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CITY OF MARLBOROUGH

City Council Agenda

Monday, March 11, 2024

8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, February 26, 2024.
2. Communication from the Mayor, re: Notification of appointment of Joseph Bisol as Chair of the Council on Aging Board pursuant to Chapter 161 §2 of the Code replacing James Confrey.
3. Communication from the Mayor, re: Grant Acceptance in the amount of \$23,100.00 from the Massachusetts Cultural Council awarded to the Marlborough Cultural Council, in support of worthy arts, humanities, music, and youth-based initiatives in our community.
4. Communication from the Mayor, re: Transfer Request in the amount of \$786,500.00 from Free Cash to Fire Equipment for the purchase of an E-ONE Fire Engine for the Fire Department.
5. Communication from the Solicitor Jason Grossfield, re: Executed Settlement Agreement in the matter of JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council.
6. Notice from the Retirement Board of a meeting on March 26, 2024, to consider a Cost-of-Living Adjustment (COLA) to qualifying retirees and beneficiaries of the Marlborough Retirement System.
7. Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 20' East of the centerline of the intersection of Value Way. Install 50'C1.2 midspan #13 approximately 90' from Pole 12 towards Pole 1 to allow installation of a 600 KVAR cap bank.
8. Application for a Sign Special Permit from Eric Lane, on behalf of the Advanced Math and Science Academy Charter School (AMSA), to install a Free-Standing EMC Sign at 165-201 Forest Street.
9. Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY25 and Compliance Certification Policy.
10. Minutes of Boards, Commissions and Committees:
 - a) Commission on Disabilities, July 10, 2023.
 - b) Planning Board, January 8, 2024 & January 22, 2024.
 - c) Traffic Commission, January 17, 2024.
11. CLAIMS:
 - a) Daniel Escalante, 76 Leoleis Drive, pothole or other road defect.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

12. **Order No. 24-1009084: Reappointments to the Planning Board of Sean Fay, Barbara Fenby and Christopher Russ for 5-year terms to expire on February 5, 2029.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Brown, seconded by the Chair, the Personnel Committee recommended the approval of the Reappointments to the Planning Board of Sean Fay, Barbara Fenby and Christopher Russ for 5-year terms to expire on February 5, 2029. Vote 3-0.

From Finance Committee

13. **Order No. 24-1009079: Mid-Year Transfer Requests totaling \$1,202,100.00 from various departments for FY24, which moves funds from and to accounts as outlined in the transfer sheets.**

Recommendation of the Finance Committee is to APPROVE in the amount of \$1,197,100.00.

The Chair read the communication from Mayor Dumais. Motion by Councilor Oram, seconded by Chair Irish, to reduce the mid-year transfers by \$5,000.00 (Reserve for Salaries to Mayor's Expense 11210005-54230) and to approve the remainder of the mid-year transfers. Vote 5-0.

14. **Order No. 24-1009080: Establishment of Opioid Settlement Special Revenue Fund and a Transfer Request in the amount of \$162,202.95 from Free Cash to the Opioid Settlement Special Revenue Fund.**

Recommendation of the Finance Committee is to APPROVE the Transfer in the amount of \$162,202.95 and the creation of the Opioid Settlement Special Revenue Fund as amended.

The Chair read the communication from Mayor Dumais. President Ossing distributed information regarding the opioid funding to the Mayor and councilors as shown below:

- Approve the special revenue account for Opioid settlement payments;
- Approve the transfer of \$162,202.95 from Undesignated funds into the special Opioid account;
- The Mayor report all receipts into the Special Opioid account to the City Council for information;
- The Mayor report all expenditures from the Special Opioid account to the City Council for information;
- The Mayor submit the Municipal Abatement Fund expenditure report required by the Statewide Opioid Settlement agreement to the City Council annually;
- The Auditor include a monthly report to the City Council that shows the balance, receipts, and expenditures in the Opioid Settlement special revenue account.

Councilor Brown supported the bullet points provided by President Ossing. Motion by Councilor Brown, seconded by Chair Irish, to approve the Mayor's request subject to the six bullet points provided by President Ossing, included above. Vote 5-0.

Councilors-at-Large

Sean A. Navin
Mark A. Oram
Michael H. Ossing
Kathleen D. Robey



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Ward Councilors

Ward 1 – Mark A. Vital
Ward 2 – David Doucette
Ward 3 – Robert Preciado
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – A. Trey Fuccillo
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, FEBRUARY 26, 2024**

The regular meeting of the City Council was held on Monday, February 26, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, & Robey. Meeting adjourned at 8:17 PM.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, FEBRUARY 12, 2024, **FILE;** adopted.

That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole at 219 Forest Street beginning at a point approximately 972' East of the centerline of the intersection of Teller Street. Install 45'C1.2 midspan between Poles 25 & 26. Install feeder monitor on new midspan Pole 25-50, Order No. 24-1009089, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

Councilors Present: Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

Councilor Vital Recused.

Suspension of the Rules requested – Motion by Councilor Landers, seconded by the Chair to remove from the Public Services Committee Order No. 24-1009089 – granted.

Suspension of the Rules requested – granted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole at 219 Forest Street beginning at a point approximately 972' East of the centerline of the intersection of Teller Street. Install 45'C1.2 midspan between Poles 25 & 26. Install feeder monitor on new midspan Pole 25-50, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

Councilor Vital Recused.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.

4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$350,000.00 from the Marlborough Public Library Foundation awarded to the Marlborough Public Library to be used for the library renovation project, adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$24,723.06 from the Executive Office of Public Safety & Security, Department of Fire Services awarded to the Fire Department to be used for the purchase of equipment; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 "Personnel", §6 "Salary Schedule" to change the hours of the Senior Assessor from 35 hours to 40 hours per week, referred to the **FINANCE COMMITTEE** and **ORDERED ADVERTISED**; adopted.

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective upon	Step 0	Step 1	Step 2	Step 3 Maximum
Senior Assessor (40 hours per week)	Passage	\$42.2741	\$43.9651	\$45.7237	\$47.5523

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$3,653.00 (Three thousand six hundred fifty-three dollars) from Reserve for Salaries to Senior Assessor to cover the increased cost for the remainder of FY 24, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		Assessor				FISCAL YEAR:		2024	
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$141,700.00	\$3,653.00	11990006	57820	Reserve for Salaries	\$3,653.00	11410001	50171	Senior Assessor	\$28,806.50
	Reason:	Funds available				Change from 35 to 40 hours per week thru year end			
	\$3,653.00	Total				\$3,653.00	Total		

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire April 20, 2024, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY MARCH 25, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, January 23, 2024.
- b) Council on Aging, January 9, 2024.
- c) Historical Commission, November 16, 2023.
- d) OPEB Trust, February 15, 2024.
- e) Zoning Board of Appeals, December 19, 2023 & January 16, 2024.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

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

- a) Richard Bourdeau, 16 Flagg Road, residential mailbox claim (2b).
- b) Carlos Fernandez, 69 Hildreth Street, pothole or other road defect.
- c) James Hogan, 86 Maplewood Avenue, other property damage and/or personal injury.
- d) Jennifer Munoz, 85 Hall Street. #2. Waltham, pothole or other road defect.
- e) Mary Ellen OLoughlin, 11 Mountain View Avenue, Shrewsbury, pothole or other road defect.
- f) Sheryl Primmer, 15 Magnolia Lane, other property damage and/or personal injury.
- g) Felicia Teabo, 86 Hosmer Street, Hudson, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
January 29, 2024
Minutes and Report**

This meeting convened at 6:30 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members Present: Chair Irish, Councilors Fuccillo, Brown, Vital and Oram; Councilor Oram left the meeting at 7:23PM.

Non-Voting Members Present: Councilors Navin, Ossing, Robey, and Doucette (arrived at 7:05PM); Navin left the meeting at 7:35PM.

Mayor Dumais and department managers addressed the following orders:

Order No. 24-1009079 – Communication from the Mayor, re: Mid-Year Transfer Requests totaling \$1,202,100.00 from various departments for FY24, which moves funds from and to accounts as outlined in the transfer sheets.

Reports of Committee Continued:

The Chair read the communication from Mayor Dumais. Motion by Councilor Oram, seconded by Chair Irish, to reduce the mid-year transfers by \$5,000.00 (Reserve for Salaries to Mayor's Expense 11210005-54230) and to approve the remainder of the mid-year transfers. Vote 5-0.

Order No. 24-1009080 – Communication from the Mayor, re: Establishment of Opioid Settlement Special Revenue Fund and a Transfer Request in the amount of \$162,202.95 from Free Cash to the Opioid Settlement Special Revenue Fund.

The Chair read the communication from Mayor Dumais. President Ossing distributed information regarding the opioid funding to the Mayor and councilors as shown below:

- Approve the special revenue account for Opioid settlement payments;
- Approve the transfer of \$162,202.95 from Undesignated funds into the special Opioid account;
- The Mayor report all receipts into the Special Opioid account to the City Council for information;
- The Mayor report all expenditures from the Special Opioid account to the City Council for information;
- The Mayor submit the Municipal Abatement Fund expenditure report required by the Statewide Opioid Settlement agreement to the City Council annually;
- The Auditor include a monthly report to the City Council that shows the balance, receipts, and expenditures in the Opioid Settlement special revenue account.

Councilor Brown supported the bullet points provided by President Ossing. Motion by Councilor Brown, seconded by Chair Irish, to approve the Mayor's request subject to the six bullet points provided by President Ossing, included above. Vote 5-0.

Order No. 24-1009082 – Communication from the Mayor, re: Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" to create a new position of "Communications & Special Projects Director" together with a Transfer Request in the amount of \$25,900.00 to fund the position for the remainder of FY 24.

Motion by Councilor Fuccillo, seconded by Chair Irish, to postpone until the next Finance Committee meeting. Vote 3-1-1 Brown opposed. Oram absent.

Motion made and seconded to adjourn; meeting adjourned at 8:10 PM

Councilor Navin reported the following out of the Personnel Committee:

**City Council Personnel Committee
February 26, 2024
Minutes and Report**

This meeting convened at 6:30 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlbrough-ma.gov).

Voting members present: Chair Navin, Councilors Brown and Doucette.

Non-Voting members present: President Ossing; Councilors Robey and Fuccillo.

Also present: Mayor Dumais.

Reports of Committee Continued:

Order No. 24-1009084: Communication from Mayor Dumais with Reappointments to the Planning Board of SEAN FAY, BARBARA FENBY AND CHRISTOHER RUSS for 5-year terms to expire on February 5, 2029.

The Chair read into the record the communication from Mayor Dumais and explained the duties of seven-member board. Councilors unanimously supported the reappointments.

On a motion by Councilor Brown, seconded by the Chair, the Personnel Committee recommended the approval of the Reappointments to the Planning Board of SEAN FAY, BARBARA FENBY AND CHRISTOHER RUSS for 5-year terms to expire on February 5, 2029. Vote 3-0.

Motion made by Councilor Doucette and seconded to adjourn; the meeting adjourned at 6:42 PM.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED That the Appointment of Elizabeth Austin to the Conservation Commission for a 2-year term to expire on May 5, 2026, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$100,000.00 (One hundred thousand dollars) which moves funds from PEG Funds to Marlborough Cable Trust to fund WMCT FY 2025 operations, be and is herewith **APPROVED**; adopted.

Councilor Ossing filed a Disclosure of Appearance of Conflict of Interest into the record.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		Mayor			FISCAL YEAR:		2024		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$791,930.97	\$100,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$100,000.00	89000	25581	Marlboro Cable Trust	\$0.00
Reason:		To partially fund WMCTS FY25 Budget							
\$100,000.00	Total				\$100,000.00	Total			

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That no more than one hundred forty-three thousand five hundred twenty dollars (\$143,520.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2024, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Job Descriptions pursuant to Chapter 125 "Personnel", §5 "Preparation of Classification Descriptions" of the City Code, relative to the new positions of Head of Adult Services/Technology and Programming and Outreach Librarian, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Job Description pursuant to Chapter 125 "Personnel", §5 "Preparation of Classification Descriptions" of the City Code, relative to the position of Plumber, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Job Description pursuant to Chapter 125 "Personnel", §5 "Preparation of Classification Descriptions" of the City Code, relative to the position of Electrician, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position: Head of Adult Services/Technology (40 hours per week)

Position: Programming and Outreach Librarian (40 hours per week)

STEP/LEVEL		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Effective Upon Passage	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Head of Adult Services//Technology	HOURLY RATE:	\$29.3125	\$29.8986	\$30.4966	\$31.1034	\$31.7284	\$32.3620	\$33.0135
Programming and Outreach Librarian	HOURLY RATE:	\$25.8990	\$26.4178	\$27.4798	\$28.0332	\$28.5957	\$29.1668	\$29.74663

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

APPROVED.

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Library Page	Upon Passage				\$15.00 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

APPROVED.

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position		Step 0	Step 1	Step 2	Step 3 Maximum
Houseworker	Effective upon Passage	\$20.3096 Per Hour	\$21.0214 Per Hour	\$21.7623 Per Hour	\$22.5333 Per Hour

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

Be and is herewith **APPROVED.**

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Plumber (40 hours per week)	Upon Passage				\$34.3450 Per Hour.
Electrician (40 hours per week)	Upon Passage				\$34.3450 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) (if applicable) in the current salary schedule.

