

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 NOV 27 P 3:28

1. Minutes of the City Council Meeting, November 18, 2013.
2. PUBLIC HEARING On the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17, Medical and Dental Clinics.
Motion is in order to re-schedule the public hearing until the first regularly scheduled meeting in January 2014 due to advertising requirements.
3. PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2014.
4. Communication from the Mayor re: Tax Classification Hearing/Tax Levy Offset Transfer Request.
5. Communication from the Mayor re: Fire Department Transfer requests in the amount of \$48,704.98 which moves funds from Fringe to Firefighter to fund vacation buyback and a transfer in the amount of \$45,709.92 which moves funds from Fringe to Sick Leave and Firefighter to fund sick leave buy back and benefits associated with an anticipated retirement.
6. Communication from the Mayor re: Wiring Inspector Amendments to the General Code.
7. Communication from the Mayor re: Open Space Plan.
8. Communication from the Mayor re: Renewal and Extension of Intermunicipal Agreement with the Town of Hudson.
9. Communication from City Solicitor Rider re: Special Permit, Jump In with Us, 19 Brigham St., Unit 6, in proper legal form, Order No. 13-1005482B.
10. Minutes, Community Development Authority, October 31, 2013.
11. CLAIMS:
 - A. Sheldon Berenson, 90 Sudbury St., other property damage (2 claims)
 - B. Matilda Muzzi, 19 Ashley Ln., pothole or other road defect claim

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

12. **Order No. 13-1005522A** - Communication from Assistant City Solicitor Panagore Griffin pertinent to the following:

Motion by Councilor Jenkins to accept Mr. Novitch's withdrawal of his application without prejudice, seconded by Councilor Landers. All in favor. Approved.

From Personnel Committee

13. **Order No. 13-1005539** - Communication from the Mayor re: Appointment of Leslie Biggar to the Council on Aging who will fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2016.
-REFER TO PERSONNEL

Councilor Seymour makes a motion to approve the appointment. Councilor Tunnera seconds the motion to approve. All in Favor 3-0. Approved.

14. **Order No. 13-1005565** - Communication from Mayor Vigeant with appointment of Dr. John Curran to the Board of Health for a term of three years to expire Feb.1, 2016.
-REFER TO PERSONNEL

Councilor Seymour makes a motion to approve the appointment. Councilor Tunnera seconds the motion to approve. All in Favor 3-0. Approved.

15. **Order No. 13-1005518** - Communication from Mayor Vigeant with appointment of Brian DuPont to the Planning Board for a five year term to expire on February 18, 2018 to replace longtime member Clyde Johnson.
-REFER TO PERSONNEL

Councilor Seymour makes a motion to approve the appointment. Councilor Tunnera seconds the motion to approve. All in Favor 3-0. Approved.

16. Order No. 13-1005517 - Communication from Mayor Vigeant with appointment of Nancy Stevens as a Regular Member of the Zoning Board of Appeals to complete the term of Bob Page due to expire on May 5, 2017.
-REFER TO PERSONNEL

Councilor Elder makes a motion to adjourn. Councilor Tunnera seconds the motion to adjourn. All in Favor 3-0. Approved.

From Urban Affairs Committee

17. **Order No. 13-1005482** - Application for Special Permit by Luiza DeMoura of Jump In With Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10AM to 7PM, #19 Brigham Street, Unit #6.
REFER TO URBAN AFFAIRS
PUBLIC HEARING – OPENED: AUGUST 26, 2013; CLOSED: OCTOBER 21, 2013

The committee will ask the Council suspend the rules at its November 18 meeting to send proposed decision to the Solicitor to put in proper legal form for placement on Dec. 2 agenda.



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

NOVEMBER 18, 2013

Regular meeting of the City Council held on Monday, NOVEMBER 18, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Councilor Delano. Meeting adjourned at 8:15 PM.

ORDERED: That the minutes of the City Council Meeting NOVEMBER 4, 2013, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY13 Edward Bryne Memorial Justice Grant (JAG) in the amount of \$14,726.00 awarded to the Police Department to be utilized to fund costs associated with the Rape Aggression Defense (RAD) Systems Program, including the recertification of (5) instructors and related supplies for course work; adopted.

ORDERED: That the Communication from the Planning Board re: Proliferation of Donation Bins throughout the City, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE, BUILDING COMMISSIONER FOR HIS RECOMMENDATION REGARDING PROPOSED CHANGES AND ITEM TO BE HELD OVER UNTIL NEXT LEGISLATIVE SESSION**; adopted.

ORDERED: That the Communication from Attorney Bergeron, to **WITHDRAW WITHOUT PREJUDICE**, Application for Special Permit on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, Order No. 13-1005542A, **APPROVED**; adopted.

ORDERED: That the Minutes, Recreation Commission, September 11, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 21, 2013, **FILE**; adopted.

ORDERED: That the Communication form Hanover Insurance Group re: Arlan Goss, 15 Beaman Lane, refer to the **LEGAL DEPARTMENT**; adopted.

Reports of Committees:

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

Order No.13-1005522A - Communication from Assistant City Solicitor Panagore Griffin pertinent to the following:

- a) Application for Junk Dealer License, Bernard Novitch;
- b) Order No. 13-1005522B: Referral to Legal Department and Code Officer;
- c) Report from City Solicitor Panagore Griffin- Bernard Novitch Matter Regarding a secondhand shop license (aka "Junk Dealer License).

REFER TO PUBLIC SERVICES

Councilors Clancy, Landers, and Jenkins Present

Mr. Novitch agreed to withdraw his application without prejudice. He will speak to Chief Leonard and reapply at a later date.

Motion by Councilor Jenkins to accept Mr. Novitch's withdrawal of his application without prejudice, seconded by Councilor Landers. All in favor. Approved.

Councilor Jenkins motioned to adjourn. Motion is seconded. All in favor. Approved

Councilor Tunnera reported the following out of the Personnel Committee:

Councilors Tunnera, Seymour, Elder Present.

Order No. 13-1005539 - Communication from the Mayor re: Appointment of Leslie Biggar to the Council on Aging who will fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2016.

REFER TO PERSONNEL

Leslie Biggar is present before the committee. She provides some background information about herself. Her husband passed away two years ago and she looked into moving into a 55+ community. However she found it cheaper to stay in her home and join the senior center. She has been helping at the senior since that time. She assists with the blue plate special luncheons by setting up the rooms, serving the food, and washing dishes. She also runs a watercolor class. On Thursdays she assists with the Panera Bread and on Fridays she helps teach the computer club. She focuses on the email client, feeling that if the seniors can receive and respond to email messages that they will be comfortable with the computer. She feels that will help keep them connected to their families and mentally alert.

Jennifer Claro approached Leslie about joining the Council on Aging Board. She already attends the meetings as an observer. Her purpose in attending the meetings is to have the senior center offer activities that she would benefit from as she also gets older. She has been a resident of Marlborough for thirty-six years and enjoys being a resident of the City.

Reports of Committees cont'd:

Councilor Elder thanks her for coming in and thinks she has good energy and will be good for the COA.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005565 - Communication from Mayor Vigeant with appointment of Dr. John Curran to the Board of Health for a term of three years to expire February 1, 2019.

REFER TO PERSONNEL

Dr. John Curran is present before the committee. He is a gastroenterologist and previously practiced internal medicine for many years. He has been in Marlborough for twenty-six years. About twelve years ago he received a call asking him to be part of the Public Health Board and at that time he was too busy to accept the invitation. He looks at the current request as a way to contribute to the general public health of this community.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005518 - Communication from Mayor Vigeant with appointment of Brian DuPont to the Planning Board for a five year term to expire on February 18, 2018 to replace longtime member Clyde Johnson.

