



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

JUNE 20, 2016

Regular meeting of the City Council held on Monday, JUNE 20, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:18 PM.

ORDERED: That the 2016 Youth Service Award presented to Mahish Mahendarkar in recognition and appreciation for his valuable contributions to the bettering of the City of Marlborough through good citizenship, leadership and volunteerism, **FILE**; adopted.

That the City Scholarships Awards were presented to:

Julia Dougherty
237 Robert Road
Marlborough High School

Kevin Falvey
78 Ridge Road
Marlborough High School

Mitchell Lutz
28 Memory Lane
Assabet Valley

Kira Macalvey
125 Vega Road
AMSA

Michael MacCormac
168 Farm Road
Marlborough High School

FILE; adopted.

ORDERED: That the Minutes of the City Council meeting JUNE 6, 2016, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition of NGrid to install three phase underground primary cable across Donald Lynch Blvd., from existing MH 3-5 to proposed MH 3-51. This work is required to provide service for the expansion of the NE Sports Center, Order No. 16-1006592, all were heard who wish to be heard, hearing recessed at 8:13 PM.

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

Suspension of the Rules requested to remove Petition below from Public Services Committee and Vote – granted.

ORDERED: That the Petition of NGrid to install three phase underground primary cable across Donald Lynch Blvd., from existing MH 3-5 to proposed MH 3-51 by which this work is required to provide service for the expansion of the NE Sports Center,
APPROVED WITH THE FOLLOWING CONDITIONS:

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
- 3) The contractor is to ensure residents along the work site are always able to enter and exit their driveways.
- 4) The contractor is to ensure construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
- 6) Trenches are to be paved, or completely backfilled and compacted at the end of each work day in accordance with the road opening permit. Trenches are never to be left unattended.
- 7) Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
- 8) National Grid shall coordinate with property owners along the work site, and be sure to obtain any private easements as necessary prior to work commencing.
- 9) We note that the City is presently conducting a water main replacement project on Donald Lynch Blvd. It is the understanding of this department that the excavation work within the roadway for this petition has been completed. If it has not been completed, then we would request that the excavation work be coordinated so as not to disrupt the City project.

ORDERED: That the PUBLIC HEARING On the Petition of Verizon New England, Inc. to place 1 four-inch conduit on the easterly side of D'Angelo Dr. beginning at existing pole T.5, which is located on the easterly side of D'Angelo Dr., thence running in a southwesterly direction approximately sixty-three feet to private property at #84 D'Angelo Dr. to relocate the existing aerial lines from overhead to underground to provide distribution of intelligence and telecommunications, Order No. 16-1006593, all were heard who wish to be heard, hearing recessed at 8:22 PM.

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

ORDERED: That the PUBLIC On the Application for Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd. East, to place a free-standing LED sign, Order No. 16-1006579, all were heard who wish to be heard, hearing recessed at 8:27 PM.

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

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment-Lawful Pre-Existing Single and Two-Family Residential Structures, Order No. 16-1006578, all were heard who wish to be heard, hearing recessed at 8:31 PM.

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

ORDERED: That the Stabilization transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to Undesignated Stabilization to ensure the City's fiscal stability, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,202,752.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	83600	32925	Undesignated Stabilization	\$8,961,437.74	
	Reason:	To increase undesignated stabilization funds								
	\$1,000,000.00	Total			\$1,000,000.00	Total				

ORDERED: That the Other Post-Employment Benefits (OPEB) transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to City’s OPEB Trust account to fully fund its retirement benefit liability by 2027, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor				FISCAL YEAR:		2016	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$3,202,752.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	87500	35900	OPEB Trust	\$5,111,688.78
Reason:		Transfer funds to OPEB trust							
	\$1,000,000.00	Total			\$1,000,000.00	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Traffic Enforcement and Equipment grant from the Executive Office of Public Safety Highway, Safety Division, in the amount of \$12,000.00 to address high visibility traffic enforcement patrols for the Police Department; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY16 MA Decontamination Unit grant from the Commonwealth of MA in the amount of \$2,000.00 to facilitate the field deployment, training and operational readiness of the mass decontamination unit to enhance protection of local hospitals during public health emergency situations for the Fire Department; adopted.