Be and is herewith **APPROVED**.

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

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:17 PM; adopted.



City of Marlborough

Office of the Mayor

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CITY OF MARLBOROUGH

2024 FEB 24 AM 10:25

J. Christian Dumais, Mayor

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

February 1, 2024

Joseph Bisol
212 Hudson Street
Marlborough, MA 01752

Dear Mr. Bisol,

Pursuant to §161-2 of the City Code of the City of Marlborough, I am excited to designate you as the Chairman of the Council-on-Aging effective immediately. I sincerely appreciate your willingness to step up into this role as well as your many years of service as a member and as Vice-Chairman.

Seniors make up a very large portion of our city's population. I am committed to ensuring the voices of our seniors are heard and that they have the best services the City of Marlborough can offer. I look forward to a fruitful relationship with the Council-on-Aging and the Marlborough Senior Center to make that happen.

Please do not hesitate to reach out to myself or my office anytime.

Sincerely,

J. Christian Dumais
Mayor



City of Marlborough

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CITY OF MARLBOROUGH

J. Christian Dumais, Mayor

Office of the Mayor

2024 MAR -7 AM 11:41

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

March 7, 2024

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Grant Acceptance for the Marlborough Cultural Council

Dear Council President Ossing and Councilors,

Enclosed for your acceptance is the FY24 grant allocation for the Marlborough Cultural Council from the Massachusetts Cultural Council in the amount of \$23,100.00. This is an annual allocation from the Massachusetts Cultrual Council.

These funds are dispersed to the Marlborough Cultural Council for their appropriation to organizations and individuals to support projects relating to the arts, humanities, music, and cultural activities.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

J. Christian Dumais
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Cultural Council/Mayor's Office DATE: 2/20/2024

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Cultural Council

NAME OF GRANT: Mass Cultural Councils's Local Cultural Council Program

GRANTOR: Mass Cultural Council

GRANT AMOUNT: \$23,100.00

GRANT PERIOD: July 1, 2023 - June 30, 2024

SCOPE OF GRANT/
ITEMS FUNDED Annual appropriation to support arts & humanities in Marlborough
Art projects, music, youth based initiatives, and promoting culture throughout the
community.

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



February 14, 2024

Dear David R. Williams,

Thank you for your participation in the Mass Cultural Council's Local Cultural Council Program. We are pleased to inform you that City of Marlborough for Marlborough Cultural Council has been approved for a Local Cultural Council Allocation grant of \$23,100 (FY24-LC-LCC-1979) from the Mass Cultural Council.

Thanks to vigorous advocacy from the cultural sector, the Legislature once again showed strong, bipartisan support for the Mass Cultural Council, and its programs and services in the FY24 state budget. This allows us to continue to support Massachusetts' dynamic artists and creative individuals, communities, cultural organizations, schools, and creative youth development across the Commonwealth.

Below you will find a contract package that contains award instructions and reporting requirements. Please review these documents carefully and **sign the document electronically within 14 days of the date on this letter**. This will help us process your grant as quickly as possible. For questions about the contract, please contact Marc Sulmonte at 617-858-2823 or marc.sulmonte@mass.gov.

Culture is ultimately about you. You play an integral role in creating and supporting a cultural life in Massachusetts that is vital, accessible, and thriving. Thank you for all that you do to elevate our rich cultural life in Massachusetts.

A handwritten signature in black ink that reads 'Marc Carroll'.

Marc Carroll
Chair

A handwritten signature in black ink that reads 'Michael J. Bobbitt'.

Michael J. Bobbitt
Executive Director



City of Marlborough

Office of the Mayor

RECEIVED
CITY SECRETARY'S OFFICE
CITY OF MARLBOROUGH
2024 MAR -7 AM 11:41

J. Christian Dumais, Mayor

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

March 7, 2024

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Transfer Request for Pumper Truck

Dear Council President Ossing and Councilors,

Enclosed for your review and approval is a transfer request in the amount of \$786,500 from free cash to Fire Equipment for the purposes of securing an E-ONE fire engine for the Marlborough Fire Department.

Currently, our 20-year-old reserve engine is at risk of not passing its annual safety inspection. We utilize this engine when another is down for mechanical reasons or mutual aid. As you may be aware, since the pandemic, supply for fire apparatus cannot meet the increasing demand and has a 36-42-month backlog. Due to this, Chief Breen has become acutely aware of how to obtain needed apparatus by working with existing relationships he has in the industry. The Chief was able to secure a "stock" engine that is already in production and unclaimed by another community. In order to secure that engine, we must secure funding to pay for it.

Therefore, I am asking for your support on this transfer to ensure the Marlborough Fire Department stays ahead of the curve as it pertains to this mission critical fire engine. I would like to commend Chief Breen for his creative and forward-thinking approach in securing this engine. I do want to point out that this request simply covers the base cost of the engine, and not the additional tools and equipment needed to compliment the engine. This additional request, which stands around \$70,000, will be sent to you at a separate time.

Chief Breen and I will be available at a future meeting to answer any questions you may have.

Sincerely,

J. Christian Dumais
Mayor



City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752

KEVIN J. BREEN
FIRE CHIEF

PHONE: (508) 624-6986
FAX: (508) 460-3795

March 6, 2024

The Honorable J. Christian Dumais
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: MFD Fire Engine Procurement

Dear Mayor Dumais:

This letter is submitted to summarize the urgency associated with procuring a new class A fire engine for the City of Marlborough. As you know, we operate fire suppression apparatus out of three fire stations. Each station (Station #1, #2, #3) has a class A fire engine positioned within to respond to one of three assigned fire protection districts in the city. Additionally, we maintain reserve fire apparatus to utilize when “front-line” fire apparatus is out of service for various mechanical reasons and to staff for major events and mutual aid. Attached is a spread sheet outlining the make, model and age of our front-line fire suppression apparatus. Engine 5 is positioned at headquarters and is a reserve fire engine. It happens to be a 2004 E-ONE Typhoon. Earlier this year while being serviced at an outside repair center, we were informed E-5 would NOT pass its annual safety inspection. While there are several mechanical issues affecting the roadworthiness of E-5, the primary concern is the delamination of the twenty-year-old frame rails. The significance of this safety condition and impact to our department’s fire protection capability was communicated to Mayor Vigeant. You may also recall the urgency of this matter was communicated during the mayoral transition period.

Nationally, fire apparatus manufacturers cannot fulfill orders to meet the remarkable demand for new fire apparatus (engines and ladders). The top fire apparatus dealers (Pierce, E-ONE, KME, Sutphen, Seagraves) are all reporting a 36–42 month backlog. This means that once a fire engine committee completes specifications for a new fire engine or ladder truck, the chosen manufacturer will build and deliver a new vehicle in approximately three (3) years. This reality is disrupting the marketplace and upsetting the capital replacement plans for all fire departments. The City of Marlborough has benefitted by maintaining awareness and seizing any opportunity to secure fire apparatus by opting to purchase a “stock” truck already in production and not yet

claimed by another community. This was how we were able to take delivery of our 2018 heavy rescue truck and our 2023 tower ladder (Truck 1) back in September of 2023. In February, we learned there was a suitable stock fire engine becoming available through a local apparatus dealer. We performed a site visit to view an identical model and quickly realized we should act immediately to encumber this fire engine.

Our solution to this problem is to replace (retire) reserve E-5 by taking our current, "front-line" Engine 2 from Station #2 and designate this unit as the new reserve engine. A newly purchased E-ONE fire engine would then be positioned at Station #2. Engine 5 is twenty-years old and has exceeded its useful service life. Our opportunity to secure a stock engine available through a local E-ONE dealer (Greenwood Fire Apparatus) was fortuitous. The dealer had preordered two (2) similar class A fire engines designed specifically for our region. One of the engines had already been claimed by another municipality in Connecticut. We acted quickly, with your support, and secured the opportunity to make this purchase. We expect to take delivery of this engine before the new year and thus avoid a long-term scenario of having a weakened fleet of critical fire suppression apparatus.

The E-ONE fire engine we are purchasing for \$786,500 meets our specific needs and is in no way a compromise on quality. The vehicle purchase price does **NOT** reflect the additional tools and equipment we must also purchase for this new engine. The estimate to reserve for these goods requires an additional \$70,000. Finally, we respectfully respect the city council support the purchase of this mission critical fire engine and we remain available to answer any questions in support of this project.

Sincerely,



Kevin J. Breen
Fire Chief

W/Attachment

Marlborough Fire Department						
	YEAR	TYPE	MFD #	MAKE	MODEL	
"FRONT LINE"	2020	COMMAND	C5	CHEVROLET	TAHOE	HEADQUARTERS STATION #1
"FRONT LINE"	2018	ENGINE	E1	PIERCE	IMPEL	HEADQUARTERS STATION #1
"FRONT LINE"	2015	ENGINE	E2	KME		STATION #2
"FRONT LINE"	2018	ENGINE	E3	PIERCE	IMPEL	STATION #3
"FRONT LINE"	2018	HEAVY RESCUE	R1	PIERCE	IMPEL	HEADQUARTERS STATION #1
"FRONT LINE"	2023	TOWER LADDER	T1	PIERCE	ENFORCER	HEADQUARTERS STATION #1
"FRONT LINE"	2020	SQUAD	SQ1	FORD - VENGEANT	F550	STATION #2
RESERVE	2004	ENGINE	E5	EMERGENCY ONE	TYPHOON	HEADQUARTERS STATION #1

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Fire

FISCAL YEAR: 2024

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$7,562,846.40

\$786,500.00

10000

35900

Undesignated Fund

\$786,500.00

19300006

58512

Fire Dept Equipment

\$58.40

Reason:

To fund a new E One Pumper Truck

Reason:

Reason:

Reason:

\$786,500.00

Total

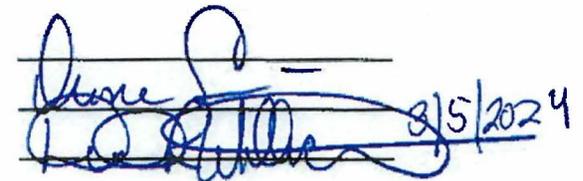
\$786,500.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:



 Department Head signature: _____

 Auditor signature: _____

 Comptroller signature: _____



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 MAR -7 AM 11:50

MASON D. GROSSFIELD
CITY SOLICITOR

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

March 7, 2024

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council
(Land Court No. 23 MISC 000199)

Dear Honorable President Ossing and Councilors:

Enclosed please find a copy of the fully executed settlement agreement in connection with the above-referenced litigation matter. No action is required at this time and this correspondence may be placed on file.

As the City Council is aware, during the course of this litigation, the Land Court encouraged the continuation of settlement discussions by the parties. The resulting agreement calls for the matter to be remanded to the City Council to consider the project based upon the modified parameters set forth in the agreement.

I will provide the City Council with a copy of any order of the Land Court concerning a remand, which will likely address procedural requirements associated with considering an amended site plan in accordance with the terms of the agreement.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: J. Christian Dumais, Mayor

SETTLEMENT AGREEMENT

THIS AGREEMENT (the “Agreement”) is entered into this 6th day of March, 2024, by and between Marlborough TOTG, LLC, a Massachusetts limited liability company with a principal place of business at 206 Ayer Road, Suite 5, Harvard, MA 01451 and JW Capital Partners, LLC (the “Applicant”), a Massachusetts limited liability company with a principal place of business at 75 Central Street, 5th Floor, Boston, MA 02109 (collectively, “Plaintiffs”), and the City of Marlborough City Council and its members, having a principal address of 140 Main Street, Marlborough, Massachusetts (the “Council” or “Defendant”).