REFER TO PERSONNEL

Brian DuPont is present before the committee. He and his wife have lived in Marlborough for over seven years. He has been a public employee all his life. He worked in regional government for several years on the Cape. For the last nine years, he has worked for the Town of Wellesley. He currently serves as the town's GIS (Geographic Information Systems) manager. He thought it about time that he volunteers his time, skills, and expertise to his community.

Councilor Elders asked the candidate if he can foresee any issue that he would need to recuse himself from; whether it is business relationships or other concerns that would cause the Planning Board to have quorum issues. The candidate is unaware of any issues that would cause him to recuse himself. Councilor Elder always asks this question of potential Planning Board candidates.

Councilor Seymour made a motion to approve the appointment. Councilor Tunnera seconded the motion to approve. All in Favor 3-0. Approved.

Order No. 13-1005517 - Communication from Mayor Vigeant with appointment of Nancy Stevens as a Regular Member of the Zoning Board of Appeals to complete the term of Bob Page due to expire on May 5, 2017.

REFER TO PERSONNEL

Reports of Committees cont'd:

Nancy Stevens is not present before the committee. Councilor Elder requests Mike Berry, Executive Aide to the Mayor, to come before the committee. Councilor Elder asks Mike Berry if he sees any quorum issues coming before the Zoning Board of Appeals which would be affected if former Mayor Stevens is not approved in the near future. They require four members to hold a meeting, three for a quorum which they currently have at this time (there are currently five members on the Zoning Board of Appeals). There are two regular members and three members as alternates which brings their total to five members. The ultimate goal is to increase the membership of the Zoning Board of Appeals so that if a member or two needs to recuse themselves, then they still have a quorum.

Councilor Landers asked if Bob Page is still a member of the Zoning Board of Appeals. Mike Berry indicated that although he cannot remember the exact date, Bob Page resigned a number of months ago, possibly the later part of 2012 or early 2013. Former Mayor Stevens was nominated to fill the balance of Bob Page's term since he was confirmed for a new term in early 2012. This opening was not due to the recent election of Bob Page to Ward 2 City Councilor.

Councilor Elder made a motion to adjourn. Councilor Tunnera seconded the motion to adjourn. All in Favor 3-0. Approved.

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

Order No. 13-1005482: Application for Special Permit by Luiza DeMoura of Jump In With Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10AM to 7PM, #19 Brigham Street, Unit #6.
REFER TO URBAN AFFAIRS

PUBLIC HEARING – OPENED: AUGUST 26, 2013; CLOSED: OCTOBER 21, 2013

Present: Chairman Elder, Councilor Clancy, Councilor Robey, Councilor Landers, Councilor Tunnera

The petition was addressed by Thomaz DeMoura, who was representing his wife.

The City Solicitor submitted a draft decision, amending the first draft submitted by DeMoura.

Mr. DeMoura presented to the Council information concerning the business, which has been operating at 19 Brigham Street, Unit #6, for about a year.

The committee discussed minor concerns like possible parking on Brigham Street and making sure all employees had CORIs.

Reports of Committees cont'd:

The committee and the petitioner read through the proposed conditions, making a few changes the Solicitor suggested as well as a few minor corrections/procedures regarding getting information back to the Council.

The committee voted 5-0 (Clancy) to approve the permit subject to submittal of site plans and sketches to the City Solicitor and City Council, as well as Chief Leonard certifying a CORI has been approved on the owners.

The committee will ask the Council suspend the rules at its November 18th meeting to send proposed decision to the Solicitor to put in proper legal form for placement on December 2nd agenda.

Suspension of the Rules requested - granted

ORDERED: That the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, 19 Brigham St., Unit 6, Order No. 13-1005482A refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR NEXT AGENDA**; adopted.

ORDERED: That the Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids for an amount not to exceed 50,000 gallons, **APPROVED**; adopted.

ORDERED: That the Petition of NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14, **APPROVED**; adopted. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde Street. Branches and limbs near service wires to House 11 are to be cleared as well

ORDERED: That the Application for Second Hand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., **APPROVED**; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 PM.



IN CITY COUNCIL

OCTOBER 21, 2013

Marlborough, Mass., _____ PAGE 1

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 2, 2013**, as date for a **PUBLIC HEARING** on the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17 as follows:

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

- I. Section 650-17, entitled "Table of Uses," is hereby amended by regulating the business use entitled "Medical and dental clinic" so as to delete in its entirety "Medical and dental clinics" and to insert in its place the following two separate sections which will allow dental clinics as of right in the Business (B) district, as follows:

Medical clinics	RR A1 A2 A3 RB RC RCR B CA LI I
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	SP SP SP SP SP Y Y N N N N
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Dental clinics	RR A1 A2 A3 RB RC RCR B CA LI I
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	SP SP SP SP SP Y Y Y N N N
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- II. A. Section 650-5, entitled "Definitions; word usage," is hereby amended by inserting after the definition for "CUSTOMARY HOME OCCUPATION" the following definition:

DENTAL CLINIC – Buildings or portions thereof used by licensed dentists to provide dental care services on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided, and at which are employed not more than three (3) dentists with necessary support staff.



IN CITY COUNCIL

OCTOBER 21, 2013

Marlborough, Mass., _____ PAGE 2

ORDERED:

B. Section 650-5, entitled "Definitions; word usage," is hereby amended by deleting from the heading "MEDICAL AND DENTAL CLINIC" the words "AND DENTAL" and by deleting from the definition of "MEDICAL AND DENTAL CLINIC" the comma which precedes the word "dental" and by deleting the word "dental" as follows:

MEDICAL CLINIC – An institution licensed under MGL c. 111, § 51 for the purpose of providing medical, surgical or mental health services on an outpatient basis.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

Ninety days after public hearing is 03/02/14 which falls on a Sunday, therefore 03/03/14 would be considered the 90th day.

ADOPTED

ORDER NO. 13-1005578

Public Hearing – 2014 Tax Levy

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CITY OF MARLBOROUGH

LEGAL NOTICE
CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

2013 NOV 19 P 3:40

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing with** the Board of Assessors on **Monday, December 2, 2013** at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2014. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

Per Order of: City Council President, Patricia A. Pope



City of Marlborough

RECEIVED
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Office of the Mayor

2013 NOV 27 A 9:55
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 26, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Tax Classification Hearing / Tax Levy Offset Transfer Request

Honorable President Pope and Councilors:

Enclosed for your information is my recommendation for the FY14 Tax Classification Hearing.

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

- **CIP Shift Factor: 1.40**
- **Residential Property Valuation: 66.57 % total valuation**
- **Commercial, Industrial, Personal Valuation: 33.43% total valuation**

In addition, to reduce the FY2014 tax levy, I am submitting for your approval the following transfer requests totaling \$2,398,989.86

- 1) Transfer in the amount of \$30,275.00 from 27000-33020 (Sale of Graves) to offset the FY14 Tax Levy.
- 2) Transfer in the amount of \$368,714.86 from 61000-31200 (Aquifer Protection) to offset the FY14 Tax Levy.
- 3) Transfer in the amount of \$2,000,000.00 from 10000-35900 (Undesignated/Free Cash) to offset the FY14 Tax Levy.

I look forward to discussing this with you further along with Assessors Tony Arruda, Bradford Dunn and Harald Scheid as well as Comptroller Brian Doheny to answer any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object Account Description:

Available
Balance

\$30,275.00

\$30,275.00

27000 33020

Sale of Graves

\$30,275.00

To reduce FY14 Tax Levy

Reason:

\$1,183,968.75

\$368,714.86

61000 31200

Aquifer Protection

\$368,714.86

To reduce FY14 Tax Levy

Reason:

\$7,028,941.00

\$2,000,000.00

10000 35900

Undesignated Fund

\$2,000,000.00

To reduce FY14 Tax Levy

Reason:

Reason:

Reason:

\$2,398,989.86

Total

\$2,398,989.86

Total

Department Head signature:

Auditor signature:

Comptroller signature:

[Signature]
[Signature]
[Signature]



Fiscal Year 2014

Tax Classification Hearing

December 2, 2013

Marlborough Board of Assessors

Anthony C. Arruda, Jr.

