



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

FEBRUARY 27, 2017

Regular meeting of the City Council held on Monday, FEBRUARY 27, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Absent: Juaire. Meeting adjourned at 8:43 PM.

ORDERED: That the Minutes of the City Council meeting February 6, 2017, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Mina Property Group LLC, to construct a commercial automotive facility on less than 1 acre of land, 408 Maple Street, Order No. 17-1006800, all were heard who wish to be heard, hearing recessed at 8:06 PM.

The City Clerk read the following certification from Councilor-at-Large Peter Juaire:

A. Certification from Councilor-at-Large Peter Juaire, as required under Chapter 79 of the Acts of 2006, re: Special Permit, Mina Group LLC, 408 Maple Street.

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

ORDERED: That the transfer request in the amount of \$16,622.00 which moves funds from Stabilization-Open Space to Open Space Acquisition to purchase 5.2 acres on Fitchburg Street as this parcel is important for the City to maintain for watershed protection, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,018,391.25	\$16,622.00	83600	32918	Stabilization-Open Space	\$16,622.00	19300006	58170	Open Space Acquisition	\$1,600.00	
	Reason:					Purchase of parcel off Fitchburg Street				
	\$16,622.00	Total			\$16,622.00	Total				

ORDERED: That the Fire Department transfer request in the amount of \$56,131.02 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back payments for two retirees, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	FIRE				FISCAL YEAR:	2017		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$733,779.70	\$56,131.02	11990006	57820	Reserve for Salaries	\$56,131.02	12200003	51920	Sick Leave Buy Back	\$28,881.18
	Reason:					To fund sick leave buy back for two retirements			
	\$56,131.02	Total			\$56,131.02	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY17 Senior Safe and FY17 Student Awareness of Fire Education (S.A.F.E.) Grants awarded to the Fire Department in the amounts of \$2,996.00 and \$5,641.00 respectively to provide fire awareness and educational programs to the senior and student population; adopted.

ORDERED: That the Appointment of Lt. David Giorgi to Chief of Police for term of four years to commence on April 1, 2017, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Jared Falcon to the Zoning Board of Appeals as an alternate member for a term of two years to commence upon City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln Street until 10:00 PM, April 25, 2017, Order No. 16/17-1006735B, **APPROVED**; adopted.

ORDERED: That the Communication from Walker Realty LLC re: Apex Monument Signage, Order No. 16/17-1006634L, **APPROVED**; adopted.

President Clancy orally reported Approval via a hand vote of 8-2. (Councilors Robey and Irish opposed) Councilor Juare was absent.

ORDERED: That the Minutes, Conservation Commission, January 5 & January 19, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, March 8, April 5, May 13, June 7 & August 2, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, January 3, 2017, **FILE**; adopted.

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

- a. Danilo Marinho, 29 Pleasant Street #1, pothole or other road defect.
- b. Janice Delvecchio, 36 Ash Street, other property damage and/or personal injury.
- c. David & Diane Linton, 110 White Tail Lane, Lancaster, other property damage and/or personal injury.
- d. Julie Moreau, 27 Briarwood Lane #3, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday February 13, 2017
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy, Landers, and Juairé were also in attendance.

The meeting convened at 7:05 PM.

1. **Order No. No. 17-1006810 – Mid-Year Transfers in the amount of \$1,612,298.** The Finance Committee reviewed the Mayor's letter dated February 2, 2017 requesting mid-year transfers from within the existing budget in the amount of \$1,612,298. The Finance Committee voted 5–0 to approve the mid-year transfers.
2. **Order No. 17-1006811 – Grant for \$2.7 million for the East Main Street Renovation Project.** The Finance Committee reviewed the Mayor's letter dated February 2, 2017 requesting the approval of a \$2.7 million grant from the state Mass Works Infrastructure Program for the East Main Street Revitalization Project. The Finance Committee voted 5 – 0 to approve the grant.

The Finance Committee agreed to support suspending the rules at the February 27, 2017 City Council meeting to approve both Orders.

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

Meeting Name: City Council Public Services Committee

Date: February 13, 2017

Time: 5:30 PM

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

Convened: 5:30 PM – Adjourned: 5:57 PM

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

Also Present: Crystal Tognazzi (National Grid); Thomas DiPersio, Jr., P.E. (City Engineer, City of Marlborough); Arthur Bergeron (Attorney, Mirick O'Connell); Donald Rider, Jr. (City Solicitor, City of Marlborough)

Reports of Committees Cont'd:

Order No. 16-1006656A - Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconstruction on Stevens Street.

Crystal Tognazzi, National Grid representative, explained this request was for a reconstruction job for the installation of larger spacer cable for more reliability on Stevens Street. By placing the larger, heavier wires on the poles, it requires additional guying in some locations with the proposed installation of two stub poles P62-84 and P68-84 directly across the street from their associated poles with proposed sidewalk anchors in each location no more than six feet behind the stub pole.

Chairman Landers read conditions for the project as required by the City Engineer:

1. The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.
2. The new poles shall be located such that ADA Accessibility Requirements are maintained along the sidewalk (the poles shall be located at the front or at the back of the sidewalk to maximize clear space along sidewalk).

Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 6-1006656A – Petition from National Grid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconstruction on Stevens Street with the following two (2) conditions submitted by the City Engineer:

1. **The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.**
2. **The new poles shall be located such that ADA Accessibility Requirements are maintained along the sidewalk (the poles shall be located at the front or at the back of the sidewalk to maximize clear space along sidewalk).**

The motion carried 3-0.

Order No. 17-1006801 - Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement.

