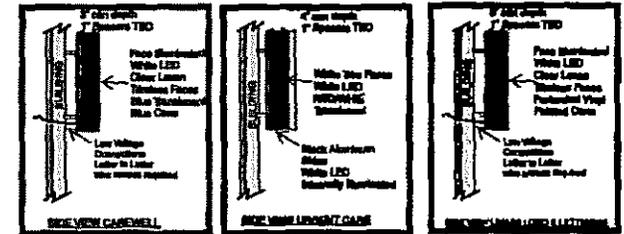


East Elevation: 67 Linear Feet

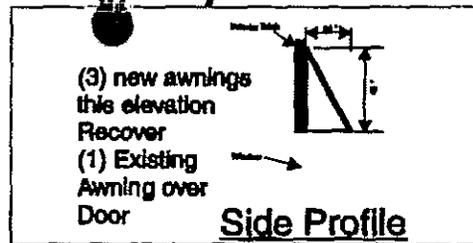


Landlord (FK Centers)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals

Handwritten signature



COLOR DETAILS	
	RED PMS 186
	Blue PMS 2965
	UMass Logo PMS 072
	Black



PROPOSED SIGN **SIGN AREA: 40 SQ.FT.** **DRAWING SCALE: 1/4" = 1'-0"**
 Wall Mounted Face Illuminated Channel letters, sign cabinet

BACK BAY SIGN
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 www.backbaysign.com

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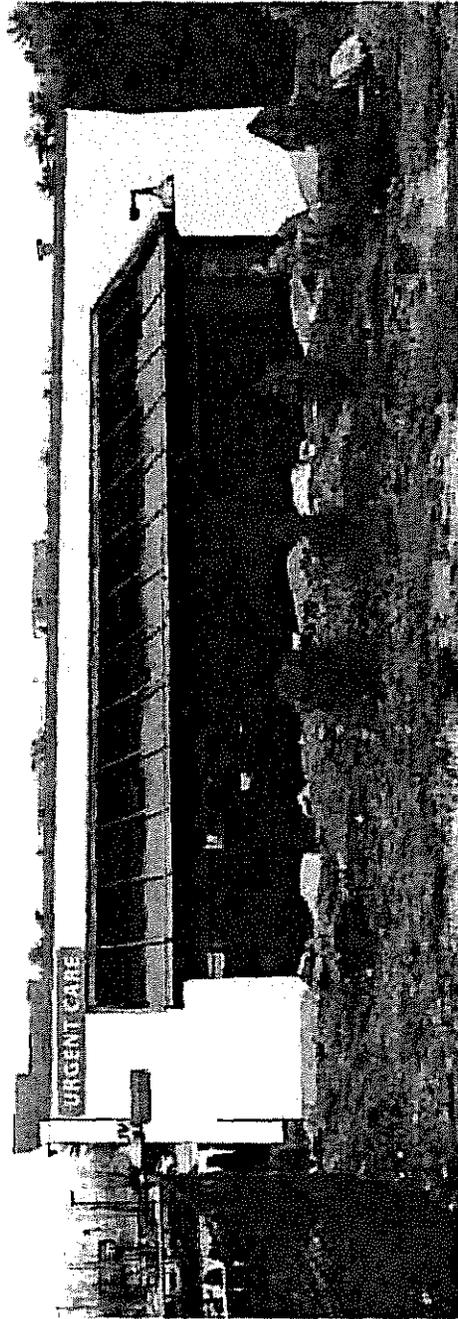
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1	Permit Sketch		

Customer Approved *X* _____ Date _____

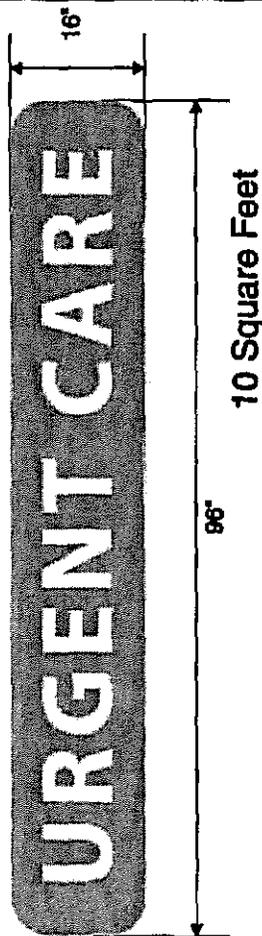
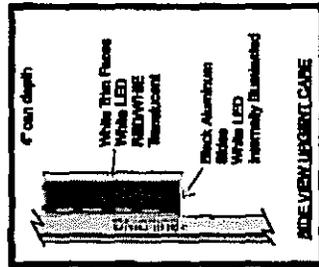
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 Contact Tel: 617-302-4194
 Site Address: 757 Boston Post Rd
 Marlborough, MA

