



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MARCH 13, 2017

Regular meeting of the City Council held on Monday, MARCH 13, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:04 PM.

ORDERED: That the Minutes of the City Council meeting February 27, 2017, **FILE**; adopted.

ORDERED: That the following FY17 Capital Bond request in which the bond package represents high priority projects and addresses several infrastructures needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

REHABILITATION OR IMPROVEMENTS TO RECREATIONAL FIELDS

That the sum of \$4,500,000 (four million five hundred thousand dollars) be and is hereby appropriated for rehabilitation or improvements to recreational fields.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY17 Capital Bond request in which the bond package represents high priority projects and addresses several infrastructures needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

STREET CONSTRUCTION

That the sum of \$9,535,000 (nine million five hundred thirty-five thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$9,535,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY17 Capital Bond request in which the bond package represents high priority projects and addresses several infrastructures needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

SEWER CONSTRUCTION

That the sum of \$2,000,000 (two million dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$2,000,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY17 Capital Bond request in which the bond package represents high priority projects and addresses several infrastructures needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

WATER MAIN CONSTRUCTION

That the sum of \$1,500,000 (one million five hundred thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,500,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY17 Capital Bond request in which the bond package represents high priority projects and addresses several infrastructures needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

SEWERAGE SYSTEMS

That the sum of \$700,000 (seven hundred thousand dollars) be and is hereby appropriated for sewerage systems.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$700,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That, for all prior orders approved by the City Council of the City of Marlborough authorizing the borrowing of money to pay costs of capital projects, the City Council hereby votes to supplement each such order to provide, in accordance with M.G.L. c. 44 § 20, that the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and further, that the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Free Cash Transfer for Investments in Equipment and Facilities, refer to **FINANCE COMMITTEE**; adopted.

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	
\$9,963,790.00	\$3,213,000.00	10000	35900	Undesignated Fund	\$365,000.00	19300006	58467	Capital Outlay-Facilities	\$15.00	
Reason:		To fund equipment requests								
					\$1,050,000.00	19300006	58731	Capital Outlay-DPW	\$0.00	
					\$308,000.00	19300006	58593	Capital Outlay-Police	\$18,700.00	
Reason:										
					\$1,490,000.00	19300006	58512	Capital Outlay-Fire	\$0.00	
	\$3,213,000.00	Total			\$3,213,000.00	Total				

ORDERED: That the Appointments of Samantha Khosla, Alan Slattery, & Pam Wilderman and the Reappointment of Lee Wright to the Historical Commission for terms of three years to expire from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Acceptance of Bouffard Drive as a Public Way in proper legal form, Order No. 17-1006799A, **MOVE TO ITEM 27**; adopted.

ORDERED: That the City Council of the City of Marlborough does hereby affirm and clarify, by insertion of Land Court Certificate of Title No. 0223563 into Order No. 16/17-1006732A attached herewith, being the Eminent Domain Order of Taking for the East Main Street Reconstruction Project, and relating to Plan 141 of 2017 recorded at the Middlesex South County Registry of Deeds, that said Eminent Domain Order of Taking is hereby amended, nunc pro tunc, and does further direct that this Order and Order No. 16/17-1006732A, as amended, be filed at the South Middlesex Registry of Deeds with said Land Court Certificate of Title No. 0223563.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation of Acceptance of Bouffard Dr. as a Public Way, Order No. 17-1006799A, **MOVED TO ITEM 27**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation for Proposed Six-Month Cessation of Acceptance of Applications for Special Permit Housing Projects, Order No. 17-1006784A, **MOVE TO REPORTS OF COMMITTEES**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows.

1. In Section 650-35.A(2), by deleting “43.6 acres” and replacing with “45.2 acres”.
2. By Amending Exhibit A of Section 650-35 to include the following additional parcels:

Assessors Map 78, Parcel 14A
Assessors Map 78, Parcel 23

3. In Section 650-35.E(1)(i), adding the following language to the end of the Section:
“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 23, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessors Map 78, Parcel 23, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”
4. In Section 650-35.E(1)(j), adding the following language to the end of the Section:
“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 14A, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessor Map 78, Parcel 14A, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”
5. In Section 650-35.E(2)(a.), adding the following language to the end of the Section:
“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 23, which facilities are existing and shall not require a Special Permit under this Section.”
6. In Section 650-35.E(2)(b.), adding the following language to the end of the Section:
“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 14A, which facilities are existing and shall not require a Special Permit under this Section.”
7. In Section 650-35.E(2)(d.), adding the following language to the end of the Section:
“, excluding so-called Dry Cleaning drop stores where no dry cleaning is performed on premise, which shall be permitted in the HRMUOD as of right.”

