



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**NOVEMBER 3, 2014**

Regular meeting of the City Council held on Monday, NOVEMBER 3, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 8:45 PM.

**Council President Pope recognized Boy Scout Troop 41 who were in attendance and are working on their Citizenship and Community Merit Badges.**

ORDERED: That the minutes of the City Council meeting OCTOBER 20, 2014, **FILE**; adopted.

ORDERED: That the Honorary Citizen Citations for visiting students from Akiruno Japan, **FILE**; adopted.

President Pope requested a recess at 8:17 PM and returned to open meeting at 8:19 PM; adopted.

ORDERED: That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and that to meet said appropriations, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (3) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, refer to **FINANCE COMMITTEE**; adopted.

**Councilor Elder recused.**

ORDERED: That the following Capital Outlay Requests in the amount of \$1,363,198.00 to fund equipment that would qualify for five year capital bonds for DPW, Police Department and Emergency Management, refer to **FINANCE COMMITTEE**; adopted.

## FROM:

|                     |                |
|---------------------|----------------|
| Acct. # 10000-35900 | \$1,363,198.00 |
| Undesignated Fund   |                |

## TO:

|                        |                |
|------------------------|----------------|
| Acct. # 19300006-58731 | \$1,191,826.00 |
| DPW Equipment          |                |

|                        |             |
|------------------------|-------------|
| Acct. # 19300006-58593 | \$77,952.00 |
| Dept. Equipment Police |             |

|                        |             |
|------------------------|-------------|
| Acct. # 19300006-58596 | \$93,420.00 |
| Emergency Management   |             |

ORDERED: That the Council on Aging transfer request in the amount of \$23,992.00 which moves funds from COA-Clerk and DPW-Finance Assistant to COA-Senior Clerk to fund a Senior Clerk position at the Council on Aging, refer to **FINANCE COMMITTEE**; adopted.

## FROM:

|                        |             |
|------------------------|-------------|
| Acct. # 15410002-50141 | \$16,942.00 |
| Council on Aging Clerk |             |

|                        |            |
|------------------------|------------|
| Acct. # 14001002-50062 | \$7,050.00 |
| DPW-Finance Assistant  |            |

## TO:

|                               |             |
|-------------------------------|-------------|
| Acct. # 15410002-50770        | \$23,992.00 |
| Council on Aging-Senior Clerk |             |

ORDERED: That the Health Department transfer request in the amount of \$20,000.00 which moves funds from Mayor-Audit Services and Comptroller-Senior Clerk to Board of Health Contract Services to fund inspectional services and plan reviews of new food establishments, refer to **FINANCE COMMITTEE**; adopted.

## FROM:

|                        |             |
|------------------------|-------------|
| Acct. # 11210004-53080 | \$18,500.00 |
| Mayor-Audit Services   |             |

|                          |            |
|--------------------------|------------|
| Acct. # 11330002-50770   | \$1,500.00 |
| Comptroller Senior Clerk |            |

## TO:

|                                   |             |
|-----------------------------------|-------------|
| Acct. # 15120004-53140            | \$20,000.00 |
| Board of Health Contract Services |             |

ORDERED: That the Building Department Transfer request in the amount of \$350.00 which moves funds from Instate Travel to Zoning Board Members to fund stipends due to members of the Zoning Board of Appeals, **APPROVED**; adopted.

FROM:

|                        |          |
|------------------------|----------|
| Acct. # 12410006-57100 | \$350.00 |
| Instate Travel         |          |

TO:

|                        |          |
|------------------------|----------|
| Acct. # 12410003-51180 | \$350.00 |
| Zoning Board Members   |          |

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY15 MA Cultural Council Appropriation Grant awarded to the City in the amount of \$9,220.00 to fund arts, humanities, music and youth based initiatives throughout the community; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Elder Affairs Grant awarded to the Council on Aging in the amount of \$47,699.01 to fund senior transportation, programming activities and enrichment, and a weekly wellness clinic staffed by a licensed nurse; adopted.

ORDERED: That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deed of conveyance, to a certain parcel of land described below located within the area known as Deer Foot Park, which is located off of Concord Road, said deed to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160.