Job#: _____
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 4 of 6

West Elevation: 67 Linear Feet

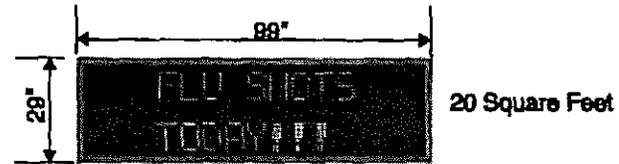
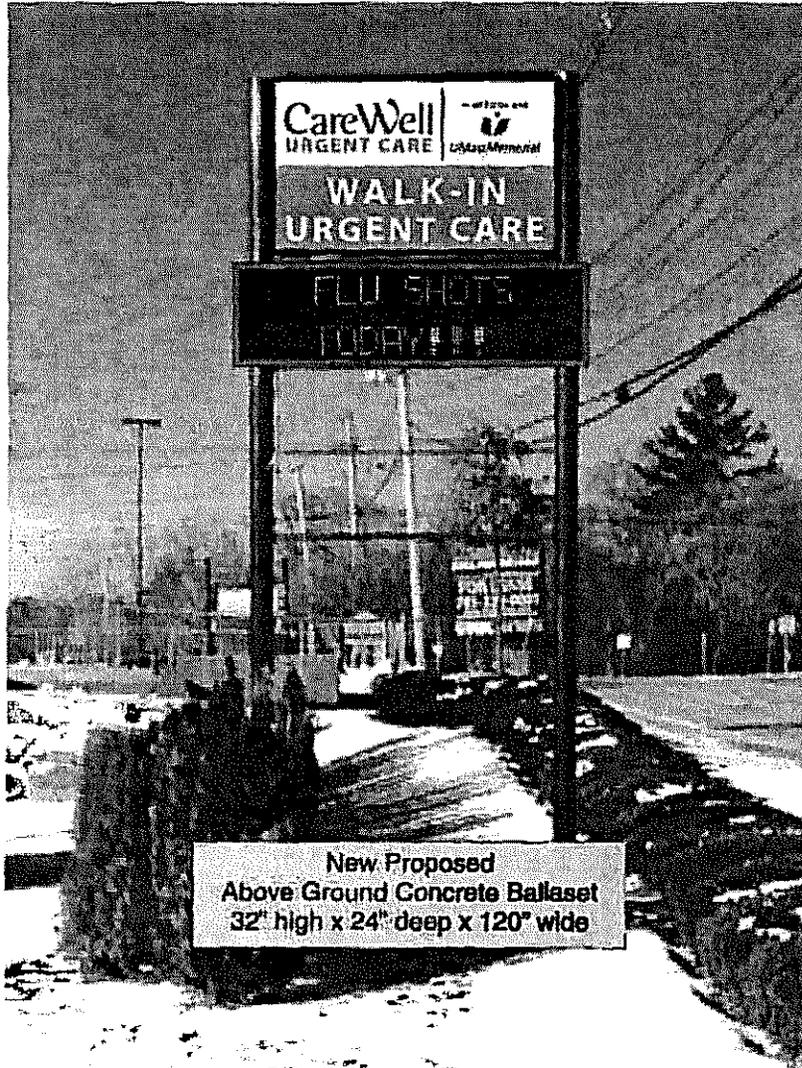


Landlord (PK Consere)
 Tenant Plan Approval
 Subject to Receipt
 of All Required Permit
 Building Department Approvals
 and Zoning Approvals
 5/11/16

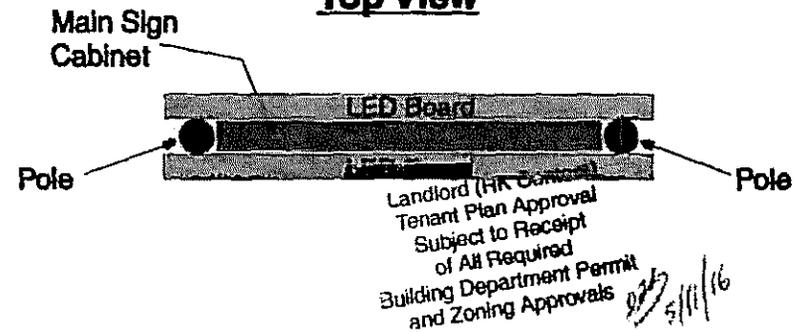


BACK BAY SIGN 85 Industrial Way Wilmington, MA Tel: 578.203.0570 — Fax: 578.203.0573 www.backbay-sign.com		The drawings and materials specified herein are intended for use only for the project and site shown. Back Bay Sign is not responsible for any other use of these drawings or materials without the express written consent of Back Bay Sign. Back Bay Sign is not responsible for any other use of these drawings or materials without the express written consent of Back Bay Sign. Back Bay Sign is not responsible for any other use of these drawings or materials without the express written consent of Back Bay Sign.	Sheet: 1 Permit: 1 Permit: 1	DATE: 1/21/16 BY: MB	Customer: CareWell Contact Name: David Lowe Contact Tel: 617-902-4184 Site Address: 757 Boston Post Rd Marlborough, MA	Job#: _____ Project Marc: PD Account Rep: PD Date: 1/21/2016 Page: 5 of 6
Customer Approval: _____ Date: _____		Approval: _____ Date: _____				

Main ID Pylon



Top View



PROPOSED SIGN **SIGN AREA: 46 SQ.FT.** **DRAWING SCALE: 1/4" = 1'-0"**
 1 - 78"x 48"x 6" Internally Illuminated Double Faced Sign Cabinet with Lexan faces and Translucent Vinyl.
 2 - Single Faced 99"x 29" LED Message Boards. Electrical by others.

BACK BAY SIGN
 65 Industrial Way Wilmington, MA
 Tel: 978-203-0578 Fax: 978-203-0573
 www.backbaysign.com

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 © Back Bay Sign, LLC, 65 Industrial Way, Wilmington, MA 01897.