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY APRIL 10, 2017**; adopted.

ORDERED: That the Communication from Attorney McCay re: Effective Period of Housing Moratorium, Order No. 17-1006784A, **FILE**; adopted.

ORDERED: That the Communication from Attorney McCay re: Communication from Attorney McCay re: Proposed Amendment to Housing Moratorium as follows, Order No. 17-1006784A, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Minutes, Conservation Commission, February 2, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Assabet Valley Regional Technical High School, January 10, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, October 19 & November 9, 201, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 23, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, September 6 & October 4, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, January 31, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, February 7, 2017, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 25, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, January 10, 2017, **FILE**; adopted.

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

- a. Michael & Suzanne McPhee, 636 Stow Rd., residential mailbox claim 2(b).
- b. Amanda Cote, 675 Brigham St., pothole or other road defect.
- c. James Brangiforte, 1 Avebury Ln., pothole or other road defect.
- d. David Norton, 59 Hutchinson Dr., residential mailbox claim 2(b).
- e. Jason Page, 96 Hosmer St., residential mailbox claim 2(a).
- f. John Coleman, 72 Felton St., other property damage and/or personal injury.
- g. Marina Glennon, 57 Collins Dr., residential mailbox claim 2(b).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday March 6, 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 7:40 PM.

iOrder No. 17-1006827 – Transfer \$56,131.02 from Reserve for Salaries to Fire Department Sick Leave Buy Back account: The Finance Committee reviewed the Mayor's letter dated February 23, 2017 requesting a transfer of \$56,131.02 from the Reserve for Salaries account to fund sick leave buy back account for two recent retirees in the Marlboro Fire Department. **The Finance Committee voted 5– 0 to approve the transfer.**

The Finance Committee adjourned at 7:47 PM.

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee
Tuesday, March 7, 2017, 5:00 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, Councilor Juairé, Councilor Clancy and Councilor Landers. Also attending were Cynthia Panagore Griffin, Assistant City Solicitor and Tom DiPersio, City Engineer.

Order No. 17-1006787 - Communication from Mayor re: Order of Grant and Acceptance of Easements Regarding City owned Land-Route 85/Maple Street, Reconstruction Project. The Mayor's letter of January 5, 2017 was read into the record. It was explained that although the city owns the land, it is required to accept easements on that land to meet federal/state DOT, Highway Division requirements as part of the reconstruction of Route 85. Chairman Robey reviewed the updated Order submitted by Assistant Solicitor Panagore-Griffin including minor changes to the description of land reflected in the updated Plan dated 1/13/17. Two-thirds vote is required because the Order involves a change of land use. {MGL c.40 §15A}

Councilor Juairé moved to recommend approval of Order 17-1006787, which is a transfer of land use for certain portions of city owned property on Route 85/Maple Street for the purpose of a grant of easements. (Requires 2/3 Vote) The motion carried 3-0.

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 5:15 PM.

Reports of Committees Cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: March 6, 2017

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

Convened: 6:45 PM – Adjourned: 7:39 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; Councilors Clancy, Delano, Doucette, Juaire, Landers, Oram, Ossing and Robey

Also, Present: Mark Bartlett, Jared Falcon, Lt. David Giorgi, Mayor Arthur Vigeant

Order No. 16-1006727 - The Cultural Council Reappointment of Mark Bartlett for a term of three years which expired in August 2016.

Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the reappointment of Mark Bartlett to the Cultural Council for a term of three years. The motion carried 3-0.

Note: Melissa Vera, Jessica Bowen and Stephan D'Alessandro were approved on January 9, 2017.

Order No. 17-1006830 - 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. Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the appointment of Jared Falcon as an Alternate Member of the Zoning Board of Appeals for a term of two years to commence upon City Council approval. The motion carried 3-0.

Order No. 17-1006829 - The Appointment of Lt. David Giorgi to Chief of Police for a term of four years to commence on April 1, 2017. Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the appointment of Lt. David Giorgi to the position of Chief of Police for a term of four (4) years to commence on April 1, 2017. The motion carried 3-0.

Motion made by Councilor Elder, seconded by the Chair, to request a suspension of the rules at the March 13, 2017 City Council meeting to request action upon the appointment.

Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:39 PM.