WHEREAS, Applicant applied to the Council for a site plan required for the construction of a mixed-use project consisting of 99 units of multifamily housing, ground floor retail and restaurant space, tenant amenity space, a pool, and 28 onsite parking spaces at 57 Main Street in Marlborough (the “Project”);

WHEREAS, the Council’s Site Plan Approval with Conditions decision dated April 25, 2023 on the site plan review application for the Project imposed certain conditions including requiring the Applicant to provide 60 onsite parking spaces, precluding the use of a certain City-owned parking lot, and requiring certain design changes to the Project (the “Decision”);

WHEREAS, Plaintiffs appealed the Decision to the Massachusetts Land Court, said suit being identified as *JW Capital Partners, LLC et al. v. Michael Ossing, et al. as they are the City Council of Marlborough*, Land Court Docket No. 23 MISC 000199 (the “Appeal”);

WHEREAS, in the interest of avoiding the time and expense of litigation the parties have had an opportunity to discuss a resolution of this matter; and pursuant to such discussions have agreed on the terms of such resolution;

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to settle their dispute as follows:

1. Within two business days of the execution of this agreement, the parties will file a mutually acceptable Joint Motion for Remand and Proposed Order of Remand with the Land Court, a copy of which is attached hereto. Upon the Court’s approval of the remand, the parties shall comply with the terms thereof.
2. Applicant shall cooperate with the Council during the remand meeting, including any reasonably required administrative site plan review prior thereto, and shall submit a full revised plan set a minimum of two weeks in advance of the Council meeting (“Revised Plans”). The Council shall use reasonable efforts to provide for any administrative site plan review to be concluded in advance of the Council’s remand meeting. Applicant’s application for site plan review for the Project will be remanded to the Council based upon the Decision, subject to the following negotiated amendments to the Decision:

- a. An Amended Site Plan Approval with Conditions decision shall reference the Revised Plans, to be attached thereto, reflecting the design and project changes shown on the plan set and rendering dated February 9, 2024, a copy of which is attached hereto, including the increased use of brick in the exterior façade and a distinct top and cornice articulation with emphasized corner;
 - b. The February 9, 2024 plan set and rendering shows 84 onsite parking spaces. Applicant shall make good faith efforts to accommodate 84 onsite parking spaces in the Revised Plans, but at a minimum the Revised Plans shall accommodate no less than the 80 onsite parking spaces required by the Zoning Ordinance to accommodate all required parking on site (the minimum required number of spaces subject to confirmation by the City Building Commissioner). The second and third paragraphs of Condition G(1) of the Decision shall be amended to reflect that the parking spaces provided on the Revised Plans is no less than 80 as required by the Zoning Ordinance, and there shall be no payment-in-lieu-of parking requested or allowed in the Revised Plans or an Amended Site Plan Approval with Conditions.
 - c. Condition B(3) of the Decision shall be amended to state that the Revised Plans are in compliance with this condition; and
 - d. Condition G(2) shall remain as written in the Decision. The Applicant agrees that it shall not seek to use the City-owned Bolton Street parking lot for offsite parking for the Project as shown in the Revised Plans and the Council's decision on remand shall include a condition reflecting this agreement.
3. Applicant agrees that it will not appeal or object to any remand decision that reflects the foregoing terms and conditions.
 4. Nothing herein shall be construed to limit or prohibit Applicant's right to appeal any remand decision by the Council or to pursue its appeal of the Council's Decision and the Project as originally proposed if the remand decision either denies the Project or imposes obligations that exceed those described above in section 2.
 5. Within seven (7) business days after issuance of an amended site plan approval with conditions consistent with the terms above in section 2, Plaintiffs agree to dismiss the Appeal with prejudice, waiving all rights of appeal, without costs or attorney's fees. Each party shall cause their legal counsel to sign and file with the Land Court a stipulation of dismissal with prejudice in the Appeal with the Land Court. Plaintiffs and Defendant agree that each party will bear its own costs and fees from the Appeal (including attorneys' fees).
 6. This Agreement shall be subject to the laws of the Commonwealth of Massachusetts and may be enforced only by a Massachusetts court of competent jurisdiction.

7. Any amendments to this Agreement shall be made only in writing and upon agreement by all parties to this Agreement.
8. This Agreement may be signed in multiple counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. An electronic or scanned copy of a Party's signature shall be deemed an original.
9. Non-Admission of Liability

The Parties understand and agree that the terms of this Agreement, and the settlement provided for herein, are intended to compromise disputed claims, and to avoid litigation, and that this Agreement and the settlement provided for herein do not constitute and shall not be construed or be viewed as an admission by the Parties that they have acted wrongfully with respect to each other or any other person.

10. Knowing & Voluntary

The Parties acknowledge that they have each read this Agreement and understand (a) its terms, (b) that it is binding upon their legal representatives, heirs, successors, and assigns, and (c) that they had the opportunity to seek advice from legal counsel as they deemed necessary in order to understand the terms of this Agreement.

11. Authorization

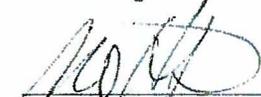
Each Signatory to this Agreement represents that it is duly authorized to execute this Agreement, and to enter into the settlement described herein.

12. Sole & Entire Agreement

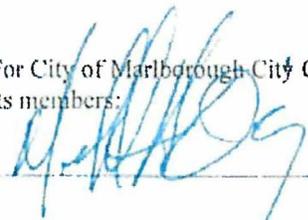
This Agreement contains all representations and warranties, expressed and implied, oral and written, between and among the Parties, and the entire understanding and agreement between and among the Parties with respect to the subject matter hereof. This is an integrated contract and it may not be altered or modified except by a writing signed by all Parties in interest at the time of the authorization or modification.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 6th day of March, 2024.

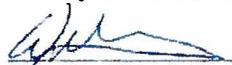
Marlborough TOTG LLC:


Its: MANAGER
Printed: MARK C. O'HAGAN
Duly authorized

For City of Marlborough City Council and its members:


Michael H. O'Neil, President

JW Capital Partners LLC:

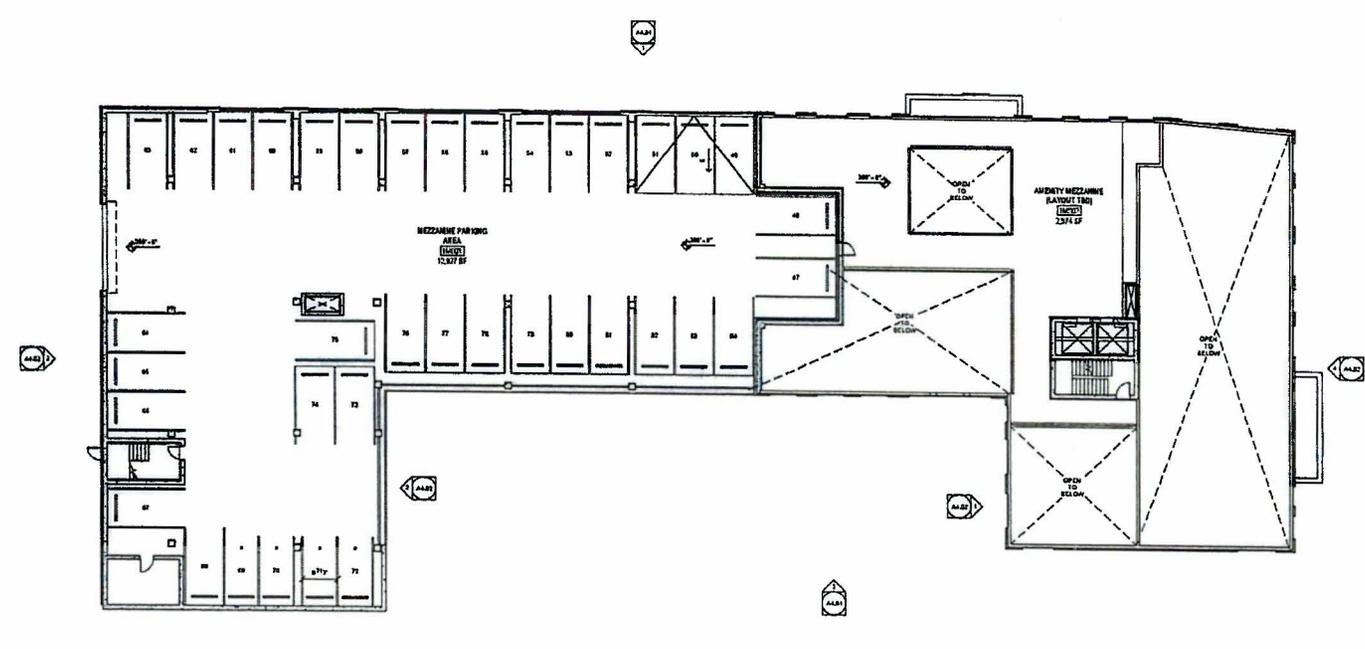

Its: Partner
Printed: William D. Adams
Duly Authorized

Attachments

**Joint Motion for Remand
Plan/Renderings**

6443047.5

Plan/Renderings



1 OVERALL FLOOR PLAN - LEVEL 01M MEZZANINE
 Scale: 3/32" = 1'-0"

P:\Projects\2024\0123-57 Main Street_Central_Architectural\01M_Mezzanine\011124.dwg
 2/11/2024 10:00 AM
 Project: Consultant: Drawn: 10/10/24
 Checked: 10/10/24
 Scale: 3/32" = 1'-0"
 Key Plan:

Consultant:

Revision:

Architect of Record:

**PRELIMINARY PRICING SET
 NOT FOR CONSTRUCTION**

Drawn:

Checked:

Scale: 3/32" = 1'-0"

Key Plan:

Project Name:
Exchange Place

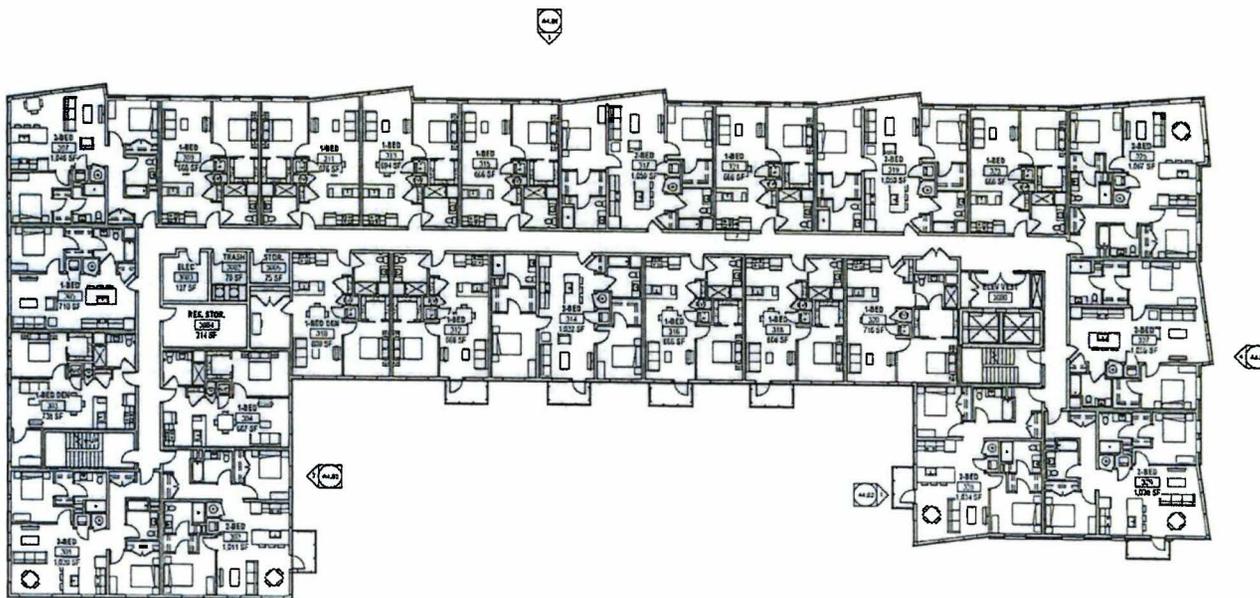
57 MAIN STREET
 MARLBOROUGH, MA

Sheet Name:
**OVERALL FLOOR PLAN -
 LEVEL 01M MEZZANINE**

Project Number:
 0123-57

Issue Date:
 02/09/24

Sheet Number:
A1.01M



1 OVERALL FLOOR PLAN - LEVEL 3
 Scale: 3/32" = 1'-0"

2/9/2013 10:31 PM
 C:\Users\james\Documents\ExchangePlace\Drawings\02\03_A1.03_03_57 Main Street, Marlborough, MA - mcdonald\PTTC01

Consultant

Revision:

Architect of Record:

PRELIMINARY PRICING SET
 NOT FOR CONSTRUCTION

Drawn:
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 Scale: 3/32" = 1'-0"
 Key Plan:

Project Name:
Exchange Place

57 MAIN STREET
 MARLBOROUGH, MA

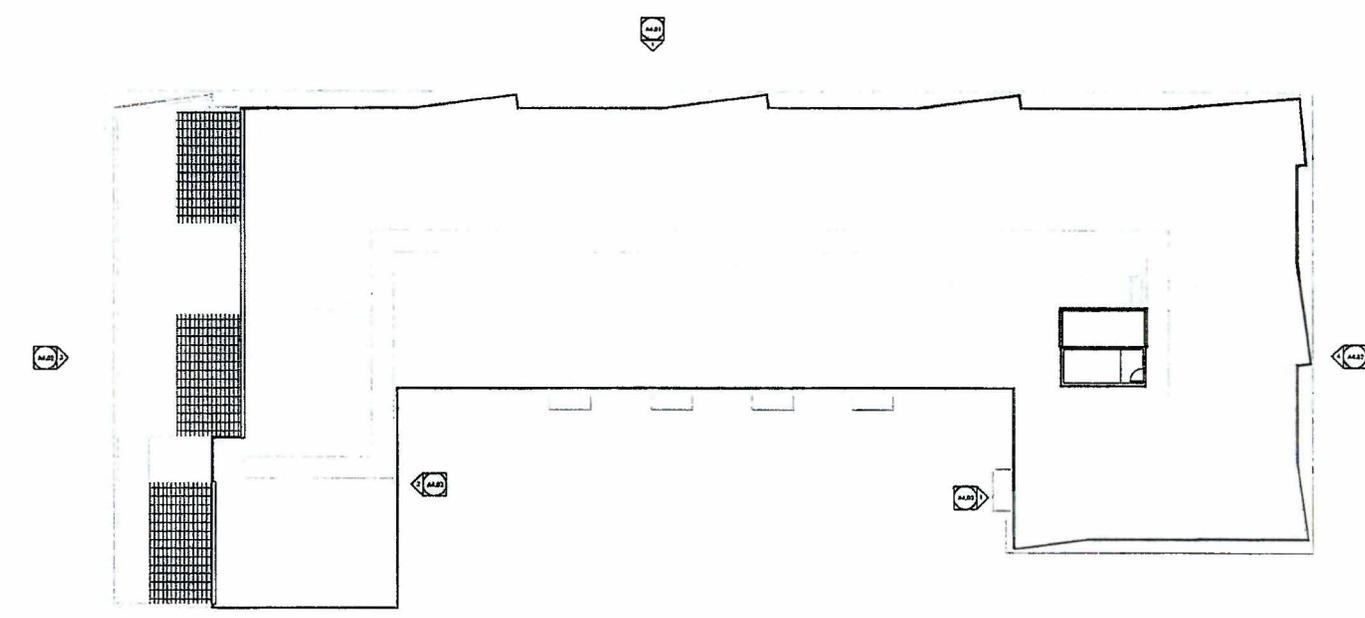
Sheet Name:
**OVERALL FLOOR PLAN -
 LEVEL 03**

