



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
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APRIL 25, 2011

Regular meeting of the City Council held on Monday, APRIL 25, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy, and Landers. Absent: Seymour. Meeting adjourned at 8:15 PM.

ORDERED: That the minutes of the City Council Meeting APRIL 11, 2011, **FILE AS AMENDED**; adopted.

ORDERED: That two transfer requests totaling \$275,780.00 with breakdown as follows: \$159,730.00 from Stabilization-Affordable Housing to CDA-Affordable Housing and \$116,050.00 from Stabilization-Affordable Housing to CDA-Affordable Housing for the purpose of building and rehabilitation of three affordable housing units in the City, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-32718 \$159,730.00

Stabilization-Affordable Housing

Acct. # 83600-32718 \$116,050.00

Stabilization-Affordable Housing

TO:

Acct. # 89000-24998 \$159,730.00

CDA-Affordable Housing

Acct. # 89000-24998 \$116,050.00

CDA-Affordable Housing

ORDERED: That the transfer request in the amount of \$45,251.98 from Undesignated into various accounts to fund the newly ratified agreement between City of Marlborough and the Marlborough Municipal Employee Association (MMEA), **TABLED UNTIL THE MAY 9, 2011 CITY COUNCIL MEETING, REQUEST AN EXECUTIVE SESSION AND ASK THE MAYOR TO PROVIDE OUTSTANDING BALANCES THAT WILL NOT BE USED IN THE EXISTING CITY BUDGET TO POTENTIALLY OFFSET THE TRANSFERS AND SUBSEQUENT CONTRACT LANGUAGES**; adopted.

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT
 FROM : ACCOUNT 10000-35900 UNDESIGNATED FUND
 ACCOUNT BALANCE \$1,408,278

\$45,251.98

TO: THE FOLLOWING ACCOUNTS

COMPROLLER			Total Transfer
11330002	-50062	FIN ASST	\$ 1,647.57
11330003	-51430	LONGEV	\$ 54.72
	-51920	SICK BB	\$ 62.17
AUDITOR			
11350002	-50062	FIN ASST	\$ 823.78
	-50550	HEAD CLK	\$ 751.26
	-50770	SR CLK	\$ 286.07
11350003	-51430	LONGEV.	\$ 37.61
	-51920	SICK BB	\$ 28.35
ASSESSORS			
11410002	-50520	PRIN CLK	\$ 667.68
11410001	-50170	SR ASSR	\$ 1,001.38
11410002	-50550	HEAD CL	\$ 751.26
11410003	-51430	LONGEV	\$ 60.71
	-51920	SICK BB	\$ 91.33
COLLECTOR			
11440002	-50770	SR CLK	\$ 1,144.27
11440003	-51430	LONGEV	\$ 18.44
	-51920	SICK BB	\$ 43.18
INFO SYSTEMS			
11550001	-50210	SYS ANYL	\$ 893.80
	-50213	NET ENG	\$ 1,147.64
CITY CLERK			
11610002	-50770	SR. CLK	\$ 572.12
11610003	-51430	LONGEV	\$ 53.44
	-51920	SICK BB	\$ 52.18
ELECTION/REG			
11620002	-50550	HEAD CL	\$ -
	-50770	SR. CLK	\$ 572.12
11620003	-51430	LONGEV	\$ 37.61
	-51920	SICK BB	\$ 28.35
PROPERTY & BUILD			
11920001	-50292	CRAFTMN	\$ 2,803.65
	-50385	ELECTRIC	\$ 781.38
11920002	-50520	PRIN CLK	\$ 667.68
11920003	-50560	CUSTOD	\$ 2,106.76
11920003	-51430	LONGEV	\$ 200.78
	-51920	SICK BB	\$ 192.29

POLICE

12100002	-50520	PRIN CLK	\$ 712.53
12100003	-50540	CHF DISP	\$ 706.88
	-51213	PBL DISP	\$ 4,941.88
	-51214	PUB ASST	\$ 795.92
	51342	LONGV	\$ 110.98
	-51920	SICK BB	\$ 30.04
	51450	Night SFT	\$ 132.74

INSPECTION

12410001	-50260	AST BLD IN	\$ 1,621.13
	-50370	PLUMB INS	\$ 895.54
	-50380	ELEC INSP	\$ 524.00
12410002	-50770	SR CLK	\$ 2,026.98
12410003	-51430	LONGEV	\$ 118.44
	-51920	SICK BB	\$ 118.97

