



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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NOVEMBER 4, 2013

Regular meeting of the City Council held on Monday, NOVEMBER 4, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Clancy, and Landers. Councilor Seymour arrived at 8:45 PM. Meeting adjourned at 9:55 PM.

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

ORDERED: At President Pope's request to recess at 8:12 PM and returned to open meeting at 8:14 PM, **APPROVED**; adopted.

ORDERED: That the minutes of the City Council Meeting OCTOBER 21, 2013, **FILE**; adopted.

ORDERED: That the Comptroller's Office transfer request in the amount of \$1,800.00 from Finance Assistant to Longevity to fund the longevity payment associated with the transfer of a School Department employee to the Comptroller's Office, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11330002-50062

\$1,800.00

Finance Assistant

TO:

Acct. # 11330003-51430

\$1,800.00

Sick Longevity

ORDERED: That the Application for Renewal of Junk Dealer's License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from Bohler Engineering on behalf of VNG Co., re: Request to extend Time Limitations on Application for Special Permit, 413 Lakeside Ave. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and piping to February 28, 2014 until 5:00 PM, Order No. 13-1005581, **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Bergeron, Mirick O'Connell, re: Representation of Sky High Studios, Inc. and Anthony and Sandra Antico Real Estate LLC, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough High School Council, October 2, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 7, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, September 24, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, September 26, 2013, **FILE**; adopted.

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

- A. H. Theresa D'Angelo, 18 Airport Road, North Grafton, pothole or other road defect
- B. Wilson Chu, 132 Stevens St., other property damage

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Order No.13-1005557: Application for Fuel Storage License, Rinchem Co., 111 Hayes Memorial Drive, for the storage of flammable liquids. PUBLIC HEARING: 10-21-13

Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Application for Fuel Storage to Rinchem Co., 111 Hayes Memorial Drive for an amount not to exceed 50,000 gallons. Vote 3-0 (Note: Letter from Fire Chief Fortin for the record.)

Order No. 13-1005567: Petition, NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property at 11 Houde Street. Branches and limbs near service wires to House #11 are to be cleared as well. PUBLIC HEARING: 10-21-13

Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of NGrid petition to install P#13-50 to solve sag issue. Vote 3-0

Order No. 13-1005543: Application for Junk Dealer License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. *Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of a Junk Dealer License to Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. Vote 3-0*

Order No. 13-1005499: Application for RENEWAL of Junk Dealer's License by ecoATM, 601 Donald Lynch Boulevard. *Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Renewal of a Junk Dealer License to ecoATM at 601 Donald Lynch Boulevard. Vote 3-0*

Order No. 12/13-1005153C: Communication from the Planning Board re: Acceptance of Dufrense Drive as a Public Way. *Motion made by Councilor Clancy, seconded by Jenkins, to accept/ file the communication from the Planning Board recommending acceptance of Dufrense Drive as a Public Way. Vote 3-0 (The Orders of Acceptance will appear on the City Council November 4, 2013 agenda in proper legal form from the City Solicitor).*

Suspension of the Rules requested - granted

ORDERED: That the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:

Simpson Road – From the end of Simpson Road (at the intersection with Stow Road) easterly to the eastern side of Stow Road (23')

Stow Road – From the intersection with Simpson Road southerly on the eastern side of Stow Road towards 463 Stow Road (62')

As depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS.**

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.

Suspension of the Rules requested - granted

ORDERED: That the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent Street from 34 Crescent Street southeasterly for 75', as depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS.**

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.

Councilor Oram abstained

Suspension of the Rules requested - granted

ORDERED: That the request for a Sewer Extension, submitted by F & C Construction Corp. for the proposed dwelling at 44/46 Crescent Street, as depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 8) All work hereunder is to be done in compliance with § 510-4 of the City Code, governing building sewer connections.