Project Number:
 0123-57

Issue Date:
 02/09/24

Sheet Number:

A1.03



1 OVERALL FLOOR PLAN - ROOF
Scale: 3/32" = 1'-0"

3/2/2024 1:38:40 PM
 C:\Users\jlpatt\OneDrive\Documents - Project Company\Documents\107572\107572_1\107572_Team_Collab\46161616.dwg

Consultant: Revision: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> Architect of Record: <div style="color: red; font-weight: bold; text-align: center;"> PRELIMINARY PRICING SET NOT FOR CONSTRUCTION </div> <hr/> Drawn: Checked: Scale: 3/32" = 1'-0" Key Plan:
<hr/> Project Name: Exchange Place
<hr/> 57 MAIN STREET MARLBOROUGH, MA
<hr/> Sheet Name: OVERALL FLOOR PLAN - ROOF
<hr/> Project Number: 0123-57
<hr/> Issue Date: 02/09/24
<hr/> Sheet Number: <div style="font-size: 1.5em; font-weight: bold;">A1.06</div>

ELEVATION MATERIAL LEGEND:

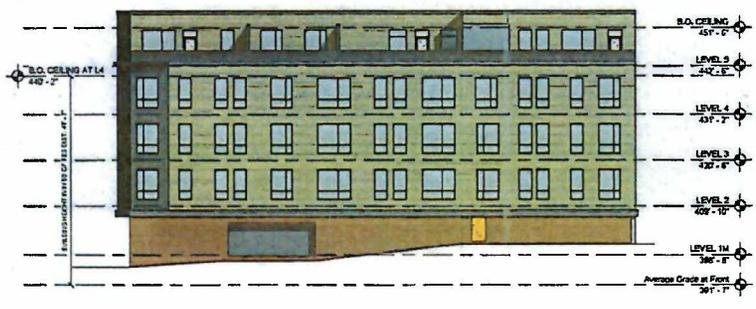
	HARDBOARD ASP-FT SHIP LAP BY EXPOSURE FINISH - FIELD MATCH COLOR 1B
	HARDBOARD SUBSTRATE PANEL WITH PEY RECLET TILES TO MATCH FINISH LAPPED SUBSTRATE PANEL - PEY-FINISHED - COLOR TBS. PANEL FAVORITE PEX CEILING TILE
	HARDWOOD CERAMIC TILE WITH MATCHING GYPSUM FINISH COLOR TBS. WITH MATCHING GYPSUM
	SECURATIVE BANDING (TOP OF FIRST FLOOR) GARD OF BROWN CAST GYPSUM METAL PANEL CO-108 SYSTEM



1 COURTYARD NORTH ELEVATION Copy 1
Scale: 3/32" = 1'-0"



2 COURTYARD SOUTH ELEVATION Copy 1
Scale: 3/32" = 1'-0"



3 HIGH STREET ELEVATION Copy 1
Scale: 3/32" = 1'-0"



4 SOUTH ELEVATION
Scale: 3/32" = 1'-0"

Consultant:

Revision:

Architect of Record:

**PRELIMINARY PRICING SET
NOT FOR CONSTRUCTION**

Drawn:

Checked:

Scale: 3/32" = 1'-0"

Key Plan:

Project Name:
Exchange Place

57 MAIN STREET
MARLBOROUGH, MA

Sheet Name:
EXTERIOR ELEVATIONS

Project Number:
0123-57

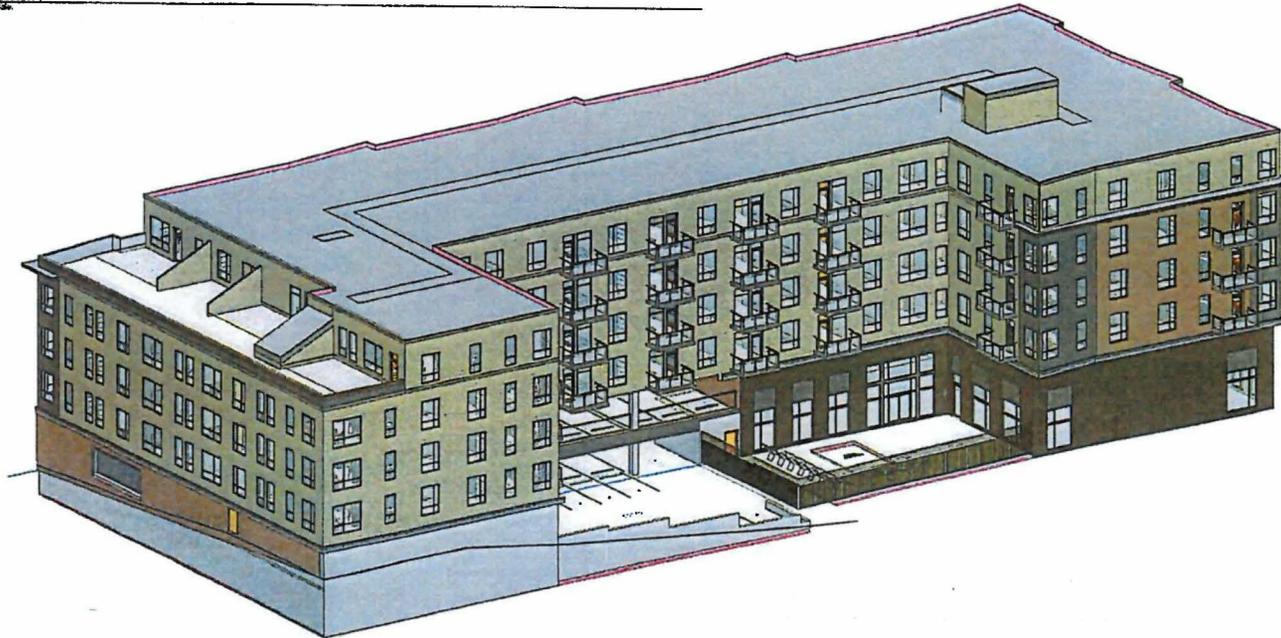
Issue Date:
02/09/24

Sheet Number:
A4.02

202402.20.20 PM
 C:\Users\johnd\OneDrive - Peoples Company\Documents\027.02.24_P01_57 Main_Corridor_A4.02_Revision02.rvt



1 3D AXON 1
Scale



2 3D AXON 2
Scale

Consultant:

Revision:

Architect of Record:

PRELIMINARY PRICING SET
NOT FOR CONSTRUCTION

Drawn:

Checked:

Scale:

Key Plan:

Project Name:

Exchange Place

57 MAIN STREET
MARLBOROUGH, MA

Sheet Name:

3D VIEWS

Project Number:

0123-57

Issue Date:

02/09/24

Sheet Number:

A4.03

Joint Motion for Remand

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

LAND COURT

_____)	
)	
JW CAPITAL PARTNERS, LLC, ET AL.,)	
)	
Plaintiffs,)	CASE NO. 23 MISC 000199(JS DR)
)	
v.)	
)	
MARLBOROUGH CITY COUNCIL,)	
ET AL.,)	
)	
Defendants.)	

JOINT MOTION FOR REMAND

The Plaintiffs, Marlborough TOTG, LLC and JW Capital Partners, LLC (“Plaintiffs”), and the Defendant members of the Marlborough City Council (the “Council”) jointly request that the Court enter an order remanding this matter to the Council on terms consistent with this Joint Motion and the accompanying Order of Remand. In support of this request, the parties assert as follows:

1. This is an action brought pursuant to G.L. c. 40A, § 17, arising from a decision issued by the Council, in which the Council approved the Plaintiffs’ application for site plan approval with conditions for a mixed-use development located at 57 Main Street in Marlborough, Massachusetts.
2. The parties have discussed and considered project changes to address some of the concerns raised with respect to certain conditions in the Council’s site plan approval decision. These discussions have resulted in a tentative agreement which requires a further public meeting of the Council. Accordingly, the parties seek a remand from this

Court to the Council for further proceedings based on the parameters of a settlement reached between the parties. The settlement agreement calls for a remand for the purposes of considering certain amendments to the site plan approval with conditions decision. Should the resulting site plan decision be inconsistent with the parties' agreement and result in an impasse, the parties request that this Court retain jurisdiction and stay the proceedings for a period of ninety (90) days to permit the parties to attempt to resolve the pending issues.

3. An order of remand is in the interests of judicial economy because it will allow the Court and the parties to devote their resources toward a negotiated resolution which may result in the dismissal of this action.

WHEREFORE, in accordance with the proposed Order of Remand submitted herewith, the parties respectfully request that this matter be remanded to the Marlborough City Council for consideration of certain project modifications, and that the proceeding before this Court in this matter be stayed, subject to the conditions set forth in this Joint Motion. Attached hereto is a proposed form of remand order.

Respectfully submitted,

Plaintiffs JW Capital Partners, LLC and
Marlborough TOTG, LLC,

by their attorneys,

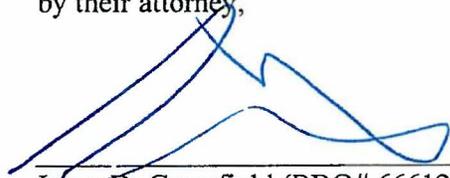


Valerie A. Moore (BBO# 684849)
vmoore@nutter.com
Matthew J. Connolly (BBO #676954)
mconnolly@nutter.com
Nutter, McClennen & Fish, LLP
Seaport West, 155 Seaport Blvd.
Boston, Massachusetts 02210
Telephone: (617) 439-2000
Facsimile: (617) 310-9000

Dated: March 7, 2024

Marlborough City Council, et al.,

by their attorney,



Jason D. Grossfield (BBO# 666122)
jgrossfield@marlborough-ma.gov
City Solicitor
City of Marlborough
Legal Department
140 Main Street
Marlborough, MA 01752
Telephone: (508) 460-3771
Facsimile: (508) 460-3698

6141843.4

Proposed Order

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

LAND COURT

_____)	
)	
JW CAPITAL PARTNERS, LLC, ET AL.,)	
)	
Plaintiffs,)	CASE NO. 23 MISC 000199(JS DR)
)	
v.)	
)	
MARLBOROUGH CITY COUNCIL, ET)	
AL.,)	
)	
Defendants.)	

[PROPOSED] ORDER FOR REMAND

This is an appeal from a decision of the Marlborough City Council granting the Plaintiffs' application for site plan approval with conditions for a mixed-use development at 57 Main Street, Marlborough, Massachusetts.

In a Joint Motion For Remand filed on March 7, 2024, the parties have requested that the matter be remanded to the Marlborough City Council so that the City Council may reconsider its earlier decision in light of newly proposed project changes. The Court finds that it is in the interest of judicial economy and the parties for the City Council to consider on remand the Plaintiffs' revised proposal.

Accordingly, the parties' Joint Motion For Remand is ALLOWED; and it is further ordered that:

1. As soon as practicable after entry of this Order, Plaintiffs shall submit to the Council a request to amend the subject site plan approval with conditions decision, including all revised plans and documents required for site plan approval and a proposed form of decision, consistent with the settlement agreement between the parties. The Council as

then presently constituted may consider and determine whether to grant an amended site plan approval, including referral of the Plaintiffs' request for administrative site plan review, under the zoning ordinance of the city of Marlborough as in effect on the date of the subject site plan approval with conditions in this action.

2. Remand of this matter will require new public notice as set forth in Marlborough's zoning ordinance for site plan review. Plaintiffs shall not be required to submit a filing fee, but Plaintiffs shall reimburse the City for the cost of publication of notice.
3. Within 40 days from the date of Plaintiffs' submittal to the City Council under paragraph 1 of this Order, the City Council shall complete a meeting on the proposed modifications to the prior site plan approval and issue a decision on the request to amend the site plan approval with conditions.
4. The Court hereby stays this action and retains jurisdiction of this matter.
5. Within 30 days of the filing of the written remand decision with the City Clerk, the Parties shall notify the Court accordingly, and:
 - a. If the City Council's remand decision is consistent with the parties' agreement, the parties shall file a stipulation of dismissal with prejudice.
 - b. If the City Council's remand decision does not comply with the parties' agreement, and the Court is so notified within the aforementioned 30 days, Plaintiffs may either (1) resume their appeal of the underlying original decision of the Council and request that this matter be returned to the trial list; or (2) file an amended Complaint, with such notice as required, appealing the remand decision issued by the City Council.

So Ordered.

