

REGULAR MEETING
JUNE 15, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUN 11 P 1:15

*****Presentation of 2015 City Scholarship Awards*****

1. Election of City Council Vice-President.
2. Minutes, City Council Meeting, June 1, 2015.
3. PUBLIC HEARING On the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road, Order No. 15-1006237.
4. Communication from the Mayor re: Acceptance of Gift of Land and Transference to the Conservation Commission.
5. Communication from City Solicitor Donald Rider re: Proposed Order for Proposed Changes in Polling Locations, Order No. 15-1006034.
6. Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements.
7. Minutes, Conservation Commission, April 16 and May 7, 2015.
8. Minutes, Council on Aging, May 12, 2015.
9. Minutes, Zoning Board of Appeals, April 21, 2015.
10. CLAIMS:
 - a. Sanjay Ahuja, 30 Danjou Drive, residential mailbox claim 2(a).
 - b. Tatiana Cardoso, 99 Francis Street, other property damage.
 - c. Mary Kish, 112 Stearns Road, residential mailbox claim (2(b)).

REPORTS OF COMMITTEES:

11. That the City Council obtain a decision from the City Solicitor, as the best way to legally proceed, as to the vacated City Council seat caused by the June 5th resignation of Councilor-at-Large Trish Pope.

Some of the suggested recommendations that the Council might wish to explore are as follows:

- 1) To continue with the seat vacant for the remainder of the legislative session that would expire on December 31, 2015.
- 2) To fill the vacant seat, by majority vote of the present City Council, with a former City Councilor or Marlborough resident, who has expressed a desire to assist the Council for the interim period and is not a candidate for election to any position in the upcoming Biennial City Election to be held on November 3, 2015.
- 3) To wait until after the completion of the November 3, 2015, election and fill the seat with a newly elected Councilor-at-Large, who is not a present City Councilor.

If another solution is available the Council would appreciate suggestions for the "best way" so they may legally proceed.....Submitted by President Clancy

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.

UNFINISHED BUSINESS:

From City Council**12. Order No.15-1006130B – Proposed amendment to § 650-26 A.(1)(a) of the Zoning Ordinance:**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT §650-26 OF THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

By deleting the terms of §650-26 A.(1)(a) in their entirety and inserting in place thereof the following new terms:

§650-26 A.(1)

(a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in (i) hereunder to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. Councilor Oram opposed to passage in one evening. This item will be placed on the agenda for the next City Council meeting on June 15, 2015.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

JUNE 1, 2015

Regular meeting of the City Council held on Monday, JUNE 1, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 9:37 PM.

Council President Pope recognized the two new Sergeants for the Police Department, Sergeant Mercedes Roman and Sergeant Peter Bradley.

ORDERED: That the Minutes of the City Council meeting MAY 18, 2015, **FILE AS AMENDED**; adopted.

ORDERED: That the Youth Service Awards presented to the following, **FILE**; adopted.

- Julia Dougherty, who was nominated by Darren McLaughlin, for her work creating the Bernadette Program that collected 450 toys and gift cards for Child Life services last year in remembrance of her best friend, Bernadette La Follette.
- Kim Baker, Shayna Fine, Rafaella Alves, and Lauren Chamberlain, of the Touchstone Team, who were nominated by Sue Waudby, for their great volunteering contributions to Touchstone which provides services to residents in need.
- Ryan Vermilyea and Brittany Vermilyea, who were nominated by Janis White Haskins, for their consistent volunteer work with food drives, and the local charity motorcycle ride which raises money for scholarships.
- Brian Roberts and Mitchell Lombardo, who were nominated by Carol Manne, for their volunteer services at the Greater Marlborough Programs, Inc., which consisted of coaching and making a difference in many lives through the Special Olympics alpine ski program.

ORDERED: That the transfer request in the amount of \$34,000.00 which moves funds from Open Space Stabilization to fund the purchase of the parcel at 11 New St., **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Legal					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$855,693.19	\$34,000.00	83600	32918	Stabilization-Open Space	\$34,000.00	11510006	57605	Negotiation Expense	\$0.00	
	Reason:	Stabilization					Negotiate Land Purchase			
	\$34,000.00	Total			\$34,000.00	Total				

Yea: 11-Nay: 0

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

ORDERED: That the City of Marlborough received \$50,000.00 from Colonial Power as part of its negotiated municipal agreement to fund energy efficient improvements for the City of Marlborough and its residents, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

Councilor Ossing abstained.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Ezra Cutting Trust grant in the amount of \$6,000.00 to support the City’s partnership with the Rivers Edge Arts Alliance to support performances that are part of the “Family Fun Festivals”; adopted.

ORDERED: That the Proposed Changes to Polling Locations, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Appointment of Patricia Pope as the Executive Director of the Council on Aging, refer to **PERSONNEL COMMITTEE**; adopted.

President Pope abstained.

ORDERED: That the Application for Special Permit from NGP Management LLC for two drive-through windows at 525 Maple St. in proper legal form, Order No. 15-1006070D, **MOVE TO ITEM 21**; adopted.

ORDERED: That Communication from Assistant City Solicitor Panagore-Griffin re: Order of Taking and Plans-Farm Road Reconstruction, Order No. 15-1006181, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order of Amendment to § 650-26 A.(1)(a) of the Zoning Ordinance, Order No. 15-1006130A, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney M^cCay on behalf of: NGP Management, to **WITHDRAW WITHOUT PREJUDICE**, Special Permit for Dunkin Donuts at 525 Maple St. Conditions, Order No. 15-1006070D, **MOVE TO ITEM 21**; adopted.

ORDERED: That the Communication from Attorney Gadbois on behalf of Ferris Development 325 DJL Boulevard LLC re: **WITHDRAWAL WITHOUT PREJUDICE** for Amendment to Zoning Ordinance, Order No. 15-1006185A, **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Gadbois on behalf of Ferris Development 325 DJL Boulevard LLC re: **WITHDRAWAL WITHOUT PREJUDICE** for Special Permit for drive-thru and mixed use development, Order No. 15-1006200, **APPROVED**; adopted.

ORDERED: That Communication from the Planning Board re: Proposed Order of Amendment to § 650-26 A.(1)(a) of the Zoning Ordinance, Order No. 15-1006130, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Application for Livery License, Onald Isidore, Genesis Transportation Services, 40 Mechanic St., Suite 107, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 15, 2015** as date for a **PUBLIC HEARING** On the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Mosquito Control Project re: Investigating resident's complaints about mosquitos on the following dates: May 28, & June 3, 10, 17 & 24, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 31 and April 29, 2015, **FILE**; adopted.

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

- a. Richard Anzalone, 11 Casella Dr., residential mailbox claim 2(a).
- b. David Ritter, 22 Stow Rd., other property damage.

Reports of Committees:

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: May 19, 2015

Time: 5:00 PM

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

Convened: 5:10 PM

Adjourned: 5:46 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano; Councilor Page

Also Present: Evan Pilachowski, City Engineer; Assistant City Solicitor Cynthia Panagore Griffin

Order No.15-1006181: Communication from the Mayor with attached Order of Taking by Eminent domain regarding Farm Road Reconstruction Project.

City Engineer Evan Pilachowski explained the Order of Takings by Eminent Domain for the Farm Road reconstruction project to the Legislative and Legal Affairs Committee. There were nine different taking units across six properties, four of which were permanent. The five temporary easements are for erosion control during the reconstruction project. Assistant City Solicitor Panagore Griffin requested the committee ask for a suspension of the rules at their next regular City Council meeting on June 1, 2015 so it can be voted on the same evening. Chairman Clancy confirmed the order is in proper legal form and the updated plans, dated May 1, 2015, are currently missing from the documentation but will be present on their June 1, 2015 City Council Agenda.

Motion made by Councilor Delano, seconded by the Chair, to approve the Eminent Domain Order of Taking for the six properties listed with the six awards as shown. The motion carried 3-0.

Motion made by Councilor Delano, seconded by the Chair, to request a suspension of the rules so this item can be voted on at their next available City Council meeting. The motion carried 3-0.

Motion made by Councilor Delano, seconded by the Chair, to refer to the Legal Department to place in proper legal form for the June 1, 2015 City Council meeting. The motion carried 3-0.

Motion made by Councilor Delano, seconded by the Chair, to adjourn. The motion carried 3-0.

The meeting adjourned at 5:46 PM.

Reports of Committees cont'd:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee
Tuesday May 19, 2015
In Council Chambers

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder, and Irish. Councilors Pope, Delano, Clancy and Page were also in attendance. The meeting convened at 6:00 PM.

Order No. 15-1006211 – Transfer \$1,760,000.00 from the Undesignated Fund Account to Snow and Ice Accounts. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the transfer of \$1,760,000.00 from the Undesignated Fund Account to the following three snow and ice accounts:

- \$414,714.00 – Overtime Snow and Ice
- \$800,380.00 – Snow Removal
- \$544,880.00 – Operating Expenses

The Finance Committee voted 5 – 0 to approve the transfers.

Order No. 15-1006212 – FY16 Snow & Ice Deficit Spending. – The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the City Council approve an order authorizing the City to incur liability and make expenditures in excess of appropriation for snow and ice removal in the amount of \$1,000,000.00. **The Finance Committee voted 5 – 0 to approve the order.**

Order No. 15-1006213 – Transfer \$500,000.00 from Undesignated Funds to Undesignated Stabilization. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the transfer of \$500,000.00 from the Undesignated Funds account to the Undesignated to build the Stabilization account to coincide with the increase in the FY16 budget. **The Finance Committee voted 5 – 0 to approve the transfer.**

Order No. 15-1006214 – Year End Intra-Department Transfer Requests for \$467,647.00. The Finance Committee reviewed the Mayor's letter dated May 15, 2014 requesting \$467,647.00 in year end intra-department transfers to cover remaining expenses and balance accounts for FY15 for the Police Department, Fire Department, DPW and Public Facilities. **The Finance Committee voted 5 – 0 to approve the intra-department transfers.**

Order No. 15-1006216 – Transfer \$59,835.43 from various Accounts Controlled by the Comptroller. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting transfers totaling \$59,835.43 listed below:

- Transfer \$15,000.00 from Other Interest Account to Postage for mailings
- Transfer \$31,835.43 Water Debt Service and \$13,000.00 Water Interest to Workers Comp Account to replenish account

The Finance Committee voted 5 – 0 to approve the transfers.