Crystal Tognazzi, National Grid representative, explained existing pole P-4 has an old type recloser and an upgrade to the new type recloser requires a ground grid installation. The proposed relocation of existing pole P-4 and the stub guy pole P4-84 across the road necessitates their move twenty-five feet westerly from the corner of the lot located at 44 Concord Road to minimize the disturbance to that property.

Reports of Committees Cont'd:

Chairman Landers read the condition for the project as required by the City Engineer:

1. The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of Order No. 17-1006801 – Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road and install a line recloser on Pole 4 for reliability improvement with the following condition submitted by the City Engineer: The utility companies shall expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street. The motion carried 3-0.

Order No. 17-1006799 - Communication from Attorney Bergeron regarding Acceptance of Bouffard Drive as a Public Way, XB-1005405, 14-1006010, 14-1006096, & 16-1006425. Thomas DiPersio, City Engineer, explained this is a roadway acceptance that dates back to 2003. Although they had an acceptance plan in Mylar form, they did not have the deeds from the developer to convey the roadway and easements to the City. By letter dated December 19, 2016 to the Department of Public Works, Attention Tim Collins, Attorney Bergeron delivered the executed original deed from Thomas H. Niles, the successor in interest to J. Giles Development Co., Inc. to the City of Marlborough regarding the fee interest in Bouffard Drive and enclosed his affidavit regarding the title to this matter, together with the affidavit of Thomas H. Niles. There are two utility easements and a drainage easement that would be accepted as part of the roadway with the City accepting the rights and those easements as part of the acceptance. **Motion made by Councilor Irish, seconded by Councilor Doucette, to recommend approval of Order No. 17-1006799 – Communication from Attorney Bergeron requesting the Acceptance of Bouffard Drive as a Public Way. The motion carried 3-0.**

Motion is in order to refer the matter to the City Solicitor with request that the required documents, be put in proper legal form, to finalize the acceptance of Bouffard Drive as a Public Way, and be placed on the March 13, 2017 regular meeting agenda – Note that the Planning Board recommendation is forthcoming.

Motion made by Councilor Doucette, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 5:57 PM.

Reports of Committees Cont'd:

Councilor Elder made the following **oral report** to City Council. The items remain in Committee.

Meeting Name: City Council Operations & Oversight Committee

Date: February 13, 2017

Time: 6:00 PM

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

Convened: 6:00 PM – Adjourned: 7:03 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Doucette, Irish, and Juairé

Also Present: Trish Pope (Executive Director, Council on Aging); Christine Alessandro (Executive Director, BayPath Elder Services); Arthur Bergeron (Attorney); Mayor Arthur Vigean

Order No. 15-1006381: Communication from Mayor Vigean regarding the ACT on Alzheimer's initiative, a grassroots initiative to create dementia friendly communities raising awareness of the disease; and Order No. 17-1006798: Communication from Mayor Vigean re: Dementia Friendly Community Initiative together with letter from COA Director Pope to update the Operations and Oversight Committee on the results of the community survey and the next steps being taken to help Marlborough become a Dementia Friendly Community.

Chairman Elder explained Order Nos. 15-1006381 and 17-1006798 were taken up together as they were related with the more recent order providing an update from Council on Aging Director Trish Pope on the progress Marlborough has made towards being a Dementia Friendly Community.

Director Pope introduced Christine Alessandro, Executive Director of BayPath Elder Services, and Attorney Arthur Bergeron who sits on the committee. Ms. Pope explained when they came before the Operations and Oversight Committee in December of 2015, they promised to provide an update prior to their community meeting.

Ms. Alessandro noted it has been an interesting year and Marlborough has done some tremendous things including a community survey where over one-hundred surveys were distributed and collected. The results are significant for drawing a road map for the future, to make the community dementia friendly, some plans are in place and underway from the survey and they have a priority list for actions. She believed it was significant that the community will be able to take the next steps to move forward.

Mr. Bergeron wished to make people aware they will be holding a public meeting on Saturday, March 4th at the Senior Center. He encouraged people to come and talk about the suggestions they have and priorities based upon recommendations from the survey for the first year. Also, it would be a good opportunity to learn about other things they should focus on. The goal of the exercise is to get the community involved in the process.

Reports of Committees Cont'd:

Ms. Pope started this initiative with colleagues in Northborough and Hudson through a grant from BayPath Elder Services and they have moved along in the process at the same pace. They initially thought their plans would be different but much to their surprise, their communities surveyed pretty much the same. There was no surprise that education, not only community education but the education of people in public places where those with dementia are out and about in the community. They have learned a lot and are excited about the community meeting on March 4th. The meeting will be held Saturday, March 4th at the Senior Center with registration beginning at 8:30 AM, a presentation at 9:00 AM with discussion following the presentation at 10:00 AM with the morning wrapping up between 11:00 – 11:30 AM. The local cable will be there to televise the meeting.

President Clancy asked if there were any training session for the first responders. Ms. Pope indicated they have some training in place and are looking for additional opportunities.

BayPath got a small grant for each community, about \$3,000, that they were required to sell quickly and each community spent it differently. Marlborough spent it's grant on a website and Ms. Pope explained they not only got a great website but support for it for at least the next two years.

Mr. Bergeron explained one of their committee members is part of the nursing program at Assabet which has committed to being a dementia friendly school. Program by program, they will help students understand the unique problems they could face when dealing with individuals who have dementia.