Councilor Oram abstained

Suspension of the Rules requested - granted

ORDERED: That the Notification of Free Cash recently certified in the amount of \$8,800,061.00 from the Massachusetts Department of Revenue, **FILE**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the following transfer requests to fund the contractual obligations associated with the recently signed contract between the Department of Public Works Engineers Local 176 and the City, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	14001101	50108	GIS Administrator	\$44,956
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001101	50660	Assistant City Engineer	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$3,577	11990006	57820	Reserve for Salaries	\$3,577	14001101	50700	Senior Engineering Aide	\$67,418
	Reason:							Contractual Increase	
\$240,170.00	\$2,576	11990006	57820	Reserve for Salaries	\$2,576	14001101	50705	Assistant Civil Engineer	\$47,726
	Reason:							Contractual Increase	
\$240,170.00	\$7,313	11990006	57820	Reserve for Salaries	\$7,313	14001101	50710	Junior Civil Engineer	\$125,621
	Reason:							Contractual Increase	
	\$18,802	Total			\$18,802	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$1,233	11990006	57820	Reserve for Salaries	\$1,233	14001103	51430	Longevity Pay	\$8,318
	Reason:							Contractual Increase	
\$240,170.00	\$443	11990006	57820	Reserve for Salaries	\$443	14001103	51920	Sick Leave Buyback	\$11,063
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001301	50660	Assistant City Engineer	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$3,215	11990006	57820	Reserve for Salaries	\$3,215	14001303	51430	Longevity Pay	\$50,812
	Reason:							Contractual Increase	
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001303	51920	Sick Leave Buyback	\$34,707
	Reason:							Contractual Increase	
	\$7,855	Total			\$7,855	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001401	50692	Supt. Of Auto Maintenance	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$89	11990006	57820	Reserve for Salaries	\$89	14001403	51430	Longevity Pay	\$2,204
	Reason:							Contractual Increase	
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001403	51920	Sick Leave Buyback	\$3,145
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001501	50680	General Foreman	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$158	11990006	57820	Reserve for Salaries	\$158	14001503	51430	Longevity Pay	\$31,123
	Reason:							Contractual Increase	
	\$6,049	Total			\$6,049	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001503	51920	Sick Leave Buyback	\$14,760
	Reason:							Contractual Increase	
\$240,170.00	\$2,796	11990006	57820	Reserve for Salaries	\$2,796	60080001	50570	Chemist	\$43,424
	Reason:							Contractual Increase	
\$240,170.00	\$2,024	11990006	57820	Reserve for Salaries	\$2,024	60080001	50580	Assistant Chemist	\$33,096
	Reason:							Contractual Increase	
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	60081001	50910	Head Treatment Pl. Op	\$46,838
	Reason:							Contractual Increase	
\$240,170.00	\$305	11990006	57820	Reserve for Salaries	\$305	60081003	51430	Longevity Pay	\$6,492
	Reason:							Contractual Increase	
	\$7,749	Total			\$7,749	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	60085001	50910	Head Treatment Pl. Op	\$49,448
	Reason:							Contractual Increase	
\$240,170.00	\$169	11990006	57820	Reserve for Salaries	\$169	60085003	51430	Longevity Pay	\$13,185
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	61090001	50680	General Foreman	\$53,453
	Reason:							Contractual Increase	
	\$5,505	Total			\$5,505	Total			

Suspension of the Rules requested - granted

ORDERED: That the Capital budget transfer requests, **ORDERED TO BE TAKEN UP WITH THE CORRESPONDING BONDS;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		
\$8,800,061.00	\$373,560.00	10000	35900	Undesignated Fund Balance			\$373,560.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW - Equipment				
\$8,800,061.00	\$106,490.00	10000	35900	Undesignated Fund Balance			\$106,490.00	19300006	58462	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW - Water				
\$8,800,061.00	\$54,670.00	10000	35900	Undesignated Fund Balance			\$54,670.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW-Engineering				
\$8,800,061.00	\$575,000.00	10000	35900	Undesignated Fund Balance			\$575,000.00	19300006	58512	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Fire - Equipment				
\$8,800,061.00	\$30,000.00	10000	35900	Undesignated Fund Balance			\$30,000.00	19300006	58735	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Emergency Management				
\$8,800,061.00	\$35,000.00	10000	35900	Undesignated Fund Balance			\$35,000.00	19300006	58508	Capital Outlay	\$37,476.80
	Reason:	Certified Free Cash					Police - Vehicle				
\$8,800,061.00	\$57,000.00	10000	35900	Undesignated Fund Balance			\$57,000.00	19300006	58593	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Police - Equipment				
\$8,800,061.00	\$253,000.00	10000	35900	Undesignated Fund Balance			\$253,000.00	19300006	58467	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Public Facilities				
	\$1,484,720.00	Total				\$1,484,720.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		
\$8,800,061.00	\$100,000.00	10000	35900	Undesignated Fund Balance			\$100,000.00	19300006	55410	Capital Outlay	\$18,650.00
	Reason:	Certified Free Cash					Sidewalk Construction				
	\$100,000.00	Total				\$100,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		
\$8,800,061.00	\$20,600.00	10000	35900	Undesignated Fund Balance			\$20,600.00	19300006	58316	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Evergreen Cemetery Irrigation				
	\$20,600.00	Total				\$20,600.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$8,800,061.00	\$165,800.00	10000	35900	Undesignated Fund Balance	\$165,800.00	19300006	58618	Capital Outlay	\$5,905.95	
	Reason:	Certified Free Cash				Computer Hardware				
	\$165,800.00	Total			\$165,800.00	Total				

Suspension of the Rules requested - granted

ORDERED: That the Communication from the Mayor regarding Meals Tax, **TAKEN UP WITH ITEMS 12 AND 13**; adopted.