Order No. 15-1006217 – Transfer \$18,000.00 from Undesignated Funds to Open Space Stabilization. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the transfer of \$18,000.00 from the Undesignated Funds account to the Open Space Stabilization account for the funds received from the FY14 wireless antenna receipts. **The Finance Committee voted 5 – 0 to approve the transfer.**

Order No. 15-1006218 – Request to Consolidation of Stabilization Accounts. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the consolidation of 14 stabilization accounts (\$1,166,486.36) into one undesignated stabilization account due to lack of activity and recommended in the FY14 Management letter from Roselli, Clark and Associates. The Finance Committee voted 5 - 0 to approve the consolidation of the accounts.

Order No. 15-1006219 – Renew Public Safety Revolving Fund for FY16. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the renewal of the Public Safety Revolving Fund for FY16. **The Finance Committee voted 5 - 0 to approve the renewal of the Public Safety Revolving Fund.**

Order No. 15-1006220 – Renew Parks and Recreation Revolving Fund for FY16. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting the renewal of the Parks and Recreation Revolving Fund for FY16. The Sligo Hill Revolving Fund will be consolidated into the Parks and Recreation Revolving Fund. **The Finance Committee voted 4 - 0 (Councilor Elder abstained) to approve the renewal of the Parks and Recreation Revolving Fund.**

Order No. 15-1006215 – Transfer \$433,148.18 from Sligo Hill Antennae Account to Park & Recreation Antennae Revolving Fund. The Finance Committee reviewed the Mayor's letter dated May 14, 2015 requesting a transfer of \$433,148.18 from Sligo Hill Antennae Account to Park & Recreation Antennae Revolving Fund. **The Finance Committee voted 4 – 0 (Councilor Elder abstained) to approve the transfer.**

Order No. 15-1006198 – Transfer \$731,875.00 from the Economic Development Account to Fund MEDC for FY16. The Finance Committee reviewed the Mayor's letter dated April 30, 2015 requesting the transfer of \$731,875.00 from the Economic Development account to fund MEDC for FY16. The funds are from the local options hotel tax. **The Finance Committee voted 4 – 1 (Councilor Oram opposed) to approve the transfer.**

The Finance Committee agreed to support suspending the rules at the June 1, 2015 City Council meeting to report out all 11 items.

The Finance Committee adjourned at 7:38 PM.

Reports of Committees cont'd:

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

Meeting Name: City Council Urban Affairs Committee

Date: May 26, 2015

Time: 5:00 PM

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

Convened: 5:02 PM

Adjourned: 5:42 PM

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

Also Present: Arthur Bergeron, Mirick O'Connell; Assistant City Solicitor Cynthia Panagore Griffin

Order No. 15-1006130: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending the Zoning Ordinance as follows:

1. Replacing Section 650-26.A(l)(a) in its entirety with the following:

- (a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for home ownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority vote of the City Council, provide a sum equal to \$50,000 per affordable dwelling unit that would have been required hereunder, to be deposited in the fund for economic development created by Chapter 126 of the Acts of 2011, or another fund designated by the City Council.**

The Urban Affairs Committee met to discuss an amendment to the Zoning Ordinance of City Code for the City of Marlborough regarding the number of affordable units for developments of twenty or more units. The committee agreed to the option of payment in lieu of affordable housing units for a sum not less than \$50,000 per unit into the fund for economic development or another fund as designated by the City Council. The amended proposed language read as follows:

- (a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for home ownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority vote of the City Council, provide a sum equal to not less than \$50,000 per affordable dwelling unit that would have been required in (i) hereunder, to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011, or another fund designated by the City Council.**

Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-1 (Tunnera opposed).

Motion made by Councilor Clancy, seconded by Chair, to introduce this under a suspension of the rules to be acted upon at the next regular City Council meeting. The motion carried 5-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 5:42 PM.

Suspension of the Rules requested – granted

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on Farm Road and located on land at the intersections of Farm Road with Phelps Street, Helen Drive, and Broadmeadow Street (hereinafter, "Farm Road"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Farm Road, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. **Street address: 500 Farm Road, Marlborough, MA 01752**

Temporary easement for hay bale placement purposes: Being a 471 S.F portion of the property located on Farm Road, Marlborough, MA, known and numbered as Map 84, Parcel 105 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-23 on Sheet 5 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: Alexander Akers & Augustine Onoja
500 Farm Road
Marlborough, MA

2. Street Address: 747 Farm Road, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, and access to communications box services box (on utility pole): Being a 611 S.F. portion of the property located at 747 Farm Road, Marlborough, MA, known and numbered as Map 73, Parcel 46 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-64 on Sheet 11 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: David B. Richard & Patricia A. Richard
747 Farm Road
Marlborough, MA 01752

3. Street Address: 184 Helen Drive, Marlborough, MA 01752

Temporary easement for hay bale placement purposes: Being a 975 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-40 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 937 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-42 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

Permanent easement for culvert replacement and maintenance purposes: Being a 2,263 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-10 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: William P. Shea
184 Helen Drive
Marlborough, MA 01752

4. Street Address: 233 Phelps Street, Marlborough, MA 01752

Temporary easement for grading and sidewalk purposes: Being a 100 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 3 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

Permanent easement for sidewalk construction and maintenance purposes: Being a 56 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-2 on Sheet 3 of 12 of a set of plans, dated May 1, 2015, entitled Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Duarte Domingues & Maria Domingues
233 Phelps Street
Marlborough, MA 01752

5. Street Address: 10 Broadmeadow Street, Marlborough, MA 01752

Fee interest acquisition for sidewalk construction purposes: Being a 173 S.F. portion of the property located at 10 Broadmeadow Street, Marlborough, MA, known and numbered as Map 85, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel 1-C on Sheet 8 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: Charles P. Trombetta, Trustee
10 Broadmeadow Street Realty Trust
655 Farm Road
Marlborough, MA

6. Street Address: 479 Farm Road, Marlborough, MA 01752

Permanent easement for installation and maintenance of new utility support pole: Being a 68 S.F., more or less, portion of the property located at 479 Farm Road, known and numbered as Map 84, Parcel 96 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-28 on Sheet 5 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Marcos Flores & Lucy Montoya
479 Farm Road
Marlborough, MA 01752

Said plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc." to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (LABEL ON PLAN)</u>	<u>AWARD</u>
Alexander Akers & Augustine Onoja 500 Farm Road Marlborough, MA	84-105	471 S.F. (TE-23)	\$468.00
David B. Richard & Patricia A. Richard 747 Farm Road Marlborough, MA 01752	73-46	611 S.F. (TE-64)	\$189.00
William P. Shea 184 Helen Drive Marlborough, MA 01752	85-6	975 S.F. (TE-40) 937 S.F. (TE-42) 2,263 S.F. (E-10)	\$8,901.00
Duarte Domingues & Maria Domingues 233 Phelps Street Marlborough, MA 01752	84-139	100 S.F. (TE-13) 56 S.F. (E-2)	\$404.00
Charles P. Trombetta, Trustee 10 Broadmeadow Street Realty Trust 655 Farm Road Marlborough, MA	85-10	173 S.F. (1- C)	\$87.00
Marcos Flores & Lucy Montoya 479 Farm Road Marlborough, MA 01752	84-96	68 S.F. (PUE-28)	\$272.00

APPROVED; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Snow and Ice transfer request in the amount of \$1,760,000.00 which moves funds from Undesignated to various Snow & Ice accounts as noted on the attached spreadsheet to fund the FY15 deficit, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		DPW				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,253,241.69	\$1,760,000.00	10000	35900	Undesignated Fund	\$414,740.00	14001203	51390	Overtime-Snow & Ice	-\$414,733.32	
	Reason:	To fund the snow & ice deficit for FY15								
					\$800,380.00	14001206	52960	Snow Removal	-\$800,367.70	
	Reason:									
					\$544,880.00	14001206	57040	Operating Expenses	-\$544,835.63	
	\$1,760,000.00	Total			\$1,760,000.00	Total				

Suspension of the Rules requested – granted

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2016, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$500,000.00 which moves funds from Undesignated to Undesignated Stabilization which coincides with the increase in the total budget, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,253,241.69	\$500,000.00	10000	35900	Undesignated Fund	\$500,000.00	83600	32925	Undesignated Stabilization	\$7,288,114.47	
	Reason:	To increase undesignated stabilization funds								
	\$500,000.00	Total			\$500,000.00	Total				

Suspension of the Rules requested – granted

ORDERED: That the various Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets which include the monetary amounts and purpose, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Police				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$9,614.18	\$9,614.18	11990006	51500	Fringes	\$108,352.00	12100003	51920	Sick Leave Buy Back	\$0.00	
		Retirement payout for 2 employees								
\$437,344.50	\$38,737.82	12100001	50420	Police Officers	\$3,374.45	12100001	50510	Police Lieutenants	\$67,468.96	
		Funds available due to injuries & retirements								
\$62,738.82	\$13,738.82	12100003	51213	Public Safety Dispatchers						
		Funds available due to grant								
\$137,307.19	\$49,635.63	12100003	51440	Educational Incentive						
		Funds available								
	\$111,726.45	Total			\$111,726.45	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:	FIRE					FISCAL YEAR:	15	
		FROM ACCOUNT:				TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$5,000.00	\$5,000.00	12200003	51412	HAZMAT PAY	\$5,000.00	12200003	51328	CALL FIRE OVERTIME	\$5,784.05
	Reason:	FEWER THAN EXPECTED RECEIVED HAZMAT CERTIFICATION PRIOR TO DEPARTMENT PAYOUT AND UNFILLED POSITION				BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15			
\$19,924.90	\$5,000.00	12200003	51430	LONGEVITY	\$5,000.00	12200003	51328	CALL FIRE OVERTIME	\$5,784.05
	Reason:	SURPLUS DUE TO RETIREMENTS				BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15			
	\$10,000.00	Total			\$10,000.00	Total			