Rev#	Revision Notes	DATE	BY
1	Initial sketch.	1/21/18	MB
1	Permit Sketch		

Customer Approval Date _____

Customer: **CareWell**
 Contact Name: David Lowe
 Contact Tel: 617-302-4194
 Site Address: 757 Boston Post Rd
 Marlborough, MA

Job#: _____
 Project Mgr: PD
 Account Rep: PD
 Date: 1/21/2018
 Page: 6 of 6



MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY 19 A 10:45

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

May 19, 2016

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

Re: Easements for Atrium Place Project

Dear Councilor Clancy:

Enclosed please find a proposed Maintenance, Access and Parking Easement Plan submitted on behalf of my client, Bolton Granger Realty Trust, Trustee George Voyiatzis, for the Atrium Place project at 21-29 South Bolton Street. Bolton Granger respectfully requests that the City Council consider granting the easements shown on the Easement Plan.

The proposed easements pertain to (i) maintenance and access over "Parcel A" created by the recent relocation of Court Street Extension, and (ii) parking along a portion of Weed Street, all as discussed during the Council's deliberations on the Site Plan Approval recently issued for the Atrium Place project. I understand that the Department of Public Works has reviewed and approved the proposed Easement Plan.

In addition, in order to accommodate the easement over Parcel A, we respectfully request that the City Council adopt an order changing the use of Parcel A from "highway purposes" to "general municipal purposes", in accordance with M.G.L. c. 40, Sec. 15A.

Upon the Council's direction, I am happy to work with the Legal Department on the form of a Deed of Easement.

Thank you for your time and ongoing support for the Atrium Place project.

Sincerely,

Brian R. Falk

BRF/ljk
Enclosure
cc: Client

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

WEED (PUBLIC - 33.0' WIDE) STREET

PARKING EASEMENT

MUNICIPAL EASEMENT

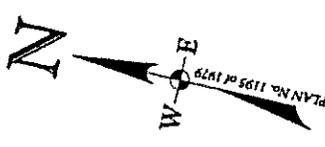
COURT (PUBLIC - WIDTH VARIES) STREET EXT.

PARCEL A 1,923B MAINTENANCE & ACCESS EASEMENT

SOUTH BOLTON STREET (PUBLIC - 86.0' WIDE)

30.0' WIDE UTILITY EASEMENT

GRANGER (PUBLIC - 66.0' WIDE) BOULEVARD



MAINTENANCE, ACCESS, AND PARKING EASEMENT PLAN
MARLBOROUGH, MA
MIDDLESEX COUNTY
CONTINENTAL LAND SURVEY, LLC
109 BEAVER STREET, FRANKLIN, MA
1609 328 - 2128



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY AN INSTRUMENTARY SURVEYOR OF THE COMMONWEALTH OF MASSACHUSETTS AND THAT ALL STRUCTURES SHOWN ON THIS PLAN WERE EXISTING AT THE TIME THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE DIMENSIONS AND LOCATIONS OF THE STRUCTURES SHOWN ON THIS PLAN WERE OBTAINED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION. I HEREBY CERTIFY THAT THE SURVEY AND PLAN WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE DIMENSIONS AND LOCATIONS OF THE STRUCTURES SHOWN ON THIS PLAN WERE OBTAINED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION.

CHRISTOPHER C. EMMETT, P.E.
DATE

SECURITY OF WEED USE ONLY

APPROVED BY THE CITY CLERK
PERSONAL ATTORNEY
DATE

BY
CITY OF MARLBOROUGH

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

May 11, 2016

2016 MAY 12 A 10:45

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

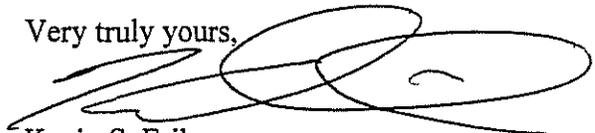
Re: Apex Center- Proposed Master Plan and Development Agreement

Dear Councilor Clancy and Councilors:

In accordance with §650-35(C)(1) and §650-35(C)(2) of the Zoning Ordinance of the City of Marlborough, enclosed please find Walker Realty LLC's (the "Applicant") proposed Master Concept Plan and Development Agreement, including associated supporting plans and documentation. We would kindly request that the following be placed on the City Council's agenda for their next meeting on May 23, 2016. Please note that, at the request of the Urban Affairs Committee, the Applicant is simultaneously providing copies of this package to the Urban Affairs Committee so that they may review and determine whether or not any additional documentation will be required prior to the May 23rd Council Meeting.

Thank you for your attention to this matter. Please do not hesitate to contact me directly with any questions.

Very truly yours,



Kevin S. Eriksen

CC: Urban Affairs Committee, Councilor Joseph Delano, Chairman

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DEVELOPMENT AGREEMENT

This Development Agreement (hereinafter, the "Agreement") is entered into as of the ____ day of _____, 2016, by Walker Realty LLC (hereinafter with any nominee, successor or assign, the "Developer"), and the City of Marlborough, Massachusetts (hereinafter, the "City").