ORDERED: That the Marlborough City Council hereby accepts Massachusetts General Law Chapter 64L, s.2 Local Option Meals Excise which imposes a local sales tax upon the sale of restaurant meals originating within the City of Marlborough by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time in the same manner as the sales tax due to the Commonwealth, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilors Ossing, Elder and Robey requested to be recorded in opposition.

ORDERED: That the City of Marlborough establish in the city treasury a special revenue account to be known as the Parks and Fields Development Special Revenue Fund in the City of Marlborough, into which account shall be deposited a) certain receipts comprising a portion of the total restaurant meals tax received annually by the city; and b) any grants and monetary gifts or donations made to the city in furtherance of the purposes of this act. The purposes of this act, and of the Parks and Fields Development Special Revenue Fund, shall be to promote and to sustain the development of sports tourism through the development of parks and fields in the city of Marlborough and the local economy in the City of Marlborough; it is further ordered, that the City Solicitor be requested to draft *An Act Establishing A Parks and Fields Development Special Revenue Fund in the City of Marlborough* for adoption by the City Council, approval by the Mayor and petition to the Massachusetts Legislature, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilors Ossing, Elder and Robey requested to be recorded in opposition.

ORDERED: That the Fire Department transfer request in the amount of \$45,279.00 which moves funds from Fringe to Sick Leave and Firefighter accounts to fund costs associated with the retirement of a member of the Fire Department, **APPROVED**; adopted.

FROM:

Acct. 11990006-51500 \$45,279.00

Fringe

TO:

Acct. # 12200003-51920 \$35,057.00

Sick Leave

Acct. # 12200001-50450 \$10,222.00

Firefighter

ORDERED: That the sum of \$1,513,720 (one million five hundred thirteen thousand seven hundred twenty) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,513,720.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue, **DENIED**; adopted.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Seymour

ORDERED: That the following Capital transfer requests in the amount of \$1,484,720.00 for Departmental Equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:					
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:	Available Balance	
\$8,800,061.00	\$373,560.00	10000	35900	Undesignated Fund Balance			\$373,560.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW - Equipment				
\$8,800,061.00	\$106,490.00	10000	35900	Undesignated Fund Balance			\$106,490.00	19300006	58462	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW - Water				
\$8,800,061.00	\$54,670.00	10000	35900	Undesignated Fund Balance			\$54,670.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					DPW-Engineering				
\$8,800,061.00	\$575,000.00	10000	35900	Undesignated Fund Balance			\$575,000.00	19300006	58512	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Fire - Equipment				
\$8,800,061.00	\$30,000.00	10000	35900	Undesignated Fund Balance			\$30,000.00	19300006	58735	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Emergency Management				
\$8,800,061.00	\$35,000.00	10000	35900	Undesignated Fund Balance			\$35,000.00	19300006	58508	Capital Outlay	\$37,476.80
	Reason:	Certified Free Cash					Police - Vehicle				
\$8,800,061.00	\$57,000.00	10000	35900	Undesignated Fund Balance			\$57,000.00	19300006	58593	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Police - Equipment				
\$8,800,061.00	\$253,000.00	10000	35900	Undesignated Fund Balance			\$253,000.00	19300006	58467	Capital Outlay	\$0.00
	Reason:	Certified Free Cash					Public Facilities				
	\$1,484,720.00	Total				\$1,484,720.00	Total				

ORDERED: That the sum of \$1,510,000 (one million five hundred ten thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,510,000.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue, **APPROVED**; adopted

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Seymour

Councilor Seymour arrived in the Chamber at 8:45 PM.

ORDERED: That the sum of \$7,470,000 (seven million four hundred seventy thousand) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$7,470,000.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **APPROVED**; adopted.

Yea: 9 – Nay: 0 – Abstain: 2

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, & Oram
Abstain: Pope and Robey

ORDERED: That the sum of \$100,000 (one hundred thousand) dollars be and is hereby appropriated for sidewalk construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$100,000.

Pursuant to the provisions of Chapter 44, Section 7 (6) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the following Capital transfer requests in the amount of \$100,000.00 for Sidewalk Construction and Repair Projects, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014	
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,800,061.00	\$100,000.00	10000	35900	Undesignated Fund Balance	\$100,000.00	19300006	55410	Capital Outlay	\$18,650.00
	Reason:	Certified Free Cash				Sidewalk Construction			
	\$100,000.00	Total			\$100,000.00	Total			

ORDERED: That the sum of \$200,000 (two hundred thousand) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$200,000.