Harald M. Scheid

Bradford Dunn

Introduction

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

The steps in completing the Classification Hearing are outlined below. Also provided is information about the levy, property assessments, and recommendations made by the Board of Assessors.

Steps in Setting Tax Rates

Pre-classification Hearing Steps

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

Classification Hearing Steps

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

Post Classification Hearing Steps

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

Terminology

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

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

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the city. Based on the Marlborough aggregate valuation of \$4,368,011,133, the city cannot levy taxes in excess of \$109,200,278.

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

Levy Limit: Also referred to as the "maximum allowable levy", this is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue for the present fiscal year to last year's levy limit. Exceeding the levy limit requires an override of Proposition 2 ½.

Excess Levy Capacity: Excess levy capacity is the difference between the levy and the levy limit.

The Fiscal Year 2014 Levy Limit and Amount to be Raised

The following is a calculation of Marlborough's levy limit for fiscal year 2014.

Fiscal year 2013 levy limit	\$111,500,706
Levy increase allowed under Prop. 2 ½	\$2,787,518
New growth revenue	\$1,872,105
Fiscal year 2014 levy (note: exceeds levy ceiling)	\$116,160,329
Levy ceiling (effective levy limit)	\$109,200,278
Levy to be raised	\$88,064,135
Excess levy capacity	\$21,136,143

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	2,907,767,217	66.5696	66.5696
Commercial	816,713,679	18.6976	
Industrial	372,836,587	8.5356	33.4304
Personal Property	270,693,650	6.1972	
TOTAL	4,368,011,133	100.0000	

Shifting the Tax Burden

Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Marlborough is no exception.

The goal of classification hearings over the past decade has been to gradually reduce the amount by which taxes have been shifted to the commercial/industrial sector – this is in the interest of making Marlborough a more desirable place for employers to locate their businesses. Last year C/I property owners paid approximately 47.6 percent of the property taxes levied by the city. This year it is proposed that the C/I sector pay 46.8 percent of levied taxes with the remaining 53.2 percent being born by residential property owners.

Mayor's Recommendation

After considering the valuation of the City of Marlborough's residential and commercial property and examining the current fiscal strength of the city. It is the Mayor's recommendation to use \$2,000,000 in free cash to reduce the city's tax levy. The Mayor further recommends the adoption of a Residential tax rate of \$16.11 with a shift factor of 1.40, producing a Commercial tax rate of \$28.22.

Tax Rates

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

<u>Property Class</u>	<u>FY2014</u>	<u>FY2013</u>
Residential	16.11	15.00
Commercial	28.22	28.46
Industrial	28.22	28.46
Personal Property	28.22	28.46

Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$20.16 per \$1,000 valuation.

Tax Impacts

While the relatively modest change in tax rates is encouraging, actual property tax impacts will vary from property to property.

Single family home valuations have reduced 3-5% and condominium valuations have remained fairly stable. Similarly, multi-family properties valuations have moderated and are stable.

Examples of Typical Residential Tax Changes

<u>Residential Class</u>	<u>FY14 Value</u>	<u>Avg. Tax</u>	<u>FY13Value</u>	<u>Avg. Tax</u>	<u>Change</u>
Single Family Homes	288,900	\$4,654	302,700	\$4,541	\$113
Condominiums	142,200	2,290	142,700	2,140	150
2 Family Homes	203,200	3,274	220,000	3,300	-26
3 Family Homes	206,000	3,318	220,100	3,301	17
Apartment Buildings*	1,819,200	29,307	1,828,500	27,428	1,879

Commercial and industrial valuation changes vary from property-to property. Tax changes vary too much to provide relevant information.

Recommendations

The Board of Assessors recommends that the City Council adopt a Fiscal 2014 residential factor of .79911 with a corresponding CIP shift of 1.40, producing a residential tax rate of \$16.11 and CIP tax rate of \$28.22.

Voting a Tax Shift Factor

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2014 tax rates and set the Residential Factor at .79911 with a corresponding CIP shift of 1.40, pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

Summary of Assessments (LA4)

Property Type	Count	Residential	Commercial	Industrial	Personal Property
101-Single Family	6,984	2,017,964,400	-0-	-0-	-0-
102-Condominiums	2,384	339,027,341	-0-	-0-	-0-
103,109-Misc Res	45	26,925,100	-0-	-0-	-0-
104-Two Family	794	161,372,561	-0-	-0-	-0-
105-Three Family	164	33,783,300	-0-	-0-	-0-
111-125-Apartments	156	283,806,031	-0-	-0-	-0-
130's-Vacant Land	904	23,088,100	-0-	-0-	-0-
012-043-Mixed Use	96	21,800,384	18,451,616	1,835,240	-0-
300-393-Commercial	566	-0-	797,371,970	-0-	-0-
400-452-Industrial	274	-0-	-0-	371,001,347	-0-
500-508-Pers. Prop.	998	-0-	-0-	-0-	270,693,650
600's-Forestry	1	-0-	622	-0-	-0-
700's-Agricultural	17	-0-	119,196	-0-	-0-
800's-Recreation	7	-0-	770,275	-0-	-0-
TOTAL BY CLASS	13,390	2,907,767,217	816,713,679	372,836,587	270,693,650
TOTAL TAXABLE PROPERTIES					4,368,011,133
TOTAL TAX EXEMPT PROPERTIES					445,531,520



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 27, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Fire Department Transfer Requests

Honorable President Pope and Councilors:

Enclosed for your approval are two transfer requests from the Fire Chief James Fortin along with his correspondence relative to these requests.

The first transfer request totals \$48,704.98 and is necessary to fund vacation buy back.

The second and third transfer requests total \$45,709.92 and will fund sick leave buyback and the benefits associated with an anticipated retirement.

Please do not hesitate to let me know if you have any additional questions.

Sincerely,

Arthur G. Vigeant
Mayor



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

November 4, 2013

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 \$48,704.98 to fund vacation buy back; this is a contractual item and must be paid by the first pay period in December. During our FY14 budget discussions with the Finance team, it was determined that a transfer request would be submitted from the Fringe account once the amount was determined:

\$48,704.98 from 11990006-51500 (Fringe) to 12200001-50450 (Firefighter)

Please feel free to contact me if you have any questions.

Sincerely,

James M. Fortin
Fire Chief



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

November 4, 2013

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 \$45,709.92 to fund an anticipated retirement:

\$45,709.92 from 11990006-51500 (Fringe) to the following accounts:

\$37,063.80 to 12200003-51920 (Sick Leave)

\$8,646.12 to 12200001-50450 (Firefighter)

The department sick leave buy back is paid in January and I anticipate this retirement will occur shortly thereafter at which time our sick leave account 12200003-51920 will not have funding available.

Please feel free to contact me if you have any questions.

Sincerely,

James M. Fortin
Fire Chief



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CITY OF MARLBOROUGH

City of Marlborough

Office of the Mayor

2013 NOV 27 A 9 55 140 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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 26, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Wiring Inspector Amendments to the General Code

Honorable President Pope and Councilors:

In the months of September and October respectively the Building Department experienced the loss of both the Assistant Building Inspector and Assistant Wiring Inspector who had decided it was time to pursue new opportunities.