GRANTOR: Paul A. Hentshell, Jr.

Those certain lots numbered 249, 250, 251, 252 and 255 as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 18 on the Assessors' Map of the City of Marlborough.

**APPROVED**; adopted.

**Councilor Clancy recused.**

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcel in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

Those certain lots numbered 249, 250, 251, 252 and 255 as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 18 on the Assessors' Map of the City of Marlborough.

**APPROVED;** adopted.

**Yea: 10-Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Landers, Ossing, Pope, Robey & Oram**

**Abstained: Clancy**

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended by amending in Chapter 125, entitled "Personnel," Section 6, entitled "Compensation Schedule," as follows:

- A. Section 6 is hereby retitled "Salary Schedule"
- B. This salary schedule shall take effect July 1, 2015.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Chief of Staff to the Mayor, Executive Assistant to the Mayor and Executive Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.
- G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2016.

| Position  | Step 1       | Step 2                     | Step 3                   | Step 4                   | Step 5                   | Step 6                   | Step 7 / Max             |
|---|--------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | <i>Start</i> | <i>6 months of service</i> | <i>1 year of service</i> | <i>2 yrs. of service</i> | <i>3 yrs. of service</i> | <i>4 yrs. of service</i> | <i>5 yrs. of service</i> |
| Comptroller - Treasurer   | \$104,781.00 | \$106,876.62               | \$109,014.15             | \$111,194.43             | \$113,418.32             | \$115,686.69             | 118,000.00               |
| Fire Chief / Police Chief   | -            | -                          | -                        | -                        | -                        | -                        | \$160,000.00             |
| Human Resources Director  | \$84,357.00  | \$86,044.14                | \$87,765.02              | \$89,520.32              | \$91,310.73              | \$93,136.94              | \$95,000.00              |
| City Auditor  | \$86,133.00  | \$87,855.66                | \$89,612.77              | \$91,405.02              | \$93,233.12              | \$95,097.77              | \$97,000.00              |
| Building Commissioner   | \$87,021.00  | \$88,761.42                | \$90,536.65              | \$92,347.38              | \$94,194.33              | \$96,078.21              | 98,000.00                |
| City Solicitor  | -            | -                          | -                        | -                        | -                        | -                        | \$113,000.00             |
| City Clerk  | \$78,142.00  | 79,704.84                  | \$81,298.94              | \$82,924.91              | \$84,583.41              | \$86,275.08              | \$88,000.00              |
| Chief of Staff to the Mayor / Executive Assistant to the City Council | -            | -                          | -                        | -                        | -                        | -                        | \$66,000.00              |
| Executive Assistant to the Mayor                                      | -            | -                          | -                        | -                        | -                        | -                        | \$50,951.00              |
| Assistant City Solicitor  | \$78,936.00  | \$80,514.72                | \$82,125.00              | \$83,767.51              | \$85,442.86              | \$87,151.72              | 88,895.00                |
| Chief Procurement Officer   | \$73,702.00  | \$75,176.04                | \$76,679.56              | \$78,213.15              | \$79,777.41              | \$81,372.96              | \$83,000.00              |
| Library Director  | \$87,909.00  | \$89,667.18                | \$91,460.52              | \$93,289.73              | \$95,155.53              | \$97,058.64              | \$99,000.00              |
| Paralegal   | \$38,769.00  | \$39,544.38                | \$40,335.27              | \$41,141.97              | \$41,964.81              | \$42,804.11              | \$43,660.20              |
| Assistant Recreation Director   | \$55,054.22  | \$56,155.31                | \$57,278.41              | \$58,423.98              | \$59,592.46              | \$60,784.31              | \$62,000.00              |
| Senior Clerk (nonunion)   | \$39,769.00  | \$39,544.38                | \$40,335.27              | \$41,141.97              | \$41,964.81              | \$42,804.11              | \$43,660.19              |
| Mayor   |              |                            |                          |                          |                          |                          |                          |
| City Council  |              |                            |                          |                          |                          |                          |                          |

**Please note that that the Mayor's office will be providing more Orders pertinent to this item for the November 17, 2014 City Council agenda which will be appropriately numbered 14-1006005B, C, and D to correlate with this item.**

Refer to **FINANCE COMMITTEE**; adopted.

