



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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**MAY 5, 2014**

Regular meeting of the City Council held on Monday, MAY 5, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 9:16 PM.

**ORDERED:** That the minutes of the City Council meeting APRIL 28, 2014, **FILE AS AMENDED**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Amber Debole of TRM on behalf of T-Mobile Northeast, LLC for minor upgrade to existing telecom site, which consists of replacing all nine existing antennas, adding a cable divider, fiber jumpers, and hybrid cable to existing tower at 75 Donald Lynch Blvd. All were heard who wish to be heard, hearing recessed at 8:03 PM.

**Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**

**ORDERED:** That the See. Click. & Fix. & Marlborough Works, **FILE**; adopted.

**ORDERED: ACCEPTANCE OF LAYOUT OF FARRINGTON LANE AND EMINENT DOMAIN ORDER OF TAKING OF FARRINGTON LANE, 155 FARRINGTON LANE, AND THOSE CERTAIN SEWER EASEMENTS LOCATED ON FARRINGTON LANE**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the fee interest in the parcel known and numbered as 155 Farrington Lane, shown as Parcel 6 on Exhibit "A" hereto, including the land and the sewer pump station located thereon and described herein, be taken for the purposes of the construction, maintenance, replacement, operation, alteration, repair, removal, and improvement of the municipal utilities, sewerage, sewer system, and appurtenant structures and equipment located in, on, under, and through said land and within said sewer pump station; and

WHEREAS, the aforementioned fee interests and easement interests are necessary for the protection of the health, welfare and safety of the residents of Marlborough; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79, as amended, and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, for the aforementioned purposes we accept the layout of Farrington Lane, also known as Parcel 27A, as a public way, and we take by Eminent Domain the fee interest in said Farrington Lane, permanent easement interests in the land known as Sewer Easement 7 and Sewer Easement 9, and the fee interest in the parcel known and numbered as 155 Farrington Lane, also known as Parcel 6, including all parcels of land, buildings, trees, and other vegetation thereon, all of which interests are shown and described on Exhibit “A” attached herewith and further described on the plans accompanying this Order entitled:

- (1) “Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1” = 40, Sheet 1 of 4”;
- (2) “Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1” = 40, Sheet 2 of 4”;
- (3) “Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1” = 40, Sheet 3 of 4”; and
- (4) “Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1” = 40, Sheet 4 of 4”.

For title, the assumed owners of the land and interests taken herein and references to the Middlesex County South Registry of Deeds are as follows:

| <u>Land and Assumed Owner</u>             | <u>Middlesex Registry</u> | <u>Area (S.F.)</u> |
|---|---------------------------|--------------------|
|   | <u>Book</u> <u>Page</u>   |                    |
| Farrington Lane                           | 15905 49                  | +/- 92,309.5       |
| Gristmill Construction, Inc.              | 993 145                   |                    |
| (Paul M. Zarella & Frederick K. Heim)     | 17230 36                  |                    |
| 1016 170                                  |                           |                    |
| 155 Farrington Lane (pump station parcel) |                           |                    |
| Gristmill Construction, Inc.              | 17230 36                  | +/- 2,000          |
| (Paul M. Zarella & Frederick K. Heim)     |                           |                    |
| Farrington Lane (to centerline)           | 41040 568                 | +/- 17,743         |

Eugene and Diane Balinski  
51 Farrington Lane

Farrington Lane (to centerline)                    58043   326                    +/- 24,947.5  
Karen F. Rose  
81 Farrington Lane

Sewer Easement 7 at 155 Farrington Lane  
Gristmill Construction, Inc.                    1217   50                    +/- 3,600  
(Paul M. Zarella & Frederick K. Heim)

Sewer Easement 9 at 167 Farrington Lane  
Gristmill Construction, Inc.                    1298   53                    +/- 5,283  
(Paul M. Zarella & Frederick K. Heim)

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or easements and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that[ \_\_\_\_\_] damages have been sustained by the owners of the land, structures, equipment and appurtenances, therein or thereon, so taken.