Since September we have relied on the services of Mr. Robert Speroni to serve as a Deputy Inspector until the hiring process for an Assistant Inspector was completed. Mr. Speroni is no stranger to Marlborough, having filled in as both Acting Commissioner and Inspector over the last few years. On November 18th, Mr. Gerry Noel was hired as our new full-time Assistant Building Inspector.

Our ability to hire a new Wiring Inspector proved more difficult as the per inspection rate of \$15.60 was not at all competitive with either surrounding communities or ones of comparable size. For your information, I have enclosed a salary survey compiled by my office.

The attractiveness of utilizing a per inspection compensation is that it allows a community to carry out its inspectional duties without adding health insurance and legacy costs. Given today's reality however, this system becomes counter-productive if we are forced to substantially increase our per inspection rate to attract qualified pool of candidates.

As a point of comparison, in FY13 our full-time Plumbing & Gas Inspector carried out 2,013 inspections. During that same time, the Wiring Inspector performed 1,052 inspections. Through 11/27/13, we will have completed 961 plumbing/gas inspections and 630 wiring inspections.

Based on the data above I believe the Wiring Inspector requires a more regular presence to not only meet the demand of inspections but to enhance customer service to the residents and builders that come into the office on a daily basis with project questions or plan review inquiries.

Therefore I have included for your approval the following items:

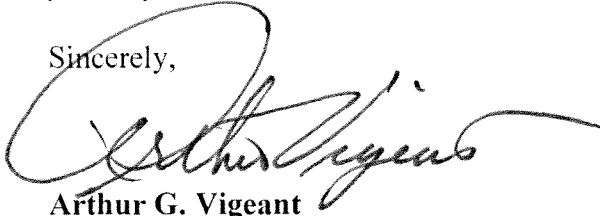
- Amendment to the General Code changing the compensation of the Wiring Inspector from per inspection to salary and establishing the position of an Assistant Wiring Inspector in the City Code compensated on a per inspection basis at the same rate of the Assistant Plumbing/Gas Inspector.
- Revised salary ordinance for the positions of Wiring Inspector, Assistant Wiring Inspector, and Assistant Plumbing Inspector.

It is my intention that the position of Wiring Inspector be a part-time, salaried, non-benefitted position not to exceed 19 hours per week. Additionally, while our budget has always made appropriations for an Assistant Wiring Inspector, there is no such position found in the General Code, though we do have language calling for an Assistant Plumbing Inspector. This amendment will further establish such position compensated on a per inspection basis, mirroring that of the Assistant Plumbing Inspector.

In subsequent communication, I will also seek your approval for a corresponding transfer request necessary to carry out these changes for the remainder of the fiscal year.

Thank you in advance for your consideration and I will be happy to answer any and all questions you may have.

Sincerely,



Arthur G. Vigeant
Mayor

ENCLOSURES

City of Marlborough, MA
Tuesday, November 26, 2013

Chapter 7. ADMINISTRATION

Article XIV. Building Department

§ 7-75. Appointment of Assistant Building Inspector.

[Amended 6-27-2005 by Ord. No. 05-100862A; 7-24-2006 by Ord. No. 06100-1218C]

The Mayor shall appoint two full-time Assistant Building Inspectors, who shall meet the requirements and qualifications set forth for local building inspectors in Section 107.4 of the Commonwealth's Building Code.

§ 7-78. Appointment of Deputy Inspector.

If the Mayor so desires he may appoint a Deputy Inspector to inspect any work or building in which the Inspector of Buildings has any pecuniary interest in furnishing labor, materials, plans or specifications.

§ 7-79. Duties of Plumbing Inspector.

[Amended 3-15-1993 by Ord. No. 93-4805A]

A. The Mayor shall appoint a Plumbing Inspector, subject to confirmation of the City Council. Such Inspector shall take office upon confirmation of his appointment for a term of three years and shall receive such compensation as authorized by the Mayor and City Council.

[Amended 9-12-1994 by Ord. No. 94-5642A]

B. It shall be the duty of the Plumbing Inspector to enforce the rules and regulations adopted by the Board under Chapter 737 of the Acts of 1960.

C. Such Plumbing Inspector shall also be designated as Inspector of Gas Piping and Gas Appliances.

§ 7-80. Assistant Plumbing Inspector.

There shall be a part-time Assistant Plumbing Inspector who shall perform the duties of the Plumbing Inspector at his direction.

City of Marlborough, MA
Tuesday, November 26, 2013

Chapter 473. POLES, WIRES AND CONDUITS

Article I. Miscellaneous Provisions

§ 473-1. Appointment of Inspector of Wires.

[Amended 3-15-1993 by Ord. No. 93-4807A]

The Mayor shall appoint an Inspector of Wires, subject to confirmation of the City Council. Such Inspector shall take office on the first Monday in February next following his appointment. Said appointment shall be for a three-year term. The position of Inspector of Wires shall be paid and reimbursed on a per-inspection basis.

§ 473-2. Powers and duties of Inspector.

The Inspector of Wires shall exercise all powers conferred upon him by law and ordinance and shall see that all laws, ordinances and regulations relating to electric wires, conduits, generators, motors, apparatus and appliances are strictly enforced and shall be deemed sole judge of what constitutes the proper insulation and safe installation of electric conductors and appliances within buildings and is hereby authorized and empowered to make such rules and regulations to ensure the safety of electrical apparatus, conductors and appliances as he may deem necessary.

DRAFT AMENDMENTS TO THE GENERAL CODE

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 473, ENTITLED "POLES, WIRES AND CONDUITS," AND CHAPTER 7, ENTITLED "ADMINISTRATION," AS FOLLOWS:

- A. Chapter 473 is hereby amended by deleting section 473-1 in its entirety and replacing it with the following:

§ 473-1. Appointment of Inspector of Wires

The Mayor shall appoint an Inspector of Wires for a term of three years. The position of Inspector of Wires shall be a salaried position.

- B. Chapter 7 is hereby amended by deleting section 7-80 in its entirety and replacing it with the following:

§ 7-80. Assistant Plumbing Inspector & Assistant Wiring Inspector.

There shall be an Assistant Plumbing Inspector and an Assistant Wiring Inspector, who shall perform the duties of the Plumbing Inspector and the Wiring Inspector, respectively, as needed under the direction of the Building Inspector. The positions of Assistant Plumbing Inspector and Assistant Wiring Inspector shall be compensated in accordance with the salary ordinance on a per inspection basis.

ADOPTED
In City Council
Order No. 13-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM	MAXIMUM
Wiring Inspector* (* part-time salary based on a 19 hour work week)	1/2/14	630.80	630.80
Assistant Wiring Inspector & Assistant Plumbing Inspector	1/2/14		\$25.00 / per inspection

ADOPTED

In City Council
Order No. 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Metro-West Area Communities**Assistant Wiring / Plumbing Inspector Compensation***

Town of Berlin	90% of fee collected
Town of Southborough	\$35.00 per inspection
Town of Hudson	\$30.00 per inspection
Town of Framingham	\$200.00 Flat Rate per day plus use of Town vehicle
Town of Northborough	\$30.00 per inspection
Town of Natick	\$17.38 per inspection
Town of Stow	90% of fee collected FT Electrical makes \$15.59 per inspection / Wiring & Plumbing Assistants
City of Marlborough	\$11.26 per inspection

Comparable Communities by Population**Assistant Wiring / Plumbing Inspector Compensation***

Town of Arlington	\$85.00 Flat Rate per day
City of Attleboro	\$25.00 per inspection
City of Leominster	FT Assistant \$1286.00 per week
City of Fitchburg	No assistant - fill in makes \$38.45 per hour
Town of Burlington	No assistant - full time Inspectors makes \$36.54 hour
City of Woburn	Assistants make hourly equivalent of FT Inspectors
City of Salem	No assistant - full time makes \$1,023.10 week
City of Waltham	No assistant - full time makes \$76,493.00 annual

*** the assistant position in most communities are typically used on an needed basis when the FT Inspectors are on vacation, out sick, or the FT position is vacant**



City of Marlborough

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2013 NOV 27 A 9:55

November 26, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Open Space Plan

Honorable President Pope and Councilors:

I am pleased to submit for your acceptance the 2011-2018 Open Space and Recreation Plan for our community. This document is the result of a lot of hard work and collaboration on the part of our Conservation Officer, Priscilla Ryder, as well as our Open Space and Recreation Committee.