Councilor Doucette asked about responding to individuals with dementia who may be pulled over and as part of the engagement, what is the impact on public safety. Mr. Bergeron explained part of the process is figuring out the protocols and who is involved? He explained about a registry which would allow first responders to be aware if an individual has dementia, it is not to criminalize a person but identify those with a problem.

Councilor Juair thought it was incredible with the City taking initiative on this and asked what would happen if they find someone? Ms. Pope explained there was a list of resources and any inquiries submitted to the website would be answered within twenty-four hours. Mr. Bergeron referenced the registry and that it would contain a list of contact information for an individual and who should be notified if someone is found in the community.

Councilor Robey congratulated them on their work and mentioned that caregivers can become isolated as they can become embarrassed and avoid going out. Community awareness would lessen this and allow them to enjoy their community those who understand their situation.

Motion made by Councilor Robey, seconded by Chair, to Accept and File the Communications under Order No. 15-1006381 and Order No. 17-106798. The motion carried 3-0.

Reports of Committees Cont'd:

Order No. 16-1006731: Communication from Mayor Vigeant submitting to the City Council the Downtown Marlborough Parking Analysis prepared for the Marlborough Economic Development Corporation, 91 Main Street, Suite 204, Marlborough, MA.

Chairman Elder explained he had concerns that the parking study was done 3-3.5 years ago and since it was done, they have approved projects for the downtown area. He hoped for a more updated study taking into account the Fish project, pocket park development on Main Street and Bolton Street.

Mayor Vigeant agreed that it made sense to keep a close eye on it as the parking study was done in Fall of 2013. But basically nothing has changed, there are no new units requiring additional parking. He is in the process of implementing a parking plan for the garages once construction starts for the first complex which ever one that may be. Part of the plan included permitting a floor or section of the parking garages. Anyone can buy a permit, not just those living in the new units. He suggested a cost between \$500-700 per year, annually for parking on a certain level. The City has also advertised for a traffic enforcement person and there has not been a lot of interest in the position.

Chairman Elder indicated the City Council does not own or oversee the garages and asked whether the Community Development Authority (CDA) is ultimately responsible for regulations. The Mayor responded with a yes and no. The CDA relinquished their authority to the City but the City Council has never accepted the authority over it and it is currently in limbo. The City has maintained the garages for a long time as the CDA has never maintained them because they do not have the funds to do so. They technically own two parking structures and the large lot across from the Vin Bin.

Chairman Elder requested clarification if the Mayor wished to implement those changes, would the requests to the CDA or the City Council. The Mayor explained as far as implementing substantial changes, the CDA can be updated and they can relinquish authority at any time.

Chairman Elder stated that for three-quarters of the year, there is no parking issue in downtown Marlborough however when it starts to snow in the winter, it becomes an issue. He drove through the parking garages and observed twenty cars covered in snow from the weekend's storm. Businesses, City Hall employees and customers have nowhere to park. He would like a more extensive parking study, especially in the winter when there are issues and after the approved units are built. It is always said there is no parking issue, but at some point there will be and how many units can the City take on before it becomes an issue.

Reports of Committees Cont'd:

Councilor Landers thought part of the problem is no one wants to park on the top levels when snow is forecast nor in the summer heat. He asked about the possibility of a roof being added to the garages. The Mayor explained they cannot add more to the existing structure but are considering a solar array which would provide coverage to the top levels. The Mayor also explained by charging for spaces, you change the behavior and mindset of people. According to the parking study, peak time is at 1:00 PM in the afternoon with sixty percent of the spaces are in use. There are one-thousand spaces in the downtown area, and six-hundred of those are used at 1:00 PM. MAPC will not change their plan as nothing has changed in the two and a half years since the study was done.

Chairman Elder requested if the permits could be dedicated to residents within half mile of the downtown. He would hate for someone who lived close to the downtown miss their opportunity for a space if they missed a deadline for sign-up.

President Clancy asked how many parking areas are owned by the CDA? The Mayor stated it was everything except for the street parking. President Clancy then asked would they be allowing permits for the garage or the use of a parking space. Some residents use the parking decks for long-term storage of their vehicles during the winter. President Clancy noted since nothing has changed, when the approved projects are built, then they can look at it again.

Chairman Elder asked if there were any rules or regulations on how long one could park in the garages. The Mayor stated there are but he did not know the details off hand.

Councilor Irish asked if there was anything on the City's website that lists parking areas within the City. The Mayor stated one of the recommendations was to put up more signage for parking and maybe they still need to do more. However, there is nothing on the website.

Councilor Doucette agreed that some sort of map for parking would be good and he proceeded to ask about parking stations for electric cars and the Mayor indicated they are working on that.

Councilor Juairé asked about the solar panels behind City Hall and their choice over other options. The Mayor explained the cost of an additional floor with a roof for the garage would cost \$5 million, just a roof would cost \$1.5 million and the solar panels cost is significantly less and they act as a roof.

Councilor Robey reminded everyone that the Fish project was limited by the weather as the roof mechanicals required removal and installation on the new roof and that window of opportunity was missed the previous year. Councilor Robey questioned the reasoning behind receiving the payment in lieu of parking. The Mayor explained the garages still required regular maintenance as \$1 million was spent repairing and painting them the previous year.

Motion made by Councilor Robey, seconded by Chair, to table. The motion carried 3-0.

Motion made by Councilor Robey, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:03 PM.