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$24,644	\$17,470	14001002	50062	Finance Assistant	\$2,130	14001001	50600	DPW Commissioner	\$13,035	
	Reason:	Money available due to vacancy					Anticipated cost to cover remaining FY 15			
					\$15,340	14001305	55310	Highway Constr. Mater	\$19,721	
						Anticipated cost to cover remaining FY 15				
\$14,443	\$1,880	14001101	50640	City Engineer	\$1,875	14001305	55310	Highway Constr. Mater	\$19,721	
	Reason:	Money available due to step increases					Anticipated cost to cover remaining FY 15			
					\$5	14001101	50705	Assistant Civil Engineer	\$10,417	
						Anticipated cost to cover remainder of FY15				
\$31,834	\$4,350	14001101	50710	Junior Civil Engineer	\$4,350	14001305	55310	Highway Constr. Mater	\$19,721	
	Reason:	Anticipated Surplus					Anticipated cost to cover remaining FY 15			
\$48,577	\$10,200	14001301	50690	Foreman	\$8,500	14001305	55310	Highway Constr. Mater	\$19,721	
	Reason:	Money available due to vacancy					Anticipated cost to cover remaining FY 15			
					\$1,700	14001303	51990	Meal Allowance	\$111	
						Anticipated cost to cover remainder of FY15				
\$4,400	\$4,000	14001103	51440	Educational Incentive	\$4,000	14001305	55310	Highway Constr. Mater	\$19,721	
	Reason:	Contractual					Anticipated cost to cover remaining FY 15			
	\$37,900	Total			\$37,900	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$135,210	\$40,950	14001303	50740	Equipment Operators	\$13,000	14001303	51310	Overtime-Regular	\$1,083	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
					\$4,800	14001303	51240	Temporary Part-time	\$2,800	
						Anticipated cost to cover remainder of FY15				
					\$23,150	14001304	53140	Contract Services	\$7,025	
						Anticipated cost to cover remainder of FY15				
\$116,019	\$105,000	14001406	54830	Fuel & Lubricants	\$15,000	14001006	52450	Radio Repairs	\$0	
	Reason:	Money Available due to W.C.					Contract & voice lines			
					\$15,000	14001304	53140	Contract Services	\$7,025	
						Anticipated cost to cover remainder of FY15				
					\$15,000	14001406	54810	Rep/Maint Supplies	\$346	
						Anticipated cost to cover remainder of FY15				
					\$35,000	14001305	55310	Highway Constr. Mater	\$1,289	
						Anticipated cost to cover remaining FY 15				
					\$25,000	11920006	52200	Natural Gas	\$7,025	
						Increase costs due to senior center				
	\$145,950	Total			\$145,950	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$56,274	\$16,000	14001501	50690	Foreman	\$16,000	14001306	55400	Sidewalk Maint.	\$248	
	Reason:	Money Available due to W.C.					Emergency response as well as weekend burials			
\$152,992	\$8,700	14001503	50740	Equipment Operator	\$6,700	14001304	53140	Contract Service	\$7,025	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15			
					\$2,000	14001503	51310	Overtime-Regular (FPC)	\$2,047	
								Emergency response as well as weekend burials		
\$152,992	\$64,000	14001503	50740	Equipment Operator	\$1,000	14001506	54240	License & Inspection	\$15	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15			
					\$1,000	14001506	54420	Misc Hand/Power Tool	\$7	
								Anticipated cost to cover remainder of FY15		
					\$3,000	14001506	52500	Rep/Maint Equipment	\$1	
								Anticipated cost to cover remainder of FY15		
					\$32,000	14001304	53140	Contract Services	\$7,025	
								Anticipated cost to cover remaining FY 15		
					\$27,000	14001305	55310	Highway Constr. Mater	\$19,721	
								Anticipated cost to cover remaining FY 15		
	\$64,000	Total			\$64,000	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$7,926	\$976	60080001	50580	Assistant Chemist	\$976	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
\$4,000	\$4,000	60080003	51440	Educational Incentive	\$4,000	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Contractual					Anticipated cost to cover remainder of FY15			
\$49,080	\$6,287	60081001	50850	Sewage Tr Plant Opers	\$6,287	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
\$14,566	\$3,140	60081001	50910	Head Tr Plant Oper	\$3,140	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Anticipated surplus					Anticipated cost to cover remainder of FY15			
\$40,685	\$1,600	60081006	55950	East WWTP	\$1,600	60081003	51310	Overtime - Regular	\$1,746	
	Reason:	Anticipated surplus					Anticipated cost to cover remainder of FY15			
\$41,673	\$7,257	60085001	50850	Sewage Tr Plant Opers	\$7,257	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
\$3,501	\$860	60085006	55980	West WW Tr Plant	\$310	60085003	51310	Overtime-Regular	\$2,995	
	Reason:	Anticipated surplus					Anticipated cost to cover remainder of FY15			
					\$550	60085003	51470	Interim Foreman	\$285	
						Anticipated cost to cover remainder of FY15				
	\$19,144	Total			\$19,144	Total				

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
	DEPT:	Department of Public Works					FISCAL YEAR:	2015			
		FROM ACCOUNT:					TO ACCOUNT:				
Available	Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
										Balance	
	\$30,918	\$11,700	61090001	50690	Foreman	\$11,700	61090006	55710	Water Maintenance	\$949	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15				
	\$105,577	\$21,200	61090001	50740	Equip Ops	\$21,200	61090006	55710	Water Maintenance	\$949	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15				
	\$5,351	\$5,351	61090003	51920	Sick Leave Buy Back	\$5,351	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15				
	\$38,251	Total				\$38,251	Total				

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
	DEPT:	PUBLIC FACILITES					FISCAL YEAR:	2015			
		FROM ACCOUNT:					TO ACCOUNT:				
Available	Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
										Balance	
	\$ 29,264	\$11,000	11920001	50690	Foreman	\$10,000	11920001	50292	Building Mtc. Craftsman	\$11,714	
	Reason:	Suprlus due to vacancy					Under funded				
						\$1,000	11920001	50300	Assistant Director	\$3,546	
							Under funded				
	\$11,000.00	Total				\$11,000.00	Total				

Suspension of the Rules requested – granted

ORDERED: That Comptroller’s transfer requests in the amounts of \$15,000.00, \$31,835.43 & \$13,000.00 which moves funds from and to various accounts as noted on the attached spreadsheets to fund Postage and Workers Compensation Insurance respectively, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$40,000.00	\$15,000.00	17520006	59253	Other Interest	\$15,000.00	11330006	53460	Postage	\$6,897.18	
Reason:		Surplus				Needed to cover mailings				
\$31,835.43	\$31,835.43	61071106	59948	1999 Multi Purpose	\$44,835.43	11960006	51710	Workers Comp Ins	\$400,624.01	
Reason:		Surplus				Needed to replenish paid claims				
\$13,000.00	\$13,000.00	61075106	58948	1999 Multi Purpose Interest						
Reason:		Surplus								
	\$59,835.43	Total			\$59,835.43	Total				

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Open Space Stabilization as the City received FY14 Wireless Antennae receipts, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,253,241.69	\$18,000.00	10000	35900	Undesignated Fund	\$18,000.00	83600	32918	Stabilization-Open Space	\$855,693.19	
Reason:		To transfer annual wireless antennae payments received by the City in fiscal year 2014 to Open Space Stabilization								
	\$18,000.00	Total			\$18,000.00	Total				

Suspension of the Rules requested – granted

ORDERED: That the \$1,166,486.38 transfer request for Consolidation of Stabilization Accounts, **APPROVED;** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor					FISCAL YEAR:	2015	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$26,980.05	\$26,980.05	83600	32700	Stab-Neighborhood Mini Gr	\$1,166,486.38	83600	32925	Undesignated Stabilization	\$7,288,114.47
\$130,064.00	\$130,064.00	83600	32701	Stab-Public Safety Fud				To remove desigations	
\$55,000.00	\$55,000.00	83600	32704	Stab-Harvard/Parmenter St					
\$19,800.00	\$19,800.00	83600	32705	Stab-Traffic Studies					
\$15,000.00	\$15,000.00	83600	32706	Stab-Milham Upgrade					
\$19,047.83	\$19,047.83	83600	32707	Stab-Rehab Pumping Station					
\$711,645.67	\$711,645.67	83600	32708	Stab-Cedar Hill St					
\$25,594.23	\$25,594.23	83600	32709	Stab-Signalization					
\$94,384.60	\$94,384.60	83600	32711	Stab-Capacity Study					
\$10,000.00	\$10,000.00	83600	32714	Stab-Robin Hill Cemetery					
\$25,000.00	\$25,000.00	83600	32715	Stab-Southwest Sidewalks					
\$2,720.00	\$2,720.00	83600	32718	Stab-Affordable Housing					
\$25,000.00	\$25,000.00	83600	32719	Stab-Route 20 Pedestrian					
\$6,250.00	\$6,250.00	83600	32720	Stab-Route 20 Beautification					
	\$1,166,486.38	Total			\$1,166,486.38	Total			

Yea: 11-Nay: 0

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

Suspension of the Rules requested – granted**ORDERED:****Public Safety Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2016, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

APPROVED; adopted.

Suspension of the Rules requested – granted

ORDERED:

Parks and Recreation Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2016 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than one hundred thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

APPROVED; adopted.

Councilor Elder recused.

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$433,148.18 which moves funds from Sligo Hill Antennae to Parks and Recreation Revolving Fund, **APPROVED**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
DEPT:						FISCAL YEAR:					
						2015					
FROM ACCOUNT:						TO ACCOUNT:					
Available	Encumbered										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance		
\$433,148.18	\$433,148.18	26219201	52415	Sligo Hill antennae lease	\$433,148.18	26244401	52415	Parks & Recreation Revolving	\$599,276.39		
Reason:		To transfer balances to the Parks & Recreation revolving account									
\$433,148.18		Total			\$433,148.18	Total					

Councilor Elder recused.

Suspension of the Rules requested – granted

ORDERED: That the Marlborough Economic Development Corporation transfer request in the amount of \$731,875.00 which moves funds from Economic Development to MEDC Funding, **APPROVED**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
DEPT:						FISCAL YEAR:					
Mayor						2015					
FROM ACCOUNT:						TO ACCOUNT:					
Available	Encumbered										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance		
\$919,689.52	\$631,875.00	27000099	42440	Economic Development	\$631,875.00	11740006	53950	MEDC Funding	\$0.00		
Reason:		To allow the MEDC to continue it's work in promoting the economic development of the City for FY16									
\$919,689.52	\$100,000.00	27000099	42440	Economic Development	\$100,000.00	11740006	53950	MEDC Funding	\$0.00		
Reason:		To capitalize a Revolving Loan Fund Program									
\$731,875.00		Total			\$731,875.00	Total					

Councilor Oram opposed.

Suspension of the Rules requested – granted

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT §650-26 OF THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

By deleting the terms of §650-26 A.(1)(a) in their entirety and inserting in place thereof the following new terms:

§650-26 A.(1)

(a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in (i) hereunder to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. Councilor Oram opposed to passage in one evening. This item will be placed on the agenda for the next City Council meeting on June 15, 2015.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order of Amendment to § 650-26 A.(1)(a) of the Zoning Ordinance, Order No. 15-1006130A, **FILE**; adopted.