Enclosed for your information is the Executive Summary of this plan as well as a cover letter from Ms. Ryder. Due to the significant size of the Draft Open Space Plan itself (200+ pages), the full document has been placed on the City of Marlborough homepage for your reading pleasure.

Ms. Ryder will be happy to discuss this plan with you in greater detail at such time you see fit.

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

Edward Clancy – Chairman
Dennis Demers
Michele Higgins
Lawrence Roy
John Skarin
Allan White
David Williams
Priscilla Ryder Conservation Officer

November 25, 2013

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

Re: Draft Open Space and Recreation Plan 2011-2018

Dear Mayor Vigeant,

On behalf of the Open Space and Recreation Committee, I am pleased to submit the final Open Space and Recreation Plan 2011-2018 for review and approval. As you know, in 2010 this plan was submitted in its draft form to the state and received “conditional” approval which made the city eligible for park and conservation grants. The conditional approval required that some additional information and another public meeting be held to finalize the plan and to get approval from several boards and the Mayor & City Council. On October 30th 2013, we held a public meeting with special outreach to the Environmental Justice Community to review the plan. The meeting was well attended. Additional information and maps were added as required, and now our final steps are to get any comments and a letter of approval from you and the City Council.

The 15 member Open Space and Recreation Committee is to be commended for including some great ideas in this plan which are far reaching and provide some great recommendations on parks to upgrade, and new parks to build to meet the city's recreation needs. It also recommends open space parcels for acquisition for passive recreation and includes some community projects such as community gardens and inter-community trails that will make the City an even better place to live, work and play!

The document is large at 100 pages for the main document and 150+ pages of appendices, in addition to 13 maps. The entire document, appendices and maps have all been posted on line for easy access and can be found at the following link: http://www.marlborough-ma.gov/Gen/MarlboroughMA_ConCommisn/OpenSpacePlans/Draft%20Open%20Space%20and%20Recreation%20Plan%202011-2018

I have included a copy of the table of contents and the executive summary for easy reference. I will print out several hard copies of the entire document for review and put them in the City Council office. I'll print more out as requested. A set of the large maps will also be made available for review at the City Council office.

I am happy to attend a City Council meeting to present the plan and its many recommendations and to answer any questions.

Sincerely,


Priscilla Ryder
Conservation Officer

Encl.: OSRP Table of Contents; & Executive Summary
E-mail: OSR Committee



City of Marlborough



DRAFT

Open Space and Recreation Plan 2011 - 2018



**Open Space and Recreation Plan Requirements
TABLE OF CONTENTS**

Section 1: Executive Summary _____	4
Section 2: Introduction _____	6
A. Statement of Purpose	
B. Planning Process and Public Participation	
Section 3: Community Setting _____	10
A. Regional Context	
B. History of the Community	
C. Population Characteristics	
D. Growth and Development Patterns	
Section 4: Environmental Inventory and Analysis _____	24
A. Geology, Soils and Topography	
B. Landscape Character	
C. Water Resources	
D. Vegetation	
E. Fisheries and Wildlife	
F. Scenic Resources and Unique Environments	
G. Environmental Challenges	
Section 5: Inventory of Lands of Conservation and Recreation Interest _____	36
A. Private Parcels	
B. Public and Nonprofit Parcels	
Section 6: Community Vision _____	39
A. Description of Process	
B. Statement of Open Space and Recreation Goals	
Section 7: Analysis of Needs _____	40
A. Summary of 2009 Open Space and Recreation Survey	
B. Summary of 2006 SCORP – state open space plan recommendations for the Marlborough area	
C. Summary of Natural Resource Protection Needs	
D. Summary of Community Needs	
1. Parks and recreation	
2. Conservation	
3. Community connections	
E. Management Needs, Potential Change in Use	
Section 8: Goals and Objectives _____	65
Section 9: Seven-Year Action Plan _____	68
Section 10: Public Comments & letters of review _____	100
Section 11: References _____	101

MAPS

- Map 1-** Open Space in the City of Marlborough and the Protected lands in surrounding towns.
- Map 2** Zoning Map 2010
- Map 3** Unique Landscape Features Map
- Map 4** Water Resources Map

Map 5	Wildlife Habitat Areas and Corridors
Map 6	Protected Land
Map 7	Unprotected Land
Map 8	Intercommunity Trail Link
Map 9	Bike Map
Map 10	Seven year Action Plan
Map 11	Environmental Justice Map
Map 12	Soils Map

APPENDIX

Appendix A -List of Open Space and Recreation Committee participants

Appendix B – City Wide Survey and Survey Results

1. Lists of the 44 Organizations Notified about the Survey
2. Copy of 2009 Survey
3. Summary of Open Space and Recreation Survey Marlborough MA- 2009

Appendix C - Assabet River Trail Map- (canoe map guide)

Appendix D- Storm drain markers and door hanger and Waterbill brochure

Appendix E – Recreation Department List of programs

Appendix F- Recreation Department 5 year capital plan

Appendix G- Americans with Disabilities Act Compliance documents

Part I - Administrative requirements:

1. Designation of ADA Coordinator
2. Grievance Procedures
3. Public Notification Requirements
4. Participation of Marlborough Commission on Disabilities

Part II – Program Accessibility

1. Facility Inventory
2. Transition Plan

Part III- Employment Practices

Appendix H- Comments from OSRP Public Meeting November 16, 2010

**OPEN SPACE AND RECREATION PLAN
EXECUTIVE SUMMARY**

Marlborough's geographic location and solid infrastructure combine with its areas of open space and natural resources creates a community with lots of resources to make it a great place to live. This open space plan identifies the community's natural, recreational and cultural resources and determines what steps the city must take to preserve and maintain these important community resources. It also looks into the future to determine what resources will be needed to help maintain the quality of life that is enjoyed today.

The primary goals, as noted in section eight of this Open Space and Recreation Plan, are to preserve the unique natural resources and character of the city, to educate citizens about the benefits of these resources and to provide adequate recreational opportunities for the community. This 2011 Open Space and Recreation plan provides the inventory, history, needs analysis and action plan to implement these goals over the next seven years.

The plan includes:

- A summary of achievements of the 2003-2008 Open Space Plan.
- An overview of the City's cultural history, population characteristics, growth and development patterns.
- An environmental inventory of the community's natural resources, scenic features, water resources, plants and wildlife.
- An inventory of lands of conservation and recreation interest. Included are maps of all city, state and private land used for recreation and conservation, as well as undeveloped parcels to provide a visual reference about which land remains undeveloped in the city.
- An analysis of conservation and recreation needs within the city, including management, planning needs and acquisition recommendations, to protect natural resources, and provide adequate open space and recreational facilities for a diverse and growing population.
- List of goals and objectives with a 7-year action plan.