Suspension of the Rules requested - granted

ORDERED: That the Mid-year transfer requests as detailed in the spreadsheets below,
APPROVED; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Police					FY:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$315,528	\$11,500.00	12100003	51440	Educational Incentive	\$11,500.00	12100001	50500	Police Captains	\$71,066	
	Reason:	Accounting/charging discrepancy				Contract settled after budget was submitted				
\$315,528	\$78,320.00	12100003	51440	Educational Incentive	\$78,320	12100001	50510	Police Lieutenants	\$149,076	
	Reason:	Accounting/charging discrepancy				Contract settled after budget submitted and temp. lieutenant				
\$45,373	\$45,373.00	12100003	50540	Chief Dispatcher	\$45,373	12100003	51213	Public Safety Dispatchers	\$134,836	
	Reason:	Chief Dispatcher retired				Chief dispatcher position not filled yet				
\$99,934	\$10,000.00	12100003	51490	Holiday	\$10,000.00	12100006	52560	Vehicle Repair & Maint.	\$9,686	
	Reason:	Sunday holidays - fewer officers working				Older cruisers requiring more maintenance				
\$7,630	\$5,000.00	12100003	51920	Sick Leave Buy Back	\$5,000	12100005	54220	Office Supply/Expenses	\$12,441	
	Reason:	Officers bought back fewer days than anticipated				Extra ammo needed for rifle training				
\$150,193.00		Total			\$150,193.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	FIRE					FISCAL YEAR:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$582,218.32	\$125,000.00	12200001	50810	Fire Lieutenant	\$200,000.00	12200003	51300	Overtime	\$110,378.06	
	Reason:	Funds available due to unfilled positions				Firefighter vacancies, retirements & medical absences				
\$1,354,422.77	\$53,975.80	12200001	50450	Firefighter	\$7,818.59	12200001	50335	Deputy Fire Chief	\$71,192.40	
	Reason:	Funds available due to unfilled positions				Calculated amount for contractual obligation				
\$105,447.84	\$45,842.79	12200003	51440	Educational Incentive	\$5,000.00	12200006	51990	Meal Allowance	\$1,647.09	
	Reason:	Funds available due to unfilled positions				Account balance will not be sufficient				
					\$12,000.00	12200006	52560	Vehicle Repair & Mnt.	\$36,873.13	
	Reason:					Account balance will not be sufficient				
\$224,818.59		Total			\$224,818.59	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$2,600	\$2,000	60080003	51440	Educational Incentives-Sewer	\$2,000	60080003	51470	Interim Foreman-sewer	\$0	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17				
\$1,250	\$1,250	60081003	51440	Educational Incentives-East	\$2,204	60081003	51470	Interim Foreman-East WWTP	\$0	
	Reason:					Anticipated cost to cover remaining FY 17				
\$2,954	\$1,954	61090003	51430	Longevity-Water						
	Reason:	Vacant positions								
\$306	\$306	60085003	51430	Longevity-West WWTP	\$1,306	60085003	51470	Interim Foreman-W WWTP	\$429	
	Reason:					Anticipated cost to cover remaining FY 17				
	\$5,510	Total			\$5,510	Total				

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,954	\$1,000	61090003	51430	Longevity-Water	\$3,000	61090003	51470	Interim Foreman-Water	\$1,356
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17			
\$3,540.00	\$2,000	61090003	51440	Educational Incentive-Water					
	Reason:	Vacant positions							
\$47,807.26	\$47,807	61090001	50460	Water Meter Reader	\$56,000	61090003	51310	OT-Water	\$36,110
	Reason:	vacant position				Anticipated cost to cover remaining FY 17			
\$12,459.30	\$12,459	61090003	51920	Sick Leave Buy Back-Water	\$4,267	61090003	51240	Temp. Part Time Help	\$3,380
	Reason:	Vacant position							
	\$63,267	Total			\$63,267	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$56,500.00	\$45,000	14001002	50062	Finance Analyst	\$47,620	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant position				Anticipated costs to cover remaining of FY 17			
\$339.61	\$339	14001003	51430	Longevity-Admin					
	Reason:	vacant position							
\$728.34	\$728	14001003	51920	Sick Leave Buy Back					
	Reason:	vacant position							
\$506.29	\$506	14001103	51430	Longevity					
	Reason:	vacant position							
\$1,046.24	\$1,046	14001103	51920	Sick Leave Buy Back-Eng					
	Reason:	vacant position							
	\$47,620	Total			\$47,620	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$131,326.15	\$30,000	14001301	50690	Foreman-Streets	\$6,000	14001103	51310	Overtime-Engineering	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$348,965.16	\$30,000	14001303	50740	Equipment Operator-Streets	\$12,500	14001303	51310	Overtime-Streets	\$2,311
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$1,801.20	\$1,801	14001303	51430	Longevity-Streets	\$20,000	14001503	51310	Overtime-Parks	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$2,113.54	\$2,114	14001303	51920	Sick Leave Buy Back-Streets	\$23,619	14001503	51240	Temp Help-Parks	\$3,090
	Reason:	vacant position				Anticipated costs to cover remainig FY 17			
\$704.41	\$704	14001403	51430	Longevity-Fleet	\$2,500	14001002	50520	Principal Clerk-Engineering	\$16,959
	Reason:	vacant position				Increase due to retirement			
	\$64,619	Total			\$64,619	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,801.32	\$4,801	14001403	51920	Sick Leave Buy Back-Repair	\$50,000	14001504	53140	Contract Services-Parks	\$47
	Reason:	Vacant position				Anticipated cost for remaining FY 17			
\$344,629.45	\$70,000	14001503	50740	Equipment Operators-Parks	\$33,599	14001505	54610	General Materials-Parks	\$47
	Reason:	vacant positions							
\$1,385.80	\$1,386	14001503	51430	Longevity-Parks					
	Reason:	vacant positions							
\$411.73	\$411.73	14001503	51920	Sick Leave Buy Back-Parks					
	Reason:	vacant positions							
\$35,913.26	\$7,000.00	60080001	50570	Chemist					
	Reason:	vacant position							
	\$83,599	Total			\$83,599	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
42,121.13	\$42,121.13	14001301	50660	Assitant Engrn	\$42,121.13	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	Vacant positions				Anticipated costs to cover remaining FY 17			
\$31,251.23	\$31,251.23	11920001	50300	Assistant Director-Facilities	\$46,251.23	11920006	52469	Repair and Maint/Facilities	\$57,287
	Reason:	Vacant position				Anticipated costs to cover remaining FY 17			
\$83,904.33	\$15,000.00	11920003	50560	Custodian					
	Reason:	Vacant position							
	\$88,372	Total			\$88,372	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,844.25	\$2,844.25	60080003	51920	Sick Leave Buy Back-Sewer	\$28,744.00	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant positions				Anticipated costs to cover remaining of FY 17			
\$3,424.02	\$3,424.02	60081003	51920	Sick Leave Buy Back-East Plant					
	Reason:	vacant position							
\$2,475.95	\$2,475.95	60085003	51920	Sick Leave Buy Back-West Plant					
	Reason:	vacant position							
\$39,677.52	\$20,000.00	61090001	50680	General Foreman-Water/Sewer					
	Reason:	vacant position							
	\$28,744	Total			\$28,744	Total			