WHEREAS, the Developer is the prospective owner of approximately 43.6 acres of land located along Route 20, Marlborough, Middlesex County, Massachusetts, currently owned by Marlborough/Northborough Realty Trust, which land is more particularly described in Exhibit "A" appended hereto (hereinafter, the "Property"); and

WHEREAS, the Developer desires to develop the Property for a mixed use development as permitted under the Hospitality and Recreation Mixed Use Overlay District (hereinafter, the "Overlay Zoning") adopted by the City on May 9, 2016 to include a variety of uses including, without limitation, hotel, recreation, restaurant, retail and office uses, and to construct buildings and structures thereon (hereinafter, the "Project"); to be located on one or more portions of the Property (each, hereinafter a "Development Parcel"); and

WHEREAS, as required under the terms of the Overlay Zoning, the Developer agrees to impose on the Property the limitations set forth herein, for the benefit of the City, which shall have the power to enforce the terms hereof; and

WHEREAS, the Developer and the City wish to set forth herein their agreement on the aforementioned matters;

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer hereby declares the following development restrictions on the Property, and the Developer and the City agree as follows:

1. Effective Date of Overlay Zoning. In accordance with Section C.3 of the Overlay Zoning, the Overlay Zoning shall take effect and govern the development of all parcels within the Property effective on the date that the Developer provides written notice to the City Clerk that the Developer has closed on the purchase of the Property.
2. Transportation Demand Management. The Developer shall comply with the Transportation Demand Management (TDM) requirements set forth in the Final Environmental Impact Report (FEIR) Certificate for the Project.
3. Payment for Fire Station Feasibility Study. The Developer, prior to issuance of the final occupancy permit in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall contribute funds to the City to allow the City, acting by and through the City Council, to undertake an analysis of the feasibility of building a fire station in the vicinity of Glenn Street, provided that the Developer's total obligations under this paragraph shall not exceed Forty Thousand Dollars (\$40,000.00).

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4. Sewer Relocation. The Developer, with the filing of the first special permit and/or site plan review application in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall present plans acceptable to the City Engineer to relocate the sewer main in the vicinity of the Property (hereinafter, the "Sewer Relocation"), as substantially shown on the plan entitled, "Water and Sewer Exhibit for Apex Center" dated 5/10/16, prepared by Hancock Associates (hereinafter, the "Water and Sewer Exhibit"). The Developer shall, at its sole cost and expense, complete the Sewer Relocation prior to the issuance of the first certificate of occupancy for a Development Parcel. The Developer shall be permitted to connect to the City's sewer system in order to provide sewer service to the Project in locations approximately shown on the Water and Sewer Exhibit. The Developer shall not be required to pay any sewer or water connection, sewer or water privilege fees, or inflow and infiltration fees associated with connecting the Project to the City's sewer/water system. The City shall cooperate with any permits, approvals or other requirements necessary to complete the Sewer Relocation, but at no cost to the City. The sewer main associated with the Sewer Relocation shall be the property of the City and the City shall be responsible for the operation and maintenance of said sewer main. Prior to the issuance of the first certificate of occupancy for a Development Parcel, the Developer agrees to execute a utility easement, on terms to be mutually agreed upon between the City and the Developer, granting the City the right to access the sewer main running under any portion of the Property for ongoing operation, maintenance, replacement and repair.

5. Phasing of the Project. While market conditions, weather, and construction shall dictate the phasing of the development of the Property, at present it is envisioned that development of the hotel, recreation and retail components of the Project will be complete within twelve (12) months of the execution of this Agreement. Development of the office components of the Project are presently contemplated to be complete within the eighteen (18) to thirty-six (36) months of the execution of this Agreement.

6. Architectural Review. Prior to issuance of a building permit for any Development Parcel(s), the Developer shall submit to the City Council each proposed individual (or group of) building(s) for architectural review by the City Council, 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 Concept Plan and this Agreement (by way of example, consistent with those features and materials depicted in previously provided renderings of the 110 Grill, Evviva Cucina, Hyatt/Fairfield and APEX entertainment building). 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 Developer within the Master Concept Plan and this Agreement, the Developer shall incorporate comments and input from the City Council into the final design of the Project's buildings.

7. Payment of City Consultant Expenses. The City Council, in connection with its review of any special permit and/or site plan review application submitted in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall be permitted to retain the experts and consultants reasonably determined by the City Council as necessary to conduct an appropriate review of any such application. The reasonable costs and expenses of such experts and consultants shall be paid by the owner of the Development Parcel(s) submitting such application. The City Council shall provide such owner with the Council's selected name, scope

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of services and projected costs of the expert or consultant it proposes to retain. Such owner shall have five (5) business days, from the date of such owner's receipt of the City Council's proposed selection, to approve or object to that proposed selection, and any such objection shall be in writing and shall specify the reasons for objection. If the owner fails to object, the owner shall be deemed to have approved the City Council's selection. If the owner objects and the basis for objection cannot be resolved, the City Council shall provide the owner with an alternative selection. An owner shall, within thirty (30) calendar days of such owner's receipt, pay any invoice provided to such owner by the City Council relating to services provided by a selected expert or consultant that has been approved pursuant to the foregoing, in connection with a special permit and/or site plan review application submitted in connection with any Development Parcel(s) owned by such owner.

In addition, given the proposed development schedule and the scope of the Project, it is anticipated that third party consultants may be required for building, site, conservation, electrical, plumbing, gas and other municipal/code compliance inspections in order to assist and supplement the City's Office of Inspectional Services. In the event that the Developer or the City deems that the same is necessary at any time, and from time to time, either party may request that the City Council retain an appropriate third party to conduct the appropriate inspectional review and the City Council shall, upon such request, retain said third party in an expeditious manner. The costs of such third party services shall be derived from the appropriate permit application fees paid by the Developer for the applicable portion of the Project for which the services are utilized.