Major recommendations provided in this plan include:

- Acquire as appropriate undeveloped parcels of land including: South St. swamp and Shoestring hill, remaining open parcels around Ft. Meadow Reservoir, and smaller parcels adjacent to already protected parcels and parcels that provide natural links between existing city owned and protected lands. See seven year action plan map (Map #10)

- Develop an intercommunity trail system so all residents have a means to take a walk not far from their homes. This includes providing sidewalk links to recreation sites, schools and conservation land destinations.
- Improvements to existing recreation areas including Ward Park and Memorial Beach.
- Aggressively pursue state and/or private grant funds for improvements to recreation facilities and acquisition of land for open space and for creating open space links and trails.
- Development of an additional major recreational facility at the old Bolton Street Landfill.
- Invest in green spaces and improve aesthetics by planting trees, removing invasive vines to preserve trees and planting shade and heritage trees, maintaining a green infrastructure.
- Help preserve the remaining farms in the community.
- Achieve Open Space Goals and in tandem support the Sustainability Action Plan and Smart Growth.
- Engage community citizens in preserving and maintaining open space, recreation and natural resource areas throughout the city.

Although the city was very successful in achieving many of the goals in the 2003 plan including upgrading the recreational facilities and improving conservation land trail, the development pressures on the last remaining parcels of land within the city will be strong and will get stronger when the economy improves.

It will be up to the Mayor, City Council, city boards, committees and residents to push for the protection of these last remaining parcels to save the remaining natural and unique character of the city. It is critical that the City protect specific areas of land through conservation restrictions, open space preservation and/or land acquisition to ensure that future generations can enjoy a life with clean lakes, clean drinking water, abundant wildlife, wooded and paved trails for passive recreation and adequate opportunities for active recreation. In addition, it is critical for the city to manage these open spaces and recreational facilities for future generations and ensure proper funding to maintain what the city already has. In addition it will be critical for the city to manage its green landscapes and prevent pollution of land, air and water resources by asking citizens in the city to do their part to help protect the environment. This goal ties to the bigger picture of helping make the City of Marlborough a greener community- to protect the environment and the personal health of our citizens by protecting our natural resources and providing access to healthy recreational opportunities.

The challenge over the next 5 years will be to ensure that the city plans ahead and saves the parcels of land that are important to the character of the community. Keeping hills undeveloped and ensuring that every neighborhood has a piece of open space or recreation land near by to find peace and quiet and a place to walk or exercise.



City of Marlborough

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140 Main Street

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 26, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA

RE: Renewal and Extension of Inter-Municipal Agreement

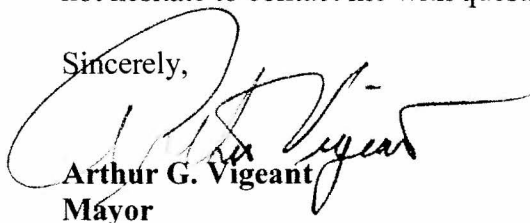
Honorable President Pope and Councilors:

As you will recall, in July of 2013 the City of Marlborough and the Town of Hudson, upon approval of the City Council and the Board of Selectmen, respectively, executed an Inter-Municipal Agreement ("IMA") which allows the City to supply water, through an emergency connection to the Massachusetts Water Resources Authority ("MWRA") water supply, to Hudson during the pendency of improvements by Hudson to their water supply. Unless extended in writing by the parties, the IMA will terminate on January 2, 2014.

The MWRA has approved a six month extension of the emergency connection to Hudson from January 3, 2014 until July 3, 2014. By the attached Renewal And Extension Of Inter-Municipal Agreement and order, I propose that the IMA also be extended until July 3, 2014. Additionally, because Hudson will not complete its improvements until the end of December 2014, I also propose that the IMA be extended by the Renewal And Extension Of Inter-Municipal Agreement for an additional 6 months, from July 4, 2013 until January 1, 2015, contingent upon the MWRA's approval of a second 6-month extension of the emergency connection to Hudson. The program has worked well to date. The town of Hudson has made timely updates to the City, and has paid their bills on time.

Given the deadline of January 2, 2014, I respectfully seek your approval this evening. Please do not hesitate to contact me with questions.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures

CC: Ron LaFreniere, DPW Commissioner
Michele Higgins, Assistant Commissioner - Utilities

**RENEWAL AND EXTENSION OF
INTER-MUNICIPAL AGREEMENT**

WHEREAS, in July of 2013 the City of Marlborough (“Marlborough”) and the Town of Hudson (“Hudson”) executed the Inter-Municipal Agreement (the “Agreement”) whereby Marlborough agreed to provide potable water to Hudson on a daily basis for a period of six months, from July 1, 2013 until January 2, 2014; and

WHEREAS, the Agreement is conditioned upon, and coterminous with, the Emergency Water Supply Agreement (the “Emergency Agreement”) between the Massachusetts Water Resources Authority (the “MWRA”) and Hudson; and

WHEREAS, the terms of the Agreement provide for renewal and extension with the express consent of both parties and an affirmative vote of the MWRA’s Board of Directors and Advisory Board; and

WHEREAS, in accordance with the terms of the Agreement, Hudson has obtained the approval of the MWRA’s Board of Directors and Advisory Board to extend the Emergency Agreement for an additional six months from January 3, 2013 until July 3, 2014, and Hudson has provided evidence thereof to Marlborough (attached hereto as Exhibit “A”); and

WHEREAS, Marlborough and Hudson desire to extend the term of the Agreement in accordance with its provisions; and

WHEREAS, Marlborough has agreed to extend the Agreement for a first renewal term of six months from January 3, 2014 until July 3, 2014; and

WHEREAS, Marlborough has also agreed to further extend the Agreement for a second renewal term of six additional months from July 4, 2014 until January 1, 2015 contingent upon Hudson obtaining the MWRA’s Board of Directors and Advisory Board’s agreement to extend the Emergency Agreement for a period of six additional months from July 4, 2014 until January 1, 2015, and Hudson promptly providing to Marlborough evidence thereof;

WHEREAS, Hudson, by a duly authorized vote of its Board of Selectmen, voted to authorize a renewal and extension of the Agreement under the terms and conditions recited therein; and

WHEREAS, Marlborough, by a duly authorized vote of its City Council (attached hereto as Exhibit “B”) voted to authorize a renewal and extension of the Agreement under the terms and conditions recited therein;

NOW, THEREFORE, in consideration of the foregoing, Marlborough and Hudson hereby agree to renew and extend the Inter-Municipal Agreement so that its first renewal term shall be for a period of January 3, 2014 until July 3, 2014; and, contingent upon Hudson obtaining the MWRA’s Board of Directors and Advisory Board’s agreement to further extend the term of the Emergency Agreement from July 4, 2014 until January 1, 2015, its second renewal term shall be for a period of July 4, 2014 until January 1, 2015.

CITY OF MARLBOROUGH
BY ITS MAYOR
Hereunto Duly Authorized,

Arthur G. Vigeant

Date

Approved as to form:

Donald V. Rider, Jr., Esquire
City Solicitor
City of Marlborough

Date

TOWN OF HUDSON
BY ITS BOARD OF SELECTMEN
Hereunto Duly Authorized,

Joseph J. Durant, Chairman

Fred Lucy, Vice Chairman

James D. Quinn, Secretary

James Dalton Vereault, Selectman

Christopher Yates, Selectman

Date

Approved as to form:

Aldo A. Cipriano, Esquire
Town Counsel
Town of Hudson

Date

EXHIBIT "A"

Arlington • Ashland • Bedford • Belmont • Boston • Braintree • Brookline
Dedham • Everett • Framingham • Hingham • Holbrook • Leominster
Medford • Melrose • Milton • Nahant • Natick • Needham • Newton
Revere • Saugus • Somerville • South Hadley • Southborough • Stoneham
Watertown • Wellesley • Weston • Westwood • Weymouth • Wilbraham



Burlington • Cambridge • Canton • Chelsea • Chicopee • Clinton
Lexington • Lynn • Lynnfield • Malden • Marblehead • Marlborough
Northborough • Norwood • Peabody • Quincy • Randolph • Reading
Stoughton • Swampscott • Wakefield • Walpole • Waltham
Wilmington • Winchester • Winthrop • Woburn • Worcester

Anthony Marques
1 Municipal Drive
Hudson, MA 01749

November 26, 2013

Re: Emergency Water Supply Connection

Dear Mr. Marques:

This letter confirms the MWRA Advisory Board's approval of six-month emergency water connection to the Massachusetts Water Resources Authority (MWRA).