**ORDERED:** Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that § 586-44 of Article VI, entitled "Penalties for parking violations," of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

By striking from paragraph B. the figure "\$15" and inserting in place thereof the following figure: "\$25".

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

**ORDERED:** That the Reappointments of Kelly French and Michael Gibson to the Youth Commission for terms to expire three years from date of approval and the appointment of Sharon Buckley to the Youth Commission for a term to expire two years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 4, 2014** as follows: Senator in Congress, Governor & Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Registrar of Probate. There will be four ballot questions proposed by Initiative Petition summarized as follows:

Q1-Do you approve of a law which would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon?

Q2-Do you approve of a law which would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines? The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

Q3-Do you approve of a law which would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races?

Q4- Do you approve of a law which would entitle employees in Massachusetts to earn and use sick time according to certain conditions? Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

**INFORMATION FOR VOTER BOOKLETS ARE AVAILABLE IN THE CITY CLERK'S OFFICE.**

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

|                           |  |
|---------------------------|--|
| WARD ONE: Prec. 1 and 2   | Francis J. Kane School, 520 Farm Rd.,                            |
| WARD TWO: Prec. 1 and 2   | Francis J. Kane School, 520 Farm Rd.,                            |
| WARD THREE: Prec. 1       | Masonic Hall, 8 Newton St. (corner of<br>Main/Newton Sts.), rear |
| WARD THREE: Prec. 2       | Raymond J. Richer School, 80 Foley Rd., Cafeteria                |
| WARD FOUR: Prec. 1 and 2  | Boys & Girls Club, 169 Pleasant St.                              |
| WARD FIVE: Prec. 1        | Senior Center, 250 Main St.                                      |
| WARD FIVE: Prec. 2        | Masonic Hall, 8 Newton St. (corner of<br>Main/Newton Sts.), rear |
| WARD SIX: Prec. 1 and 2   | 1LT Charles W. Whitcomb School, 25 Union St.,<br>Library         |
| WARD SEVEN: Prec. 1 and 2 | Hildreth School Gymnasium, 85 Sawin St.                          |

**FILE**;adopted.

**ORDERED:** That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as "Exhibit A," entitled "Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, a line of six (6) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement which shall be recorded at the Middlesex South District Registry of Deeds, and as located in, through, over and across and upon certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown on Assessor's Map 69, Parcel 394 and on Assessor's Map 81, Parcel 190A.

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

**ORDERED:** That the Communication from Assistant City Solicitor Panagore-Griffin re: Application for Site Plan Approval-Marlborough Hills, 200 Forest St. Parking Expansion in proper legal form, Order No. 14-1005963A, **MOVED TO ITEM 29**; adopted.

**ORDERED:** That the Communication from Attorney Bergeron re: Acceptance of Bouffard Drive as a public way, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND PLANNING BOARD**; adopted.

**ORDERED:** That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Digital Federal Credit Union to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, Order No. 03-10047B, to remove Condition #7 prohibiting LCD signs on the property, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

**Councilor Delano recused.**

**ORDERED:** That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**ORDERED:** That the Minutes, Zoning Board of Appeals, September 23, 2014, **FILE**; adopted.

**ORDERED:** That the Minutes, Council on Aging, September 9, 2014, **FILE**; adopted.

**ORDERED:** That the Minutes, Conservation Commission, August 7, September 4, 2014, **FILE**; adopted.

**ORDERED:** That the Minutes, Recreation Commission, September 17, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 6, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 14, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority, July 31, September 4 & 25, 2014, **FILE**; adopted.

ORDERED: That the Traffic Commission, September 30, 2014, **FILE**; adopted.

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

A. Janet Cavanaugh, 135 Cameron Dr., other road property damage.

THERE WERE NO REPORTS OF COMMITTEES.