8. Infrastructure Improvement Grants. The Developer acknowledges certain obligations under the FEIR Certificate for the Project to complete certain public infrastructure improvements in the vicinity of the Project. To assist the City in economic development activities, the Developer shall cooperate with and support the City in its application to obtain grant financing or public monies for public infrastructure improvements, including an application for a MassWorks grant, which the City shall pursue with an application to be submitted in August of 2016 for certain public infrastructure improvements associated with the Project, which monies provide a direct or indirect benefit to the Property (the "Apex Infrastructure Improvements"). The City agrees that if awarded financing or public monies for said improvements, the City shall immediately commence the construction of said improvements in order to reasonably meet the Developer's Project schedule. The City shall cooperate with and support the Developer in its application to obtain any required permits and approvals for the Project, including, without limitation, approval for the Project under the Massachusetts Environmental Policy Act.

The Developer acknowledges and agrees that part of the contemplated Mass Works application may include, at City's discretion, an amount to be earmarked for improvements to Glen Street in an amount to be estimated by the City (the "Glen Street Improvements"). Notwithstanding the inclusion of the Glen Street Improvements in the proposed MassWorks grant application, the City acknowledges and agrees that the Developer shall in no way be responsible for any costs, expenses, mitigations amounts or contributions associated with any proposed Glen Street improvements. It is anticipated that the City will seek a total MassWorks grant in the amount to be further defined which shall include the Glen Street Improvements and the Apex Infrastructure Improvements.

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9. Public Safety Mitigation. In consideration of the scope of the proposed Project, the Developer agrees to contribute to the City for purposes of Public Safety Improvements throughout Marlborough an amount equivalent to one half (1/2) of the total MassWorks award appropriated for the Apex Infrastructure Improvements less the costs incurred by the Developer for plans for said Apex Infrastructure Improvements and application costs (including consulting fees, engineering fees, legal fees and other associated costs) associated with the MassWorks filing (the "Public Safety Mitigation Amount") (By way of example only, if the total MassWorks award appropriated for the Apex Infrastructure Improvements is \$1,500,000.00, and Developer's costs as described above are \$250,000.00, the total Public Safety Mitigation Amount shall be \$500,000.00). The Public Safety Mitigation Amount shall be payable in two (2) equal installments with the first installment payable within fourteen (14) days of the issuance of the final Occupancy Permit issued for the Project and the second installment payable no later than twelve (12) months after the payment of the first installment.

10. Certificates of Compliance. The City agrees from time to time to execute a certificate in form and substance reasonably satisfactory to the owner of any Development Parcel evidencing such owner's compliance with the terms and conditions of this Agreement, provided that such owner is then, in fact, in compliance with the terms and provisions of this Agreement, and if not, such certificate shall specify such owner's non-compliance.

11. Notices. Any notices hereunder shall be in writing and shall be deemed duly given upon receipt if mailed by certified or registered mail, postage and registration charges paid, by overnight delivery service with receipt, or by hand delivery to the City or the Developer, as applicable, at the addresses set forth below, provided, however, that the City, the Developer and/or any owner of a Development Parcel may, from time to time, designate an additional or substitute address for such notices (provided, that such designation must be made by notice given in accordance with the foregoing).

To the City of Marlborough:

City of Marlborough
140 Main Street
Marlborough, MA 01752
Attention: Mayor

With a copy (which shall not constitute notice) to:

City of Marlborough
140 Main Street
Marlborough, MA 01752
Attention: City Solicitor's Office

To Developer:

Walker Realty LLC
4 Lan Drive
Westford, MA 01886

DRAFT

Attention: Kevin S. Eriksen, Esq., General Counsel

With a copy to:

Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608
Attention: Brian R. Falk, Esq.

12. Attorney's Fees. Each of the parties hereto shall be responsible for their own attorney's fees incurred in connection with the preparation and review of this Agreement.

13. No Public Rights. The restrictions hereby conveyed do not grant to the public in general any right to enter the Property. All other rights not expressly granted hereby are reserved to the Developer, including, without limitation, fee ownership of the Property.

14. Enforcement Against Developer. The City shall have the right to enforce the terms hereof insofar as they pertain to the Developer, including, without limitation, Section 3 (monetary contributions to the City for a fire station feasibility analysis, Section 4 (the Sewer Relocation), and Section 8 (cooperating and supporting the City in applying for grant financing or public monies for public infrastructure improvements). The City may elect to exercise such rights by appropriate legal proceedings for monetary and/or injunctive and other equitable relief, and such proceedings shall be in addition to, and not in limitation of, any and all other rights and remedies available to the City in law and in equity. The City shall have the option to enforce the terms hereof insofar as they pertain to the Developer, but does not have the obligation to do so. The Developer shall reimburse the City for all reasonable costs and expenses (including, without limitation, attorneys' fees) incurred by the City in enforcing this Agreement against the Developer, provided that the Developer is adjudged to be in violation of this Agreement by a court of competent jurisdiction or the Developer acknowledges the same. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