ORDERED: Motion to recommend approval of a Sewer Extension Permit to Al Brodeur, South Street Auto, 412 South Street in conformance with the signed plans dated 10/20/2014 including the requirement to connect the sewer service from 492 South Street to the new sewer main and the abandonment of the portions of the 492 South Street sewer service within South Street and Mill Street North using flowable fill. Prior to any excavation on private property or within the public layout, the applicant shall secure a Street Opening & Trench Permit from the Marlborough Engineering Division. In order to secure this permit, the applicant shall provide a bond in a format acceptable to the City for 100% of the value of the work to be completed within the public layout and which is consistent with the latest version of the Rules & Regulations for Licensure and Street Openings.

APPROVED; adopted.

ORDERED: That the Communication from Attorney M^cCay on behalf of: NGP Management, to **WITHDRAW WITHOUT PREJUDICE**, Special Permit for Dunkin Donuts at 525 Maple St. Conditions, Order No. 15-1006070D, **DENIED**; adopted.

Councilor Robey recused.

ORDERED:

**DECISION ON A SPECIAL PERMIT
IN CITY COUNCIL**

Special Permit
NGP Management LLC
Order No. 15-1006070

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 15-1006070F**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to NGP Management LLC (the "Applicant") for two (2) drive-through service windows for a restaurant located at 525 Maple Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is a duly organized and existing Limited Liability Company having a business address of 3 Pluff Avenue, North Reading, Massachusetts 01864.

2. The Applicant is the prospective owner of the property located at 525 Maple Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 104, Parcel 37 (the "Site").

3. The Applicant proposes to raze the existing structure on the Site and construct a new building for a restaurant with two (2) drive-through service windows (the "Project").

4. The Site is located in the CA Commercial Automotive Zoning District as determined by the Zoning Map of the City of Marlborough. The Site is a gateway to the City which is to be enhanced and beautified by the quality and character of the Project.

5. On September 30, 2014, the Zoning Board of Appeals issued a variance decision for the Site (the "ZBA Decision"), granting variances from certain requirements applicable to the Project under the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance").

6. The Applicant's use of the Site as a restaurant with drive-through service windows is allowed by special permit, pursuant to Section 650-14.B(2) and 650-17 of the Zoning Ordinance.

7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit seeking two (2) restaurant drive-through service windows (the "Application").

8. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "Site Plans Pursuant to City Zoning, Conservation Officer and Wetlands Ordinances for Dunkin Donuts 525 Maple Street (Route 85) in Marlborough Massachusetts (Middlesex County)", prepared by Waterman Design Associates, Inc., dated May 16, 2014, last revised December 22, 2014 (the "Plans").

9. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

11. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, February 23, 2015.

12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic. No individual in attendance at the public hearing spoke in opposition to the project. The direct abutter residing at 168 Mill Street informed the City Council Urban Affairs Committee of her concerns that the operation of the drive-through window could have detrimental impacts on her property.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to operate two (2) drive-through service windows as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site shall be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Signs and Awnings. The locations and design of signage shall be reviewed and approved by the City of Marlborough in accordance with the Sign Ordinance of the City of Marlborough without variance therefrom except as herein provided. No internally lit signs shall be used on the site or on the exterior of the building. External signage which advertises the Applicant's business and which is located on the building or on the site shall be wood of a design harmonious with the building design and aesthetics, shall be externally lit, and may include traditional Dunkin Donuts colors, letters, and logo against a white background. A photographic example of the desired wood exterior site sign is attached as Exhibit A. No internally lit interior signs shall be visible from the outside of the building. No posters, graphics, lettering or any other form of advertising shall be affixed to windows or hanging inside or in front of windows. Awnings shall not contain graphics or letters and shall not be orange or pink, but shall be a subdued color, harmonious with the design of the building. Electronic message boards and window signs are prohibited, with the exception of the menu board located inside the restaurant which is exempt from said prohibition.

6. Furniture, Equipment, and Umbrellas At The Patio. Patio furniture, equipment and umbrellas shall not be orange or pink, but shall be a subdued color which is harmonious with the design of the building.

7. No Parking, No Stopping and Loading Zone Signs, and the Loading Zone. The Applicant, its successors and/or assigns will reimburse the City for reasonable expenses for the installation of "No Parking" and "No Stopping" signage along Maple Street and "Loading Zone" signage in the loading zone along Mill Street South. The Applicant, its successors and/or assigns acknowledge that the loading zone at the rear of the proposed building is partially within a public way (Mill Street South). The Applicant, its successors and/or assigns will be responsible for paving, maintaining and plowing the loading zone area.

8. Building Design and Aesthetics. The appearance of the building shall be New England colonial style. The exterior materials for the building shall be red brick, or wood clapboards (including HardiePlank or equivalent cementitious clapboard siding) painted or stained in a muted color, or a combination of brick and wood clapboards. Architectural details, including without limitation trims, casings, rakes and fascias, shall be appropriate to the colonial style. Materials designed to imitate brick or stone are not permitted. With the exception of the drive-through windows, windows shall reflect the style of the building in scale and proportion, and shall be divided lite which may be simulated. Should the Applicant require a letter from the City to the Dunkin Donuts corporate office regarding the requirement of a colonial style building and/or muted exterior paint colors, the City will provide said letter. The building design and aesthetics shall be substantially in conformance with the revised Exterior Elevations submitted by the Applicant to the City Council on or about April 27, 2015 and attached as Exhibit B, which comply with the design and aesthetics conditions of this Decision. Photographic examples of other acceptable designs and materials found at other Dunkin Donuts facilities are attached as Exhibit C.

9. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including Exhibits hereto, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

10. Hours of Operation. The hours of operation for the restaurant and drive-through windows shall not exceed Monday through Sunday, 4:00 a.m. to 11:00 p.m. There will be no 24-hour operation.

11. Trenching: All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.

12. Traffic Signage. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough. Traffic and wayfaring signage shall be designed so as to complement the colonial style of the building.

13. Parking Area Rules. Parking areas will be swept and maintained by the Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws c. 90, § 18, the Applicant, its successors and/or assigns shall submit to the Marlborough Traffic Commission a written request and grant of authority to promulgate legally enforceable rules and regulations for the control of on-Site and off-Site traffic and parking. The Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

14. No Overnight Parking. There shall be no overnight parking at the Site.
15. Storm Water and Erosion Control Management. During construction, the Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be competent in stormwater and erosion control management. The credentials of this individual(s) shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan. The Applicant, its successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
16. Easements to City. If deemed necessary by the City Engineer during Site Plan Review, prior to construction of the Project, the Applicant, its successors and/or assigns shall establish and grant to the City utility easements for the construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer and drains. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.
17. Street Opening. In connection with the installation of improvements within public rights-of-way which require a street opening permit, the Applicant, its successors and/or assigns shall provide the City Engineer with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.
18. Work in Public Ways. Any work performed within the travelled way on Maple Street and Mill Street South shall be done by the Applicant, its successors and/or assigns during off peak hours and, prior to commencement of such work, the Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.
19. Drive-Through Speakers. The drive-through window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system, in accordance with the noise ordinance of the City of Marlborough. The drive-through audio speakers will be positioned directionally as shown on the Plans as submitted to the City Council and/or the Urban Affairs Committee. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed in a residential zone pursuant to the Noise Ordinance of the City of Marlborough. The City Council reserves the right to review the noise levels and positioning of the drive-through audio speakers for one year after the operation of the drive-through window commences.

20. Deliveries. In order to mitigate noise concerns for residential abutters, no deliveries to the Site shall occur prior to 7:00 a.m. except for the early morning, daily delivery of donuts and perishable items by a small box truck, van or similar sized vehicle. All possible measures shall be taken to avoid noise and not disturb neighbors. Deliveries by semi-trailers shall not occur prior to 7:00 a.m. or after 7:00 p.m. Delivery trucks making deliveries to the Site may only park on the Site or in the designated loading area along Mill Street South.

21. Lighting. All illuminations of individual parking lot light fixtures shall not exceed 200-incandescent-equivalent watt fixtures. Where ever feasible, such as at walks and at the building entrance, lighting fixtures shall be period or ornamental fixtures selected to complement the architecture. The parking lot light fixtures and light fixtures which are located on the exterior of the building shall be period or ornamental selected to complement the architecture. The design of the parking lot light fixture attached as Exhibit D complies with this paragraph of the Special Permit. The configuration, height, brightness and number of parking lot light fixtures shall be sufficient for safety purposes but shall be limited to the extent possible to avoid causing a nuisance to abutting properties. The final lighting plan shall be reviewed and approved by the Site Plan Review Committee, consistent with this Decision.

22. Landscaping. The Applicant, its successors and/or assigns agrees to plant and maintain in good condition the Project's landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee, as may be amended during Site Plan Review or by subsequent agreement of the Site Plan Review Committee or City Engineer.

23. Drive-Through Operations at Neighboring Restaurant. On or before the date that the Project first operates the drive-through windows authorized by this Decision, the Applicant, its successors and/or assigns, shall abandon with prejudice the drive-through window use at the restaurant currently operated by the Applicant located at 312 Maple Street in Marlborough. The Applicant, its successors and/or assigns shall cause this Special Permit Decision (once recorded in the Middlesex South Registry of Deeds) to appear in the chain of title for the 312 Maple Street property.

24. Drive-Through Window. The Police Chief or his designee, may, for the purposes of protecting public safety and in the exercise of his professional discretion, order the temporary closure of the drive-through facilities.

25. Trash. Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six foot (6') white vinyl fence screen of a design compatible with the building. Applicant, its successors and/or assigns further agrees that the dumpsters located on the Site will be covered. No trash pickup shall occur before 7:00 AM or after 7:00 PM.

26. Snow Removal. Snow storage and removal is to be maintained and conducted on site by Applicant, its successors and/or assigns in accordance with Condition #2 of the Decision of the City of Marlborough Zoning Board of Appeals dated September 30, 2014, and as hereinafter provided. Applicant, its successors and/or assigns shall remove snow accumulation from the site if accumulation is more than two inches (2") in a 48 hour period.

27. Non-Severability of Conditions: If any of the above conditions is deemed to be invalid by a court of competent jurisdiction, then this Decision shall be null and void.