BUDGET TRANSFERS --

BUDGET TRANSFERS --										
	DEPT:	Various				FISCAL YEAR:	2017			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$34,904.22	\$20.00	11440001	50042	Collector	\$20.00	11440002	50770	Senior Clerk-Collector	\$35,997.36	
	Reason:	Funds available				To fund line item through 6/30/17				
\$101,564.65	\$5,400.00	15430006	57710	Veterans Benefits	\$5,400.00	15430001	50080	Veterans Agent	\$15,092.50	
		Benefits running slightly lower than budgeted				To fund shortage due to a retirement				
\$1,360.92	\$400.00	11110005	54220	Office Supplies-Council	\$400.00	11110002	50401	P.T. Senior Clerk-Council	\$9,062.34	
	Reason:	Funds available				To fund line item through 6/30/17				
\$381.12	\$380.00	15410003	51920	Sick Leave Buy Back-COA	\$1,210.00	15410001	50312	Outreach Worker-COA	\$14,859.72	
	Reason:	Funds available				To fund shortage due to a resignation				
\$13,240.30	\$1,280.00	15410006	57075	Transportation-COA	\$450.00	15410001	50996	Social Service Coordinator	\$6,195.00	
	Reason:	Funds available.				To fund line item through 6/30/17				
	\$7,480.00	Total			\$7,480.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,805.00	\$1,805.00	11610004	53180	Professional & Tech-Clerk's	\$3,344.13	11610004	53150	Advertising-Clerk's	\$1,705.40	
	Reason:	Funds available				To fund line item through 6/30/17				
\$1,738.88	\$1,100.13	11620004	53930	Printing-Elections						
	Reason:	Funds available								
\$439.00	\$439.00	11620004	53932	Election Programming						
	Reason:	Funds available								
\$758.20	\$758.00	12410003	51920	Sick Leave Buy Back-Inspe	\$3,500.00	12410006	57100	Instate Travel-Inspections	\$81.84	
	Reason:	Funds available				To cover inspections through 6/30/17				
\$29,779.55	\$2,742.00	12410001	50380	Electrical Inspector						
	Reason:	Funds available.								
	\$6,844.13	Total			\$6,844.13	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$9,253.78	\$1,000.00	14920003	50999	Events Coordinator-Recreatn	\$1,567.00	14920001	50166	Recreation Program Mgr	\$22,994.01	
	Reason:	Funds available				To fund line item through 6/30/17				
\$17,582.85	\$193.00	14920007	53610	Equipment-Youth Activities						
	Reason:	Funds available								
\$28,342.59	\$374.00	14920001	50110	Recreation Director						
	Reason:	Funds available								
\$53,692.87	\$1,035.00	15120001	50390	Nurse-Board of Health	\$1,035.00	15120001	50611	Assistant Sanitarian	\$42,951.50	
	Reason:	Funds available				To fund line item through 6/30/17				
\$395,000.00	\$5,500.00	17520006	59254	Interest on BAN	\$5,500.00	11940006	51860	Widows Pensions	\$17,983.88	
	Reason:	Funds available.				To fund line item through 6/30/17				
	\$8,102.00	Total			\$8,102.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$53,692.87	\$24,965.00	15120001	50390	Nurse-Board of Health	\$2,641.00	11110003	51920	Sick Leave Buy Back-Council	\$0.00	
	Reason:	Funds available				To fund FY17				
\$25,542.46	\$10,000.00	11510006	57600	Claims & Judgements	\$3,434.00	11110003	51430	Longevity-Council	\$0.00	
		Funds available				To fund FY17				
\$669,388.72	\$78,110.00	60075106	58966	16 Multi Purpose Interest	\$13,000.00	11520004	53140	Contract Services-HR	\$7,000.00	
	Reason:	Funds available				To fund assessment center for police chief search				
					\$94,000.00	11510004	53110	Legal Services	\$50,751.45	
	Reason:					To fund line item through 6/30/17				
	\$113,075.00	Total			\$113,075.00	Total				

BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$127,019.57	\$127,019.57	11990006	57820	Reserve for Salaries	\$16,740.20	14001303	50740	Equipment Operators-Sts	\$322,572.98	
	Reason:					Retirement				
\$885,000.00	\$124,336.28	60071106	59966	16 Multi Purpose Bond	\$19,115.65	14001303	51920	Sick Leave Buy Back-Sts	\$2,113.54	
		Funds available				Retirement				
					\$38,000.00	12100001	50140	Police Chief	\$68,361.00	
	Reason:					Retirement				
					\$80,000.00	12100003	51920	Sick Leave Buy Back-Police	\$7,630.41	
	Reason:					Retirement				
					\$3,000.00	12100001	50500	Police Captains	\$67,314.08	
	Reason:					Contractual agreement				
					\$9,000.00	12100001	50510	Police Lieutenants	\$138,740.88	
	Reason:					Contractual agreement				
					\$12,000.00	12100001	50820	Police Sergeants	\$288,632.85	
	Reason:					Contractual agreement				
					\$73,500.00	12100001	50420	Police Officers	\$1,345,137.88	
	Reason:					Contractual agreement				
	\$251,355.85	Total			\$251,355.85	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2017		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$75,000.00	\$5,000.00	61071106	59956	06 Multi Purpose Bond	\$5,000.00	61071106	59954	05 Multi Purpose Bond	\$0.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$1,620,000.00	\$28,000.00	17110006	59966	16 Multi Purpose Bond	\$28,000.00	13800006	59966	16 Multi Purpose Bond	\$161,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$28,000.00	\$700.00	61075106	59956	06 Multi Purpose Bond	\$700.00	17510006	59956	06 Multi Purpose Bond	\$52,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$669,388.72	\$205,000.00	60075106	58966	16 Multi Purpose Bond	\$205,000.00	17510006	58966	16 Multi Purpose Bond	\$485,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$885,000.00	\$230,000.00	60071106	59966	16 Multi Purpose Bond	\$50,000.00	11330006	57850	Bond Issue Expense	\$43,935.52	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
					\$100,000.00	60019906	58890	Bond Issue Expense	\$33,549.49	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
					\$80,000.00	60019906	58891	Loan Origination Fee	\$17,719.60	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$468,700.00		Total			\$468,700.00	Total				

Suspension of the Rules requested - granted

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the MassWorks Infrastructure Program Grant Acceptance in the amount of \$2.7 million from the Executive Office of Housing and Economic Development (EOHED) earmarked for the East Main Street Revitalization Project; adopted.

Suspension of the Rules requested - granted

ORDERED: That the Communication from Attorney Bergeron regarding Acceptance of Bouffard Drive as a Public Way, XB-1005405, 14-1006010, 14-1006096, & 16-1006425, refer the matter to **City Solicitor with request that the required documents, in proper legal form, to finalize the acceptance of Bouffard Drive as a Public Way, be placed on the March 13, 2017 regular meeting agenda**; adopted. Note that the Planning Board recommendation is forthcoming.

ORDERED: That the Police Department transfer request in the amount of \$170,000.00 which moves funds from and to various accounts as noted below to continue funding overtime costs, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:	Police						FY:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,732,925	\$170,000.00	12100001	50420	Police Officers	\$170,000.00	12100003	51310	Overtime - Regular	\$66,527	
	Reason:	Surplus due to vacancy and injuries					Vacancies and injuries requiring OT to fill shifts			
	\$170,000.00	Total			\$170,000.00	Total				

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough as amended, be further amended in Chapter 125, Section 6 “Salary Schedule” as follows:

Non Union Employees								
Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Assistant Chief	January 23, 2017							\$140,000.00
	July 1, 2017							\$142,800.00

Marlborough Fire Department		
Position	Effective Date	Base Salary
Battalion Chief	January 23, 2017	\$86,190.22
	July 1, 2017	\$87,914.02

APPROVED; adopted.

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

ORDERED: That pursuant to § 14 of Chapter 40 of the General Laws of Massachusetts, the City, acting by and through the City Council of the City of Marlborough, does hereby accept title, by deed of conveyance, from the Marlborough Community Development Authority to the fee simple interest in a certain parcel of below-described land located at 20 Witherbee Street, Marlborough, MA, the purposes of which land shall be for public library uses including but not limited to parking, said deed to be recorded herewith at the Middlesex County South Registry of Deeds:

That certain parcel containing about five-thousand ninety-six and 52/100 (5,096.52) square feet, or 0.117 acres, more or less, also known as 20 Witherbee Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 236, and recorded at the South Middlesex County Registry of Deeds at Book 53208, Page 549.

And that pursuant to § 15A of chapter 40 of the General Laws of Massachusetts, the City Council of the City of Marlborough hereby transfers the below-described portion of land of the City of Marlborough, being less than the entire land or parcel of land located at 355 Bolton Street, from general municipal purposes to the purposes of a grant of easement,

And further, that in exchange for the above-described fee simple interest in land of the Marlborough Community Development Authority, pursuant to § 3 of chapter 40 of the General Laws of Massachusetts the City Council hereby authorizes the Mayor to grant to the Marlborough Community Development Authority said easement, which shall be a permanent easement for parking purposes for the Bolton Street Senior Housing located at 397 Bolton Street, Marlborough, MA, in said certain portion of land being described on Exhibit "A" attached hereto and made a part hereof, said grant of easement to be recorded herewith at the Middlesex County South Registry of Deeds.