15. Enforcement Against Development Parcel Owners. The City shall have the right to enforce the terms hereof against the owner of any Development Parcel(s) by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation by such owner, including, without limitation, specific performance and/or relief requiring removal of any improvements constructed on such Development Parcel in violation of the terms hereof (it being agreed that the City has no adequate remedy at law), and such right shall be in addition to, and not in limitation of, any and all other rights and remedies available to the City in law and in equity. A default hereunder by the owner of a Development Parcel or Development Parcels shall not constitute a default hereunder by owner of any other Development Parcel or Development Parcels, and the City shall have no right to enforce the terms hereof against the owner of a Development Parcel except in the event of a violation related to the Development Parcel(s) owned by such owner. The City shall have the option to enforce the terms hereof, but does not have the obligation to do so. By its acceptance of this Agreement, the City does not undertake any liability or obligation relating to the condition of the Property, nor does the City's execution of this Agreement operate as a waiver of the requirements of any state or local laws, rules, regulations, or ordinances applicable to the use of the Property or any part thereof. The owner of

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any Development Parcel(s) shall reimburse the City for all reasonable costs and expenses (including, without limitation, attorneys' fees) incurred by the City in enforcing this Agreement against such owner and/or its Development Parcel(s) or in remedying or abating any violation on such Development Parcel(s), provided that such owner is adjudged to be in violation of this Agreement by a court of competent jurisdiction or such owner acknowledges the same. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

16. Binding Effect. The Developer, for itself and its nominees, successors and assigns, hereby imposes on the Property the limitations and obligations set forth below, which limitations and obligations shall be for the benefit of and be enforceable by the City. The terms hereof shall bind the Property for a period of thirty (30) years from the date when this Agreement is recorded with the Registry, which Agreement shall be senior in priority to any liens, encumbrances or mortgages. It is the intention of the parties that, except as otherwise set forth herein, the Agreement shall run with the Property for said thirty (30) years, notwithstanding any foreclosure of any lien on the Property by any entity. The Agreement is subject to the terms of M.G.L. Chapter 184, as hereinafter provided. Each and every term, condition and provision hereof shall be fully enforceable and binding on the City and the Property (and/or each Development Parcel, as applicable).

17. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

18. Authorization. The City Council hereby approves the provisions of this Agreement, which approval shall be set forth in an order to be recorded herewith by the Developer at its sole expense, with a copy of the recorded document to be provided to the City Solicitor's Office. The City Council hereby authorizes the Mayor to execute this Agreement on the City's behalf, and to monitor and enforce compliance by the Developer and by the owner of each Development Parcel with the Agreement's terms and conditions.

19. Recording of Agreement. The Developer, at its sole expense, shall record this Agreement at the Registry. After it has been recorded, this Agreement can only be modified if such modification is in writing signed by the City, the Developer and, if applicable, the owners of all Development Parcels affected by such modification.

[Remainder of page intentionally left blank]

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IN WITNESS WHEREOF, this instrument is sealed and delivered as of this _____ day of _____, 2016.

Walker Realty LLC
By its Manager

City of Marlborough

By: _____
Robert A. Walker, Manager

By: _____
Arthur G. Vigeant, Mayor

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2016 before me, the undersigned notary public, personally appeared Robert A. Walker, as Manager of Walker Realty LLC, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Walker Realty LLC.

(official seal)

Notary Public: _____
My Commission Expires: _____

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2016 before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Marlborough.

(official seal)

Notary Public: _____
My Commission Expires: _____

DRAFT

EXHIBIT A

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

DRAFT



MIRICK O'CONNELL
ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY 19 A 10:45

Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

May 19, 2016

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

Re: Apex Center – Site Plan Review Under HRMUOD Ordinance

Dear Councilor Clancy:

In accordance with the new Hospitality and Recreation Mixed Use Overlay District Ordinance, specifically Section 650-35.I(2) of the Zoning Ordinance, and Section 270-2 of the City Code, my client Walker Realty LLC intends to file the first Site Plan Review application for the Apex Center project next week. The Site Plan Review application should be ready for submission by Friday, May 27, 2016.

In the interest of time, I respectfully request that the Council vote at its meeting on May 23, 2016, to authorize the Urban Affairs Committee to begin review of the Site Plan Review application upon submission, without further action by the Council prior to a recommendation by Urban Affairs. Such action will help accommodate a summer start date and allow substantial portions of the project to open in the fall of 2017.

Thank you for your time and ongoing support for the Apex Center project.

Very truly yours,

Arthur P. Bergeron

APB/

cc: Client

PETITION FOR MANHOLE AND DUCT LOCATIONS

City Copy

RECEIVED
MAY 4 2016
CITY OF MARLBOROUGH

To the City Council
of the City of Marlborough, Massachusetts

2016 MAY -6 A 9:59

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

Sudbury Street @Farrington Lane

**Ngrid request due to numerous cable failures
NGRID will be installing 4" conduit and installing
new #2AL cable in multiple areas on the opposite of
side of the road. Please see drawings.**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. 18371446 Dated: 04/25/2016

MASSACHUSETTS ELECTRIC COMPANY

By: *Eric Widman* *AB*
Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATIONS

May 4, 2016

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **4th day of May, 2016**

All construction under this order shall be in accordance with the following conditions:--

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **18371446**

Dated: **04/25/2016**

The following are the public ways or parts of ways along which the manholes/ducts above referred to may be installed, and the number of manholes/ducts which may be installed thereon under this order:--