28. Recording of Decision: In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before a Building Permit is issued. Applicant, its affiliates, successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Robey

ORDERED:

MOTION made by Councilor Robey to amend the Finance Committee's FY2016 Budget by deleting the reduction of the Electricity Account, 1920-52120, of \$250,000.00 and delete \$250,000.00 from the FY2016 School Budget of \$61,100,000.00-**DOES NOT CARRY BY A ROLL CALL VOTE AS FOLLOWS:**

Yea: 3-Nay: 8

Yea: Ossing, Pope, Robey

Nay: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, & Oram

That the FY16 budget of \$142,787,762.00 which represents a 4.16% increase from the FY15 budget or an increase of \$5,701,239.00, **APPROVED**; adopted.

ORDERED: That the Appointment of Richard Cygan, to the Council on Aging for a four year term to expire from date of approval, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:37 PM.



IN CITY COUNCIL

Marlborough, Mass., JUNE 1, 2015

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 15, 2015** as date for a **PUBLIC HEARING** On the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Rd., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 15-1006237



City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH

2015 JUN 11 A 11:22
Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

June 11, 2015

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Acceptance of Gift of Land and Transference to the Conservation Commission

Honorable President Clancy and Councilors:

I am pleased to inform you that the City of Marlborough has received a gift of land to be preserved as open space; I propose it be transferred to the Conservation Commission. City Council approval is needed to first accept the land, and subsequently transfer it to the Conservation Commission.

The parcel, known and numbered as Map 114, Parcel 13A on the Assessor's Map, is approximately 4,012 square feet of vacant land located on the south side of the Jericho Hill Recreation Area and contiguous therewith.

Enclosed please find two proposed orders. The first is an Order of Acceptance of Deed. The second is an Order Transferring Care, Management and Control of the parcel to the Conservation Commission for the purposes of increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities.

The Conservation Commissioner, Priscilla Ryder, and the Legal Department will be available to answer any specific questions you may have. In the meantime, if you have any immediate questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Cc: Priscilla Ryder, Conservation Commissioner
Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Deborah Fox, Tax Collector
David Manzello, Assessors' Office

ORDERED:

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by gift of deed of conveyance from Francine P. Martel, as Personal Representative of the Estate of Natalie A. Faddoul, to a certain parcel of vacant land, located off of Stearns Road and contiguous with the Jericho Hill Recreation Area, also known and numbered as Map 114, Parcel 13A on the Assessors' Map of the City of Marlborough, said parcel containing .09 acres or 4,012 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds.

ADOPTED

In City Council
Order No. 15-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

QUITCLAIM DEED

I, Francine P. Martel, as Personal Representative of the Estate of Natalie A. Faddoul, MI13P4403EA, being unmarried of Marlborough, MA, ("Grantor") for consideration paid in full of \$1.00 (One Dollar), the receipt and sufficiency which is hereby acknowledged,

hereby grant to the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee")

with **Release Covenants**, the property described as follows:

all of the right, title and interest of the estate of Natalie A. Faddoul in and to the fee in the vacant land located off of Stearns Road known and numbered as Map 114, Parcel 13A on the Assessors' Map of the City of Marlborough, said parcel containing .09 acres or 4,012 square feet, more or less. Said parcel being conveyed to Grantee to be held for the promotion and protection of the natural and watershed resources of the City of Marlborough and for the conservation of open spaces within said City, pursuant to the provisions of M.G.L. c. 40, section 8C.

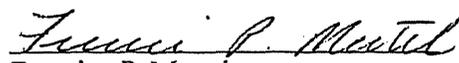
Being the remainder of the premises as described in deed of Esther M. Faddoul dated August 16, 1999 and recorded with the Middlesex District Registry of Deeds in Book 30570, Page 521.

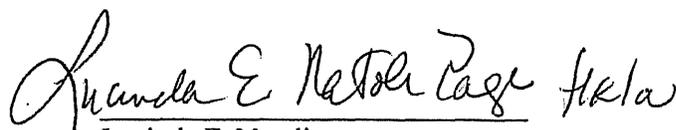
Together with and subject to all matters of record.

I, the Grantor named herein, do hereby voluntarily release all my rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and state there are no other persons entitled to any homestead rights.

I, Lucinda E. Natoli, Executrix of the Estate of Cecelia Faddoul Cavanaugh, a/k/a Cecelia G. Cavanaugh, Worcester Probate WO10P2867EA, do hereby join in this deed for the purpose of releasing to the Grantee named herein, any right, title and interest the said Estate may have in the within described property.

Witness our hands and seal on this 9th day of June, 2015.


Francine P. Martel
Personal Representative


Lucinda E. Natoli
Executrix



Personal Representative
Middlesex, ss

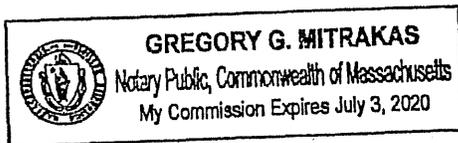
~~Executrix~~
June 9, 2015

COMMONWEALTH OF MASSACHUSETTS

On this 9th day of June, 2015, before me, the undersigned notary public, personally appeared Francine P. Martel, Personal Representative, and Lucinda E. Natoli, Executrix, proved to me through satisfactory evidence of identification, which was their driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public: Gregory G. Mitrakas
My Commission Expires: 7/3/2020



ORDERED:

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management, and control of to a certain parcel of vacant land, located off of Stearns Road and contiguous with the Jericho Hill Recreation Area, also known and numbered as Map 114, Parcel 13A on the Assessors' Map of the City of Marlborough, said parcel containing .09 acres or 4,012 square feet, more or less, pursuant to Mass. Gen. Laws c. 40, § 8C.

ADOPTED

In City Council
Order No. 15-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
DONALD V. RIDER, JR.
CITY CLERK'S OFFICE SOLICITOR
CITY OF MARLBOROUGH
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
2015 JUN 11 AM 11:45
ELLEN M. STAVROPOULOS
PARALEGAL

June 11, 2015

Edward J. Clancy
President
Marlborough City Council

RE: Proposed Order for Proposed Changes in Polling Locations
Order No. 15-1006234A

Dear President Clancy and Members:

As per what I am told was the consensus of the Operations & Oversight Committee at its June 8, 2015 meeting, I am enclosing for the Council's convenience and approval this evening a proposed order seeking to advance Mayor Vigeant's May 28, 2015 proposal to change the polling locations for 5 voting precincts in Marlborough to one central location: the new senior center at 40 New Street, located in Ward Three, Precinct One.

The 5 precincts are:

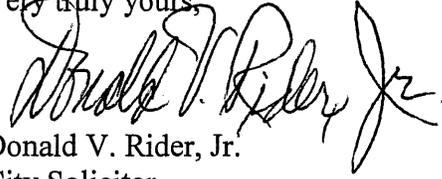
1. **Ward Three, Precinct One**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street;
2. **Ward Four, Precinct One**, the polling place for which is currently located in the Boys and Girls Club at 169 Pleasant Street;
3. **Ward Four, Precinct Two**, the polling place for which is the Boys and Girls Club at 169 Pleasant Street;
4. **Ward Five, Precinct One**, the polling place for which is currently located in the former senior center at 250 Main Street; and
5. **Ward Five, Precinct Two**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street,

As shown on the enclosed GIS map, the 1st, 2nd and 4th of the above-listed precincts either are, or are adjacent to, Ward Three, Precinct One, where the new senior center is located. This means you are authorized by M.G.L. c. 54, § 24 to determine that the public convenience would be better served by relocating those 3 precincts' polling locations to the new senior center.

Note, however, that the 3rd and 5th above-listed precincts are not adjacent to Ward Three, Precinct One. This means that a home rule petition would be needed to authorize you to relocate those 2 precincts' polling places to the new senior center. I have included the proposed home rule petition as a part of the proposed order.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald V. Rider, Jr.", written in a cursive style.

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Lisa Thomas, City Clerk

ORDERED:

That, due to the availability and suitability of the new senior center at 40 New Street, located in Ward Three, Precinct One, to serve as an appropriate polling location for Ward Three, Precinct One, as well as for various adjacent voting precincts within the city of Marlborough, the City Council hereby determines, pursuant to M.G.L. c. 54, § 24, that the public convenience would be better served by relocating to the new senior center the polling places for the following precincts:

- **Ward Three, Precinct One**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street;
- **Ward Four, Precinct One**, the polling place for which is currently located in the Boys and Girls Club at 169 Pleasant Street; and
- **Ward Five, Precinct One**, the polling place for which is currently located in the former senior center at 250 Main Street.

And it is further ordered, for various other existing polling places currently located in voting precincts not adjacent to Ward Three, Precinct One in which the new senior center is located, namely:

- **Ward Four, Precinct Two**, the polling place for which is the Boys and Girls Club at 169 Pleasant Street; and
- **Ward Five, Precinct Two**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street,

that the public convenience would be better served by relocating to the new senior center the polling places for those precincts, and that a home rule petition be filed in the form set forth in the accompanying order.

ADOPTED
In City Council
Order No. 15-1006234B
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT RELATIVE TO POLLING PLACES
IN THE CITY OF MARLBOROUGH**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

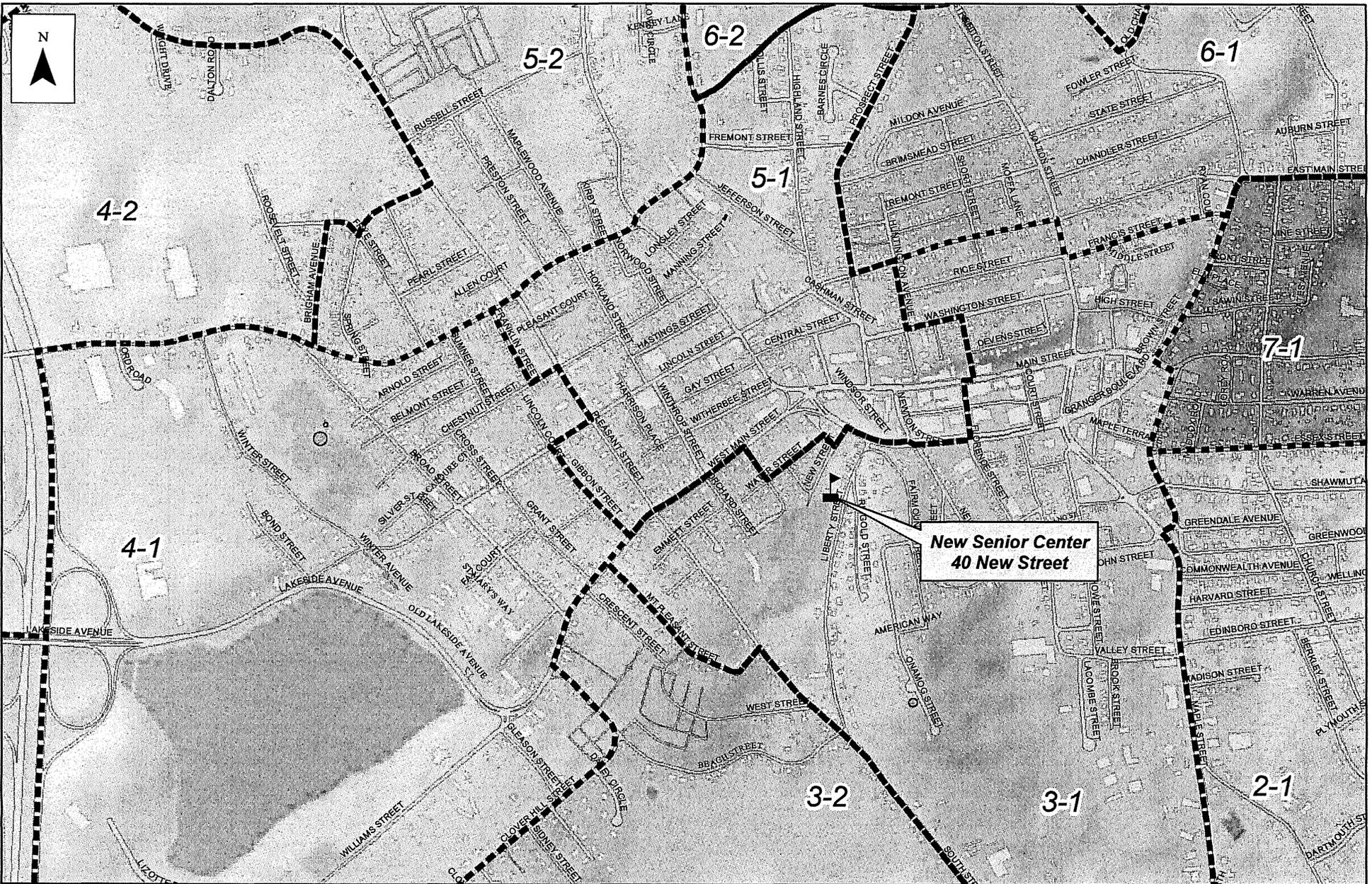
SECTION 1. Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law to the contrary, the city council of the city of Marlborough shall designate the polling place for each voting precinct in the city of Marlborough and shall authorize the mayor of the said city to cause each polling place to be suitably fitted up and prepared. The city council shall locate the polling place in a public, orderly and convenient portion of the precinct; provided, however, that if the city council determines that the public convenience would be better served, it may designate a polling place in any adjacent or non-adjacent precinct of the city.

SECTION 2. This act shall take effect upon its passage.

ADOPTED
In City Council
Order No. 15-1006234C
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough



Proposed Changes in Polling Locations

 Ward and Precinct Boundaries



1 inch = 1,000 feet



City Clerks Copy

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

February 20, 2013 RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 JUN 11 A 10:07

To The City Clerks Office
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request 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 to be owned and used in common by your petitioners, in the following public way or ways:

Farm Road

National Grid request Farm Road -Road Improvements. Relocate / Upgrade electric facilities due to road improvements.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 13014800 Dated: 03/23/2015

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.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Eric Widman AB
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.
Albi D...

By: _____
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

February 20, 2013

By the City Clerks Office
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, **IT IS HEREBY ORDERED:**
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. 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
29th day of May, 2015

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

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked--

Plan No. **13014800** Dated: **03/23/2015** filed with this order.

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts 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:--

Farm Road

National Grid request Farm Road -Road Improvements. Relocate / Upgrade electric facilities due to road improvements.

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 City Council
of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

Clerk of Council

Received and entered in the records of location orders
of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____ 2013 at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections 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 the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of

_____ 2013 recorded with the records of location orders of said City,

Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk

Pole & UG Petition/Permit Request Form

City Marlborough **WR #** 13014800
(circle one)
Town of

Install 5 **SO** Farm Road
(quantity) (circle one) Poles on (street name)

Remove _____ **SO** _____
(quantity) (circle one) Poles on (street name)

Relocate 4 **SO** Farm Road
(quantity) (circle one) Poles on (street name)

Beginning at a point approximately 128 **feet** East **of the centerline**
(distance) (compass heading)

of the intersection of Birchwood Drive & Farm Road
(street name)

and continuing approximately 2,895 **feet in a** East **direction.**
(distance) (compass heading)

Install underground facilities:

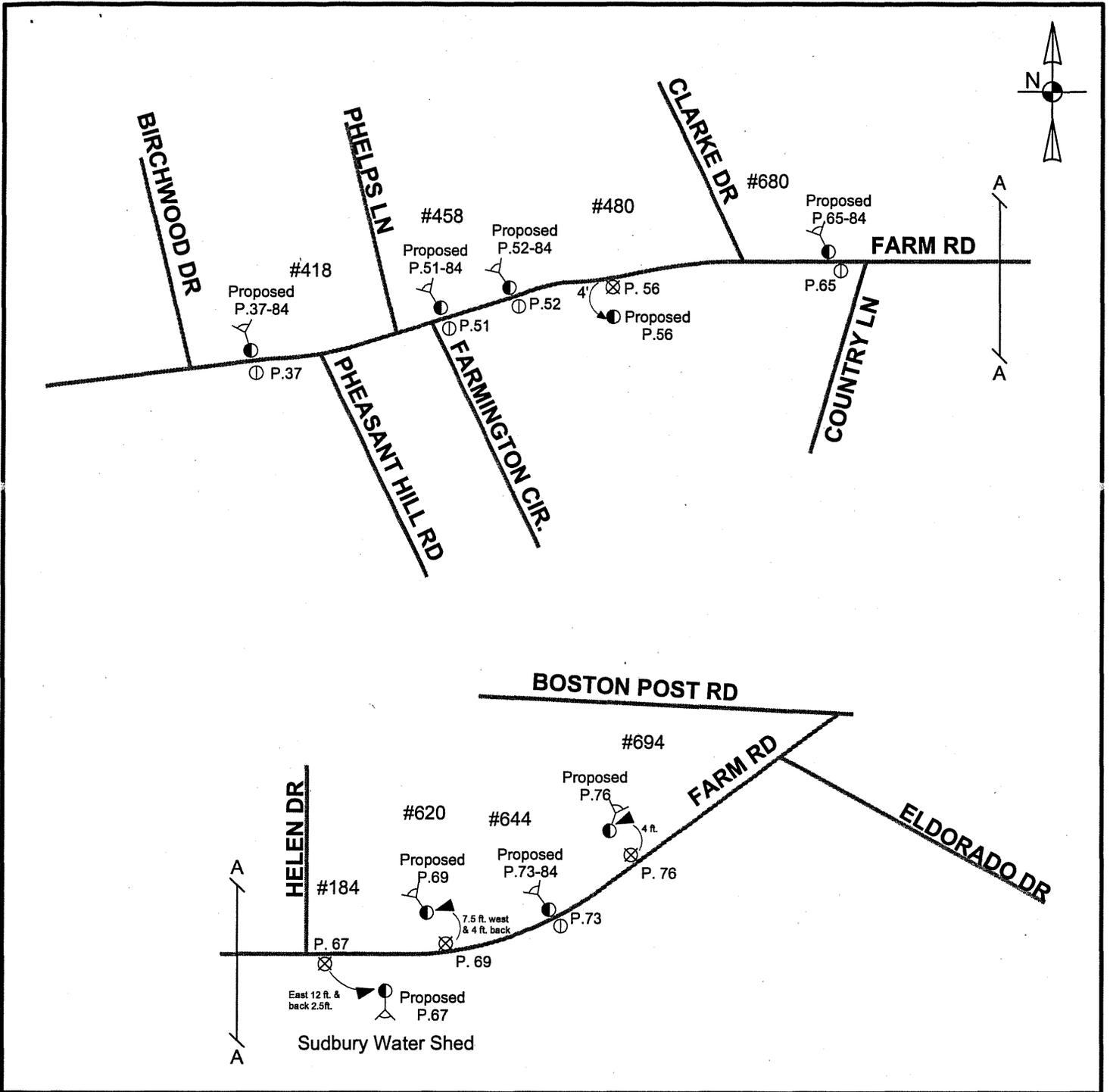
Street(s) _____

Description of Work:

Farm Road Marlborough - Road Improvements.
Relocate/Upgrade electric facilities due to road improvements

ENGINEER David Terk

DATE 3/23/15



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
● Proposed NGRID Pole Locations	Date: 4/13/15
○ Existing NGRID Pole Locations	Plan Number: WR# 13014800
⦿ Proposed J.O. Pole Locations	To Accompany Petition Dated: XX/XX/XX
⦿ Existing J.O. Pole Locations	To The: City Of Marlborough
⦿ Existing Telephone Co. Pole Locations	For Proposed: Pole: Location: Farm Rd.
⊗ Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:
⊗ Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

April 16, 2015

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 29 A 8:22

Members Present: Edward Clancy-Chairman, John Skarin, David Williams, Dennis Demers, Lawrence Roy and Karin Paquin; Also present was Priscilla Ryder-Conservation Officer.

Absent: Allan White

Minutes of March 5, 2015 were approved as written.

Public Hearings:

Abbreviated Notice of Resource Area Delineation

420 Bolton St. - Jill Cochrane

Richard and Jill Cochrane were present. Ms. Ryder explained that she had gone and checked the wetland line in the field and found it to be acceptable. Several flag numbers are missing and will need to be replaced before any work is done on the property. However, the placement of the flags was acceptable. The Commission discussed briefly the drainage from the adjacent school field that drains onto this land, and the sewer easement which runs along the edge of the property. There being no further questions the hearing was closed. The Commission vote unanimously 6-0 to approve the wetland delineation as presented on the plan.

Request for Determination of Applicability

23 Red Spring Rd. - Steve Brule (Dennis Demers abstained due to a conflict of interest)

Steve Brule was present and explained that the current porch is rotting out and needs to be replaced. They will need to remove the old footings and replace it with new footings. However, the porch will be the same size and in the same location as currently. They will just bring it up to code. Some erosion controls will be placed between the work area and the lake water edge. After a brief discussion, the Commission voted unanimously 5-0 (Dennis Demers abstained from this discussion) to issue a negative determination with standard conditions to notify the conservation officer prior to and after work is completed.

Notice of Intent (Continuation)

Elm St. Culvert - The City of Marlborough Dept. of Public Works

Bruce Saluk of Bruce Saluk and Associates and Scott Smyers of Oxbow Associates and Evan Pilachowski City Engineer were present.

Mr. Saluk explained the design criteria for the replacement of the existing culvert which is 71" wide and 47" tall. The plans includes a box culvert that has been adapted to allow for low flows and fish passage and stream continuity. He studied the drainage area which is 378 acres of watershed. They have tried to improve the culvert configuration, so it isn't taking such a hard turn at the culvert and will straighten that out. They did not go with an open bottom culvert due to the water line which is just downstream of the culvert and other utilities under the roadway that would be exposed or impacted by an open bottom culvert. The culvert

replacement will require diverting the stream around the culvert. This was discussed at length and the Commission asked Mr. Saluk to provide a sequencing plan for the contractor to follow to provide specific details on the criteria that must be met for the diversion. He explained that the old plans at the DPW suggest there is a sleeve under the brook through which the water line is threaded. This has not been verified. Therefore, if the sleeve exists they will replace the water line through it. If not they will need to install a new sleeve and will include two channels, one for future use. A discussion on the need for this work to be done in low flow times and that weather patterns would need to be consulted and work to be performed only when no rain is anticipated. Headwalls will also be installed upstream and downstream to provide stability.

Mr. Smyers explained that the design meets the stream crossing standards set by the state including: openness, passage, stream continuity, low flow, wildlife passage etc. He discussed the wetland replication area as shown on the plan and noted that based on the site visit without snow, he agrees that a new location to the west of the stream makes more sense since it will be in an area that is already disturbed and has invasive plants in it. They will provide a revised plan showing the new wetland replication area for the next meeting. He discussed the need for native plantings along the top of the bank to re-establish the bank once the headwalls and water line have been installed. They also need to file for a 401 Water Quality Certificate from DEP and will be meeting with DEP in a few weeks on site. This is required because it is the city's water supply.

After further discussion, the Commission continued the hearing to May 7th to provide time for the applicant to submit revised replication plans and a construction sequencing plan for the project. If everything is in order, Ms. Ryder was asked to draft a set of conditions for review at this meeting as well.

Notice of Intent DEP 212-1120 (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

Paulo Goulart representing the church was present. Also present was Ron Percy who represents the abutter Janet Brigham. Mr. Goulart explained that the church now only wants to remove and repave all the asphalt areas on the site and repair sections of the retaining wall. He provided a revised plan. He noted that Mr. Percy had provide him a letter from the abutter Janet Brigham which Ed Clancy read into the record. The letter provided permission from Ms. Brigham to have the church remove the asphalt from her property and replace it with loam and seed. The church has decided not to add any drainage or other features onto the property at this time. They will just mill and repave all asphalt surfaces lots A, B and C. The Commission discussed the sequencing of this and noted that the parking lot is within the floodplain, so work will need to occur in a short stretch of time and only when rain is not forecasted for a 5 day period. Parking lot A will flood during medium sized storm events. Mr. Goulart was aware of this and said he'd be supervising the project. The Commission asked who would be doing the work. Mr. Goulart said it would be a licensed contractor who goes to the church. They will need to register with the DPW and be insured. He will e-mail the name of the contractor, his insurance info and bonding information. After further discussion and no further questions, the Commission closed the hearing. The Commission asked Ms. Ryder to draft a set of conditions for the next meeting on May 7th for review.

Discussion/Other Business

- Evan Pilachowski, City Engineer - Informal discussion – Improvements at the DPW garage. Mr. Pilachowski, and two consultants from Tata and Howard who are doing the DPW garage design were present. Mr. Pilachowski explained that they are finalizing the design for the reconstruction of the DPW yard and wanted the Commission's input at this stage, before filing a full NOI with the Commission. The Commission discussed the drainage design, the location of the fuel dispensers and proximity to the stream. New salt shed design and proximity to drainage. Also mentioned was where the snow storage was to be placed next year and the need for an operation and maintenance plan for the "yard" which should be provided with the O&M plan. Mr. Pilachowski thanked the Commission for their input and will include the comments in a revised plan they hope to file soon.
- Draft letter to DCR – Desert Natural Area Forest Mgt. (Comment period extended to May 15th) The Commission reviewed the letter and voted unanimously to approve it and send it to DCR. Ms. Ryder reminded the Commission that a public meeting on the SVT and DCR forestry work would be held on April 28th at the Assabet River National Wildlife Refuge in Sudbury.
- Project updates.
 - Ms. Ryder noted that the Ames St. housing project has begun. The LSP will be on board shortly, but tree clearing will begin in the next few days. Erosion controls have been installed and Karin Paquin and Ms. Ryder walked the site with the contractor.
 - Simarrano Dr. construction has begun again.
- Eagle Scout Project – Ms. Ryder noted that a boy scout Karl Lausten will be doing bittersweet removal behind the Recreation Building at Ghiloni Park off Concord Rd. on April 18, 2015

Correspondence:

The Commission reviewed the following correspondence and voted 6-0 to accept and place on file.

- Letter dated March 6, 2015 RE: Vegetation Management Plan CSX Transportation, Inc. Railroad Rights of Way in Mass.
- Letter dated April 2, 2015 from Oxbow Associates, Inc. RE: 401 Water Quality Certification-Elm Street Culvert
- Letter dated April 6, 2015 from AMEC Foster Wheeler RE: 2015 Yearly Operational Plan for Right of Way Management CSX Transportation, Inc.

Meetings – Next Conservation meetings – May 7th and May 21st, 2015 (Thursdays)

Adjournment- There being no further business the meeting was adjourned at 9:13 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

May 7, 2015 (Thursday)

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 29 A 8 26

Members Present: Edward Clancy-Chairman, David Williams, Lawrence Roy, Dennis Demers. Also present was Priscilla Ryder-Conservation Officer.

Absent: Allan White, Karin Paquin and John Skarin

Public Hearings:

135 Neil St. – City of Marlborough Engineering Dept.

Evan Pilachowski, City Engineer, Tom Temple Assistant Commissioner of Operations, and Matt St. Pierre from Tata and Howard were all present. Mr. Pilachowski showed a plan of the DPW yard under its existing condition and then showed the proposed plan which includes improvements to the drainage, including the addition of a detention basin, relocation of the fuel pump relocation of drain lines, addition of catch basin, location of salt shed and loading platform, canopy for fuel pump area with fire suppression. In addition, the water main blew out this past winter and will need to be replaced. A new sleeve is proposed under the stream channel which will have two sleeves in case additional utilities must cross the brook in the future. Ms. Ryder noted that the stream channel is now still covered with snow, so the wetland could not be adequately checked. Once the snow melts this will need to be checked again. The banks of the stream are likely covered with gravel from the snow melt from many years, these banks should be restored and replanted is her recommendation. The Commission agreed. Chairman Clancy noted that there is no outlet structure shown on the plans for the detention basin. Mr. Pilachowski noted that this still needs to be added, and that the detention basin as shown has a retaining wall which he has asked to be graded instead. A revised plan will be submitted showing same. Mr. Demers asked if test holes had been dug at the detention basin area. Mr. Temple replied that this can be done by Yankee Engineering who will be out to do soil tests for the building as well. This can be included. After a lengthy discussion about the salt shed, the grading needed, the drainage and the snow dump re-location, the commission determined that the following is still needed before a decision can be rendered: Erosion Control and Phasing plan, more detail about how the sleeve is to be installed under the brook i.e. brook diversion method and guidance etc., information about the stream bank restoration and more information about the future snow dump location. The hearing was continued to May 21st. If all documents are received prior to the meeting Ms. Ryder will draft a set of conditions for review.

Notice of Intent (Continuation)

Elm St. Culvert – The City of Marlborough Dept. of Public Works

The Commission received revised plans showing the re-location of the wetland replacement area and planting plan titled Proposed Culvert (Sheets C1, C2, C3) revised 2/5/2015 Sheet C3 revised date 5/1/2015 as well as a construction sequencing plan. The Commission reviewed these documents and confirmed they met with their approval. The hearing was then closed. The Commission reviewed a draft Order of Conditions and made a few edits to the document and discussed the need for the weather forecast to be consulted as noted in the conditions. The Commission voted 4-0 unanimously to issue the Order of Conditions as drafted and amended.

Request for Determination of Applicability

Lot 6- #21 Bemis Rd. - Melanson Development Group, Inc.

Seth Pease, from Oxbow Associates was present; along with Mr. Melanson owner of the property were both present. Mr. Pease explained that although no work is proposed in the riverfront area or the buffer zone, the lot does contain land in the Riverfront area. As discussed several months ago, the applicant has filed a Request for Determination, so that the Commission has an avenue to require deed restriction to be placed on the property and to require Riverfront zone markers to be installed in the field. The plan provided shows the location of the markers to be installed, and the RDA provides a draft deed noting the restrictions of clearing in the riverfront area and the permission to remove invasive plants with the permission of the Commission. Mr. Pease explained that although the Riverfront area has some nice mature trees it also contains invasives such as Japanese knotweed; honeysuckle; garlic mustard and multiflora rose, all which could use some attention to remove them. After some discussion the Commission agreed with the above items and closed the hearing. They voted unanimously 4-0 to issue a negative determination with conditions to protect the Riverfront area similar to what was done for lot #7 & #8 and as provided in the Request for Determination of Applicability (RDA).

Draft Order of Conditions

- DEP 212-1120 358 Berlin Rd. Brazilian Church- The Commission reviewed the draft Order of Conditions and voted unanimously 4-0 to issue the Order of Conditions as drafted and amended.

Certificates of Compliance

- DEP 212-937 (never started) 7 Beaman Lane. – The Commission reviewed the request to release this Order of Conditions which was never started. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance for this project that never started (and was superseded by DEP 212-1021 below)

- DEP 212-1021 7 Beaman Ln. (Full Certificate) Ms. Ryder noted that she has inspected the site and reviewed the Order of Conditions. The applicant has provided the deed language, the as built plan and has installed pressure treated wood stakes to mark the 20' buffer zone. The Commission asked that the stakes be replaced with lolly columns since they are more permanent. They voted unanimously 4-0 to issue a full Certificate of Compliance and for Ms. Ryder to hold the Certificate of Compliance until the markers have been replaced.

Discussion:

- Project updates:
 - Ames St. - Ms. Ryder noted that the Ames St. project has started, all trees are removed, and erosion controls are in place. The next few weeks when they start stripping the top soil it will be critical.
 - The Overlook at Lake Williams project is also starting up now and work will continue. The next few weeks will be critical as they build the walls and detention basin.
 - Boy Scout projects - Ms. Ryder noted the Peter DiPersio a boy scout has removed bittersweet vines from the trees around the parking lot at Cider Knoll on May 2, 2015. He did a great job.

Correspondence/Other Business- The Commission reviewed the following correspondence and voted unanimously to accept and place on file:

- Hazardous Waste Day – May 30, 2015
- Letter to Bureau of Forest Fire Control and Forestry, dated April 17, 2015 RE: Forest Management Proposal Hansen Lot – Marlborough Sudbury State Forest Within Desert Natural Area – Marlborough

Adjournment - There being no further business the meeting was adjourned at 8:30 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

CITY OF MARLBOROUGH MEETING MINUTES

Meeting: Council on Aging Board Meeting
Date: Tuesday, May 12, 2015
Time: 8:30 A.M.
Location: Senior Center, 40 New Street, Marlborough MA

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2015 JUN -2 P 2:59

ATTENDANCE: Leslie Biggar; Sheila Brecken; Ana Cristina Oliveira; Richard Collins; Jim Confrey; Rita Connors; Brenda Costa; R. Cygan; Marie Elwood; Pat Gallier; Jeanne McGeough; Barbara McGuire (Friend's Board)

- I. The May board meeting was called to order at 8:30 am by Chair, Jim Confrey.
- II. The April board meeting minutes were approved.
- III. Directors update: Ana Cristina

Mayor Vigeant is optimistic regarding the food project being discussed with Assabet and Quinsigamond College. The program will require the use of an office and the kitchen at the senior center.

A 35 hr. per week community health care worker from the Board of Health will be placed in an office at the senior center. The position is state grant funded and will not need admin support from COA staff. The program addresses fall prevention with senior referred from specific doctors.

The yoga class moved upstairs, due to its popularity and subsequent large participation of 21 seniors.

IV. Board Updates

A. BayPath: Brenda Costa

The supportive housing program was discussed. Brenda Costa will follow up with BayPath on questions raised and request for additional education for residents. Brenda will also follow up on board notifications for Jim Confrey as alternate for board.

V. Old business

A. MySenior Center system update – Ana Cristina discussed the need for training. The system is planned to be up and running by beginning of fiscal year 2016 (July 2015).

B. Transportation Report: Jeanne McGeough, Trans. Coord.

Ridership is up, probably due to improved weather conditions. A survey for BayPath grant reporting purposes was sent out to participants with a good response. Ana reported that the new van funded by a grant is expected in June. The city will do the maintenance.

C. Mayor's Senior of the Year Dinner - Attendance was down this year with approximately 260 at event.

VI. New Business

A. New Senior center - discussion regarding space usage and follow up items that need attention.

B. Jim Confrey read thank you card he received from Jennifer Claro.

The next Marlborough COA Board meeting is scheduled for **Tuesday, June 9th at 8:30 a.m. in the Conference Room at the Senior Center, 40 New Street, Marlborough.**

The board meeting adjourned at 9:30 am.

Respectfully submitted,

Brenda Costa, Secretary

Zoning Board of Appeals
Marlborough, MA
Minutes
April 21, 2015

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CITY OF MARLBOROUGH
2015 JUN -3 P 3:32

Public Hearing:

620 Farm Rd. - John Shelales & Alison Makin

Represented by the City of Marlborough (DPW) - Continuation

The hearing was continued from March 24, 2015 with Board Members: Paul Giunta Chairman, Ralph Loftin, Theodore Scott, Robert Levine and Thomas Golden.

Paul Giunta informed the secretary, Susan Brown, that he has read the minutes from the Board's March 24th meeting in which he was absent.

The hearing was opened up with Tim Collins speaking on behalf of John Shelales & Alison Makinen (owners of 620 Farm Rd.) Also present was Evan Pilachowski, city engineer.

Tim Collins stated as requested of him by the Board's March 24th, 2015 meeting, is providing some information in hard copy form dated April 15, 2015, RE: ZBA Case #1436-2015 – second driveway at #620 Farm Rd. (Shelales property) – copy in Board's file.

According to the above letter the following was stated:

- Lot Coverage – with the proposed driveway, lot coverage will be 12.0% which is well below the maximum allowed 30% in a residents A-2 zone.
- Setback between proposed driveway and property line – Engineering has scaled and plotted the property line on the construction plan and has determined that the setback between the driveway and the side property line is between 20 ft. to 25 ft., which is well above the 5 ft. setback required between a driveway and a side property line.

Abutter present:

- Mary Lou Shelales of 630 Farm Rd. abuts the lot in question. She stated she currently has a dry basement and she does not want any water run-off onto her lot. She also stated her grandfather told the family, the side property line starts where there is a pipe at the corner of the lot. She has on her deed showing where the marked front corner is located.

No one was present to speak in **opposition**.

The Board had the following concerns:

- Drainage – with the proposed driveway, how will water runoff affect neighboring lots? Tim Collins stated he has no grading plans as to date.
- The Board would like to have a survey done of the right corner of the lot as you face the lot to where the proposed driveway will be to the side lot line. This will benefit the abutters at 630 Farm Rd. and the Board wants the plan(s) recorded at the Registry of Deeds
- Board wants a revised plan submitted for their file.

The Board is requesting the below as **conditions** if a variance is granted:

1. Runoff from the new driveway shall be routed to a nearby catch basin in street and away from abutter's property
2. Determine distance from front property line to front house corners.
3. Determine the distance, along the street property line, from the east edge of the driveway to the east property corner.
4. Submit revised plot plan showing information stated in conditions 1 thru 3 for the Zoning Board's file.
5. The certified decision and plot plan shall be recorded at the Registry of Deeds.

A motion was made to grant variances with the above conditions. Robert Levine seconded the motion. On a vote of 5-0, the Board granted variances for the proposed second driveway being in violation of §650-47 and for the Landscaping and Screening and §650-49 Driveways and curb cuts.

With no other testimony taken or given, the public hearing was closed.

Discussion:

- 45 Washington St. – ZBA Case # 1422-2013

Present this evening were Raynold Menard, Angela Tom and their daughter Anna Mairosi, the owner of record for 45 Washington St.

Also present this evening was Pam Wilderman, City of Marlborough's Code Enforcement Officer and Donald Rider, City Solicitor.

Mr. Menard stated when he came before the Board on September 17, 2013 for a variance, he and his wife were representing their daughter, Anna Mairosi, owner of 45 Washington St.

City Solicitor, Don Rider stated that there are some issues on how the variance was acquired back in Sept. 2013:

- The variance that was issued was recorded at the Registry of Deeds; the Extension Permit granted was not recorded at the Registry of Deeds. The Extension Permit needs to be recorded.
- The Board can only grant (one) 6 month extension.
- Going thru the file, he believes the stated "hardship" by Mr. Menard and Ms. Tom are not "hardships" according to Mass General Law Chapter 40A.
- A permit is not needed to do a clean-up of the lot and to secure the lot which is desperately needed.
- It was also mentioned that "no trespass" signs should be erected on the lot.

Mr. Menard stated Anna Mairosi is his step daughter. He also stated the following:

- The family has pooled their money to buy this property.
- He did not know the Extension Permit had to be recorded at the Registry of Deeds.
- The whole family was at the initial variance hearing on Sept. 17, 2013.
- He stopped by the Zoning Board of Appeals office on April 7, 2015, before the expiration of the Extension Permit on April 8, 2015. He stated he was looking to pull building permits.
- Last fall (2014) he had done some outside work, like cutting trees and tree limbs and built a retaining wall (in which he got a building permit) All that debris remains on the lot.
- He would like to start work on the lot this Spring (2015).

Pam Wilderman passed out some photos of the lot in question. The photos showed debris and trash. She stated the applicant had 18 months to clean and secure the lot. She attempted to notify the owner of 45 Washington St., but no response. Ms. Wilderman also stated the property taxes for 45 Washington St. has not been paid to date and the property is in Tax Title. It was suggested by Ms. Wilderman and the Board that they go to the City's Tax collector's Office to calculate the unpaid tax balance. It was also mentioned that they received a letter from D'Ambrosio Brown LLP, Counselors at Law, concerning unpaid taxes.

Ms. Wilderman would like to see the following accomplished:

- She would like to see the unpaid tax issue cleared up.
- If they are staying within the plans that were accepted with their granted variance, that is good...if not, they will have to go back to square one.
- She stated that a Building Permit will not be issued until the tax issue is resolved. Written proof should be provided to Pam Wilderman and to the Zoning Board of Appeals, that all taxes have been paid to date.
- A letter by Anna Mairosi authorizing Angela Tom and Raynold Menard stating they have been acting on her behalf since Sept. 17, 2013, the start date of the variance hearing.

Ralph Loftin, Board Member, asked if Anna Mairosi lives in Lowell. Answer-No. Anna Mairosi stated she lives at 28 Kelby St. Dracut, MA. She presented her driver's license to the Board. Mr. Loftin also asked Anna Mairosi to produce a letter for the Board's file stating that she gave authorization to Mr. Menard and Ms. Tom is acting on her behalf as far back as Sept. 17, 2013.

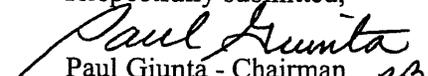
An abutter living across the street - His concerns was that the property is not safe. His wife suffers from dementia and she wandered out of their house and onto 45 Washington St. looking for her friend. He stated the porch has a large hole; his wife could have been hurt. He would like to see the lot cleaned up and secured.

The Board agreed that the following needs to be done:

1. A letter by Ana Mairosi authorizing Angela Tom and Raynold Menard has been acting on her behalf since Sept. 17, 2013, the start date of the variance hearing.
2. Work with D'Ambrosio Brown, Counselors at Law concerning outstanding taxes at 45 Washington St. Provide written proof to the Board that this has been resolved.
3. They should start as soon as possible to clean up the lot in question and secure it for safety reasons. Maybe "No Trespass" signs should be erected on the site.

The Board felt that if the above items were implemented, there should be no further action from this Board.

Respectfully submitted,


Paul Giunta - Chairman *ss*