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

**ORDERED:** That there being no objection thereto set **MONDAY, MAY 19, 2014** as date for a **PUBLIC HEARING** for the proposed FY15 budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, refer to **FINANCE COMMITTEE**; adopted.

**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 BY ADDING THERETO AS FOLLOWS:

- 1. Section 650-17, entitled "Table of Uses," is hereby amended by adding to said section a new business use entitled, "Medical Marijuana Treatment Center," which shall be regulated, as follows:

|    |    |    |    |    |    |   |    |    |    |
|----|----|----|----|----|----|---|----|----|----|
| RR | A1 | A2 | A3 | RB | RC | B | CA | LI | I  |
| N  | N  | N  | N  | N  | N  | N | SP | SP | SP |

- 2. A new Section 650-32, entitled "MEDICAL MARIJUANA TREATMENT CENTERS," is hereby added, as follows:

**650-32 MEDICAL MARIJUANA TREATMENT CENTERS**

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws and 105 CMR 725.000 promulgated by the Commonwealth of Massachusetts Department of Public Health, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.
- B. For purposes of this chapter, the following definitions shall apply:
1. **CERTIFYING PHYSICIAN** means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that, in his or her professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a qualifying patient.
  2. **DEBILITATING** means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.
  3. **DEBILITATING MEDICAL CONDITION** shall mean cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a qualifying patient's certifying physician.
  4. **HARDSHIP CULTIVATION REGISTRATION** means a registration issued to a registered qualifying patient under the requirements of 105 CMR 725.035.
  5. **MARIJUANA** shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

6. MARIJUANA-INFUSED PRODUCT (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Medical Marijuana Treatment Center, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.
7. MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under Section 650-32 of this ordinance.
8. MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
9. PERSON shall mean an individual or a non-profit entity.
10. PERSONAL CAREGIVER shall mean a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.
11. QUALIFYING PATIENT shall mean a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).
12. REGISTERED QUALIFYING PATIENT means a qualifying patient who has applied for and received a registration card from the Commonwealth of Massachusetts Department of Public Health.

13. **REGISTRATION CARD** means an identification card issued by the Commonwealth of Massachusetts Department of Public Health to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department; that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a Medical Marijuana Treatment Center.

C. In such zoning districts where a Special Permit is required for a Medical Marijuana Treatment Center, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment;
6. Potential fiscal impact, including impact on City services, tax base, and employment; and
7. The ability for the Center to:
  - a. meet a demonstrated need;
  - b. provide a secure indoor waiting area for clients;
  - c. provide an adequate pick-up/drop-off area;
  - d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
  - e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Center, and its impact on neighboring uses.

The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.

D. A Medical Marijuana Treatment Center shall not be located:

1. within five thousand (5,000) feet of another Medical Marijuana Treatment Center, as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Center;

2. within five thousand (5,000) feet of a Narcotic Detoxification and/or Maintenance Facility, as defined in and regulated by the zoning ordinance of the City of Marlborough, and as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Facility; nor,
  3. within one thousand (1,000) feet of:
    - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;
    - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
    - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended).
    - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
    - e. a retirement community (as defined in § 650-5 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough.
- E. Nothing contained in Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a Medical Marijuana Treatment Center.
3. The effective date of these amendments shall be the date of their passage.

**REFER TO URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR JUNE 2, 2014;** adopted.

ORDERED: That the Special Permit, VNG Co., 413 Lakeside Ave., in proper legal form, Order No.13/14-1005581D, **MOVE TO ITEM 16;** adopted.

ORDERED: That the Communication from the Attorney Rowe re: Special Permit Conditions for VNG Co., 413 Lakeside Ave., Order No.13/14-1005581D, **FILE;** adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE;** adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE;** adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE;** adopted.

ORDERED: That the Minutes, Planning Board, April 7, 2014, **FILE;** adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Daniel Byron, 134 Bracken Drive, refer to the **LEGAL DEPARTMENT;** adopted.