Sudbury Street @Farrington Lane

**Ngrid request due to numerous cable failures
NGRID will be installing 4" conduit and installing
new #2AL cable in multiple areas on the opposite of
side of the road. Please see drawings.**

I hereby certify that the foregoing order was adopted at a meeting of the City Council
of the City of Marlborough, Massachusetts
held on the _____ day of _____ 2016

Clerk of Council

Received and entered in the records of location orders
of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, 20____, at _____ o'clock, _____ M

at _____ a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ 2016 and recorded with the records of location orders of said City, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk

Pole & UG Petition/Permit Request Form

City Marlborough WR # 18371446
Town of _____
(circle one)

Install _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Remove _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Relocate _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Beginning at a point approximately 0' feet North of the centerline
(distance) (compass heading)

of the intersection of Sudbury Street @ Farrington Lane
(street name)

and continuing approximately 3,800' feet in a West direction.
(distance) (compass heading)

Install underground facilities:

Street(s) Farrington Lane, Woodcock Lane, Prendiville Way

Description of Work Due to numerous cable failures, National Grid will be installing 4" conduit and installing new #2 Al cable in multiple areas on the opposite of side of the road.

Please see drawing 18371446

ENGINEER Joshua Pacheco

DATE 4/25/2016

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CITY OF MARLBOROUGH

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

2016 MAY 12 P 4:33

**Lisa M. Thomas
City Clerk**



MARLBOROUGH, MA

DATE: 5/3/16

To the City Council:

Owner Name: GERARD DUMAIS

Residential Address: 6 HICK STREET MARLBOROUGH MA 01752

Telephone Number: 508 481-1519

Business Name: DUMAIS + SONS Second Hand Store

Business Address: 65 MECHANIC ST. MARLBOROUGH

Business Telephone Number: 508-485-4844

Email Address: _____

Owner Signature: Gerard Dumais

The above signed _____ respectfully requests that he/she be

granted a **Junk Dealer/Second Hand Dealer License.**

In City Council



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE MICHAEL R. SWEENEY
CITY OF MARLBOROUGH Executive Director

2016 MAY 16 A 10: 03

May12, 2016

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agents to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following KENO To Go agent(s) in your community:

7-Eleven
92 Broad St.
Marlborough

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Christian Gonsalves, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney
Executive Director

Certified Mail – Return Receipt Requested:
7014 1820 0002 1477 8271



Supporting the 351 Cities and Towns of Massachusetts

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

March 24, 2016 (Thursday)

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2016 MAY 11 P 3:41

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

Minutes: The Commission voted unanimously to approval of the March 3, 2016 minutes.

Public Hearings:

Notice of Intent - (Continuation)

West Hill Rd. reconstruction - Marlborough Dept. of Public Works

Mark Dascoli, Associate City Engineer, was present and explained that they had revised the plans based on drainage calculations that were requested by the Commission. Based on the calculations the drain pipe size near Ethier Cir. was enlarged from a 12" pipe to a 24" pipe. They will abandon the existing pipe and add the new pipe with additional rip rap to stabilize the outlet. The drain line on McDonough Dr. will remain as originally designed with the main at 12" and the outlet pipe at 18". These are the two low areas near wetland. Several abutters asked questions. The owner at 123 West Hill Rd. expressed concern that she has water in her basement now and didn't want this project to make it worse. Several other abutters asked for clarification on the design. Mr. Demers wondered if they were going to replace the water line while the roadway was being dug up. Mr. Dascoli said that was outside the scope, although there are a few sections of the waterline that keep breaking which will be replaced as part of the project, but not the full line. Mr. Demers noted that they should think about this more since it is better to do it now to protect the roadway. Mr. Allan White asked about the bedding of the pipe as that will drain some of the ground water too. There being no further questions, the hearing was closed. Ms. Ryder was asked to draft a set of conditions for the next meeting for review.

Request for Determination of Applicability

479 Farm Rd. - Marco Flores

Tom Reagan, the contractor, was present and explained that the owners propose to install a small addition near wetlands. The addition will be like a porch with no basement and supported with techno posts which are screwed into the ground. No digging required. The addition/shed will be 12'x12'. Under 310 CMR 10.02 2.b.1 accessory buildings like this in the riverfront area are permitted as long as they are 50' away. The Commission voted unanimously 7-0 to issue a Negative Determination with conditions that any excess junk or piles of debris in the yard next to the brook are to be removed as part of this permit.

Request for Determination of Applicability

35 Red Spring Rd. - Robert Hause

Mr. Hause was present and explained that he would like to replace the old deck with a new deck. The old deck was removed a while ago, but the boards on the house are still there and the stone under the deck is still in place. He will put the deck on posts and it will be just outside of 25 feet from Ft. Meadow Reservoir. After some discussion the Commission voted unanimously 7-0 to issue a negative determination with standard conditions.

Request for Determination of Applicability

200 Concord Rd. – Marlboro Country Club

Tim Crimmings from the Marlborough Country Club explained that they propose to install new irrigation lines on the 9th, 1st, 4th, and 5th fairways and a small shed near the existing well close to wetlands. They had the existing well tested and found that it could generate 35 gallons per minute and is 700' deep. They will add a shed to contain the well pump system. Water costs so much now, they are requesting permission to see if this well will provide some of the water they need. They will install the irrigation pipes on the 9th fairway first to see how it works. If it works and there is enough water they will add it one by one to the other three fairways. The closest irrigation head will be 27' from the small pond. Trench work will be covered up the same day and sod replaced. The only areas to be left open for a day or more would be the sprinkler head locations. The greens will be active, so they will keep the area looking nice and have no siltation or erosion. They expect to do the work themselves or may hire S&G to do the work. They will do the work over the next few years. The Commission noted that the permit was good for three years, and they should notify the Conservation Officer when they move from one fairway to the next. After some discussion the Commission closed the hearing and voted unanimously 7-0 to issue a negative determination with standard conditions, but erosion controls are not necessary since they are going to cover the trenches right away with sod.