APPROVED; adopted.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent - Juaire

Exhibit "A"
LEGAL DESCRIPTION
Parking Lot Easement Over Land of the City of Marlborough

An easement, containing 47,787 square feet, more or less, located on a certain parcel of land owned by the City of Marlborough, 140 Main Street, Marlborough, MA and situated at 355 Bolton Street, Marlborough, MA, for the benefit of the tenants of the Bolton Street Senior Housing located at 397 Bolton Street, Marlborough, MA for the purposes of parking and a shed, being more particularly bounded and described as follows:

Beginning at a point, along the southerly property line at 397 Bolton Street. 224.11± feet from the southwesterly corner of the property at its intersection with Bolton Street, thence continuing in a southerly direction and along a line parallel to and offset 25-foot west of the easterly property line for 397 Bolton Street for a distance of 10.35± feet to a point, thence turning and running in an easterly direction along a line parallel to and offset 10-foot south of the property line for 397 Bolton Street for a distance of 72.49± feet to a point, thence turning and running in a northerly direction along a line parallel to and offset 45-feet east of the property line for 397 Bolton Street for a distance of 10.35± feet to a point, thence turning and running in an easterly direction along an extension of the southerly property line of 397 Bolton Street for a distance of 283.36± feet to the rear (easterly) property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), thence turning and running in a northerly direction along the easterly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), three courses, a distance totaling 111.94± feet to the northeast corner of that property, thence turning and running in a westerly direction along the northerly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), a distance of 294.87 feet to the northeast property corner of the property at 397 Bolton Street, thence turning and running in a southerly direction along the easterly property line for 397 Bolton Street for a distance of 200.00 feet to the southeast corner of the property at 397 Bolton Street, thence turning and running in a westerly direction along the southerly property line for 397 Bolton Street, for a distance of 25.89± feet to the point of beginning.

QUITCLAIM DEED

The Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (“Grantor”), for consideration paid of one and 00/100 dollar (\$1.00),

grants to the City of Marlborough, a Massachusetts municipal corporation having an address at 140 Main Street, Marlborough, Massachusetts 01752 (“Grantee”),

with quitclaim covenants

all right, title and interest in the Grantor in and to the fee in the land in said Marlborough, Middlesex County, Massachusetts, with the improvements thereon, situated on the southerly side of Witherbee Street, bounded and described as follows:

Beginning at a point on the southerly side of Witherbee Street and at land now or formerly of Melvin C. Nott, thence westerly along the southerly side of said street fourteen (14) inches, more or less, to land now or formerly of Helen E. Rice; thence running southerly along the course of an old iron fence by said last mentioned land seventy and 3/10 (70.3) feet to land now or formerly of John L. Stone; thence turning and running easterly along said last mentioned land fourteen (14) inches, more or less, to said land not or formerly of Melvin C. Nott; thence northerly by said last mentioned land seventy and 3/10 (70.3) feet to the point of the beginning;

Also another parcel of land in said Marlborough situated on the southerly side of Witherbee Street, abutting the above described premises on the east, bounded and described as follows: Beginning at the northwesterly corner thereof at a point on the southerly side of Witherbee Street and at land now or formerly of John L. Stone, thence southerly by said last mentioned land seventy (70) feet to land of the City of Marlborough; thence easterly by said last mentioned land seventy-two (72) feet to land now or formerly of Gammage; thence northerly by said last mentioned land seventy (70) feet to said street; thence westerly by said street to the point of beginning.

Containing about five-thousand ninety-six and 52/100 (5,096.52) square feet, or 0.117 acres, more or less. Said parcel of land is also known as 20 Witherbee Street, Marlborough, MA and shown on the Assessor’s Map of the City of Marlborough as Map 69, Parcel 236.

Said parcel conveyed subject to and with the benefits of easements, rights, restrictions, and agreements of record, if there are any, insofar as the same are now in force and applicable.

The conveyance does not constitute a sale of all or substantially all of the assets of the Marlborough Community Development Authority, and is made in the ordinary course of business pursuant to the vote of May 30, 2013 of the Marlborough Community Development Authority.

For Grantor’s title, see the deed recorded with the South Middlesex County Registry of Deeds, Book 53208, Page 549.

20 Witherbee Street, Marlborough

Pursuant to M.G.L. c. 64D, § 1, no tax stamps are due in connection with this municipal transaction.

IN WITNESS WHEREOF, the Marlborough Community Development Authority has caused these presents to be executed, acknowledged and delivered as a sealed instrument in its name and behalf by Arthur G. Vigeant, its Chairman and Mayor of the City of Marlborough, hereunto duly authorized, this ____ day of _____, 201_.

Marlborough Community Development Authority
By Its Chairman,

Arthur G. Vigeant
Mayor, City of Marlborough

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Chairman of the Marlborough Community Development Authority and Mayor for the City of Marlborough, proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

GRANT OF EASEMENT

The City of Marlborough, a Massachusetts municipal corporation having an address at 140 Main Street, Marlborough, MA 01752 (“Grantor”), for consideration paid of one and 00/100 dollar (\$1.00), grants to the Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (“Grantee”),

with quitclaim covenants,

a permanent easement for the purposes of parking by residents of the Bolton Street Senior Housing, 397 Bolton Street, Marlborough MA, including the right and easement to park vehicles, to maintain, remove, repair and replace the shed presently located thereupon, and to enter upon, pass and repass, excavate, locate, erect, construct, reconstruct, repair, replace, maintain, operate, and inspect pavement, structures, utilities, fixtures and appurtenances for said parking purposes, on, over, under and across land of the City of Marlborough, consisting of forty-seven thousand seven-hundred and eighty-seven (47,787) square feet, or 1.09 acres, more or less, being a certain portion of the parcel of land of the City of Marlborough located at 355 Bolton Street, Marlborough, MA, which parcel of land is shown on the Assessor’s Map of the City of Marlborough as Map 43, Parcel 88, exclusive of the municipal sewer system located under said land and appurtenances thereto located under and on said land, including but not limited to castings, said certain portion of land of which the easement area is comprised being described on Exhibit “A” attached hereto and made a part hereof.