DPW ADMIN

14001002	-50550	HEAD CL	\$ 751.27
	-50770	SR. CLK	\$ 572.16
	-50520	PRIN CLK	\$ 667.69
14001003	-51430	LONGEV	\$ 49.27
	-51920	SICK BB	\$ 53.56
61090002	-50520	PRIN CLK	\$ 667.69
61090003	-51430	LONGEV	\$ 25.96
61090003	-51920	SICK BB	\$ 25.21

RECREATION

14920001	-50166	PRG MR	\$ 767.78
14920002	-50770	SR. CLK	\$ 572.13
14920003	-51430	LONGEV	\$ 37.25
	-51920	SICK BB	\$ 50.57

HEALTH & LICENSE

15120001	-50611	ASST SAN	\$ 700.91
15120002	-50770	SR. CLK	\$ 572.13
15120003	-51430	LONGEV	\$ 69.99
	-51920	SICK BB	\$ 55.24

COUNCIL ON AGING

15410001	-50312	OUTREACH	\$ 613.78
15410002	-50520	PRIN CLK	\$ 572.13
15410003	-51430	LONGEV	\$ 6.77
	-51920	SICK BB	\$ -

LIBRARY

16100001	-50470	CHILD LIB	\$ 691.52
	-50471	YNG ADULT	\$ 246.61
	-50480	CATALOG	\$ 667.67
	-50656	HD CIRCL	\$ 751.26
16100002	-50520	PRIN CLK	\$ 667.67
16100003	-50490	LIB STAFF	\$ 1,144.26

	-50860	FT LIB CLK	\$	384.52
	51261	PT CLKS	\$	2,190.66
	51262	PAGES	\$	415.54
	51263	SUN STAFF	\$	29.68
	-51430	LONGEV	\$	63.59
	-51920	SICK BB	\$	-
FIRE			\$	-
	12200002	-51214 PUB AST	\$	795.92
	12200003	-51430 LONGV	\$	25.96
		51920 Sick BB	\$	30.04
TOTAL TRANSFER REQUEST =			\$	45,251.98

ORDERED: That the transfer request in the amount of \$36,043.86 from Undesignated into various accounts to fund salary line item adjustments for non-affiliated positions, **TABLED UNTIL THE MAY 9, 2011 CITY COUNCIL MEETING**; adopted.

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			To Account			Total Transfer
		ORG CODE	OBJECT	ACCOUNT DESCRIPTION	ORG CODE	OBJECT	ACCOUNT DESCRIPTION	
\$ 1,408,278.00	\$ 36,043.86	10000	35900	UNDESIGNATED FUND	11210001	50010	MAYOR	\$1,148.43
						50321	EX AIDE	\$834.76
					11210002	50590	EX SECY	\$665.44
					11210003	51430	LONG	\$ -
						51920	SICK LEAVE	\$ -
					11330001	50015	COMPTROLLER	\$1,368.15
					11350001	50020	AUDITOR	\$1,089.19
					11410001	50160	ASSESSOR	\$1,089.19
					11410003	50177	CERTIFICATION	\$109.02
					11440001	50042	COLLECTOR CITY	\$1,089.20
					11110003	50070	COUNCILORS	\$1,564.30
					11110002	50350	CITY COU SECY	\$834.76
					11110003	51430	LONG	\$40.95
						51920	SICK LEAVE	\$31.51
					11510001	50030	SOLICITOR ASST	\$1,438.59
						50172	SOLICITOR	\$1,164.46
						50174	PROCURE. OFF. PERS	\$887.21
					11520001	50530	DIRECTOR	\$1,051.32
						50532	PER ASST.	\$716.05
					11520002	50401	PT SR CLK	\$335.21
					11610001	50050	CITY CLK	\$1,089.18
					11610002	50290	ASST CITY CLK	\$810.56
					11610003	51430	LONG	\$24.62

	51920	SICK LEAVE	\$30.58
11920001	50291	DIRECTOR	\$640.38
11920003	51430	LONG	\$38.44
	51920	SICK LEAVE	\$48.33
12100001	50140	POLICE CHIEF	\$1,475.01
12100003	51432	LONG	\$92.20
	51920	SICK LEAVE	\$119.77
	51440	EDUC	\$368.76
	51410	FIRST RESP	\$36.89
12200001	50130	FIRE CHIEF	\$1,365.26
12200003	51480	EMT	\$70.22
	51440	EDUC	\$168.53
	51226	FIRST RESP	\$28.10
12410001	50090	BLDG INSP ENVIR.	\$1,198.06
	50109	OFFICER	\$1,001.38
12410003	51430	LONG	\$59.54
	51920	SICK LEAVE	\$45.21
14001001	50600	DPW COMM	\$1,611.30
	50630	ASST COMM	\$1,334.20
14001003	51430	LONG	\$144.51
	51920	SICK LEAVE	\$111.17
14001101	50640	ENGINEER	\$1,334.20
60080001	50630	ASST COMM	\$ -
6008003	51430	LONG	\$ -
	51920	SICK LEAVE	\$ -
14920001	50110	REC DIRECTOR	\$925.39
15120001	50605	SAN/ADMIN	\$947.58
15120001	50220	SEALER	\$182.99
	50390	NURSE	\$882.19
15120003	51430	LONG	\$44.04
	51920	SICK LEAVE	\$33.29
15270001	50595	HUM SER DIR	\$953.15
15410001	50190	COA DIR	\$645.66
15430001	50080	VET DIR	\$696.38
16100001	50230	LIBRARY DIR	\$719.41
	50657	REF LIB	\$667.67
16100003	51259	PT REF LIB	\$641.99
			\$36,043.86

ORDERED:

ORDINANCE REORGANIZING VARIOUS DEPARTMENTS
OF THE CITY OF MARLBOROUGH INTO THE HUMAN SERVICES DEPARTMENT

That the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, hereby abolishes the independent departments currently known as Veterans' Services, Human Services, and Council on Aging, and establishes a new Human Services Department which shall be comprised of a Veterans' Services Office, a Human Services Office, and a Council On Aging Office in accordance with the following amendments to the Code of the City of Marlborough (hereinafter, "the City Code"):

SECTION 1.

The City Code is hereby amended by inserting in Chapter 7 the following new Article:

Article XVII
HUMAN SERVICES DEPARTMENT

§7-86. Establishment.

- A. There shall be a Human Services Department which shall have all the powers and duties now or from time to time vested by the General Laws or Special Acts of the Legislature of the Commonwealth and the ordinances of the City.
- B. The departments or offices of Veterans' Services, Human Services, and Council on Aging shall be abolished as independent departments or offices, and shall transfer to the Human Services Department as interdependent subsidiary offices known as the Veterans' Services Office, Human Services Office, and Council on Aging Office.
- C. No contracts or liabilities in force shall be affected by such abolition, but the Human Services Department shall in all respects be the lawful successors of the departments or offices so abolished.
- D. To the extent that employees of the abolished department or offices, including those who were appointed immediately before the effective date of this order and who hold permanent appointment in positions classified under chapter 31 of the General Laws, or hold confidential positions, are transferred to the Human Services Department, such transfers shall be effected without interruption of service within the meaning of said section 33 of said chapter 31, without impairment of seniority, retirement or other rights of the employee, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation, if any. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either

holds a permanent appointment in a position classified under chapter 31 of the General Laws. Notwithstanding any other general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date. Employees of abolished departments or offices are hereby transferred to the new offices and departments within the Human Services Department without impairment of their civil service, retirement, personal leave or seniority rights and benefits.

§7-87. Appointment; term.

- A. The Mayor shall appoint, subject to confirmation of the City Council, an Executive Director of Human Services.
- B. The term for said position shall be three years.

§ 7-88 Duties.

- A. The Executive Director of Human Services shall be responsible for planning and administering all the operations of the Human Services Department.
- B. The Executive Director of Human Services shall direct strategic planning for the Human Services Department, prepare budgets with the assistance of the Veterans' Agent, the Human Services Manager, and the Council On Aging Program Manager, and ensure that programs and services are run in accordance with the policy of the City and applicable laws.
- C. The Executive Director of Human Services shall plan and supervise department operations and personnel, working independently and in combination with others, and shall provide employees of the offices of Veterans' Services, Human Services, and Council on Aging occasional guidance and special directives.
- D. The Executive Director of Human Services shall works under the policy direction of the Mayor, and shall assume responsibility for developing and achieving departmental goals and objectives.

SECTION 2. *Veterans Services*

Chapter 7 of the City Code is hereby amended as follows:

- a.) Article X, as appearing in the 2008 edition of the City Code, is hereby amended by striking from the title of the article the following words – “Director of Veteran’s Services” – and inserting in place thereof the following words – “Veterans’ Agent”.
- b.) Said Article X is hereby further amended by striking from § 7-60, as appearing in the 2008 edition of the City Code, the following words – “Director of Veterans Services” - and inserting in place thereof the following words - “Veterans’ Agent for the Veterans’ Services Office”.
- c.) Said Article X is hereby further amended by striking from § 7-60, as appearing in the 2008 edition of the City Code, the following words and punctuation – “, subject to confirmation by the City Council,”.
- d.) Said Article X is hereby further amended by striking from § 7-61, as appearing in the 2008 edition of the City Code, the following words - “Any appointee” - and inserting in place thereof the following words – “The Veterans’ Agent”, and by inserting at the end of the paragraph the following sentence - “Any appointee to this position shall also have a bachelors degree in business administration or social services and five years of experience in veterans administration, social welfare or related work, or any equivalent combination of education and experience.”
- e.) Said Article X is hereby further amended by inserting into § 7-62, as appearing in the 2008 edition of the City Code, the following letter - “A.” - at the beginning of the existing paragraph, by striking from the last sentence of the existing paragraph the following word -“Director” - and by inserting in place thereof the following words - “Veterans Agent” - and by adding to the end of the existing paragraph the following sentence – “The Veterans' Agent shall also be responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her control.”
- f.) Said Article X is hereby further amended by inserting into § 7-62, as appearing in the 2008 edition of the City Code, the following paragraphs:
 - A. The Veterans’ Agent shall perform varied duties with a high level of independent judgment in the administration and execution of services, and the administration of benefits and other assistance services to veterans and their dependents. The Veterans’ Agent participates in planning for the Veterans’ Agent Office under the guidance of the Executive Director of Human Services, and refers specific problems to the Executive Director of Human Service only when clarification and interpretation of City policy is required.

- B. The Veterans' Agent shall perform his/her duties under the direction of the Executive Director of Human Services and in accordance with Massachusetts General Laws and the rules and regulations of the United States Veterans' Administration.

SECTION 3. *Human Services*

Chapter 7 of the City Code is hereby amended as follows:

- a.) Article XII, as appearing in the 2008 edition of the City Code, is hereby amended by striking from the title of the article the following words – “Human Services Director” –and inserting in place thereof the following – “Human Services Manager”.
- b.) Article XII, as appearing in the 2008 edition of the City Code, is hereby amended by inserting the following word at the beginning of the caption for § 7-65 – “Establishment;” - and by striking from the word “Appointment” the capital letter “A” and inserting in place thereof the lower case letter “a”.
- c.) Paragraph A. of § 7-65, as appearing in the 2008 edition of the City Code, is hereby amended by inserting the following sentence at the beginning of the paragraph – “There shall be a Human Services Office within the Human Services Department.”
- d.) Paragraph A. of § 7-65, as appearing in the 2008 edition of the City Code, is hereby further amended by striking the following words and punctuation – “, subject to confirmation by the City Council,”.
- e.) Paragraph A. of § 7-65, as appearing in the 2008 edition of the City Code, is hereby further amended by striking the following words – “a Human Services Director” – and inserting in their place the following words – “a Human Services Manager”.
- f.) Paragraph C. of § 7-65 of Article XII of the City Code is hereby repealed in its entirety.
- g.) Paragraph D. of § 7-65 of Article XII of the City Code is hereby repealed in its entirety.
- h.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph A. in its entirety and inserting in its place the following paragraph:
 - A. The Human Services Manager shall perform varied and highly responsible duties in managing the activities of the Human Services Office, and work independently to formulate decisions regarding policies, procedures, operations, and plans for services.

- i.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph B. in its entirety and inserting in place thereof the following paragraph:
 - B. The Human Services Manager shall work under the direction of the Executive Director of Human Services, and shall share responsibility with the Executive Director of Human Services for developing and achieving the goals and objectives of the Human Services Office.

- j.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph C. in its entirety and inserting in place thereof the following paragraph:
 - C. The Human Services Manager shall perform referral services for residents in need to appropriate human services agencies, interview residents, advocate on behalf of residents, participate in case conferences, perform follow-up, perform related record keeping, and maintain extensive human service directories.

- k.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph D. in its entirety and inserting in place thereof the following paragraph:
 - D. The Human Services Manager shall establish new programs as needed, identify gaps in the human service system in the City, and work to fill them.