ORDERED:

**CITY COUNCIL  
MARLBOROUGH, MA**

**Site Plan Permit # \_\_\_\_\_  
Site Plan Approval with Conditions**

**Applicant: Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701;**

**Application for Site Plan Approval Marlborough City Council 200 Forest Street-Parking Expansion Marlborough Hills, Marlborough, MA, dated: September 18, 2014, Prepared by SMMA 1000 Massachusetts Avenue, Cambridge, MA 02138, and filed with City Clerk on September 18, 2014;**

**Property Owner: Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701;**

**Location: 200 Forest Street (the "Site") being a portion of Lot 1E shown on an ANR plan approved by the Planning Board on July 21, 2014 entitled: "Plan of Land in Marlborough, Massachusetts (Middlesex County); Scale: 1" = 200'; July 2, 2014; The BSC Group, Inc., 33 Waldo Street, Worcester, Massachusetts; Owned By: Atlantic-Marlboro Realty LLC";**

**Zoning District: Limited Industrial (LI) underlying district and Results Way Mixed Use Overlay District (RWMUOD);**

**The following Site Plan Approval Final Conditions are based on the plans entitled: "Atlantic Management – Marlborough Hills 200 Forest Street – Parking Expansion, Assessors Map No. 101 Lot 2, Zoning District: Industrial (I) & Limited Industrial (LI) Underlying Districts & Results Way Mixed Use Overlay District (RWMUOD), Marlborough City Council 09. 18. 14, Last revised 10-07-2014; stamped by Brian Lawlor, Symmes Maini & McKee Associates; (hereinafter, the "Plans");**

**List of Drawings: C-101 Existing Conditions Plan, C-111 Site Preparation & Erosion Control Plan, C-121 Layout & Materials Plan, C-141 Grading & Utilities Plan, C-151 Planting Plan, C-501 Details I, C-502 Details II, C-503 Details III, C-504 Details IV.**



**SITE PLAN APPROVAL FINAL CONDITIONS**

1. Construction of the Site shall be in conformance with the above referenced Plans, said Plans being incorporated herein by reference, and with the provisions of Chapter 270 of the Code of the City of Marlborough.
2. Four inspection ports shall be included in each of the subsurface detention area infiltration chambers for the purpose of improving inspections. These inspection ports shall be located in the main chamber area in addition to the inspection ports in the isolator rows as shown on the Plans.

**Preconstruction meeting:**

3. Prior to construction, a preconstruction meeting shall be held on-site with the Building Commissioner, City Engineer, Conservation Officer and site contractor responsible for performing the work. At the preconstruction meeting, said participants will review the Plans and conditions; review and agree on a construction sequencing plan, which plan must be approved by the Conservation Officer and City Engineer; exchange contact information including emergency contact numbers; and inspect erosion controls.

**Storm Water:**

4. Prior to the start of construction, the Applicant and site contractor shall confirm through an e-mail to the City Engineer and the Conservation Officer that a NPDES construction permit has been issued. During construction, the site contractor and the person responsible for the Storm Water Pollution Prevention Plan and the NPDES general permit shall also be responsible for reporting (by e-mail) on a weekly basis to the Conservation Officer and the City Engineer, which reports will summarize the work that has been completed and compliance of the project with the site preparation and erosion control plan (sheet C-111 of the Plans). The weekly reports shall begin as soon as the work begins on the Site.
5. When the hole is dug for the storm water infiltration system, and before the system is installed, a call or e-mail shall be made to either the City Engineer or the Conservation Officer to have the hole inspected to ensure that soils under the system are per design. No further work shall be done on the system until such inspection is performed, and approval to go forward is given, by the City Engineer or the Conservation Officer. The project engineer shall verify that the conditions are in accordance with the design.
6. The Applicant, property owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if any visible siltation to the existing drainage system, and ultimately the wetlands, occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.