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

- A. Erica Connolly, 630 Stevens St., other property damage and/or personal injury
- B. Scott Duane, 524 Hemenway St., pothole or other road defect claim

Reports of Committees:

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

Convened: 5:40 PM

Adjourned: 6:25 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Landers, Tunnera, and Page (Councilor Clancy Absent); Councilors Pope and Robey

Absent: Councilor Clancy

Also Present: Conservation Officer Priscilla Rider; Building Inspector Michael Mendoza; Attorney David Gadbois; William Park (Civil Engineer), SMMA; Joseph Zink (President and Chief Executive Officer), Atlantic Management

**3-10-14- Order No. 14-1005727 - Communication from Brian Lawlor of CSM Corporation re:**

**Site Plan Review Application for a hotel within the Results Way Mixed Use Overlay District.**

**-REFER TO URBAN AFFAIRS**

The committee met to continue review of the Site Plan and Conditions for the Hilton Garden Inn at Forest Park. Minor changes were made throughout the document. Attorney Gadbois will revise the language as discussed and submit a clean copy of the document to the committee. The committee approved the conditions as amended and will request a suspension of the rules at the next City Council meeting to forward to the City Solicitor for placement in proper legal form on the City Council's May 19, 2014 regular meeting agenda.

**Motion made by Councilor Page, seconded by Chair, to approve as amended. Adopted 4-0, Clancy absent.**

**Motion made by Councilor Tunnera, seconded by the Chair, to request a suspension of the rules at the next City Council meeting to send to the City Solicitor to place in proper legal form. Adopted 4-0 Clancy absent.**

Motion made by Councilor Tunnera, seconded by the Chair, to adjourn at 6:25 p.m.

**Suspension of the Rules requested – granted**

ORDERED: That the Site Plan Review for a hotel within the Results Way Mixed Use Overlay District, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the City Council support a request from the Marlborough Public Library Board of Trustees to apply for, receive, and expend grant funds to be awarded by the Massachusetts Board of Library Commissioners for the purposes of a feasibility and planning study for the renovation or new construction of a public library facility, **APPROVED**; adopted.

**Councilor Delano requested to be recorded in opposition.**



ORDERED: MOTION made by Councilor Robey to Move to amend Special Permit language as submitted by Assistant City Solicitor Panagore-Griffin, agenda item 7-2 as follows:

Delete in its entirety Condition #11 and replace with the following original language from applicant: Outdoor Display of Products and Merchandise: The display of any and all products, merchandise, or goods of any kind shall be restricted to automotive products in the pump island area. Products in front of the store shall not interfere with the cement area used as a sidewalk or prevent access to the store. There shall be a limit of one ice dispenser outside.

Delete in its entirety #12 which reads, Sale of Alcoholic Beverages Prohibited and renumber the remaining items - **CARRIES**

**DECISION FOR SPECIAL PERMIT  
IN CITY COUNCIL**

**DECISION**

The City Council of the City of Marlborough, by a vote of six to five in favor of approval, **DENIES** a Special Permit, as amended, to VNG.co LLC of 150 Monument Road, Suite 500 Bala Cynwyd, PA 19004 to construct and operate a Compressed Natural Gas (CNG) facility with one dispenser at the site of the Shell Gas Station located at 413 Lakeside Avenue, Marlborough, MA (hereinafter, the "Site"). The owner of the Site, GTY MA/NH Leasing, 125 Jericho Turnpike, Suite 103, Jericho, NY 11753, and/or the operator of the Site, Nouria Energy Ventures I, LLC, 326 Clark Street, Worcester, MA 01606 (the latter of which VNG.co LLC has executed or would have executed an Operating Agreement for a portion of the Site pursuant to the terms of this Special Permit) have failed to address existing conditions at the Site, including safety issues attendant to the display of products on the sidewalk, located at the front of the convenience store, so as to obstruct safe passage of pedestrians and the parking of vehicles in front of the sidewalk in an area not designated for parking, and they have allowed to exist numerous violations of the Americans With Disabilities Act and the regulations of the Massachusetts Architectural Access Board, including the size and location of handicapped parking spaces and signage.

**Yea: 6 – Nay: 5**

**Yea: Elder, Tunnera, Clancy, Landers, Ossing & Robey**

**Nay; Delano, Page, Irish, Oram & Pope**

ORDERED: That the Appointment of Karin Jost-Paquin to the Conservation Commission for a term to expire three years from date of approval, **APPROVED**; adopted.

**Councilor Clancy abstained.**

ORDERED: That the Conservation Commission Appointments for the following with noted expiration terms, **APPROVED**; adopted.

1. Alan White, term to expire March 6, 2017,
2. David Williams, term to expire March 2, 2015,
3. Dennis Demers, term to expire March 2, 2015.

**Councilor Clancy abstained.**

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Paul Giunta as a regular member for a term to expire five years from date of approval.

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Theodore Scott as a regular member for a term to expire five years from date of approval.

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Ralph Lotfin will serve the balance of the unexpired term of Robert Page which will expire on May 5, 2017.

ORDERED: That the Appointment of Connie Mish to the Youth Commission for a term to expire three years from date of approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a two year term to expire on April 1, 2016, **APPROVED**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Article II Of Chapter 270, entitled “Building And Site Development,” is hereby amended by inserting the following new section:

§ 270–8A. Specifications and Permit of the Marlborough Fire department, Bi-Directional/Unidirectional Antenna for In-Building Fire Department and Police Department Radio Coverage.

A. The Marlborough Fire Department requires that, in accordance with 780 CMR 915.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and all existing buildings undergoing renovations or rehabilitation constituting new construction, herein defined as 30% or more of gross square footage, provide reliable radio communications for fire fighters, EMS, and police officers within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

B. The installation and operation of radio-based fire department communication systems must comply with the document entitled “Marlborough Fire Department Bi-Directional/Unidirectional Antenna Specifications For In-Building Fire Department Radio Coverage In Buildings,” which document may be obtained at the Marlborough Fire Department and is incorporated herein by reference. The Marlborough Fire Department is authorized to promulgate and amend, from time to time, said regulations. No radio-based fire department communication systems shall be installed or operated without first filing with the Marlborough Fire Department a written application and obtaining a permit therefor. No occupancy permit shall be issued by the Building Department without said permit, or a written waiver therefrom by the Marlborough Fire Department.

- C. Each permit issued by the Marlborough Fire Department under this section is subject to the fee for installation and maintenance of a Fire Department and Police Department communications system which is listed in Section 328-2 of Chapter 328.

Section 328-2 of Article II of Chapter 328, entitled "Fire Department Fee Schedule," is hereby amended by inserting the following new fee:

| <b>Type</b>   | <b>Fee</b> |
|---|------------|
| Installation and Maintenance of<br>Fire Department and Police Department<br>Communications System | \$50.00    |

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT ARTICLE VI, OF THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By striking paragraphs A and B in their entirety from § 67-27, and inserting in place thereof the following:
- A. There shall be a Board of Tax Assessors comprised of three members who shall be appointed by the Mayor, subject to confirmation by the City Council, for a term of three years and until his/her successor is qualified.
  - B. No member of the Board of Tax Assessors shall receive compensation if he/she is an employee of the City of Marlborough or an employee of a vendor or company which provides contracted services to the Assessors' Office.
  - C. The members of the Board of Tax Assessors shall annually choose as Chairman one of their number who is not an employee of the Assessors' Office and not an employee of a vendor or company which provides contracted services to the Assessors' Office.
- II. By striking in its entirety § 67-28, and inserting in place thereof the following new § 67-28:
- § 67-28 Principal Assessor; powers and duties.
- A. There shall be a Principal Assessor, appointed by the Mayor and subject to confirmation by the City Council, who shall serve a term of three years and until his/her successor is qualified. The Principal Assessor shall not be subject to an additional appointment by the Mayor to the Board of Tax Assessors.
  - B. The Principal Assessor shall serve as a member of the Board of Tax Assessors and shall oversee the day to day operations of the Assessors' Office. The Principal Assessor shall also be responsible for the administrative, technical and supervisory work related to the valuation and revaluation of all residential, industrial and commercial real estate and personal property, including triennial recertification in conformance with regulations of the Department of Revenue, and for the preparation of estimates of city-wide valuations for use in budget appropriations.

- C. The Principal Assessor shall obtain evidence of all assets and income as required to be reported pursuant to all exemption and deferral programs, including certified or notarized statements, income tax returns or other verification satisfactory to the Principal Assessor.
  - D. Additional responsibilities of the Principal Assessor include managing the defense of the City in cases before the Appellate Tax Board or other governing bodies, and in conjunction with the Board of Tax Assessors, processing tax exemptions and abatements.
  - E. The Principal Assessor shall be qualified in accordance with the regulations of the Department of Revenue, and shall at the time of appointment be designated a Massachusetts Accredited Assessor (MAA), or shall obtain said designation within one year of appointment. The Principal Assessor shall also be designated a Certified General Real Estate Appraiser by the Commonwealth of Massachusetts at the time of appointment, or shall obtain said designation within one year of appointment.
- III. By striking in its entirety § 67-32, and inserting in place thereof the following new § 67-32:

§ 67-32. Senior Assessor; Powers and Duties

- A. There shall be a Senior Assessor in the Assessor's Office who shall be a full-time employee. He/she shall assist the Principal Assessor in the performance of his/her duties and, in the absence of the same, shall assume the duties of said Principal Assessor in the administration and management of the Assessors' Office. His/her compensation shall be fixed by ordinance.

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, THAT § 67-10 OF ARTICLE VI OF THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

§ 67-10. Comptroller-Treasurer; appointment, term and duties

- A. The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of two years. Such Comptroller-Treasurer shall take office on the first Monday next following his/her appointment. He/she shall perform the duties of the Treasurer as set forth in the General Laws of the Commonwealth of Massachusetts and the Code of the City of Marlborough and will be the Chief Financial Officer of the City. He/she shall comply with all other statutes, regulations and ordinances relative to his/her duties as Comptroller.
- B. The Comptroller-Treasurer shall have the additional duties to coordinate all financial policies of the City while working with all departments, without interfering with the statutory authority, duties and powers of each department. He/she shall oversee and have administrative oversight of the Municipal Finance Department which shall include the offices of Collector and Assessors. He/she shall, subject to the approval of the Mayor, establish formal controls of expenditures and appropriations, and provide financial advice and long range planning for all departments.

- C. The Comptroller-Treasurer shall assist and make recommendations to the Mayor in the development and evaluation of the capital and operating budgets. He/she shall perform all duties which the Mayor and City Council shall direct.

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT § 7-31 OF ARTICLE IV OF THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

§ 7-31. Powers and duties of Commissioner

- A. The Commissioner of Public Works shall be the supervisory and administrative head of the Department of Public Works. The Commissioner is hereby vested with the authority, duty and power to regulate and coordinate all functions reasonably related to the duties and responsibilities of the Department of Public Works as herein transferred to the Department and as the City Council may from time to time by ordinance provide, any other provision of law to the contrary notwithstanding.
- B. The Commissioner of Public Works shall have all the authority of the former Board of Cemetery Commissioners and shall be responsible for and have the authority conveyed by §§ 19-3, 19-4, 19-9, 19-10 and 19-11 of Article II, and § 19-13 of Article III of Chapter 19 of the Code. The City shall create a renamed, uncodified division to be called the Forestry, Parks and Cemetery Division. [Added 6-29-1998 by Ord. No. 98-7503B]
- C. The Commissioner of Public Works shall assume the duties and responsibilities of the Water Registrar, City of Marlborough. Said Commissioner of Public Works shall comply with and be responsible for the duties of the Water Registrar as contained in §§ 510-14 and 608-8 of the City Code, and file reports as required by § 67-9 of the City Code.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.