Request for Determination of Applicability

73 Dean Rd. - Paulo Martins

Mr. Martins was present and explained that he just bought the house and it was in disrepair and over grown. He showed picture before and after clearing around the house. He stayed out of the 20' buffer zone. He would like to remove the brambles and other plants within the 20' buffer zone and restore the area with more beneficial plants in the front of the house. In the back of the house he'd like to install arborvitaes along the 20' buffer zone and maintain grass in the back yard outside the 20' buffer zone. There was some discussion about restoration of the 20' buffer zone in front of the house and the markers that are to be installed. The Commission approved the concept plan and required that the applicant have the plant material and design approved by the Conservation Officer before installation. After some discussion the Commission voted unanimously 7-0 to issue a negative determination of applicability with standard conditions and to have the planting plan reviewed by the Conservation Officer.

Notice of Intent

Slocumb Ln. - Slocumb Realty LLC

Peter Lavoie of Guerriere and Halnon was present representing Fafard Real Estate Development. He explained that his client proposes to construct four houses (#69, #79, #78 and #90) on the cul-de-sac known as Slocumb Lane. Work is proposed near wetlands. A separate NOI has been submitted for each lot. However, the Commission wanted to discuss all 4 lots at once as the grading and wetland impacts are similar for each lot. The Commission questioned the very steep slopes, the foundation drains, the roof groundwater recharge - which given the tight soils may not be practical. There was some discussion about the smells from the treatment plant and the issues that have plagued the neighborhood. These houses would be closer than any other. The Commission asked that the Conservation Officer inquire of the City Solicitor if this concern should be "disclosed" somehow in the wetland permit to give the new owners a heads up. Ms. Ryder will ask.

The Commission was concerned with the 30' tall rip rap slope and asked that the City Engineer weigh in on the slope design to determine if these are acceptable and what construction criteria should be used. The 2:1 slope grade shown is a concern to the Commission and make for rather unattractive lots. Ms. Ryder noted that information about the vernal pool on 90 Slocumb Lane is still required pre the subdivision Order of Conditions. Mr. Lavoie will follow up with that and will provide additional information. He noted that all work on this lot has been moved outside the 100' buffer zone to provide added protection to the vernal pool wetland area.

After some discussion the hearing was continued to the April 7th meeting.

Discussion/Correspondence/Other Business:

- Felton Conservation Land mowing agreement- Ms. Ryder will have a discussion with the farmer who is mowing the property to discuss ways to adjust the mowing schedule to meet grassland bird habitat protection as well. She will report back when that has been done.
- Concept Plans for Open Space Development – Special Permit Application – The Commission reviewed the subdivision plan and open space concept plan for this project. They agreed that the open space development concept plan was acceptable and would help to protect the adjacent stream and wildlife corridor. Ms. Ryder will send a letter to the Planning Board with a recommendation to support the OSD plan.
- Tennessee Gas line maintenance along Concord Rd. – the Commission noted they appear to be crossing wetlands. Ms. Ryder will investigate. A Vegetation Management Plan (VMP) plan is not on file with the Commission for this project.

The Commission voted unanimously to accept and place on file the following notices.

- Notice by the Dept. of Agricultural Resources - Rights of Way Management Regulations – apply herbicides to control vegetation along rights of way, a 5 year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) – For Marlborough DPW.
- Hazardous Waste Day – April 30, 2016 – 9:00 -1:00 PM

Meetings – Next Conservation meetings – April 7th and April 21, 2016 (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 8:35 PM

Respectfully submitted:


Priscilla Ryder
Conservation Officer

CITY OF MARLBOROUGH

BOARD OF ASSESSORS

MEETING MINUTES: May 4, 2016

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2016 MAY 18 A 11: 25

1. CALL TO ORDER: 10:00 am
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein
Also in attendance: Harald Scheid, Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the April 13, 2016 meeting : Mr. Arruda, second Ms. Silverstein
Vote: 3-0
3. APPROVE AND SIGN: Excise Tax Abatements January 23 thru April 29, 2016, FY 2016 Real Estate Clause Exemption Abatements & Tax Deferral
4. DISCUSSION AND VOTE: Real Estate Abatement Applications: 28 Lord Rd #257
Motion to Grant: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
5. DISCUSSION AND VOTE: Real Estate Abatement Applications: 500 Donald J Lynch Blvd, 19 Northboro Rd East
Motion to Deny: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
6. DISCUSSION AND VOTE: Personal Property Abatement Application: Extended Stay America, add
Motion to Deny: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
7. Mr. Scheid presented additional information regarding Partners Community Physicians personal property abatement application denial for further review.
8. Mr. Scheid informed the Board that the Commercial Vacancy Study is nearly complete.
9. MOTION TO CONCLUDE – Mr. Arruda , second Ms. Silverstein
Meeting Adjourned – 10:50 am