ORDERED: That the Appointment of Karen Bento to the Library Board of Trustees for a term to expire three years from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Vacancy Report conducted by Regional Resource Group, Inc. which is currently contracted to work as the City’s Assessor, **FILE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Delegation of Site Plan Review, Waivers for Particular Matters and Limited Site Plan Approvals, in proper legal form, Order No. 16-1006443F, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 25, 2016** as **DATE FOR PUBLIC HEARING** On the Petition of Comcast to excavate and place 1-3" Schedule 40 PVC conduit across the alley-way that connects Main St. and Weed St. between buildings #200 Main St. and #194 Main St. Starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main St. for a distance of 21'+/-, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Joseph Peznola on behalf of Hancock Associates, acting on behalf of Walker Realty, LLC re: Apex Center-Proposed Entrance, Order No. 16-1006443G, **FILE**; adopted.

Councilor Oram abstained.

ORDERED: That the Communication from Berlin Earthwork Board re: Public Hearing on Monday, June 27, 2016 at 7:45 PM in the Town Offices Building, Room 206, 23 Linden St., Berlin, MA, to consider the permit renewal/modification application of Riverbridge North, LLC for its Earthwork Permit, dated September 3, 2013, for the importation of up to 75,000 cubic yards of material on the land it owns known as Riverbridge mixed use village **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 26, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 25, May 9 & 23, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, April 5 and May 3, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, April 12 and May 10, 2016, **FILE**; adopted.

ORDERED: That the Communication from Amica on behalf of Philip Lioio, 19 Preston St. re: claim, refer to **LEGAL DEPARTMENT**; adopted.

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

- a. John Sahagian, 146 Hildreth St., pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: June 7, 2016

Time: 6:15 PM

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

Convened: 7:25 PM

Adjourned: 7:46 PM

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

Order No.16-1006583: Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc., d/b/a Dumais and Sons Second Hand Store, 6 High Street. Police Chief Leonard approved the CORI report for Gerald Dumais and had no objection to the renewal of his Junk Dealer License. Gerald Dumais explained the store had not been open for business with any regularity as much of his business is the clean out and removal of trash from residences. **Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0.**

Reports of Committees Cont'd:

Order No.16-1006582: Petition of National Grid to install 4" conduit and new #2 AL cable in multiple areas on the opposite of Sudbury Street at Farrington Lane. Michael Fraser, National Grid representative, explained the reason for the petition was due to multiple cable failures as the old way of running cable was to direct bury the cable with no protection, it deteriorated and faults occurred which were expensive to repair. They were looking to replace the cable with two four inch conduits, one for cable and one as a spare, so if a failure occurs, they can re-run the line in the second conduit. The project would start at Sudbury Street at Pole 15 ½, go down Prendiville Way on the opposite side to Woodcock Lane, Farrington Lane and Harper Circle.

Chairman Landers read the list of standard conditions as required by the City Engineer:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents along the work site are always able to enter and exit their driveways.
4. The contractor is to ensure construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved, or completely backfilled and compacted at the end of each work day in accordance with the road opening permit. Trenches are never to be left unattended.
6. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate with each homeowner along the work site, and be sure to obtain any private easements as necessary prior to work commencing.
8. It is the understanding of this department that the work proposed, as shown on the plans attached to the petition, does not require excavation within the newly paved portion of Farrington Lane. This newly paved section is a protected roadway and cannot be excavated except in emergency situations.

Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.

Reports of Committees Cont'd:

Order No. 16-1006543: Application for Renewal of Junk Dealer's License, Eco ATM, Inc., 601 Donald Lynch Boulevard. Chairman Landers explained Eco ATM has not sent a physical representative to the Public Services Committee for at least the past two years. Eco ATM is a kiosk at the mall that collects old cell phones and provides cash payment for a determined value. According to the Police Chief there have been no reports of problems with the service. The committee agreed to approve the application without a physical presence on behalf of Eco ATM. **Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**

Motion made by Councilor Doucette, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 7:46 PM.

Councilor Elder reported the following out of the Operations and Oversight Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: June 7, 2016

Time: 6:00 PM

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

Convened: 7:22 PM

Adjourned: 7:24 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Clancy (President, ex-officio member) and Landers; Councilor Robey absent.

Also Present: Nicholas Milano (Executive Aide, Office of the Mayor)

Order No. 16-1006514 (X14-1005782A, X13-1005349B): Communication from the Mayor with updated Agreement with the Town of Sudbury to continue operation of the Marlborough-Sudbury Veterans District. The Operations and Oversight Committee met with Nicholas Milano, Executive Aide to the Mayor, for a discussion of continuing the Marlborough-Sudbury Veterans District agreement. The initial agreement began in early 2013 and has been mutually beneficial to both communities. The agreement allowed the two communities to keep the agreement going without an annual renewal and either community can cancel the agreement with a sixty day notice to the reciprocating community. **Motion made by Councilor Clancy, seconded by Chair, to approve. The motion carried 3-0.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:24 PM.

Reports of Committees Cont'd:

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

Meeting Name: City Council Urban Affairs Committee

Date: June 14, 2016

Time: 5:30 PM

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

Convened: 5:32 PM – Adjourned: 6:37 PM

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

Also Present: Arthur Bergeron (Attorney, Mirick O'Connell); Joseph Peznola, PE (Director of Engineering, Hancock Associates); Robert Walker (RA Development); Donald Rider (City Solicitor, City of Marlborough); Priscilla Ryder (Conservation Officer, City of Marlborough); Josh Fiala (Certified Land Use Planner & Registered Architect, MAPC)

Order No. 16-1006443: Hospitality and Recreation Mixed Use Overlay District, Ryan Development LLC – Continue discussion Site Plan Approval Application.

The Urban Affairs committee met with the applicant for resolution of the delegation of authority to Site Plan Review Committee, waivers for the application, and design approvals for the general design of the building, monument signage and Glen Street retaining wall. The City Council would retain authority over site plan approval for the project including the appearance of building and structures, signage, final landscaping design, and the appearance of retaining walls facing public ways while delegating authority to the Site Plan Review Committee concerning the technical aspects of site plan review. There was a discussion of the applicant requested waivers and there were no objections from the Urban Affairs Committee. The developer, Robert Walker, spoke with the committee about the design element choices and how the colors were influenced by the tenants as some are required to maintain appearances within their corporate brand. Chairman Delano planned to request a suspension of the rules at the next regular City Council meeting on Monday, June 20, 2016 to request the full City Council act upon these orders.

Motion made by Councilor Elder, seconded by Chair, to approve the delegation of authority to Site Plan Review Committee as amended. The motion carried 5-0.

Motion made by Councilor Elder, seconded by Chair, to approve the waivers for the application. The motion carried 5-0.

Motion made by Councilor Elder, seconded by Chair, to approve design(s) as presented. The motion carried 5-0.

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:37 PM.

Suspension of the Rules requested-granted

ORDERED:

**VETERANS' SERVICES INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Sudbury**

Pursuant to M.G.L. c. 115, § 10, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (the "Parties"), establishes the Marlborough – Sudbury Regional Veterans' District (the "District") and is hereby entered into and is effective from the 1st day of July, 2016 by and between the City of Marlborough ("Marlborough" or the "City of Marlborough") and the Town of Sudbury ("Sudbury" or the "Town of Sudbury") in accordance with the following terms:

1. Purpose and Duties:

- (A) This Agreement contractually enables the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of the Veterans' Agent for Sudbury. The Director will maintain separate, accurate, and comprehensive records for all services performed for Sudbury.
- (B) Sudbury will provide a part-time employee ("Agent/Administrative Assistant") to serve as administrative support for the District. Said employee will be an employee of Sudbury.
- (C) The Director and the Agent/Administrative Assistant will develop, in consultation with the Town Manager of Sudbury and the Mayor of Marlborough, a schedule of available hours in each municipality. The Director and the Agent/ Administrative Assistant shall serve all qualifying Veterans and their dependents in both municipalities, regardless of which office they are working in on any particular day.
- (D) The Agent/Administrative Assistant will work under the direction of the Director and assist the office in carrying out relevant duties, including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed.
- (E) Sudbury agrees that the Director may utilize his accrued sick and vacation time which may, from time to time, coincide with his scheduled office availability in Sudbury. The Director shall inform Sudbury in advance of such occurrences, and ensure adequate office coverage during his absences.

- 2. Term: The term of this Agreement shall be for one year, effective July 1, 2016 and continuing until the end of the fiscal year on June 30, 2017, said term to be renewed annually upon the approval of the District Board. Pursuant to M.G.L. c. 115, § 10, the Town of Sudbury and the City of Marlborough may withdraw from this agreement if such withdrawal is voted not less than sixty (60) days prior to the end of the fiscal year and notice of such vote is filed with the other municipality comprising the District.

3. Location and Time of Services: The Director and the Agent/Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$833.50 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this Agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.
6. Indemnification and Insurance: Pursuant to M.G.L. c. 40, § 4A, Marlborough and Sudbury shall not be exempt from liability for their obligations under this Agreement. The Parties acknowledge that each has a minimum of \$1,000,000 of liability insurance through the Massachusetts Interlocal Insurance Association (MIIA), and that each part is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
7. Amendments: The Agreement may be amended or modified only by a written instrument signed by both Parties.
8. Notice: Until changed by notice in the manner specified above, for purposes of this paragraph the addresses and telephone numbers of the Parties to this Agreement shall be:

FOR THE CITY OF MARLBOROUGH

Arthur G. Vigeant, Mayor
 City of Marlborough
 140 Main Street
 Marlborough, MA 01752
 Telephone: (508) 460-3770

FOR THE TOWN OF SUDBURY:

Melissa Murphy-Rodrigues, Town Manager
 Town of Sudbury
 278 Old Sudbury Road
 Sudbury, MA 01776
 Telephone: (978) 639-3381

9. The Parties understand and agree that reimbursement by the Commonwealth of Massachusetts of an eligible Veteran's benefits, as provided under M.G.L. c. 115, § 6, which reimbursement as of the date of this Agreement is seventy-five percent (75%), shall be credited to either Marlborough or Sudbury depending upon the respective municipality in which the eligible Veteran resides.
10. Upon execution of this Agreement, Marlborough and Sudbury shall create a District Board pursuant to M.G.L. c. 115 § 11, with all of the duties and authorities thereunder. Said District Board shall be comprised of one representative from Marlborough and one representative from Sudbury, and shall meet no less than once every calendar year.
11. The Director shall assist local Veterans' Councils from Marlborough and Sudbury with the coordination of all ceremonies and parades in which the local Veterans' Councils participate.

12. In accordance with 108 CMR 12.02, the District is subject to approval by the Massachusetts Department of Veterans Services, which approval shall be expeditiously sought by the Parties upon execution of this Agreement.

Suspension of the Rules requested-granted

ORDERED: That the Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane, Order No. 16-1006582A, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents along the work site are always able to enter and exit their driveways.
4. The contractor is to ensure construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved, or completely backfilled and compacted at the end of each work day in accordance with the road opening permit. Trenches are never to be left unattended.
6. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate with each homeowner along the work site, and be sure to obtain any private easements as necessary prior to work commencing.
8. It is the understanding of this department that the work proposed, as shown on the plans attached to the petition, does not require excavation within the newly paved portion of Farrington Lane. This newly paved section is a protected roadway and cannot be excavated except in emergency situations.

Council Delano recused.

Suspension of the Rules requested-granted

ORDERED: Be it ordained by the City Council that notwithstanding the authority granted to the City Council under paragraph B. 1. of §650-35, Hospitality And Recreation Mixed Use Overlay District (HRMUOD), of the City Code:

1. The City Council hereby delegates its authority for Site Plan Approval to the Site Plan Review Committee concerning the technical aspects of site plan review, for which the Site Plan Review Committee possesses professional expertise, for the application for Site Plan Approval by Walker Realty LLC for a mixed use development filed with the City Council on June 2, 2016 (the "Project"), for which site plan review shall proceed in accordance with §270-2 of the City Code;
2. The City Council shall retain authority over those aspects of Site Plan Approval for the Project which concern (i) the appearance of buildings and structures, (ii) signage, (iii) final landscaping design, and (iv) the appearance of retaining walls facing public ways;
3. That the Site Plan Review Committee is authorized to issue Site Plan Approvals for the Project in phases without requiring new applications from the developer of the Project and without postponing further site plan review of additional phases of the Project;
4. That upon request by the developer of the Project to the City Council, site plan review of the Project may be returned to the City Council's Urban Affairs Committee for further consideration and recommended orders to the City Council; and
5. The City Council shall retain its authority to vary dimensions and parking requirements for the Project as provided in paragraph B. 2. of said §650-35.

APPROVED; adopted.

Suspension of the Rules requested-granted

ORDERED: Be it ordained by the City Council that in accordance with § 650-35, Hospitality And Recreation Mixed Use Overlay District (HRMUOD), of the City Code and in accordance with Order No. 16-1006443, the City Council hereby approves of the following waivers for the application for Site Plan Approval by Walker Realty LLC (the "Application" by the "Applicant") for a mixed use development filed with the City Council on June 2, 2016 (the "Project") as shown on the plans entitled "Permit Site Plan" prepared by Hancock Associates, dated June 2, 2016 (the "Plans"), with said waivers to be incorporated into any phased or final Site Plan Approvals for the Project:

1. In accordance with § 650-35.G(7), a waiver of the requirement set forth in § 650-48.C(1) of the City Code that off-street parking facilities be provided on the same lot as the principal use they are required to serve, having found that based upon the Plans and other information submitted by the Applicant such waiver will enhance the overall design of the HRMUOD;

2. In accordance with § 650-35.G(7), a waiver of the requirement set forth in § 650-49.F(4) of the City Code that all proposed building lots must have frontage on an acceptable way as defined in M.G.L. c. 40 Section 81L, and each lot's frontage must also provide the possibility of independent practical access from the proposed structure or use to the way without using a common driveway, having found that based upon the Plans and other information submitted by the Applicant such waiver will enhance the overall design of the HRMUOD; and
3. In accordance with § 650-35.K(3), a waiver of the requirement set forth in § 650-24.F(8) of the City Code that requiring a fifty-foot no disturbance/buffer zone to a wetland within the Water Supply Protection District having found that based upon the Plans, information submitted by the Applicant, and the on-site and off-site protection measures near the water supply required by the Development Agreement between the Applicant and the City dated June ____, 2016, a similar or greater protection is provided to the water supply with a buffer less than fifty feet, provided that the Applicant (i) may not cause a temporary disturbance of more than 20% of the total area of the fifty-foot no disturbance/buffer zone located within the HRMUOD and (ii) may not create a permanent encroachment of impervious surface of more than 4.7% of the total area of the fifty-foot no disturbance/buffer zone located within the HRMUOD without a further modification from the City Council for any such increase in permanent encroachment of impervious area within the fifty-foot no disturbance/buffer zone above 4.7%. The issuance of this waiver does not obviate the need for further technical review of the Plans by the Site Plan Review Committee pursuant to the HRMUOD nor does it obviate the need for the issuance of an Order of Conditions from the City of Marlborough Conservation Commission for any proposed work within the wetland buffer area or riverfront.

APPROVED; adopted.

Suspension of the Rules requested-granted

ORDERED: Be it ordained by the City Council that in accordance with § 650-35, Hospitality And Recreation Mixed Use Overlay District (HRMUOD), of the City Code and in accordance with Order No. 16-1006443, the City Council hereby approves of the following aspects of the application for Site Plan Approval by Walker Realty LLC (the "Application" by the "Applicant") for a mixed use development filed with the City Council on June 2, 2016 (the "Project") as shown on the plans entitled "Permit Site Plan" prepared by Hancock Associates, dated June 2, 2016 (the "Plans"), with said approvals to be incorporated into any phased or final Site Plan Approvals for the Project:

1. General Building design, as shown on renderings submitted with the Application prepared by LK Architecture and dated March 22, 2016 (the "Renderings"), is approved subject to submission to the City Council of final elevations for architectural review of any building or group of buildings prior to issuance of a building permit so that in accordance with paragraph eight (8) of the Development Agreement, the City Council may ensure substantial conformity with the Renderings in all material respects and may verify that the proposed final elevations are consistent with the design scheme reflected in the Renderings;

2. Monument signage, as shown on the renderings submitted by the Applicant as part of the Master Concept Plan for the Project approved on June 6, 2016; and
3. General Design of the retaining wall to be located along Glen Street, as shown on the renderings submitted by the Applicant as part of the Master Concept Plan for the Project approved on June 6, 2016.

Further, the herein approvals by the City Council do not constitute modifications to, or waivers of, any and all terms or rights and duties of or under the Development Agreement.

APPROVED; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Delegation of Site Plan Review, Waivers for Particular Matters and Limited Site Plan Approvals, in proper legal form, Order No. 16-1006443F, **FILE;** adopted.

ORDERED: That the Year-end transfer requests which moves funds from and to various accounts as noted on the attached spreadsheets which will cover expenses and balance accounts for FY16, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Health and Licensing				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,136.96	\$1,050.00	15120004	53140	Contract Services	\$1,000.00	15120005	54220	Office Supplies/Expense	\$823.42	
	Reason:	Funds available.				Additional funds needed for mileage reimbursements and supplies				
					\$50.00	11650002	51050	License Board Secretary	\$52.27	
						Funds needed for remaining meetings				
	\$1,050.00	Total			\$1,050.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$12,397	\$5,970	60080001	50580	Assistant Chemist	\$9,180	60080006	55650	Sewer Maintenance	\$0	
	Reason:	Position vacant for a period of time.				Anticipated cost to cover remaining FY16.				
\$2,825	\$2,325	60080003	51440	Educational Incentives						
	Reason:	Position vacant for a period of time.								
\$1,085	\$885	60081003	51440	Educational Incentives						
	Reason:	Not used.								
\$60,073	\$40,918	61090001	50690	Foreman	\$40,918	61090006	55710	Water Maintenance	\$18,257	
	Reason:	Position Vacant.				Anticipated cost to cover remaining FY16.				
\$115,346	\$39,648	61090001	50740	Equipment Operators	\$39,648	61090003	51310	Overtime - Regular	\$147	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY16.				
	\$89,746	Total			\$89,746	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		##		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$7,334.44	\$4,530	61090003	51470	Interim Foreman	\$4,530	61090006	55710	Water Maintenance	\$18,257	
	Reason:					Anticipated cost to cover remaining FY16.				
\$27,424.54	\$27,424	14001001	50630	Assistant Commissioner	\$27,424	11920006	52469	Repairs/Maintenance	\$149	
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16				
\$22,499.34	\$22,499	14001002	50062	Finance Assistant	\$22,499	14001305	55310	Highway Construction	\$4,170	
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16				
\$8,245.59	\$8,246	14001503	51430	Longevity	\$8,246	14001506	54640	Parks Maintenance	\$0	
	Reason:					Anticipated cost to cover remaining FY 16				
\$2,075.60	\$2,076	14001503	51440	Educational Incentive	\$2,076	14001506	54640	Parks Maintenance	\$0	
	Reason:					Anticipated cost to cover remaining FY 16				
	\$64,775	Total			\$64,775	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT: Department of Public Works				FISCAL YEAR:				
	FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,025.91	\$10,026	14001503	51920	Sick Leave BB	\$10,026	14001504	53140	Contract services	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
\$98,618.19	\$7,000	14001503	50740	Equipment Operators	\$7,000	14001504	53140	Contract Services	\$0
	Reason:			Vacant positions				Anticipated cost to cover remaining FY 16	
\$3,073.39	\$3,073	14001503	51940	Clothing Allowance	\$3,073	14001504	53140	Contract Services	\$0
	Reason:			Vacant positions					
\$2,739.54	\$2,740	14001403	51920	Sick Leave BB	\$1,000	14001104	53150	Advertising	\$30
	Reason:							Anticipated cost to cover remaining FY 16	
					\$1,740	14001104	53180	Prof/Tech services	\$3,446
	Reason:							Anticipated cost to cover remaining FY 16	
	\$22,839	Total			\$22,839	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT: Department of Public Works				FISCAL YEAR:				
	FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$72,012.35	\$72,000	14001406	54830	Fuel and lubricants	\$60,000	11920006	52120	Electricity	\$249,951
	Reason:			Decrease in fuel costs				Anticipated cost to cover remaining FY 16	
					\$1,000	14001403	51470	Interim Foreman	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
					\$11,000	14001504	53140	Contract Services	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
	\$72,000	Total			\$72,000	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$89,894.76	\$30,000.00	12200001	50335	Deputy Fire Chief	\$30,000.00	12200003	51300	Overtime	\$76,700.68	
Reason:		Funds available due to unfilled positions				Balance may not be sufficient to complete FY16				
	\$30,000.00	Total			\$30,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$629,780.00	\$115,000.00	17520006	59254	Interest on BAN	\$5,000.00	11940006	51860	Widows Pension	\$12,439.30	
Reason:		Excess due to lower than expected interest rate.				Reason:		Notification from Commonwealth of MA		
					\$25,000.00	11330006	53460	Postage	\$21,933.70	
Reason:						Reason:		Voter Confirmation Mailing		
					\$60,000.00	11960006	51710	Workers Comp	\$0.00	
Reason:						Reason:		Proposed settlements		
					\$25,000.00	11410006	53114	Appeal Tax Case	\$4,775.00	
Reason:						Reason:		Appraisal for tax abatement issue		
	\$115,000.00	Total			\$115,000.00	Total				

ORDERED: That the transfer request in the amount of \$675,745.00 which moves funds from Undesignated to Overtime Snow & Ice, Snow Removal & Operating Expenses to fund the FY2016 Snow and Ice Deficit, **APPROVED**; adopted.

BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,896,252.00	\$675,745.00	10000	35900	Undesignated Fund	\$98,745.00	14001203	51390	Overtime-Snow & Ice	-\$98,744.90	
	Reason:	To fund the snow & ice deficit for FY16								
					\$122,000.00	14001206	52960	Snow Removal	-\$119,837.47	
	Reason:									
					\$455,000.00	14001206	57040	Operating Expenses	-\$452,800.29	
	\$675,745.00	Total			\$675,745.00	Total				

ORDERED: That the Economic Development Corporation transfer request in the amount of \$647,580.00 which moves funds from Economic Development to MEDC Funding accounts to fully fund the FY17 operations, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,006,920.08	\$647,580.00	27000099	42440	Economic Development	\$647,580.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY17								
	\$647,580.00	Total			\$647,580.00	Total				

Councilor Oram opposed.

ORDERED: That the Economic Development Corporation transfer request in the amount of \$75,000.00.00 which moves funds from Economic Development to MEDC Funding accounts to fund the Walker Building Feasibility Study, X15/16-1006380, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,006,920.08	\$75,000.00	27000099	42440	Economic Development	\$75,000.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	Walker Building feasibility study								
	\$75,000.00	Total			\$75,000.00	Total				

ORDERED: That the transfer request in the amount of \$62,400.00 which moves funds from Parks and Fields Capital to Interest on BAN to fund the City's interest payment obligations related to parks and recreation projects, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,485,405.84	\$62,400.00	27000099	42445	Parks & Fields Capital	\$62,400.00	17520006	59254	Interest on BAN	\$629,780.00	
	Reason:	Local options meals tax to be used for FY16 BAN payments associated with parks & fields.								
	\$62,400.00	Total			\$62,400.00	Total				

ORDERED:

Public Safety Revolving Fund

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

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

APPROVED; adopted.

ORDERED:

Council on Aging Revolving Fund

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

- (a) receipts credited to the fund shall be limited to donations to the Council on Aging/Senior Center; and
- (b) expenditures from said fund shall be limited to Council on Aging/Senior Center programming; and
- (c) the Executive Director of the Council on Aging shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty thousand dollars (\$40,000.00) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, description of expenditures, and year-end balance; and
- (f) the provisions of this order shall not be changed unless approved by the Mayor and City Council.

APPROVED; adopted.

ORDERED:

Parks and Recreation Revolving Fund

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

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than one hundred thousand dollars (\$100,000) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:18 PM.