At a public meeting of the MWRA Advisory board held on Thursday, November 21, 2013 at Two Griffin Way, Chelsea, MA, the MWRA Advisory Board unanimously voted the following:

To allow the Town of Hudson to activate a second emergency water supply connection to the MWRA waterworks system, via the City of Marlborough, for a six-month period, with a start date in January 2014 through July 3, 2014. Hudson will abide by the rules stipulated under MWRA emergency water supply withdrawals (Policy #OP.05), including payment of a 10% premium charge of the MWRA's prevailing rate plus 110% of the annual payment associated with the asset value contribution payment (entrance fee equivalent) amortized with interest over 15 years.

Please do not hesitate to contact the Advisory Board office at (617) 788-2050 if you have any further questions.

Sincerely,

Katherine Haynes Dunphy
Chair, MWRA Advisory Board

cc: Pam Heidell, Policy and Planning Manager

KHD/mr

EXHIBIT "B"

ORDERED:

That, in order to further help meet the emergency temporary water needs of the Town of Hudson, the City Council hereby authorizes the Mayor, pursuant to M.G.L. c. 40, § 4A, to enter into a Renewal And Extension Of The Inter-Municipal Agreement with said Town pursuant to the terms and conditions set forth therein (see attached Renewal And Extension Of Inter-Municipal Agreement and its attachment).

ADOPTED

In City Council
Order No. 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 27, 2013

Patricia Pope
President
Marlborough City Council

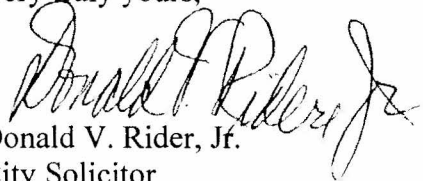
RE: Order No. 13-1005482C
Application for Special Permit
Jump In With Us, Inc.
19 Brigham Street, Unit 6, Marlborough

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Jump In With Us, Inc., seeking permission to utilize Unit 6 at 19 Brigham Street as a commercial indoor recreation establishment and place of amusement.

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

Very truly yours,



Donald V. Rider, Jr.
City Solicitor

Enclosure

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 13-1005482D

Application of:

Jump In With Us, Inc.
85 Commons Drive, Unit 42
Shrewsbury, MA 01545

Locus:
19 Brigham Street, Unit 6
Marlborough, MA 01752
Map 104, Parcel 2A

DECISION

The City Council of the City of Marlborough votes to **GRANT** a Special Permit to Jump In With Us, Inc. (hereinafter "Applicant Tenant"), for a commercial indoor recreation establishment and place of amusement at 19 Brigham Street, Unit 6, Marlborough, MA based on the Findings of Facts and Conditions attached hereto.

Decision filed: _____

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the _____ day of _____, 2013.

APPEALS

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

ATTEST:

City Clerk

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 13-1005482D**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Jump In With Us, Inc. (hereinafter “Applicant Tenant”), as provided in this Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS AND CONDITIONS

1. The landlord is a duly organized and existing Massachusetts Corporation with its principal place of business located at 929 Boston Post Road East, Marlborough, MA 01752. Applicant Tenant is a duly organized and existing Massachusetts Corporation with its principal place of business at 85 Commons Drive, Unit 402, Shrewsbury, MA 01545 and has duly filed its Articles of Incorporation with the City Clerk of the City of Marlborough to operate his business at the subject location.

2. The landlord is the title owner of the property located at 19 Brigham Street (the “Site”). The Landlord and Applicant Tenant have executed or will execute a lease regarding Unit 6 at the Site, and its use pursuant to the terms of this special permit regarding Unit 6 at the Site.

3. The Applicant Tenant seeks permission to utilize Unit 6 at the Site as a commercial indoor recreation establishment and place of amusement.

4. The Applicant Tenant, on June 27, 2013, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the “Application”).

5. The Site contains an existing commercial building. Unit 6 is as shown on a sketch floor plan submitted with or subsequent to the Application, said sketch floor plan entitled “19 Brigham St. Unit #6,” which is attached hereto. No modifications are proposed to the exterior of the building, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.

6. The Applicant Tenant seeks a special permit allowing the establishment of an indoor recreation area that will include various children’s entertainment features for birthday parties and other special occasions, and for children who, accompanied by an adult, can take advantage of these same play features.

7. The floor plan was certified by the Building Inspector, acting on behalf of the City Planner, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

8. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

9. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on October 21, 2013, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicant presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

11. At the public hearing, Thomaz DeMoura, representing Luiza DeMoura who will be managing the operation of the business and is the Applicant Tenant, described the proposed business as being one that would provide an indoor venue for children's birthday parties and for children who, accompanied by an adult, can take advantage of the proposed indoor play facilities. He indicated that the business would not include a child care component, and that all children using the facility would need to be accompanied by an adult to provide supervision. In response to questions from city councilors, he indicated that:

- a) the parties would be scheduled for weekdays and weekends;
- b) no food would be prepared on the premises;
- c) the facility would be open to the general public to provide indoor play space for children on a daily basis; and
- d) all recreation would occur indoors.

12. No member of the public spoke, either in favor or in opposition to the proposal.

13. Following the public hearing, the Urban Affairs Committee held a meeting on November 13, 2013 during which this Application was discussed. At that meeting, the parties discussed various issues and proposed permit conditions to deal with them.

REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

A. The City Council finds that the Applicant Tenant has complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.

B. The use of Unit 6 for an indoor recreation establishment and place of amusement is an appropriate use of the Unit 6-portion of the Site and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicants, their successors and assigns, a Special Permit to operate an indoor recreation establishment and place of amusement as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING**

CONDITIONS, which shall be applicable to Applicant Tenant's successors and assigns, and a violation of which shall be a violation of this Special Permit:

1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.

2. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment and operation of the facility and public peace and good order in the event that the Chief of Police determines that either the business or the applicant tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect in seven days. Upon the failure or inability of the applicant tenant to correct such measures, the Police Chief may require the applicant tenant to employ one or more police detail officers during such hours or days that he Police Chief in exercise of the sole discretion deemed to be necessary for the purpose of correcting the conditions.

3. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant, and shall keep said information available for inspection by local police upon request.

4. Parking: No on-street parking shall be permitted on Brigham Street or any other abutting side street or public way.

5. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:00 AM or later than 8:00 PM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same.

6. Limits of Use: The proposed use of the premises is to provide a place for birthday parties and other parties for children, and to otherwise provide an indoor play facility for children who are accompanied and supervised by an adult. No other kinds of public amusement shall be allowed on the premises except those ancillary to this use, including but not limited to the use of inflatable devices.

7. Food Preparation: No food shall be prepared, handled, or consumed by the public at or in Unit 6 unless and until the Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.

8. Certificate of Occupancy Required: No use of the premises will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Inspector regarding the change of use of the premises.

9. No Expansion of Use Area: Only the area of Unit 6, containing approximately 6,000 sq. ft., which has been specified in the sketch floor plan attached hereto.

10. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Landlord shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal hearing being filed. The Applicant Landlord shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Inspector.