7. Prior to requesting a Certificate of Occupancy, the Applicant or its agent shall clean the detention basin, all drainage pipes, catch basins and infiltration systems, of accumulated sediment and debris. All infiltration systems and water quality structures shall be inspected and cleaned as necessary to ensure the infiltration capacity of these systems is working as designed. A site meeting with the Conservation Officer to inspect these structures is required before final signoff by the Conservation Officer.
8. Prior to the issuance of the Certificate of Occupancy the Applicant shall provide to the City Engineer and the Conservation Officer the final Storm Water Operation Management maintenance plan, which will include the entire 200 Forest St. site and not solely the new section of parking which is the subject of this Permit. The Applicant shall provide to the Conservation Officer the name, address and phone number of the contract person who will be in charge of authorizing annual maintenance under said plan.
9. Following the issuance of the Certificate of Occupancy, an annual maintenance report in accordance with the Storm Water Management Maintenance Plan shall be submitted to the City Engineer and the Conservation Officer by June 1<sup>st</sup> each year following the issuance of the Final Certificate of Occupancy. The annual maintenance report shall describe the maintenance and operation procedures, as outlined in the Storm Water Management Maintenance Plan, which have been accomplished for that year.

**Landscaping:**

10. All modifications to approved C-151 Planting Plan, which concern changes to the kind, size and placement of plant material, shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
11. Prior to the final signoff, a registered landscape architect shall certify to the Conservation Officer, in writing, that the planting has been installed according to the approved landscape plan (as revised). By a site visit, the Conservation Officer shall confirm that the planting has been installed according to the approved landscaping plans (revised), including the C-151 Planting Plan, C-501 and C-503 Details III, or according to a revision of said landscaping plans previously approved by the Conservation Officer.
12. Following 18 months of the final signoff of the site landscaping by the Conservation Officer, the Applicant shall replace any plant material that has died or is dying with a species of the same kind and size.
13. Any large rocks or boulders encountered while excavating the site shall be properly disposed of off-site.
14. At the time of planting and thereafter, mulch shall be placed so that it is not in contact with the trunk of newly planted trees and shrubs, as shown in the details on the C-151 Planting Plan.
15. At all times following the issuance of the Final Occupancy Permit, landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the C-151 Planting Plan.

**Prior to issuance of Certificate of Occupancy:**

16. An as-built plan must be submitted to the City Engineer for review prior to issuance of a Final Certificate of Occupancy or a Temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the City's website.
17. Work as provided for on the approved Plans shall be carried into effect and completed within one (1) year following the date of issuance of the Site Plan Permit, unless the City Council, in writing, has granted an extension of time for completion of the work.
18. The City Council hereby retains jurisdiction over all signage of the project (pursuant to § 650-33(H) (1) of the Code of the City of Marlborough, as amended) to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council.

**General Provisions:**

19. Minor changes: The City Council delegates to the Building Commissioner the authority to approve minor changes to the approved Plans;
20. Enforcement: The City Council designates the Building Commissioner as the enforcing authority for violations of this permit;
21. Handicap Signage: Handicap signage shall contain specific language as required by the Disabilities Commission of the City of Marlborough.
22. Parking Areas: (i) Parking areas will be swept, as necessary; and (ii) pursuant to the provisions of M.G.L c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual on Uniform Traffic Control Devices;
23. Trail System: Prior to March 1, 2015, the Applicant shall design a trail system and provide engineering plans for a walking, bicycle and recreation trail system as provided in paragraph 3 of the Development Agreement. During the planning of said trail system, the Applicant will work with the City to develop a plan that will meet with the approval of the City. Following the approval of the system by the City, the Applicant will construct the trail system according to the approved plans. Said construction shall be completed no later than September 1, 2015.

**APPROVED**; adopted.

**Yea: 11-Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram**

ORDERED: That the Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment, **APPROVED**; adopted.

ORDERED: That the Appointment of Anthony Aruda to the Board of Assessors for a term of three years to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Thomas Evangelous to the Recreation Commission for a term of two years to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Santiago Vargas as a youth appointee to the Youth Commission for a term of one year to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Lawrence Roy to the Conservation Commission for a term to expire on March 7, 2016, **APPROVED**; adopted.

ORDERED: That the Reappointment of Susan Laufer to the Library Board of Trustees for a term to expire on February 6, 2017, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:45 PM.