Reports of Committees Cont'd:

Meeting Name: City Council Urban Affairs Committee

Date: March 7, 2017

Time: 5:30 PM

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

Convened: 5:35 PM – Adjourned: 7:25 PM

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

Order No. 17-1006784 - Temporary Cessation of the Acceptance of Applications for Special Permits for Housing Projects. The Urban Affairs Committee met for a discussion of the Mayor's request for the City Council to consider a temporary cessation of new proposals for special permit applications for housing developments within the City for a period of six-months. The committee agreed that a temporary cessation would allow the City time to prepare a plan and review the impact potential projects would have on the City's infrastructure including water, sewer and roads, public safety and schools. Part of the plan would include how many housing units the City could absorb without adversely affecting services for residents. Councilor Tunnera requested an exemption for the development of blighted properties however it was discussed that the six-month moratorium would be over before such a property was purchased and its application submitted for development. **Motion made by Councilor Juaire, seconded by Chair, to approve the temporary cessation of the acceptance of applications for special permits for housing projects. The motion carried 3-2 (Councilors Elder and Tunnera opposed.)**

Motion made by Councilor Juaire, seconded by Chair, to request a suspension of the rules at the March 13, 2017 City Council meeting to request a vote on this order. The motion carried 5-0.

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 7:25 PM.

Suspension of the Rules requested - granted

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

Suspension of the Rules requested - granted

Motion by Councilor Tunnera to amend the Ordinance by adding the following language:

“Notwithstanding the above, the Building Commissioner may authorize submittal of a special permit application pertaining to existing housing deemed by the Building Commissioner to constitute blight, a dilapidated building, a hazard or nuisance, as defined by section 485-2 of the City Code; provided, however, that he make any such authorization expressly conditional on the City Council’s subsequent decision to process the application.”

There was a discussion and the amendment passed by a voice vote as declared by President Clancy of 6-5 (Opposed were Councilors Juairé, Robey, Doucette, Elder and Landers).

Motion by Councilor Ossing to further amend the Ordinance by adding the following language at the end of Section 650-63.B which will allow the Benchmark Assisted Living Facility project to continue to move forward:

“The provisions of this Section 650-63 shall not apply to applications for and the use of land or structures for any housing project for which a special permit application was filed with the City Clerk on or before February 3, 2017.”

There was a discussion and the amendment passed by a voice vote as declared by President Clancy of 8-3 (Opposed were Councilors Juairé, Robey and Elder).

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended 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 BY ADDING THERETO AS FOLLOWS:

A new Section 650-63, entitled “TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS,” is hereby added, as follows:

650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Cessation.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary cessation on the use of land or structures for housing projects by special permit. In no case shall the City accept an application for special permit for a housing project. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council. During the temporary cessation period, the City shall undertake a planning process to address the potential impacts of housing projects in the City, and shall consider amending its Zoning Ordinance to address the impact of said housing projects.

Notwithstanding the above, the Building Commissioner may authorize submittal of a special permit application pertaining to existing housing deemed by the Building Commissioner to constitute blight, a dilapidated building, a hazard or a nuisance, as defined by section 485-2 of the City Code; provided, however, that he make any such authorization expressly conditional on the City Council's subsequent decision to process the application.

The provisions of this Section 650-63 shall not apply to applications for and the use of land or structures for any housing project for which a special permit application was filed with the City Clerk on or before February 3, 2017.

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

This Order passed through all stages with a 9-2 vote. Elder & Robey were opposed.

APPROVED; adopted.

ORDERED: That the Mayor and DPW Commissioner discuss with the Operations and Oversight Committee the use of all vehicles given to city employees, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St. with the following conditions, **APPROVED**; adopted.

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).

ORDERED: That the Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Rd & to install a line recloser on Pole 4 for reliability improvement, **APPROVED**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation of Acceptance of Bouffard Dr. as a Public Way, Order No. 17-1006799A, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Acceptance of Bouffard Drive as a Public Way in proper legal form, Order No. 17-1006799A, **FILE**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that BOUFFARD DRIVE be accepted as a public way

From RAYMOND ROAD to Terminus

and that its appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Bouffard Drive, Marlborough, Mass.," prepared by: MacCarthy & Sullivan Engineering, Inc., 41 Beacon Street, Framingham, Mass., dated: December 19, 2003, Scale: 1" = 40', which plan is to be recorded herewith.

Title to the roadway shown as "BOUFFARD DRIVE" on the above-referenced plan, and title to all the municipal easements, including a drainage easement located on Lot 7, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 7 on the above-referenced plan; a flowage easement located on Lot 7, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Lot 21, shown as "30' WIDE DRAINAGE EASEMENT" on Lot 21 on the above-referenced plan; and an access and utility easement located partially Lot 20 and partially on Lot 21, shown as "ACCESS & UTILITY EASEMENT" on the above-referenced plan, has been granted to the City of Marlborough in a quitclaim deed from Thomas H. Niles, said deed to be recorded herewith, along with an accompanying affidavit pursuant to M.G.L. c. 183, § 5B, at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

BOUFFARD DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:04 PM.