APPROVE

Yea: ___ Nay: ___

Yea:

ADOPTED _____

In City Council

Order No. 13-1005482D

Adopted: _____

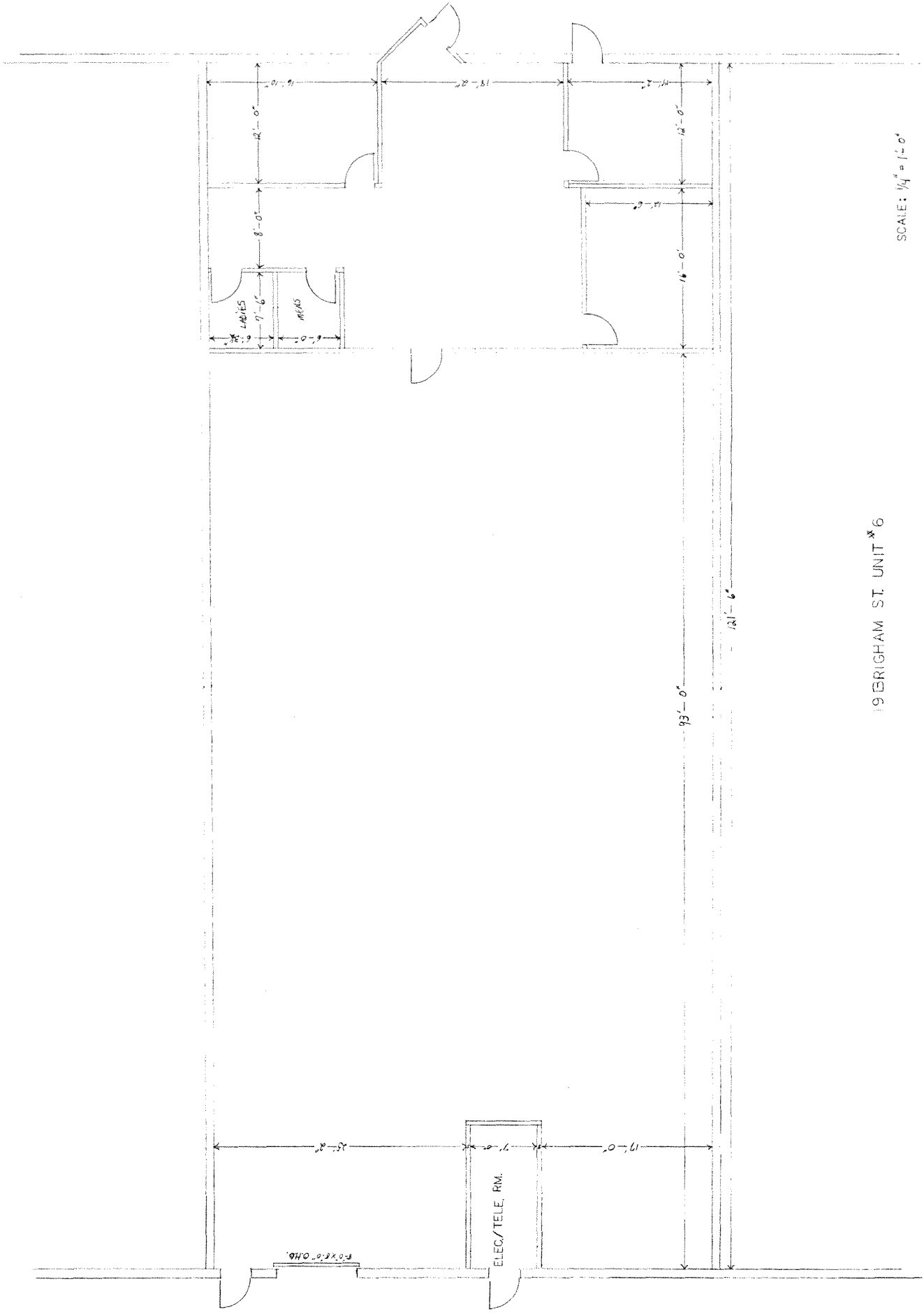
Patricia A. Pope

City Council President

A TRUE COPY

ATTEST:

City Clerk



19 BRIGHAM ST. UNIT *6

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

Marlborough Community Development Authority

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2013 NOV 14 P 2:34

Thursday, October 31, 2013, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room

Members Present: Steve Vigeant, Eric Asman, Joyce Torelli, Sally Swartz, Diane Smith
Lynn Faust

Also Present: Doug Bushman, Anne Marie Blake, Linda Overing, press, Susan Milne,
P.C. and Steve Greenberg of Remax

Absent: Mayor Vigeant, Steve LeDuc, Brian Doheny

Meeting opened at 8:30 by Vice-Chair, Lynn Faust
Minutes of last meeting accepted.
Housing and CDA bills payable approved.

Financial Manager's Report:

This month we had two LIP units requesting to sell. The first one was a High St. unit which is a converted apartment to condo unit. The owner's tenant would like to purchase the unit so the Board voted *to not exercise its right of first refusal and let the owner sell the unit to his tenant who is accepting the deed restriction.*

The second unit on Shane's Lane had Mr. Steve Greenberg of Remax attend to represent the owner. He is willing to help market the unit so the Board voted *to exercise its right of first refusal to market the unit for a marketing fee of \$5,262.50.*

Housing Director's Report:

Doug Bushman and Susan Milne, of Milne, Shaw & Robillard, P.C., presented the 2014 budgets. A discussion was held with Susan and Doug answering questions from the Board. *The Board unanimously voted to accept the 2014 budget as presented.*

Mr. Bushman discussed DHCD's Emergency Generator Initiative and the need for a backup generator at Liberty Hills. *The Board voted to accept the grant.*

As part of the 2014 Budget, *the Board voted to extend the Empowerment Programmer's Contract and Duties for six month or until funding is exhausted. It was also agreed that this position would be funded for three hours a week from the 667 program to provide assistance to State Elderly Coordinator (VW).*

The Board approved 2% Cost of Living Adjustments for staff (excluding maintenance) effective January 1, 2014.

The Pleasant Street Boiler Project is complete and *the Board voted to accept the Certificate of Substantial Completion.*

Home Depot in Marlborough has agreed to undertake some rehab work at the Liberty Hill Apartments in the Court Yard area to repair the walkway from Windsor St to the Senior Center door.

Board member Steve Vigeant is working with Doug on reviewing and revising the Section 8 Administrative Plan.

Doug had a question about the Secretary of the Board. It was requested that this issue be put on next month's agenda.

The Housing Director's report was accepted.

Breezeway Farm Consulting:

Linda Overing updated the Board on the status of Housing Rehab projects.

A discussion of the Clinton St. Modular Construction Project followed with Linda reporting that the project has advertised in the Central Register and the newspaper, nine companies had requested bid packages and that bids are due on November 14.

Linda reported that a closing for sale of Harrison Place occurred on October 7, 2013. With the sale we currently have about \$220,000 of NSP program income available for projects which is unlikely enough to purchase and rehabilitate another foreclosed property. She has been working with Inspectional Services on identifying foreclosed and blighted properties that might be available for purchase and rehab or demolition. She asked for the Board's direction as to what type of projects to pursue in light of limited funds and Anne Marie's possible layoff in February.

A brief discussion of the Financial Manager's duties which would still be continuing in her absence followed with a request that the following critical items be placed on next month's agenda with at least 45 minutes being allotted for discussions:

- CDA Finances and how tasks to be completed
- How to raise funds for the CDA to continue to operate

Breezeway Farm's report was accepted.

Due to the Thanksgiving Holiday, the next Board meeting will be held on Thursday, November 21st, at 8:30 a.m.

Meeting adjourned at 9:42. Respectfully submitted, Anne Marie Blake