- l.) Said Article XII is hereby further amended by striking § 7-66, as appearing in the 2008 edition of the City Code, paragraph E. in its entirety and inserting in place thereof the following paragraph:
 - E. The Human Services Manager shall promote community awareness and education on local, state, and federal levels, and attend meetings of local, state, and federal organizations, agencies, corporations, health fairs and conventions to promote issues relevant to the City.

- m.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph F. in its entirety and inserting in place thereof the following paragraph:
 - F. The Human Services Manager shall perform crisis intervention, work with individuals and families during crisis, arrange for emergency assistance, and provide referral to appropriate agencies.

- n.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph G. in its entirety and inserting in place thereof the following paragraph:

- G. The Human Services Manager shall assist other City employees with the coordination and networking among human service agencies, City government, the public school system, and the public and private sectors to facilitate the utilization of existing services, to broaden the base of human service delivery, to assess overlapping and gaps in the delivery of services, and to establish new programs.
- o.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph H in its entirety and inserting in place thereof the following paragraph:
- H. The Human Services Manager shall cultivate volunteers to assist with programs.
- p.) Said Article XII is hereby further amended by striking from § 7-66, as appearing in the 2008 edition of the City Code, paragraph G. in its entirety and inserting in place thereof the following paragraph:
- I. The Human Services Manager shall perform similar or related work as required, directed or as the situation dictates.
- q.) Said Article XII is hereby further amended by striking from § 7-67, as appearing in the 2008 edition of the City Code, paragraph A. in its entirety and inserting in place thereof the following paragraph:
- C. The Human Services Manager shall have at least a Bachelor's degree in a related field, and three to five years of experience in the human services field, of which some experience has been in a management capacity, or any equivalent combination of education and experience.
- r.) Said Article XII is hereby further amended by striking from § 7-67, as appearing in the 2008 edition of the City Code, paragraph B. in its entirety and inserting in place thereof the following paragraph:
- D. The Human Services Manager must have considerable knowledge of the needs of the young, elderly, families, and the homeless people and the service programs available to meet their needs, and thorough knowledge of federal, state and local laws, ordinances, regulations, and policies relating to human services programs.
- s.) Paragraph C. of § 7-67 of said Article XII of the City Code is hereby repealed in its entirety.

SECTION 4. *Council On Aging*

Chapter 161 of the City Code is hereby amended as follows:

- a.) Article II. of Chapter 161, as appearing in the 2008 edition of the City Code, is hereby amended by striking the following words – “Executive Director” – from the title of Article II. and inserting in place thereof the following – “Program Manager”.
- b.) Article II. of Chapter 161 of the City Code is hereby amended by striking § 161-7, as appearing in the 2008 edition of the City Code, in its entirety and inserting in place thereof the following paragraph:

§ 161-7. Establishment.

The Mayor shall appoint a Program Manager to the Council On Aging Office within the Human Services Department.

- c.) Article II. of Chapter 161 of the City Code is hereby amended by striking § 161-8, as appearing in the 2008 edition of the City Code, in its entirety and inserting in place thereof the following paragraphs:

§ 161-8. Duties.

A. Under the direction of the Executive Director of Human Services, the Program Manager shall be responsible for the planning, implementation and oversight of Council on Aging programs, and shall assist, as requested, with day to day operational issues and tasks required to run the senior center.

B. The duties of the Program Manager shall include the following:

- Develop programs, activities, classes, workshops and trips to address identified client needs;
- Oversee the daily operations of the senior center in the absence of the Executive Director;
- Monitor program budgets;
- Manage participant information for all activities;
- Work with the Friends of Marlborough Seniors to facilitate, coordinate and supervise fund raising and solicitation events;
- Work closely with the Volunteer Coordinator to assure adequate volunteers for all programs, activities and events;
- Develop and maintain an annual satisfaction survey to determine what activities to offer which will best meet the social, recreational, fitness and health needs of seniors;
- Manage program services through external vendors where required;
- Participate in grant writing and monitor grant plans;

- Participate in meetings with community partners;
- Lead /participate in internal and external committee initiatives; and
- Provide monthly feedback to the COA regarding the changing needs of seniors and develop suggestions for meeting those needs.

d.) Article II. of Chapter 161 of the City Code, as appearing in the 2008 edition of the City Code, is hereby amended by inserting, after § 161-8, § 161-9 as follows:

§ 161-9. Qualifications.

The Program Manager shall possess a Bachelor's Degree in a related field, two years of supervisory experience, at least five years of work experience in the area of services to senior citizens or equivalent combination of work experience and education, knowledge of federal and state laws, policies, and regulations pertaining to seniors; and knowledge of budgeting.

Refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the sum of \$3,730,000 (three million seven hundred thirty thousand dollars) be and is hereby appropriated for sewer treatment plant construction.

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 \$ 3,730,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the appointments of Richard Collins, Andrea Shordone and Lynn Anderson to the Council on Aging Board of Directors for terms expiring the first Monday in May 2015 (4/5/15), refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from the Attorney Valeriani re: additional documents pertinent to Special Permit application for Wireless Communication Facility at Kane Self Storage Facility, 800 Bolton St., Order No. 11-1002623E, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: The Application of Tony Bitar, d/b/a Hannoush Jewelers, for renewal of Junk Dealer's license, at 601 Donald Lynch Blvd., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, March 28, 2011, **FILE**; adopted.

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

- A. William Wyskoczka, 1 Turner Ridge Rd., other property damage
- B. Jonathan Barnes, 43 Blanchette Dr., residential mailbox 2(a)
- C. David Tscherne, 100 Berlin Rd., other property damage

- D. Donald Randolph 587 Elm St., residential mailbox
- E. Josette Kaplan, 269 Stearns Rd., residential mailbox 2(a)
- F. Scott Ferguson, 98 Wellington St., other property damage
- G. Louis Normandin, 644 Farm Rd., pothole or other road defect

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 650-21, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS," AND CHAPTER 650-22, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS OVERLAY DISTRICTS," AS FOLLOWS:

1. Section 650-21, entitled "Retirement Community Residence Districts," is hereby amended:
 - a. by amending subsection C(3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
 - b. by amending subsection C(8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
2. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended:
 - a. by amending subsection C thereof, entitled "Permitted uses":
 - i. by amending the introduction thereof, by striking out in the sixth line thereof the following words:-- "and such additional multifamily housing units segregated onto a separate portion of the site, referred to herein as an 'ancillary residential community,' as the City Council deems appropriate,".
 - ii. by amending subsection (3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
 - iii. by amending subsection (8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.

- iv. by amending subsection (14) thereof, by striking out said subsection in its entirety, including sub-subsections (a) through (f), which heretofore read:

“(14) The following site development provisions shall apply to any ancillary residential community which is approved in conjunction with the granting of a special permit for the construction of a retirement community:

(a) Each building in an ancillary residential community shall face either upon an existing street or upon a public or private way constructed within said ancillary residential community and shall have a minimum front yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room shall contain less than 120 square feet.

(c) No part of any building in any ancillary residential community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in a retirement community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary residential community and a retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any special permit which includes an ancillary residential community, require that the land area on which the ancillary residential community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary residential community will not be subdivided or its ownership further condominiumized, that said ancillary residential community will remain as rental housing, and that ownership of said ancillary residential community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed 30% of the combined total of retirement community and ancillary apartment units.”

- v. by amending subsection (15) thereof, by amending the introduction thereof, by striking out in the first line thereof the following words:-- “and which does not include any ancillary residential community”.

3. The effective date of these amendments shall be the date on which they are voted upon by the city council.

APPROVED; adopted.

[END: Order No. 11-1002806-1A]

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

ORDERED: That, as a result of the City Council’s approval of Order No. 11-1002806-1A, the following special permits previously approved by the City Council, in its capacity as special permit granting authority, shall each be modified in the following respects:

- 1) Special Permit issued to Brigham Development Corp., 38 Brigham Street, Marlborough, MA for development and operation of land at 388 Boston Post Road East into a "Retirement Village" of condominiums, Order No. 97-7158B, adopted September 8, 1997. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806-1A;
- 2) Special Permit issued to Brigham Development Corp. and Williams Village, LLC, 38 Brigham Street, Marlborough, MA to construct a retirement community, Order No. 99-7967B, adopted April 5, 1999. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806-1A; and
- 3) Special Permit issued to Metro Park Corp., 929 Boston Post Road East, Marlborough, MA to construct a retirement community, Order No. 03-10022, adopted September 8, 2003, as amended by a Revised Special Permit issued to Toll MA Land Partnership, 250 Gibraltar Road, Horsham, PA to construct 69 townhouse residential retirement community units, Order No. 09-1002151C, approved June 22, 2009. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty-six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806-1A

APPROVED; adopted.

[END: Order No. 11-1002806-2A]

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 p.m.