Grantee shall have the right to remove and clear all rocks, trees, brush, shrubs, and limbs which in the opinion of Grantee might interfere with the rights herein granted.

Grantor reserves the right to enter onto, and to pass and repass over, said land for the purposes of excavating, constructing, reconstructing, repairing, replacing, maintaining, operating, inspecting and removing structures, appurtenances and utilities relating to the municipal sewer system which is located under the subject easement and appurtenances thereto located under and on said land, including but not limited to castings, all of which is expressly excluded from this grant of easement. It is expressly understood that Grantor shall repair or replace pavement of the Grantee as may be removed by Grantor for said work to the municipal sewer system.

For Grantor’s title, see deed to the City of Marlborough recorded with the Middlesex South District Registry of Deeds in Book 4501, Page 565.

The City of Marlborough grants the above-described easement to the Marlborough Community Development Authority pursuant to an Order adopted by the Marlborough City Council on _____, 20____, a copy of which is recorded herewith.

Grant of Easement at 355 Bolton Street, Marlborough, MA

Pursuant to M.G.L. c. 64D, § 1, no tax stamps are due in connection with this municipal transaction.

Executed as a sealed instrument by an authorized signatory this ____ day of _____, 201_.

City of Marlborough
By Its Mayor,

Arthur G. Vigeant

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 201_, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, Mayor for the City of Marlborough, proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Exhibit "A"**LEGAL DESCRIPTION****Parking Lot Easement Over Land of the City of Marlborough**

An easement, containing 47,787 square feet, or 1.09 acres, more or less, located on a certain parcel of land owned by the City of Marlborough, 140 Main Street, Marlborough, MA and situated at 355 Bolton Street, Marlborough, MA, for the purposes of parking by residents of the Bolton Street Senior Housing, 397 Bolton Street, Marlborough, MA, and a for a shed presently located thereon, said easement being more particularly bounded and described as follows, excepting therefrom the land beneath which is located the City of Marlborough sewer system and appurtenances thereto located under and on said land, including but not limited to castings:

Beginning at a point, along the southerly property line at 397 Bolton Street. 224.11± feet from the southwesterly corner of the property at its intersection with Bolton Street,

thence continuing in a southerly direction and along a line parallel to and offset 25-foot west of the easterly property line for 397 Bolton Street for a distance of 10.35± feet to a point,

thence turning and running in an easterly direction along a line parallel to and offset 10-foot south of the property line for 397 Bolton Street for a distance of 72.49± feet to a point,

thence turning and running in a northerly direction along a line parallel to and offset 45-foot east of the property line for 397 Bolton Street for a distance of 10.35± feet to a point,

thence turning and running in an easterly direction along an extension of the southerly property line of 397 Bolton Street for a distance of 283.36± feet to the rear (easterly) property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department),

thence turning and running in a northerly direction along the easterly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), three courses, a distance totaling 111.94± feet to the northeast corner of that property,

thence turning and running in a westerly direction along the northerly property line of the land owned by the City of Marlborough at 355 Bolton Street (the current location of the Marlborough Police Department), a distance of 294.87 feet to the northeast property corner of the property at 397 Bolton Street,

thence turning and running in a southerly direction along the easterly property line for 397 Bolton Street for a distance of 200.00 feet to the southeast corner of the property at 397 Bolton Street,

thence turning and running in a westerly direction along the southerly property line for 397 Bolton Street, for a distance of 25.89± feet to the point of beginning.

ORDERED: That the City Council for the City of Marlborough, having received a request from 320-330 Middlesex Avenue, LLC (“the LLC”), a Massachusetts limited liability company, with its principal office located at 85 Ames Street, Marlborough, Massachusetts and shown on the Marlborough Assessors Maps as Map 89, Parcels 3 and 78, to relocate an easement crossing the LLC’s land at 85 Ames Street, does hereby consent to the relocation of the easement as depicted on a plan entitled “Easement Plan of Land in Marlborough, MA;” Owner: 320-330 Middlesex Avenue, LLC, 85 Ames Street, Marlborough, MA; Prepared by Bruce Saluk & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: January 24, 2017; Scale: 1” = 40’. Said easement was granted to the City of Marlborough in a 2002 deed from Arturo J. Gutierrez, Trustee of Marlborough/Northborough Land Realty Trust, recorded in the Middlesex South Registry of Deeds in Book 38482, Page 206, for the purpose of providing access to and egress from land, granted in that same deed to the City, which City-owned land is located on Glen Street and shown on the Marlborough Assessors Maps as Map 89, Parcel 3C. The City’s consent to the relocation of the easement is based on the following findings:

1. The proposed relocation of the easement does not significantly lessen the utility of the easement for the City; and
2. The proposed relocation of the easement does not increase the burdens on the City in the use and enjoyment of the easement; and
3. The proposed relocation of the easement does not frustrate the purpose for which the easement was created; and
4. The LLC shall pay for all the costs of relocating the existing easement.

IT IS FURTHER ORDERED that the City Council accept the LLC’s Easement Relocation Deed, attached hereto.

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM.