



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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DECEMBER 19, 2016

Regular meeting of the City Council held on Monday, DECEMBER 19, 2016 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 9:42 PM.

ORDERED: That the Minutes of the City Council meeting December 5, 2016, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On Proposed Zoning Amendment to Chapters 650-56 & 650-59, Order No. 16-1006734, all were heard who wish to be heard, hearing recessed at 8:04 PM.

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

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

1. Section 650-56, entitled "Enforcement," is hereby amended by striking out, in subsection F, the word "six" and inserting in place thereof the following word:-- twelve.
2. Section 650-59, entitled "Powers and procedures of special-permit-granting authorities," is hereby amended by striking out, in subsection A(1), entitled "Special permits," the number "two" and inserting in place thereof the following word:-- three.

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

ORDERED: That the Fire Department transfer request in the amount of \$200,000.00 which moves funds from and to various accounts as noted below to continue funding overtime costs, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,885,795.05	\$178,772.22	12200001	50450	Firefighter	\$178,772.22	1.2E+07	51300	Overtime	\$16,356.66	
Reason:		Transfer is available due to unfilled positions				Firefighter vacancies, retirements and medical absences				
\$1,885,795.05	\$3,412.45	12200001	50450	Firefighter	\$3,412.45	1.2E+07	51300	Overtime	\$16,356.66	
Reason:		Transfer is available due to 111F payments				Firefighter vacancies, retirements and medical absences				
\$652,447.59	\$17,815.33	12200001	50810	Fire Lieutenant	\$17,815.33	1.2E+07	51300	Overtime	\$16,356.66	
Reason:		Transfer is available due to 111F payments				Firefighter vacancies, retirements and medical absences				
\$200,000.00		Total			\$200,000.00	Total				

ORDERED: That the Police Department transfer request in the amount of \$192,300.00 which moves funds from and to various accounts as noted below to continue funding overtime costs, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Police				FY:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available 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				
\$2,325	\$2,300.00	12100003	51370	Overtime - Celebrations	\$2,300	12100003	51310	Overtime - Regular	\$66,527	
Reason:		Surplus from Labor Day OT needs				As above				
\$141,968	\$20,000.00	12100003	51320	Overtime - Court	\$20,000	12100003	51310	Overtime - Regular	\$66,527	
Reason:		Less court OT needed thus far				As above				
\$192,300.00		Total			\$192,300.00	Total				

ORDERED: That the Assabet Valley Property Acquisition which includes a transfer request in the amount of \$1,600.00 which moves funds from Stabilization-Open Space to Open Space Acquisition for the purpose of depositing funds on any negotiated purchase and sale, refer to **FINANCE COMMITTEE**; 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
\$1,018,295.76	\$1,600.00	83600	32918	Stabilization-Open Space	\$1,600.00	19300006	58170	Open Space Acquisition	\$0.00
Reason:					For deposit on purchase and sale				
	\$1,600.00	Total			\$1,600.00	Total			

ORDERED: That the Communication from the Mayor re: Revised Salary Ordinance pertinent to nonunion positions, Order No. 16-1006718, moved to **REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Revised Order to Approve Unique Acquisition & to Authorize Negotiation and Entering into Purchase & Sales Agreement, Order No. 16-1006760, moved to **REPORTS OF COMMITTEE**; adopted.

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.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**.

ORDERED: That the Revised City of Marlborough Aggregation Plan which can be viewed at the City Clerk's office, **FILE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Zoning Ordinance Amendment, Marlborough Village District, in proper legal form, Order No. 16-1006667C, **MOVED TO ITEM 19**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) in proper legal form, Order No. 16-1006634C, **MOVE TO ITEM 20**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in Zone B of the Water Supply Protection District, in proper legal form, Order No. 16-1006635B, **MOVED TO ITEM 21**; adopted.

ORDERED: That the Communication which included a draft Order, from Assabet Valley Regional Technical High School, Superintendent-Director Houle re: Assabet Valley Acquisition of property located on Fitchburg St., **DENIED**; adopted.

ORDERED: That the Minutes, License Board, October 26, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, November 1, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Cultural Council, November 28, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, November 1, 2016, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
a. Anthony Annese, 111 West Hill Rd., other property damage.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday December 12, 2016
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilor Clancy was also in attendance. The meeting convened at 7:00 PM.

1. **Order No. 16-1006718 – Non Union Compensation Proposal and Proposed Job Title Changes.** The Finance Committee reviewed the Mayor’s letter dated November 9, 2016 requesting the review and approval of an updated salary ordinance. **The Finance Committee voted 5– 0 to approve the following four items:**
 - **The order revising the salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non union) to Administrative Assistant, changing the position of Financial Assistant (non union) to DPW Financial Assistant and all positions on the 7 Step schedule shall work a 40-hour week.**
 - **The Finance Committee agreed to support suspending the rules at the December 19, 2016 City Council meeting to approve advertising the order.**
 - **The order to revise the Compensation schedule in its entirety. The Mayor will incorporate the comments of the Finance Committee which included removing the Retirement Director, Retirement Board Financial Assistant and the Director of Information Technology (schools).**
 - **The Finance Committee agreed to support suspending the rules at the December 19, 2016 City Council meeting to approve advertising the order.**

2. **Order No. 16-1006760 – Proposed Orders to Enter into Purchase and Sales Agreements and Transfer of \$75,000.00 from the Undesignated Account to the Land Acquisition Account.** The Finance Committee reviewed the Mayor’s letter dated December 1, 2016 requesting the approval of an order to acquire land for the purposes of the proposed construction project at the Marlboro Public Library. The four parcel locations are 49 West Main Street, 29 Witherbee Street, 24 Gay Street and 30 Gay Street. **The Finance Committee approved the following two orders 5 – 0:**
 - **Order to authorize the Mayor to enter into negotiations for four parcels for parking at the Library. The Mayor to amend the order by adding the words “more than” in the last paragraph prior to the “25%”.**
 - **Order approving the transfer of \$75,000.00 from the Undesignated fund for the purpose of providing the deposits to bind offers on the four parcels for parking at the Library.**
 - **The Finance Committee agreed to support suspending the rules at the December 19, 2016 City Council meeting to approve both orders.**

Reports of Committee Cont'd.

3. **Order No. 16-1006761 – Acceptance of the Provisions of MGL c. 44 Section 53F ¾.** The Finance Committee reviewed the Mayor's letter dated December 1, 2016 requesting the approval of an order accepting the provisions of MGL c. 44 Section 53F ¾ which would create a separate revenue account for receipts received in connection with the City's franchise agreements with cable providers. **The Finance Committee voted 5 – 0 to approve the order accepting the provisions of MGL c. 44 Section 53F ¾.**

Note that Councilor Ossing read a disclosure that was filed with the City Clerk's office per MGL c. 268A section 23(b)(3).

4. **Order No. 16-1006762 (X-92-4412) – Order Repealing Order 92-4412 Which Established the Watershed Protection and Acquisition Fund.** The Finance Committee reviewed the Mayor's letter dated December 1, 2016 requesting the repeal of order 92-4412 which established the Watershed Protection and Acquisition Fund. **The Finance Committee voted 5 - 0 to approve the order to repeal Order 92-4412.**

The Finance Committee adjourned at 9:16 PM.

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

City Council Legislative and Legal Affairs Committee
Wednesday, December 7, 2016, 7:05 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Clancy; Councilor Delano and Councilor Juare were absent. Also attending were Don Rider, City Solicitor and Tom DiPersio, City Engineer.

Order No. 16-1006702 - Proposed Amendment to City Code providing Zoning Board of Appeals 100 days to file a decision on an appeal or variance.

ZBA chairman wrote to Solicitor Rider requesting City Code be updated to be in conformance with MGL C. 40A s. 15 which allows 100 days for ZBA to file its decision on an appeal by a petitioner or Building Commissioner and states 100 days as timeframe for failure to act before an appeal or petition is deemed approved. This matter was referred to Planning Board and L&L. The Council's public hearing was continued to Nov. 28th when ZBA vice-chairman Ralph Loftin spoke in favor; the Planning Board held their public hearing on Dec. 5th and voted favorably to support the zoning change and a letter from them should be on the Council's Dec. 19 agenda. **It was moved and seconded to recommend approval of the zoning changes to Section 650-58 Subsection C3 which will change current 75 days to 100 days for the ZBA to render a decision after an appeal from a decision of the building commissioner or a petition for a variance has been filed with the City Clerk and Section 650-58 Subsection C4 which will change current 75 days to 100 days for the period during which any failure by the ZBA to render such a decision will cause the appeal or petition to be deemed approved; motion carried 2-0.**

Reports of Committee Cont'd.

Order No-16-1006732 - Order of Taking by Eminent Domain of permanent and temporary easements on E. Main St. for the purposes of reconstruction, construction and maintenance of improvements to E. Main St.

Received letter from Mayor dated Nov. 9th explaining the Order of Taking by Eminent Domain parcels, a letter from Commissioner Ghiloni asking for the easements, as well as maps showing all the parcels related to E. Main St. construction. The work is funded thru a MassWorks Grant so no appropriation is needed for this. The project includes 15 separate parcels of miscellaneous size at 48, 56, 59, 60, 79, 83-A, 87, 95, 99, and 114 E. Main St.; 19, 21, & 38 Brown St.; & 15 Sawin St. with either temporary or permanent easements and various awards totaling \$8,779 to be paid for the takings. Also received a memo from City Engineer DiPersio stating temporary easements are for grading, driveway, walkway and stone wall reconstruction and permanent easements are "aerial" for overhead wires to cross private property due to utility pole relocation.

Solicitor Rider informed us of two changes that will be made to the Order before it is on the agenda for final Council vote. One is an error by VHP in the numbering of map pages-1st page is 1 of 6, then it goes 2-5 of 7 and back to 6 of 6, 2nd is in the Description of Land Taken, items #1, 2, 3, 4, 9, 10, 12, 13 & 14 where it states the temporary easement will be terminated "on and after the third anniversary" which should read second anniversary.

It was moved and seconded to recommend approval of Order 16-1006732 with corrections to be done by Solicitor Rider before final vote; motion carried 2-0.

It was moved and seconded to adjourn; motion carried 2-0. The meeting adjourned at 7:26 PM.

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: December 7, 2016

Time: 5:00 PM

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

Convened: 5:03 PM – Adjourned: 5:45 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; Councilors Clancy and Ossing

Also Present: Rose Marie Elwood, Jeanne McGeough, Pat Gallier, Leslie Biggar, David Elmore, Melissa Vera, Jessica Bowen, Stephan D'Alessandro, Diane Smith, Beverly Sleeper, and Lisa Thomas

Order No. 16-1006654 - The Reappointments of the following individuals to the Council on Aging with staggered terms: Leslie Biggar to a three-year term expiring in May 2019; and Rose Marie Elwood, Jeanne McGeough and Pat Gallier to two year terms expiring May 2018. Recommendation of the Personnel Committee is to approve the reappointments of Rose Marie Elwood, Jeanne McGeough, Pat Gallier, and Leslie Biggar to the Council on Aging. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. The motion carried 3-0.**

Reports of Committee Cont'd.

Order No. 16-1006727 - The Cultural Council Appointments as follows: Stephan D'Alessandro and Jessica Bowen to the Cultural Council for a term of three years and Reappointments of Mark Bartlett and Melissa Vera for a term of three years which expired in August 2016. Recommendation of the Personnel Committee is to approve the reappointment of Melissa Vera and appointments of Jessica Bowen and Stephan D'Alessandro to the Cultural Council. Mark Bartlett was unable to attend the meeting and his reappointment remained in the Personnel Committee. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment of Melissa Vera and appointments of Stephan D'Alessandro and Jessica Bowen. The motion carried 3-0.**

Order No. 16-1006728 - The Reappointment of Auditor, Diane Smith, for a term of three years to commence upon City Council approval. Recommendation of the Personnel Committee is to approve the reappointment of Diane Smith as Auditor. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

Order No. 16-1006729 - The Reappointment of Chief Procurement Officer, Beverly Sleeper, for a term of three years to commence upon City Council approval. Recommendation of the Personnel Committee is to approve the reappointment of Beverly Sleeper as Chief Procurement Officer. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

Order No. 16-1006733 - The Reappointment of Lisa Thomas as City Clerk for a term of three years to expire on February 28, 2020. Recommendation of the Personnel Committee is to approve the reappointment of Lisa Thomas as City Clerk. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 5:45 PM.

ORDERED: That Item 6, Communication from the Mayor re: Revised Salary Ordinance pertinent to nonunion positions, Order No. 16-1006718, **FILE.**; adopted.

Suspension of the Rules requested – granted

ORDERED: At a regular meeting of the Marlborough City Council on December 19, 2016, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non-union) to Administrative Assistant, changing the Position of the Financial Assistant (non-union) to DPW Financial Assistant and all positions on the Step 7 Schedule shall work a 40-hour week,

ADVERTISED AS INDICATED ABOVE AND TABLE UNTIL THE FOLLOWING MEETING AFTER JANUARY 9, 2017 AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

Suspension of the Rules requested – granted

ORDERED: At a regular meeting of the Marlborough City Council on December 19, 2016, the proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries in its entirety. (Salary Table available in Clerk's Office for viewing).

ADVERTISED AS INDICATED ABOVE AND TABLE UNTIL THE FOLLOWING MEETING AFTER JANUARY 9, 2017 AS THE TEN DAY PERIOD WILL NOT BE MET FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

ORDERED: That Item 7, Communication from the Mayor re: Revised Order to Approve Unique Acquisition & to Authorize Negotiation and Entering into Purchase & Sales Agreement, Order No. 16-1006760, **FILE.**; adopted.

Suspension of the Rules requested – granted

ORDERED: Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of one or more of four (4) parcels of land will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandez.

The above-identified parcels satisfy the requirements of said M.G.L. c. 30B, § 16(e)(2), because:

- (i) the parcels are uniquely situated because they are located within close proximity to the existing Marlborough Public Library which does not currently have sufficient parking to meet the requirements of the Board of Library Commissioners in relation to the proposed renovation and addition project; (ii) the only way to increase the amount of parking is to purchase parcels uniquely located either adjacent to, or within close proximity of, the Marlborough Public Library; and (iii) the proposed acquisition of these parcels will increase parking for access to, and increased usage of, the Marlborough Public Library.

It is further ordered that the Mayor is authorized to negotiate and enter into individual purchase and sales agreements for each of the above-identified parcels subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not be more than 25% higher than the average assessed value of the parcel during the previous three years; (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the City to acquire the parcel for the amount stated in the purchase and sales agreement; and (iii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel. As of this date, the average assessed value of each of the above-described parcels during the previous three years is as follows:

49 West Main Street (Map 69 Parcel 224) = \$303,266.66
29 Witherbee Street (Map 69 Parcel 245) = \$206,600.00
24 Gay Street (Map 69 Parcel 256) = \$223,133.33
30 Gay Street (Map 69 Parcel 255) = \$227,266.66

APPROVED; adopted.

Suspension of the Rules requested – granted

ORDERED: That the pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$75,000 from the Undesignated Fund, Account Number 10000-35900, for the purposes of providing the deposit(s) which would be paid by the City to bind offers on the proposed purchase and sales agreements which are the subject of Order No. 16-1006760, with respect to the any or all of the following parcels:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

APPROVED; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Zoning Ordinance Amendment, Marlborough Village District, in proper legal form, Order No. 16-1006667C, **FILE;** adopted.

President Clancy called a recess at 8:50 PM and returned to open meeting at 8:53 PM.

Suspension of the Rules requested to allow the Solicitor to speak – granted

President Clancy called a recess at 9:21 PM and returned to open meeting at 9:24 PM.

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 by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Area, Yards, and Height of Structures, to Approve as was **Originally Submitted by petitioner and duly Advertised in proper legal form, with a correction of Scrivener’s error for Item 3 as follows:**

By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (*new text is underlined, deleted text has strikethrough*):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 ³	10 ¹⁴	10 ¹⁵	Minimum: 35 feet 6 stories: not to exceed a maximum of 70 feet ¹²	80% ¹³

NOTES:

1. Note deleted.
2. Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
3. Where abutting a residence district, or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure’s lot line; otherwise 0 feet.
4. Except where abutting a residence district, shall be 50 feet.
5. Except for buildings extending through a block or to a railroad siding.
6. For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
7. However, this frontage need not be contiguous.
8. No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.

9. Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
10. Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
11. Maximum lot coverage for a Large Tract Development Lot shall be 50%.
12. Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. [See Section 650-33(F).]
13. Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
14. Except along ~~Main Street~~ within the following streets in the Marlborough Village District where zero-foot setback is allowed by right: : Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
15. Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. Councilor Oram objected to passage in one evening.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) in proper legal form, Order No. 16-1006634C, **FILE**; adopted.

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Ryan Development LLC
Order No. 16-1006634D

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006634D**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ryan Development LLC (the “Applicant”) to build and operate a car wash in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) located at 22 Apex Drive, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant, is a duly organized and existing Limited Liability Company having a business address of 4 Lan Drive, Westford, Massachusetts 01886.
2. Apex WR 1031 LLC is the owner of the property located at 22 Apex Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcels 12, 14, 38 and 39, and Map 89, Parcel 7 (the “Site”).
3. The Applicant proposes to build and operate a new car wash facility at the Site (the “Use”) as part of the larger Apex Center development (the “Project”).
4. The Site is located in the HRMUOD, following the City Council’s approval of a Master Concept Plan for the Project (Order No. 16-1006443G-1), approval of the Development Agreement for the Project (Order No. 16-1006443G-2), and the Owner’s acquisition of the Site (deed recorded in the Middlesex South District Registry of Deeds in Book 67444, Page 575).
5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit for the Use in the HRMUOD as provided in this Decision and subject to the following.
6. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled “22 Apex Drive Building Pad and Site Plan” prepared by Hancock Associates and dated May 16, 2014, last revised August 10, 2016 (the “Plans”).
7. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

9. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, September 12, 2016. The hearing was opened and closed on that date.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns, to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS to the Applicant a Special Permit to build and operate a car wash in Hospitality and Recreation Mixed Use Overlay District (HRMUOD) as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site shall be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
 3. Site Plan Review. The issuance of the Special Permit is further subject to that certain Site Plan Review Decision issued on November 2, 2016 for the overall Project, which Site Plan Review Decision was issued in accordance with the HRMUOD Ordinance and the City of Marlborough Site Plan Review Ordinance.
 4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, or increase the size, or shape or position of the building, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
6. Car Wash Safety Factor. The Chief of Police or his designee shall have authority to order the carwash temporarily closed when an "icing" or unsafe condition on the public way exists due to the carwash or weather conditions, as determined solely by the Chief of Police or his designee.
7. Carwash Equipment Monitoring. All carwash equipment shall be monitored on an annual basis with reports given by the Applicant to the Assistant Commissioner of Utilities of the Marlborough Department of Public Works. The purpose of said report is for the Applicant to demonstrate that the effluent from the car wash to the City's sewer system is acceptable to the City.
8. Concrete Aprons. The concrete aprons located at the exit of the carwash bays shall be heated during the winter months to prevent icing. This shall be included in the design submitted for a building permit.
9. Disposal of Chemical Containers. All containers that have been used for the storage of chemicals shall adhere to any and all disposal requirements consistent with safety precautions and the RCRA.
10. Hours of Operation. The hours of operation for the carwash shall be from 6AM to 12AM, seven (7) days per week. The Applicant may, after 12 months from the date of the final occupancy permit for the carwash, request from the City Council a modification to the hours of operation, up to 24 hours per day, through an amendment to this Special Permit.
11. Compliance with Related Special Permit. The Applicant has also applied for a special permit for the Use in Zone B of the Watershed Protection District (Order No. 16-1006635). Any conditions attached to the approval of said special permit are also incorporated herein and made a part hereof.
12. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in Zone B of the Water Supply Protection District, in proper legal form, Order No. 16-1006635B, **FILE**; adopted.

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Ryan Development LLC
Order No. 16-1006635C

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006635C**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ryan Development LLC (the “Applicant”) to build and operate a car wash in Zone B of the Water Supply Protection District located at 22 Apex Drive, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant, is a duly organized and existing Limited Liability Company having a business address of 4 Lan Drive, Westford, Massachusetts 01886.
2. Apex WR 1031 LLC is the owner of the property located at 22 Apex Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcels 12, 14, 38 and 39, and Map 89, Parcel 7 (the “Site”).
3. The Applicant proposes to build and operate a new car wash facility at the Site (the “Use”) as part of the larger Apex Center development (the “Project”).
4. The Site is located in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), following the City Council’s approval of a Master Concept Plan for the Project (Order No. 16-1006443G-1), approval of the Development Agreement for the Project (Order No. 16-1006443G-2), and the Owner’s acquisition of the Site (deed recorded at the Middlesex South District Registry of Deeds in Book 67444, Page 575).
5. The Site is also located in Zone B of the Water Supply Protection District (WSPD).
6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit for the Use in Zone B of the WSPD as provided in this Decision and subject to the following.
7. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled “22 Apex Drive Building Pad and Site Plan” prepared by Hancock Associates and dated May 16, 2014, last revised August 10, 2016 (the “Plans”).
8. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
10. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, August 29, 2016. The hearing was opened and closed on that date.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns, to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS to the Applicant a Special Permit to build and operate a car wash in Zone B of the Water Supply Protection District as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws: Construction of all structures on the Site shall be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
 3. Site Plan Review. The issuance of the Special Permit is further subject to that certain Site Plan Review Decision issued on November 2, 2016 for the overall Project, which Site Plan Review Decision was issued in accordance with the HRMUOD Ordinance and the City of Marlborough Site Plan Review Ordinance.
 4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, or increase the size, shape or position of the building, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
6. Disposal of Chemicals Containers. No container that has been used for the storage of chemicals which are used in the carwash process will be disposed of in the dumpster located on the Site.
7. Hazardous Materials Spill Containment. Protection against toxic or hazardous material discharge or loss through corrosion, accidental damage, spillage or vandalism shall be provided. Such protection shall include provisions for spill control in the vicinity of chemical delivery points and shall include secure storage provisions for corrodible or dissolvable materials. Secondary containment structures must be provided which are large enough to contain the volume of the containers total storage capacity per local Fire Department requirements.
8. Emergency response. A spill prevention, control and countermeasure plan to prevent contamination of soil and water in the event of accidental spills or the release of materials shall be reviewed by the Fire Department. Compliance with recommendations of the Fire Department on said plan shall be required.
9. Sewer Discharge. The Applicant shall utilize some recycling of water (approximately 25% of their water usage) to reduce sewer discharge from the car wash. Prior to the issuance of a building permit, the Applicant shall review with the Assistant Commissioner of Utilities, Marlborough Public Works Department, the final process design and the need to apply for an Industrial Waste Discharge Permit for the proposed discharge.
10. Water Use - Well. The Applicant has proposed to drill a well to partially service the car wash to reduce the need for City water for this facility. Therefore, the following steps are necessary:
 - a. Prior to the issuance of a building permit, the Applicant will provide a report on the well construction. The report shall indicate flow capacity and construction details of the well and its connection to the car wash system.
 - b. The well report shall also confirm to the Board of Health Agent, the Conservation Officer, and the City Engineer that the well is deep enough so as not to interfere with surface water in the adjacent wetlands, or the supply of water to the Millham Reservoir.
 - c. The well must be located outside of the Floodplain and Wetlands Protection District, and must be properly sealed to prevent potential contamination from entering the aquifer.
 - d. Any sinks located in restroom facilities or wash rooms which are for the use of car wash employees or employees of the Applicant, and which restroom facilities or wash rooms are located within the subject car wash building, must be serviced by potable water, and not well water, as per Board of Health requirements.

11. Storage of Flammables Prohibited. No flammable materials except those, like diesel and oil, that may be used to heat the premises, will be stored at the site.
12. Activity Prohibition in Zone A. No activity that is accessory to a carwash, including but not limited to the pre-washing of cars, will be allowed in Zone A.
13. Compliance with Related Special Permit. The Applicant has also applied for a special permit for the Use in the HRMUOD (Order No. 16-1006634). Any conditions attached to the approval of that special permit are also incorporated herein and made a part hereof.
14. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

Yea: 11 – Nay: 0

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 485, ENTITLED “PROPERTY MAINTENANCE,” AS FOLLOWS:

1. Chapter 485, entitled “Property Maintenance,” is hereby amended by adding a new Article III, entitled “Reporting Obligations After a Devastating Event,” as follows:

ARTICLE III: Reporting Obligations After a Devastating Event

Section 485-16. Definitions.

When used in this article, the following terms shall have the following meanings, unless a contrary intention clearly appears:

BUILDING

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed of a combination of any materials, to form shelter for persons, animals, or property.

CITY

The City of Marlborough.

COMMISSIONER

The Building Commissioner of the City of Marlborough or his/her designee.

DEVASTATING EVENT

A fire, gas explosion, lightning strike, storm, flood, falling tree, earthquake, act of vandalism, plumbing burst or freeze, or other similar event that significantly damages, in the estimation of the Commissioner, a building or structure located, at least in part, within the City.

OWNER

Every person, entity, mortgage lender, service company, property manager or real estate broker, who alone or severally with others:

- A. Has legal or equitable title to any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise; or
- B. Has care, charge or control of any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- C. Is a mortgagee in possession of any such dwelling, dwelling unit, mobile home unit, building or parcel of land, vacant or otherwise; or
- D. Is an officer or trustee of the association of unit owners of a condominium;
- E. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- F. Is a person who operates a rooming house.

STRUCTURE

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Section 485-17. Reporting Obligations.

- A. Within 72 hours after the City has sent, by first class mail and by certified mail, written notification to the owner of a building or structure damaged by a devastating event, the owner of the building or structure damaged by the devastating event shall report in writing to the Building Commissioner the name, mailing address, and contact information including phone number of the insurance company providing insurance on the building or structure, as well as the name, mailing address, and contact information including phone number of any licensed public insurance adjuster retained by or on behalf of the owner.
- B. No later than 30 calendar days after the date of the devastating event, and at no less than 30-calendar-day intervals thereafter, the owner shall report in writing to the Building Commissioner the status of settlement negotiations with the insurer of the damaged building or structure, together with a timetable for repairing, renovating or otherwise disposing of the building or structure. The building or structure will be subject to evaluation by the Building Commissioner or his/her designee every 30 calendar days after the date of the devastating event.

- C. Failure of the owner to comply, within the pertinent 30-calendar-day period, with the reporting obligations of this Section 485-17 shall subject the owner to the antiblight provisions set forth in Article I of this Chapter.
- D. Nothing contained in this Section 485-17 shall prohibit the City from seeking any relief the City deems appropriate to protect and advance the health, safety, welfare and aesthetic concerns of the public, including but not limited to a demolition order pursuant to M.G.L. c. 139, § 1; an inspection of the building or structure by the Building Commissioner or his/her designee pursuant to M.G.L. c. 143, § 6; or a referral of the matter to the City's Board of Health to enforce the provisions of the sanitary code including by means of judicial appointment of a receiver pursuant to M.G.L. c. 111, § 127I. All costs incurred by the City pursuant to this section shall constitute a debt due the City pursuant to the provisions of M.G.L. c. 139, § 3A, M.G.L. c. 143, § 9, or M.G.L. c. 111, § 125, as applicable.
 - 2. Since the deferred operation of this ordinance would tend to defeat its purpose, which is to make effective its provisions as soon as possible in order to protect the health and safety of the people or their property, this ordinance shall become effective immediately upon passage.

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

Councilor Oram withdrew his objection to Item 19, Marlborough Village District Zoning Ordinance. All stages were approved in one evening.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:42 PM.