By the Court. (Roberts, J.)

Jennifer S.D. Roberts, Justice

Dated: _____

6141905.4

MARLBOROUGH RETIREMENT SYSTEM

289 ELM STREET SUITE 111
ANTICO BUSINESS CENTER
MARLBOROUGH, MA 01752
PHONE: 508-460-3760

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 MAR -5 AM 6:40

BOARD MEMBERS

GREGORY P BREWSTER, CHAIRMAN
ROBERT K. GUSTAFSON
DIANE M. SMITH
DANIEL J STANHOPE
WILLIAM S. TAYLOR

EXECUTIVE DIRECTOR

MARK S BINGLE
mbingle@marlborough-ma.gov

MEMORANDUM

DATE: March 4, 2024

TO: J. Christian Dumais and Members of the City Council

FROM: Mark S Bingle, Executive Director
Marlborough Contributory Retirement Board

SUBJECT: Notice of Retirement Board Meeting to Elect to Grant Retiree COLA

Please be advised that the Marlborough Retirement Board will be meeting in person to elect to grant a retiree Cost of Living Adjustment (COLA) to qualifying retirees and beneficiaries of the Marlborough Retirement System. The meeting will be held on Tuesday, March 26, 2024, at 8:15 a.m. in the Antico Meeting room, Antico Business Center, 289 Elm Street Marlborough.

Statutory notice has been received from the Public Employee Retirement Administration Commission of the COLA granted to Social Security recipients for 2024 in the amount of 3.2%. The Retirement Board is authorized to grant up to a maximum of 3% on the first \$13,000 of a retirement allowance to be effective July 1, 2024.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2024 MAR -4 PM 1:28

Questions contact – Calvin Fonseca #774-422-1294

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council
Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 17th day of January 2024.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Simarano Drive - Marlborough, Massachusetts.

No.# 30853102

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Simarano Drive - Install one JO Pole on Simarano Drive. Beginning at a point approximately 20 feet East of the centerline of the intersection of Value Way. Install 50'Cl.2 midspan #13 approximately 90 feet from Pole 12 towards Pole 1 to allow installation of a 600 KVAR cap bank.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 ____ .

City/Town Clerk.
20 ____ .

Massachusetts

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____ 20 ____ , at _____ o'clock, M
At _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,
and that we mailed at least seven days before said hearing a written notice of the time and place of
said hearing to each of the owners of real estate (as determined by the last preceding assessment
for taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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.....

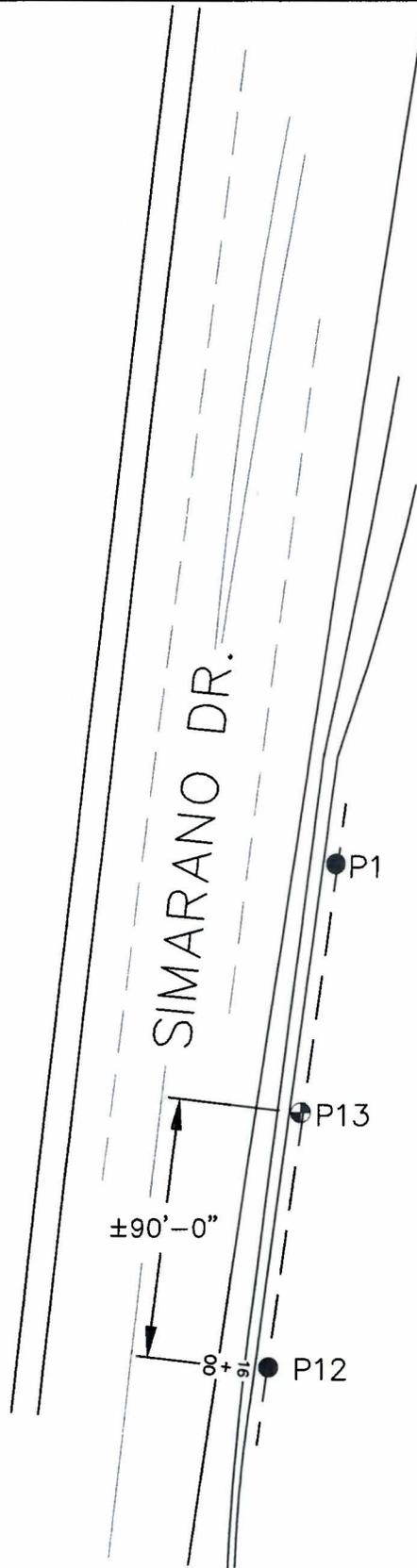
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of _____
Massachusetts, on the _____ day of 20 ____ and recorded with the records of location orders
of the said City, Book _____ , and Page ____ . This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk



LEGEND

- ⊕ PROPOSED J/O POLE
- EXISTING J/O POLE
- ⌵ GUY
- OVERHEAD CONDUCTOR

POLE 13
PETITION

SIMARANO DR.

NORTHBORO, MA.

Date: 11.16.2023

Designer: D.R.

W/R: 30853102



257 SIMARANO LLC
336 BAKER AVE
CONCORD, MA 01742

CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

CRP/PR LODGE OWNER LLC
11 UNQUOWA ROAD
FAIRFIELD, CT 06824

GREEN DISTRICT OWNER LLC
C/O ROCKPOINT GROUP LLC
3953 MAPLE AVE STE 300
DALLAS, TX 75219

GS STONEGATE PROJECT OWNE
750 BERING DR SUITE 300
HOUSTON, TX 77057

IPG PHOTONICS CORPORATION
50 OLD WEBSTER RD
OXFORD, MA 01540

TJX COMPANIES INC
PO BOX 5369
COCHITUATE, MA 01778-6369



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2024 MAR -5 PM 1:06

MARLBOROUGH CITY COUNCIL

ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAY SIGNS SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be completed and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located (street and number):
165, 195, 199, 201 FOREST ST 01752 (CAMPUS)

2. What other signs exist on the property (type, size, location):
"165 FOREST ST" - (METAL ONLY) 2'x3' DOUBLE POST - WILL BE REMOVED WHEN THIS SIGN IS INSTALLED.

3. Are there other signs on the property of similar type to what is requested in the Sign Permit Application? If so, please state size and location:
NONE - THIS NEW SIGN WILL BE THE ONLY SIGN ON THE STREET FOR THESE 4 BUILDINGS.

4. Names of business or activity applying for sign:
ADVANCED MATH AND SCIENCE ACADEMY CHARTER SCHOOL

5. Applicant:
ERIC LANE, FACILITY MANAGER

Street/City/Zip Code:
165, 195, 199, 201 FOREST ST. 01752

6. Building Owner:

SAME AS ABOVE
Street/City/Zip Code:

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: ELANE@AMSACS.ORG Business: 508 597 2400 Mobile: (774) 249 3777

Agent/Owner of Business where sign will be located.

E-mail: LMCLAREN@AMSACS.ORG Business: 508 597 2400 Mobile: (508) 873 6243

Applicant.

E-mail: SAME AS OWNER Business: _____ Mobile: _____

8. Applicant is (please check).

Business Owner: Tenant: _____ Other (describe): _____

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Sign Special Permit. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Sign Special Permit Application. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

Shana McDeron
Applicant Signature

3/5/24
Date

[Signature]
Property Owner Signature

3/5/24
Date

NOTE: New Electronic Message Center Signs or Digital Display Signs may not be erected until the City Council Sign Special Permit has been granted and building permit has been issued by the Building Department.

FINEGOLD ALEXANDER ARCHITECTS

February 26, 2024

Michael Leeds
Local Building Inspector
City of Marlborough
Building Department
140 Main Street
Marlborough, MA 01752

Subject: AMSA Academic Building
199-201 Forest Street Parcel 90-2C – Proposed Free Standing Sign

Dear Michael Leeds,

On February 1, 2024, the design team received the determination letter regarding Marlborough Building Department review comments related to the AMSA Academic Building Free Standing Sign Permit Application. Please refer to the following summary of the comments listed in the letter and the corresponding responses and clarifications noted in bold below.

Building Department, City of Marlborough Review Comments 01/30/2024:

- 1) Code of the City of Marlborough: Proposed New Free Standing Sign not in compliance with Chapter 526-9 C (3) (b) (1) Number of Signs.

Design Team Response: The design intent is for the existing sign located at the west entry of the property to be replaced with a new compliant free standing sign on the east entry of the property. At present, the existing sign has been removed.

Refer to attached drawing L-200 with the location of the existing and new sign and photographs of the existing sign for reference.

- 2) Code of the City of Marlborough: The proposed LED display accounts for 33% of the sign face which exceeds the allowable area of 25% of the sign face.

Design Team Response: Corrections have been made to the LED display area to comply with the allowable area of 25% of the total sign face. Refer to attached A-460 for reference.

Sincerely,



Christopher P. Lane, AIA, MCPPO
Principal

Enc.: Sheet L-200, A-460 and SKA-01



PROJECT TEAM

OWNER:
Advanced Math and Science Academy
201 Forest Street
Marlborough, MA 01752
(508) 487-2100

ARCHITECT:
Pinegold Alexander Architects, Inc.
218 South College Street, Suite 10
Danvers, MA 01923
(978) 750-0100

STRUCTURAL ENGINEER:
L.A. Power Partners
21 Congress Street, Suite 310
Boston, MA 02110
(617) 462-0100

CIVIL ENGINEER:
M&K Engineering
2 Court Place, Suite 120
Boston, MA 02109
(617) 251-0000

LANDSCAPE ARCHITECT:
Warner Larson Landscape Architects
120 West Broadway
Boston, MA 02107
(617) 461-1100

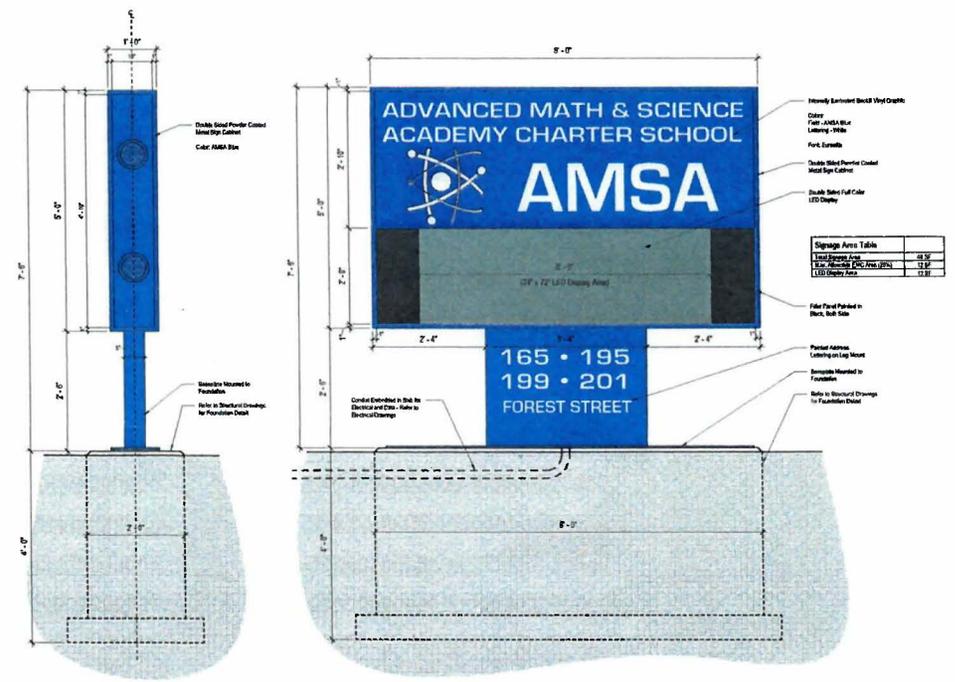
CONTRACTOR:
James Hughes
31 Arch Street
Boston, MA 02111
(617) 461-0000

ARCHITECTURAL CONSULTANT:
Covington Touch Associates, Inc.
3971 Bedford Road
Sudbury, MA 01776
(978) 452-7900

ENGINEERING CONSULTANT:
Falls Associates, Inc.
121 Elm Street
Newton, MA 02460
(617) 552-5177

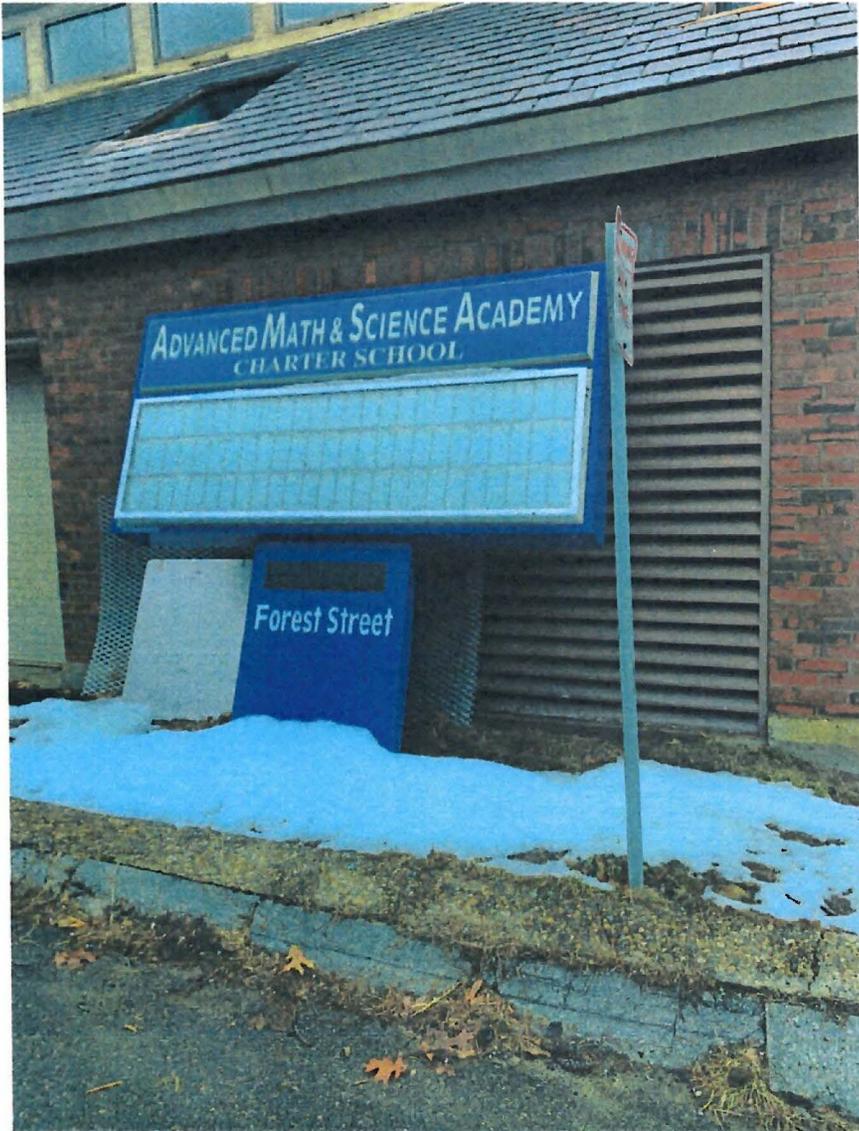
CONTRACT PROJECT MANAGER:
James Ashbury
10 Tremont Street, Suite 401
Boston, MA 02108
(617) 462-5100

TRAFFIC CONSULTANT:
MMA Transportation
20 West Street, Suite 200
Marlborough, MA 01752
(508) 253-6170

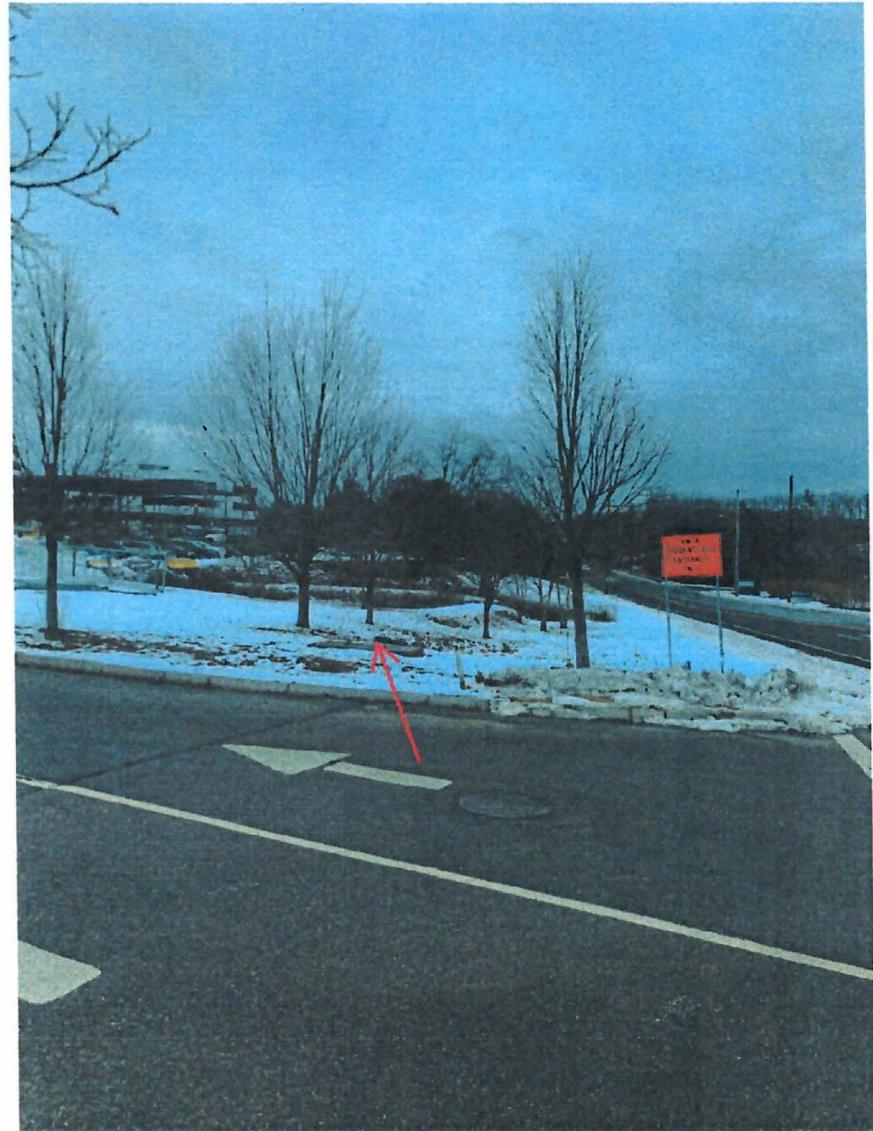


1 Double Sided Site Signage at East Entry
1" = 1'-0"

Autodesk Docs/AMSA Academic Building - Arch.rvt
2/27/2024, 10:28:30 AM



Existing Sign (Removed from West Entry)



Location of Existing Sign (West Entry)

Finegold Alexander Architects www.faainc.com	Sketch Title: Existing Sign and Location	RFI No:	ASI No:	Ref. Drawing No:
	Scale:	Date: 02/21/24		Sketch No:
	Project: ADVANCED MATH AND SCIENCE ACADEMY - NEW ACADEMIC BUILDING PROJECT	Project No: P0280.00		SKA-01





City of Marlborough
MASSACHUSETTS
01752

BUILDING DEPARTMENT
CITY HALL
140 MAIN STREET
MARLBOROUGH, MA 01752
TEL. (508) 460-3776 FACSIMILE (508) 460-3736
BUILDING_DEPT@MARLBOROUGH-MA.GOV

BUILDING COMMISSIONER
ZONING ENFORCEMENT OFFICER
TIN HTWAY

SIGNAGE DETERMINATION

March 4, 2024

AMSA Charter School
Eric Lane
201 Forest St
Marlborough, MA 01752
elane@amsacs.org

RE: 201 Forest St
Sign Permit - SP-24-9
Special Permit Approval

To Whom It May It Concern:

Please see the attached copy of the sign design proposed for 200 Forest St. The proposed sign meets the dimensional requirements of Section 526-9(C) Freestanding Signs and Section 526-13 Electronic Message Center Signs, Digital Display Signs.

However, per Sign Ordinance, Section 526-13 Electronic Message Center Signs, Digital Display Signs this sign requires approval from the Special Permit Granting Authority, Marlborough City Council.

Best Regards,

Tin Htway
Building Commissioner

ADVANCED MATH AND SCIENCE
CHARTER SCHOOL
201 FOREST ST
MARLBOROUGH, MA 01752

JOHNSON LEONA E
CARL E JOHNSON
98 SANDINI RD
MARLBOROUGH, MA 01752

STAFFORD JANICE H
287 FOREST ST
MARLBOROUGH, MA 01752

ATLANTIC-MARLBORO REALTY
205 NEWBURY ST
ATTN ATLANTIC MGMT CORP
FRAMINGHAM, MA 01701

LALLIER ROBERT
MERCEDES LALLIER
112 SANDINI RD
MARLBOROUGH, MA 01752

TJX COMPANIES INC
PO BOX 5369
COCHITUATE, MA 01778-6369

AVALON MARLBOROUGH LLC
ATTN AVALONBAY COMMUNITIES
INC
4040 WILSON BLVD SUITE 1000
ARLINGTON, VA 22203

LECONTI ROBERT E
KYLA M LECONTI
101 SANDINI RD
MARLBOROUGH, MA 01752

WATERMAN DONNA J
55 TELLER ST
MARLBOROUGH, MA 01752

CSM MARLBORO HOTEL LLC
500 WASHINGTON AVE SOUTH
SUITE 3000
MINNEAPOLIS, MN 55415

MEYER FREDERICK W JR
SUSAN R WING
125 SANDINI RD
MARLBOROUGH, MA 01752

ENQUIST BONI-ESTER
MARCUS V GIOTTO
295 FOREST ST
MARLBOROUGH, MA 01752

PEREZ WILFREDO
90 SANDINI RD
MARLBOROUGH, MA 01752

FORE KICKS II LIMITED PAR
190 ROLLING MEADOW DR
HOLLISTON, MA 01746

PRATT JEFFREY T & KIMBERL
PRATT REALTY TRUST
109 SANDINI RD
MARLBOROUGH, MA 01752

GUTIERREZ ARTURO J TR
JOHN A CATALDO TR
200 WHEELER RD
BURLINGTON, MA 01803

RIESSLE JAMES
KAREN BOULE
245 FOREST ST
MARLBOROUGH, MA 01752

HALL ROLAND L
JUDITH A HALL
117 SANDINI RD
MARLBOROUGH, MA 01752

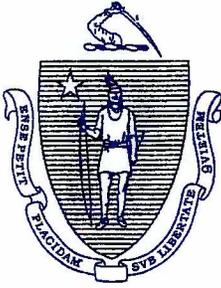
RING ANN M
257 FOREST ST
MARLBOROUGH, MA 01752

HAMMOND MARY A
93 SANDINI RD
MARLBOROUGH, MA 01752

RODOLEWICZ JOHN III
VICTORIA A PAPSCOE
269 FOREST ST
MARLBOROUGH, MA 01752

JIMENEZ WILDER
LISBETH AMBROCIO
275 FOREST ST
MARLBOROUGH, MA 01752

SILVA DAVID E JR TRUSTEE
343 FOREST STREET REALTY
84 CULLINANE DR
MARLBOROUGH, MA 01752



THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD

**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532 - 2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY MCGLINCHY

February 29, 2024

Pursuant to the State Reclamation & Mosquito Control Board's (SRMCB) budget notification and compliance certification policy, as revised, please find enclosed Form SRB-1.

These documents show our preliminary proposed budget amount, increase from FY24 and estimated balance forward on page 1. Pages 3 and 4 show each member community's percentage of total budget, share amounts for CMMCP and SRMCB, and total assessment estimate for FY25.

Revisions to this budget may occur if new communities join our service area but that should not significantly change your proportionate amount. After level funding in FY24 the FY25 budget will include a 5% increase over FY24.

There are no forms to be mailed back to our office. Please direct any questions, comments or concerns to me at (508) 393-3055 or mcglinchy@cmmcp.org before April 15, 2024.

For more information, please find budget information posted on our website at this link: <https://www.cmmcp.org/budget-information>. Thank you.

Sincerely,

Timothy McGlinchy
Director

cc:
City Council & Mayor
Town Administrators/ Town Managers
Select Board Chair
Finance Committee Chair
Board of Health Director/Agent

(Updated: 05/17/17)

Form SRB-1

Page 1 of 4

Project Name: Central Mass. Mosquito Control Project

NOTICE OF PRELIMINARY PROPOSED BUDGET FOR FY2024

Notice is hereby given that the Central Mass. Mosquito Control Project's (the "Project") preliminary proposed budget for **FY2025** is available online for viewing at (<https://www.cmmcp.org/budget-information>) and summarized below. Any questions, comments or concerns regarding this preliminary budget should be directed to: Central Mass. Mosquito Control Project Interim Director Timothy McGlinchy at mcglinchy@cmmcp.org by April 15th.

1. The total preliminary dollar amount that the Project is proposing for FY2025 is \$ 3,007,809. The chart found below highlights the preliminary budget request by the Project for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the Project to expend in FY2025.

A.	B.	C.	D.	E.	F.	G.	H.	I.
Project Name	Number of Employees	FY2025 Preliminary Proposed Budget Amount	FY2025 % Increase towards Operating Budget	FY2025 % Increase towards Capital Budget	FY2025 Total % Increase Over Certified FY2024 Budget (Add D + E)	FY2024 Estimated Balance Forward /Rollover Amount	FY2024 Actual Budget Revenues	FY2025 Total Est'd Funding Available in Trust Account (Add C + G)
Central Mass.	24	\$3,007,809	5%	0%	5%	\$200,000	\$3,007,809	\$3,207,809

(Updated: 5/17/17)

Form SRB-1
Page 2 of 4

2. The member municipalities within the Project together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the Project is comprised of 44 municipalities as listed on Form SRB-1, Page 3.**

If the composition of the Project changes because one or more municipalities join or withdraw from the Project, the total preliminary budget will be adjusted pro rata.

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.

(Updated: 5/17/17)

Form SRB-1**Page 3 of 4**

Project Name: Central Mass. Mosquito Control Project
FY2025 Proposed Cherry Sheet Assessments Estimates
Based on the preliminary proposed Project budget

Municipality	% of total budget	District Assessment	Reclamation Assessment	Total Assessment
Acton	2.62%	\$78,821.00	\$3,191.00	\$82,012.00
Ashland	1.68%	\$50,481.00	\$2,044.00	\$52,525.00
Auburn	1.83%	\$55,050.00	\$2,229.00	\$57,279.00
Ayer	1.06%	\$31,962.00	\$1,294.00	\$33,256.00
Berlin	1.32%	\$39,708.00	\$1,608.00	\$41,316.00
Billerica	3.72%	\$111,816.00	\$4,527.00	\$116,343.00
Blackstone	1.20%	\$35,963.00	\$1,456.00	\$37,419.00
Bolton	2.05%	\$61,690.00	\$2,498.00	\$64,188.00
Boxborough	1.16%	\$35,018.00	\$1,418.00	\$36,436.00
Boylston	1.65%	\$49,496.00	\$2,004.00	\$51,500.00
Chelmsford	3.15%	\$94,718.00	\$3,835.00	\$98,553.00
Clinton	0.80%	\$24,023.00	\$973.00	\$24,996.00
Dracut	2.64%	\$79,433.00	\$3,216.00	\$82,649.00
Fitchburg	3.12%	\$93,932.00	\$3,803.00	\$97,735.00
Gardner	2.32%	\$69,832.00	\$2,827.00	\$72,659.00
Grafton	2.58%	\$77,511.00	\$3,138.00	\$80,649.00
Holliston	2.21%	\$66,606.00	\$2,697.00	\$69,303.00
Hopedale	0.62%	\$18,519.00	\$750.00	\$19,269.00
Hopkinton	3.23%	\$97,003.00	\$3,927.00	\$100,930.00
Hudson	1.58%	\$47,471.00	\$1,922.00	\$49,393.00
Lancaster	2.76%	\$82,943.00	\$3,358.00	\$86,301.00
Leominster	3.44%	\$103,422.00	\$4,187.00	\$107,609.00
Littleton	1.90%	\$57,296.00	\$2,320.00	\$59,616.00
Lowell	2.92%	\$87,769.00	\$3,553.00	\$91,322.00
Lunenburg	2.74%	\$82,303.00	\$3,332.00	\$85,635.00
Marlborough	3.05%	\$91,628.00	\$3,710.00	\$95,338.00
Milford	2.00%	\$60,131.00	\$2,434.00	\$62,565.00
Millbury	1.78%	\$53,461.00	\$2,164.00	\$55,625.00
Millville	0.52%	\$15,534.00	\$629.00	\$16,163.00
Natick	2.92%	\$87,750.00	\$3,553.00	\$91,303.00
Northborough	2.25%	\$67,786.00	\$2,744.00	\$70,530.00
Northbridge	1.91%	\$57,579.00	\$2,331.00	\$59,910.00

Sherborn	1.70%	\$51,219.00	\$2,074.00	\$53,293.00
Shrewsbury	2.97%	\$89,408.00	\$3,620.00	\$93,028.00
Southborough	1.76%	\$52,872.00	\$2,141.00	\$55,013.00
Stow	1.88%	\$56,431.00	\$2,285.00	\$58,716.00
Sturbridge	3.72%	\$111,855.00	\$4,529.00	\$116,384.00
Tewksbury	2.83%	\$85,217.00	\$3,450.00	\$88,667.00
Webster	1.46%	\$43,973.00	\$1,780.00	\$45,753.00
Westborough	2.64%	\$79,362.00	\$3,213.00	\$82,575.00
Westford	3.68%	\$110,693.00	\$4,482.00	\$115,175.00
Wilmington	2.45%	\$73,704.00	\$2,984.00	\$76,688.00
Worcester	6.20%	\$186,420.00	\$7,547.00	\$193,967.00
	100.00%	\$3,007,809.00	\$121,777.00	\$3,129,586.00

RECEIVED
CITY CLERK'S OFFICE
MINUTES FOR

MARLBOROUGH COMMISSION ON DISABILITIES MINUTES FOR
MEETING JULY 10, 2023 2024 FEB 22 PM 4: 14
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: DEB MCMANUS, BARBARA ALLEN, JOHN USINAS, CATHY USINAS, DAVID DOUCETTE, DAVID LA BOSSIERE, AND GUEST, JONATHON FRIEDMAN.

MEETING CALLED TO ORDER AT 4:23PM

MINUTES: READ BY BARBARA ALLEN. MOTION TO APPROVE BY JOHN USINAS. SECONDED BY DAVID LA BOSSIERE 6-0.

TREASURER'S REPORT: REPORT BY DEB MCMANUS. CURRENT BALANCE \$9,657.55. MOTION BY BARBARA ALLEN TO ACCEPT. SECONDED BY JOHN USINAS. 6-0 APPROVED TO ACCEPT THE REPORT.

OLD BUSINESS:

- DAVID DOUCETTE REPORTED THAT CORRECTION TO THE BRAILLE INSIDE ELEVATOR IN CITY HALL THAT IS NOT TO ADA CODE (TOO HIGH ON PANEL) IS NOT RESOLVED WITH THE DEPARTMENT OF PUBLIC WORKS. HE WILL FOLLOW UP.
- DAVID DOUCETTE COLLECTED OUR EMAIL ADDRESSES AND TELEPHONE NUMBERS TO BE MADE AVAILABLE TO EACH OTHER INTERNALLY AND NOT TO THE GENERAL PUBLIC. EITHER DAVID DOUCETTE OR DEB MCMANUS WILL DISTRIBUTE THE LIST TO THE BOARD MEMBERS. THEY WILL TRY TO HAVE COMMISSION ON DISABILITIES' SINGLE EMAIL ADDRESS ON THE WEBSITE DISTRIBUTE AUTOMATICALLY TO

ALL MEMBERS.

- CONFLICT OF INTEREST TRAINING (ETHICS TRAINING) STILL MUST BE COMPLETED BY SOME OF THE COMMISSION MEMBERS. CATHY USINAS AND JOHN USINAS WILL CONTACT MARK IN THE INFORMATION TECHNOLOGY DEPARTMENT FOR THE CITY AS THE ONLINE TRAINING IS NOT ACCESSIBLE TO VISUALLY IMPAIRED.
- NO NEW INFORMATION REGARDING ACCESSIBILITY IN THE HOSPITAL ICU.
- PER DEB MCMANUS, WE HAVE NOT RECEIVED ANY APPLICATIONS FOR SUMMER CAMP ASSISTANCE. SHE SENT APPLICATIONS TO THE BOYS AND GIRLS CLUB. LINDSAY JARWOREK WAS TO PROVIDE INFORMATION TO THE MARLBOROUGH PUBLIC SCHOOLS AND RECREATION DEPARTMENT. SHE WAS NOT PRESENT TO REPORT AN UPDATE. COST IS \$500 FOR OVERNIGHT AND \$375 PER DAY.
- THERE IS NO UPDATE ON UNIQUE DENTAL ENTRANCE. THE RAMP IS STEEP, DOES NOT HAVE A RAILING, AND THE BUTTON TO OPEN THE DOOR IS LOCATED TOO HIGH TO EASILY REACH. DAVE DOUCETTE AGREED TO REPORT IT FOR REVIEW WITH "SEE CLICK FIX" ON COMMONWEALTH CONNECTOR.

NEW BUSINESS:

- JONATHAN FRIEDMAN MUST STILL BE PROCESSED FOR HIS BOARD APPOINTMENT.

- MOTION BY BARBARA ALLEN TO APPROVE \$55.21 REIMBURSEMENT TO DEB MCMANUS FOR COMPUTER INK EXPENSE. SECONDED BY DAVE DOUCETTE. MOTION APPROVED 6-0.
- JOHN USINAS INFORMED US ABOUT USE OF MWRTA FOR IMMEDIATE RIDES IN HUDSON. THERE IS APP FOR SMARTPHONES. CAN GET RIDES TO APEX CENTER AND SOLOMON POND.
- JONATHAN FRIEDMAN INQUIRED ABOUT ESTABLISHING A FACEBOOK PAGE LINKS TO THE CITY PAGE FOR THE COMMISSION. HE AGREED TO EXPLORE IT FURTHER.
- BARBARA ALLEN HAS PARKING NOTICES AND CODBROCHURES. SHE WILL BRING TO NEXT MEETING THAT SHE ATTENDS. SHE WILL BE UNABLE TO ATTEND THE AUGUST MEETING DUE TO TRAVEL OUT OF STATE.
- THE CITY ASSIGNED ADA COORDINATOR JOB DUTIES TO A CITY EMPLOYEE.
- MEMBERS DISCUSSED RECEIVING MINUTES VIA EMAIL INSTEAD OF HARD COPY VIA POST. CURRENTLY, BARBARA ALLEN SENDS MINUTES TO DEB MCMANUS VIS EMAIL. SHE REVIEWS AND MAILED OUT TO MEMBERS. WE WILL EXPLORE HAVING DISTRIBUTION VIA EMAIL.

MOTION TO ADJOURN: MOTION BY DAVE DOUCETTE AND SECONDED BY CATHY USINAS. ACCEPTED 6-0

ADJOURNED AT 5:07 PM.

NEXT MEETING: MONDAY, AUGUST 7, 2023 AT 4:00PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,

BARBARA ALLEN, SECRETARY

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 FEB 27 PM 2:05

1A

Call to Order

January 8, 2024

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Sean Fay, James Fortin, Patrick Hughes, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Barbara Fenby.

Mr. Russ was voted Acting Clerk and opened the organizational meeting.

Mr. Russ opened the nominations for the Planning Board Clerk. Mr. Russ nominated Mr. George LaVenture, seconded by Mr. Fay. There were no additional nominations. On a motion by Mr. Russ, seconded by Mr. Fay the board voted to elect Mr. George LaVenture, as Clerk of the Marlborough Planning Board for the year 2024. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Russ opened the nominations for the Planning Board Chairperson. Mr. LaVenture nominated Mr. Sean Fay, seconded by Mr. Russ. There were no additional nominations. On a motion by Mr. LaVenture, seconded by Mr. Russ, the board voted to elect Mr. Sean Fay as Chairperson of the Marlborough Planning Board for the year 2024. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

1. Draft Meeting Minutes

A. December 18, 2023

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the December 18, 2023, meeting minutes with minor corrections. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. City Council's draft schedule

The Board reviewed the draft schedule.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to adopt the meeting schedule as drafted. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe
(6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

i. Flowchart

ii. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the January 4, 2023, correspondence into the record.

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On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

The Board discussed their ability to monitor the expiration date of the bond and Mr. Fay explained if/when developers request an extension, the Board will require proof that the bond is still in force and if a bond expires in theory the City is notified, but argued the Board is generally not notified.

Mr. Fay addressed concerns on the soil management for ANR lot 1 and ask if the developer is working with the Board of Health on this. Dan Burger (Connolly Burger, P.C.) said yes and explained the soil management for this lot is on the Board of Health's January 16, 2024, agenda. Mr. Fay asked Mr. Burger to update the Board after the Board of Health meeting and he agreed.

iii. Draft Certificate of Vote

iv. Draft Covenant

The Board reviewed the certificate of vote and covenant and discussed the following concerns:

- Which lot to retain under item 9 on the covenant;
- Add an additional waiver for the vegetated cul-de-sac on the plans, certificate of vote and covenant;
- Plan revision dates, November 10, 2023, and December 20, 2023*, need to be added to both the certificate of vote and the covenant;
- Add an additional condition (H) Planting Plan to the certificate of vote;

* An additional revision date once cul-de-sac wavier is included on plans.

Mr. Burger reviewed language from Mr. McManus's letter and discussed other forms of surety, he explained instead of having the covenant and retaining one of the lots, his client would prefer to put up a cash bond which would allow buyers to have more flexibility. He then questioned if this should be tabled until the next meeting so everyone could discuss the option of not doing the covenant.

Mr. Fay explained the Board has always had a covenant even if the process was to go immediately to a cash security. Mr. DiPersio explained the requirement for retaining a lot is separate from the construction bonds that secures the construction of the roadway. Separate from the typical bond, the retaining of the lot was put in the rules and regulations to enforce the developers completion of acceptance process.

Mr. LaVenture explained there are two separate guarantees: one under section G, for the performance and construction completion; and one under section L, for street acceptance. Both allow for either bond, cash bond, some combination or covenant. He explained traditionally the Board has worked under the covenant for the performance guarantee.

Mr. Fay argued the Board asks the City Engineer to set the amount for the bond once the covenant is in place. The covenant first, then the bond and the lot release. Mr. Burger asked, even though the rules allow for just the cash bond, it's the Board's practice to not do just the cash bond? Mr. Fay said yes, and explained the Board wants the covenant in place before the bond is put into place.

The Board reviewed the subdivision rules and regulations and Mr. LaVenture read a portion of section L.1.(a) Cash deposit or bond. – "The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision."

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The Board concluded the bond under section G, is the Board's general guarantee and the bond under section L, is for street acceptance.

Mr. Burger asked if the Board would agree to proceed under subsection A and explained he would be open to suggestions on how to establish the value of the lot and reminded the Board that it would be a cash bond and asked how to proceed procedurally under subsection A.

Mr. Fay explained the next step would be to get the certificate of vote and covenant in final form, request another extension on the vote and to pick up the discussion on the bonding options at the January 22, 2024, meeting. Mr. Burger agreed to keep in touch and to update the Board after the Board of Health meeting.

The Board discussed getting the Legal Departments procedural guidance on appraising the lot(s) value. Which would be used for the bond estimate. Mr. Fay argued the Board needs to be very specific on what the Board is asking and suggested the following:

- If the Board/City accepted cash instead of one of the lots being held as security, how does the Board value that lot under section L.1.(a).
- Ask the solicitor to review the changes provided by Mr. Burger addressing the following:
 - o Add an additional waiver for the vegetated cul-de-sac on the plans, certificate of vote and covenant;
 - o Add plan revision dates, November 10, 2023, and December 20, 2023, to the certificate of vote and the covenant *additional date may be required once cul-de-sac waiver has been incorporated;
 - o Add an additional condition (H) Planting Plan to the certificate of vote.

Mr. Burger and Mr. DiPersio agreed to work on the cul-de-sac waiver language prior to the referral to the Legal Department.

Mr. Fay explained the goal would be to submit everything in final form to the City Solicitor at the next meeting and to have a final vote at the February 12, 2024, meeting.

The Board discussed and reviewed the procedures under the street acceptance and the construction guarantee. Mr. Burger explained his concern is, if they sign the covenant, they would lock themselves into complying with section L.1.(b) which requires a lot be held. Mr. Fay explained once the covenant is in place, and the Board agrees on the amount for the bond and the bond is posted, then the lot is released from the covenant.

Mr. DiPersio explained if they choose to go with a cash bond for the street acceptance surety, the language under section 9 in the covenant can be revised in accordance with that. Instead of referencing said lot number, it would reference the cash bond. Mr. Fay suggest language "released from the requirements of Section L upon deposits of the cash bond".

On a motion by Mr. LaVenture, second by Mr. Russ, the Board voted to refer 547 Stow Road to the Legal Department for review addressing the following questions/revisions:

- If the Board/City accepted cash instead of one of the lots being held as security, how does the Board value that lot under section L.1.(a).
- Ask the solicitor to review the changes provided by Mr. Burger addressing the following:

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- o Add an additional waiver for the vegetated cul-de-sac on the plans, certificate of vote and covenant;
 - o Add plan revision dates, November 10, 2023, and December 20, 2023, to the certificate of vote and the covenant *additional date may be required once cul-de-sac waiver has been incorporated;
 - o Add an additional condition (H) Planting Plan to the certificate of vote;
- Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture update the Board and explained the Working Group met on January 3, 2024, with two partners from Northeast Porous Paving via Teams. He explained we are waiting for additional information and once everything is compiled it would be presented at a future meeting.

Mr. Fay explained he was brainstorming on how it would be nice to have three options for developers and went over some examples. Larger surface areas, where it would be 3X the cost of the usual material, that provides this amount of drainage with a scale. The most expensive would only be used on driveways. Having in place a few different technologies that the Board can ask for depending on the situation.

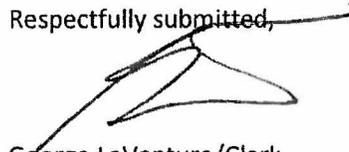
Mr. LaVenture explained once the Board sees the presentation, there will be a better understanding on how it has specific applications and that it is not best suited for roadway use. Mainly it will be used in part, not in whole, for parking areas, etc.

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Hughes, seconded by Mr. LaForce, the Board voted to adjourn the meeting. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Respectfully submitted,


George LaVenture/Clerk

/kml

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MARLBOROUGH, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2024 FEB 27 PM 2:05

1A

Call to Order

January 22, 2024

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Sean Fay, Barbara Fenby, James Fortin, Patrick Hughes, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. January 8, 2024

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the January 8, 2024, meeting minutes. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0. Abstained: Dr. Fenby

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe
 (6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

i. Flowchart

ii. Extension Request

Mr. LaVenture read the January 18, 2024, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the January 18, 2024, correspondence from Daniel J. Burger, Esq. and to grant the extension for the decision on the Open Space Definitive Subdivision on Stow Road (547 Stow Road) through February 26, 2024. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture and Russ Nay: 0. Motion carried. 7-0.

iii. Plan Set

Revised: December 20, 2023

Vito Colonna (Connorstone Engineering, Inc.) updated the Board and went over the plan revisions:

- Vegetated island was added to the cul-de-sac
- Sidewalk was moved out towards the edge of the right-of-way
- Vegetated cul-de-sac waiver was added to the cover sheet
- Notes about the Planting Plan being reviewed by the City Engineer and Conservation were added

Mr. DiPersio explained he had proposed the concept of a porous pavement cul-de-sac to Mr. Colonna. Mr. Colonna explained the developer preferred the look of the vegetated cul-de-sac.

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Daniel Burger (Connolly Burger, P.C.) confirmed he is working with the Board of Health on fine tuning some language and is working on revising the covenant and certificate of vote. Once everything is completed it will be sent to the Legal Department for review. He explained they are revising the language on the bond.

Mr. Burger and the Board discussed having the developer sign the covenant. The Administrator read G.L. c. 41, sec. 81U, "a covenant, executed and duly recorded by the owner of record."

Mr. Russ addressed concerns about utilities underneath the vegetated island. Mr. DiPersio explained they wouldn't want any trees over the utility lines but that the planting plan would have to take the underground utilities into consideration, but that vegetation really isn't a big deal. Mr. Colonna explained the water is 5 feet deep.

Mr. Colonna explained the cul-de-sac island has a cape cod berm with vertical granite along the outside.

Mr. Burger and the Board agreed everything would be in final form at the February 12, 2024, meeting and ready for a vote at the February 26, 2024, meeting.

7. Definitive Subdivision (None)

8. Signs (None)

Mr. Fay renewed the Board's recommendation that signs be handled by City Council moving forward.

9. Correspondence (None)

10. Unfinished Business

A. Working Group

- i. Northeast Porous Paving Presentation
- ii. Northeast Porous Paving supporting documents

Mr. LaVenture updated the Board and explained everyone should have received a link to the Working Group's January 3rd teams meeting with Northeast Porous Paving. Included in the agenda packet are the items listed above and he explained he is waiting to hear back from a number of contacts that are referenced in the presentation and plans to follow up with them soon. The Working Group's next meeting is scheduled for Wednesday January 31, 2024, they will be reviewing some information the City Engineer has gathered and will report back to the Board with more detailed information.

Mr. Fay explained he is interested in technologies that would be appropriate for larger surface areas.

Mr. DiPersio explained he reached out to a lot of the City's paving contractors and received feedback regarding porous asphalt pavement, which is asphalt and aggregate like regular pavement, but its' made to be porous, and this will be summarized and presented at future meeting.

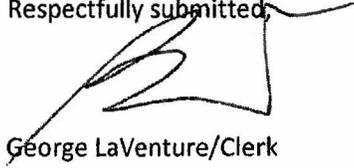
11. Calendar Updates (None)

12. Public Notices of other Cities & Towns (None)

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On a motion by Mr. Hughes, seconded by Mr. LaForce, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George LaVenture", written over a horizontal line.

George LaVenture/Clerk

/kmm

January 17, 2024
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2024 MAR -1 AM 10:56



**CITY OF MARLBOROUGH
 OFFICE OF TRAFFIC COMMISSION
 140 MAIN STREET
 MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on January 17, 2024, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Interim DPW Commissioner Ted Scott and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant Civil Engineer Ashley Miller, Officer Andrew Larose from the MPD Traffic Services Unit, and local resident Dave Cormier.

Minutes taken by Karen Lambert, MPD - Public Safety Administrative Assistant.

Chief Giorgi started recording the meeting at 10:12 a.m. and began by welcoming everyone and making introductions. He thanked everyone for their understanding as the last meeting was cut short due to unforeseen circumstances.

1- Minutes

Review of the minutes of the Traffic Commission meeting of November 29, 2023.

VOTE TO APPROVE. All in Favor - Accept and Place on File.

2 - New Business

2a) Continued Discussion: Request to DELAY removal of Northern Stop Sign at Intersection of Clinton St. and Auburn St.

Tom DiPersio and Ashley Miller, from the Engineering Department, have done some analysis and discussed this with Interim DPW Commissioner Tedd Scott. Due to differing opinions with area residents, it was agreed to table this issue until the Spring. It was determined that the winter was not the best time to do any further study or change any traffic patterns.

Mr. Cormier asked if there will be any discussion about alternatives. He would like to know what else can be done to mitigate taking the stop signs down. All agreed that waiting until the Spring to make any changes provides the opportunity to do it properly. The notices about the removal of the stop signs will be taken down for now and all stop signs will remain.

Another area of concern was that there were no speed limited signs, just one "Thickly Settled" sign. Mr. Scott advised that he would respond to this issue.

MOTION was made, seconded, duly VOTED to TABLE this agenda item until the spring for further review and discussion. Mr. Cormier advised that he would spread the word to his neighbors.

2b) Request for Crosswalk Sign at the corner of Devens St. and Washington St.

This agenda item came from Slava (unknown last name), in an email to Councilor Dumais. Chief Giorgi reviewed the email. Slava is requesting a crosswalk sign at this intersection, in front of the school on Washington Street. He included a photo with an example of the type of sign he is referring to. He said that there is a bus stop right in front of his house and that cars do not pay any attention to the stop sign on the bus and kids do cross the street here. He is asking why there is one of these signs at the opposite end of Washington Street but not in front of the school. He also mentions the need for a speed limit sign.

Chief Giorgi said that there is no crosswalk where Slava is asking to see a sign. Is he actually requesting a crosswalk? Ashley Miller said she does not know if there is drop off for the kids at this school. It was discussed that a crosswalk will not solve the problem of cars driving around the bus. Chief Giorgi said that the bus company has not been calling the Police Department with any problems. It's unclear which school the bus issue concerns. If students are going to the school on Washington Street, they should be walking to the end of the street and crossing at the school.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement. The Police Department can also reach out to Slava and the bus company for clarification.

2c) Discussion of possibility of making Weed Street one-way (westbound only) between Court Street and the west side of the City Hall rear plaza.

City Engineer Tom DiPersio submitted this agenda item. Making this area one-way would allow the city to make better use of the whole area and the new plaza behind City Hall. The road would be made narrower and improve walkability in the area. There is not a lot of traffic that travels west to east, Florence Street to Court Street. He provided a diagram of the consultant's recommendation for the area and is just looking for input at this point.

Officer Larose said that his concern would be that cars would pull into the area and then have nowhere to turn around. There would have to be signage at Florence Street indicating "Not a Through Street" and make the "Do Not Enter" very clearly marked. He

asked what they are doing to widen the area. Mr. DiPersio advised that there would be no change to the area along the Post Office property. The plaza behind City Hall will be totally redone. Technically, the road behind City Hall would be a no parking zone. The need for handicapped parking was brought up.

Steve Kerrigan's concern was with the parking deck. In the winter, it's an ongoing battle as people come to City Hall and have nowhere to park. Mr. DiPersio advised that the spaces in front of the parking garage will stay. The Lost Shoe currently takes up a couple of those parking spaces with tables. It was discussed that maybe they can put tables in the plaza area instead. Ted Scott said that they need to get permission from City Hall for each event that they have. Mr. DiPersio said that they will have room for tables on their own side with the new design.

Chief Giorgi advised that he has no objection to Weed Street being made one-way in this area. Mr. DiPersio said that there would need to be a formal vote at some point. He would also like to have some input from the Fire Chief.

MOTION was made, seconded, duly VOTED to KEEP this item on the agenda for further discussion at the next meeting.

3-Old Business

3a) Mt. Pleasant Street Traffic Concerns

Update: At the meeting in October, this issue was referred to Engineering to look at the timing of the lights. Engineering has no further update. This item will REMAIN on the Agenda.

3b) Crescent Street Parking Issues

Update: At the October meeting, it was agreed that this item would be TABLED until roadway construction is complete before making any changes. TABLED until the Spring.

3d) Commercial Vehicle Parking Issues

Update: Steve Kerrigan advised that he has spoken to Jeremy McManus, in the Legal Department, as to whether this would be better handled through a Traffic Regulation or a City Ordinance. Mr. Kerrigan said that he received an email from him that basically said it could be handled either way. He would have to do more research. This item will REMAIN on the Agenda as more work is needed.

Chief Giorgi asked if anyone had any further issues they would like to discuss? None noted.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:34 am.

Respectfully submitted,

Karen L. Lambert
Public Safety Administrative Assistant
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for the Traffic Commission Meeting on January 17, 2024, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, November 29, 2024.
- Email from Elyse Heise to Chief Giorgi, dated 11/5/23, Re: URGENT – Delay Removal of NORTHERN Stop Sign at Intersection of Clinton and Auburn Street.
- Email from Councilor Dumais to Chief Giorgi, dated 11/14/23, re: Crosswalk Corner of Devens St. and Washington St. – original email from Slava, dated 11/11/23, including (including photo).
- Email from Tom DiPersio to Chief Giorgi, dated 11/22/23, re: Traffic Commission Item (discussion of possibility of making Weed Street one-way (westbound only) between Court Street and the west side of the City Hall rear plaza.

Additional Handouts or Displayed on Screen at Meeting

- Diagram of proposed work on Weed Street