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

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the sum of \$593,876 (five hundred ninety three thousand eight hundred seventy six) dollars be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$593,876.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than forty (40) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the sum of \$200,000 (two hundred thousand) dollars be and is hereby appropriated for water meters.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$200,000.

Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the sum of \$300,000 (three hundred thousand) dollars be and is hereby appropriated for repairs to the landfill cap and drainage system.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$300,000.

Pursuant to the provisions of Chapter 44, Section 8 (21) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the sum of \$545,000 (five hundred forty five thousand) dollars be and is hereby appropriated for reconstruction of municipal outdoor recreational facilities.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$545,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the sum of \$20,600 (twenty thousand six hundred) dollars be and is hereby appropriated for irrigation upgrades to Evergreen Cemetery.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$20,600.

Pursuant to the provisions of Chapter 44, Section 7 (20) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the following Capital transfer requests in the amount of \$20,600.00 for Cemetery Projects, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay			FISCAL YEAR:			FY 2014	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,800,061.00	\$20,600.00	10000	35900	Undesignated Fund Balance	\$20,600.00	19300006	58316	Capital Outlay	\$0.00
Reason:		Certified Free Cash			Evergreen Cemetery Irrigation				
	\$20,600.00	Total			\$20,600.00	Total			

ORDERED: That the sum of \$165,800 (one hundred sixty five thousand eight hundred) dollars be and is hereby appropriated for computer hardware.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$165,800.

Pursuant to the provisions of Chapter 44, Section 7 (28) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the following Capital transfer requests in the amount of \$165,800.00 for Technology Upgrade, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay			FISCAL YEAR:			FY 2014	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,800,061.00	\$165,800.00	10000	35900	Undesignated Fund Balance	\$165,800.00	19300006	58618	Capital Outlay	\$5,905.95
Reason:		Certified Free Cash			Computer Hardware				
	\$165,800.00	Total			\$165,800.00	Total			

ORDERED: That the Proposed Taking of permanent Easements, Country Club Estates Subdivision, **MOVED TO AFTER ITEM 18**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DUFRESNE DRIVE be accepted as a public way

From WEST HILL ROAD To Terminus

and that its appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Dufresne Drive and Municipal Easements," prepared for: City of Marlborough, MA, prepared by: Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, dated: January 7, 2011, last revised: January 27, 2012, Scale: 1" = 40', which plan is to be recorded herewith.

Title to the roadway shown as "DUFRESNE DRIVE" on the above-referenced plan, and title to all the municipal easements, including an access easement across Lot 11A and Lot 20, shown as "10' WIDE CITY OF MARLBOROUGH ACCESS EASEMENT" on the above-referenced plan; a flowage easement located partially on Lot 4C and partially on Lot 9B, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Parcel A, shown as "DRAINAGE EASEMENT #1" on the above-referenced plan; a drainage easement located on Lot 3B, shown as "DRAINAGE EASEMENT #2" on the above-referenced plan; a drainage easement located partially on Lot 4C and partially on Lot 9B, shown as "DRAINAGE EASEMENT #3" on the above-referenced plan; and a drainage easement located on Lot 12B, shown as "DRAINAGE EASEMENT #4" on the above-referenced plan, has been granted to the City of Marlborough in a quitclaim deed from Richard E. Terrill, Agent for West Hill, LLC, a Massachusetts Limited Liability Company, said deed to be recorded herewith at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

DUFRESNE DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the City Council of the City of Marlborough hereby acknowledges the City's receipt of a check in the amount of \$32,925.00 from Toll Bros., Inc., as developer of the Country Club Estates subdivision, for the purpose of paying the pro tanto awards specified in the accompanying proposed Eminent Domain Order of Taking; and, pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$32,925.00 as sufficient funds to pay the pro tanto awards specified in said Eminent Domain Order of Taking. If the Council votes not to approve the proposed Eminent Domain Order of Taking, the above amount of \$32,925.00 shall be returned by the City to Toll Brothers, **APPROVED**; adopted.

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that certain improvements be made to Stow Road, and that said improvements require the taking by Eminent Domain of permanent easements in certain parcels of land located on Stow Road, Robert Road and Country Club Circle, as more particularly described herein, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto; and

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain permanent easements in, on, under, over, across and through the hereinafter-described land, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto;

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, does hereby take by Eminent Domain permanent easements in the following described land and all trees and brush thereon, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto.

DESCRIPTION OF LAND TAKEN

1. Lot 1 (136 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 1 (136 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 51322, Page 423.

OWNERS: Eric J. Malsky and Hye Rin Malsky
136 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 54 on Map 46. The total land area being taken consists of 1,227± square feet.

2. Lot 2 (150 Stow Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 2 (150 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27056, Page 49.

OWNERS: Joseph D. Regan and Brenda G. Regan
150 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 55 on Map 46. The total land area being taken consists of 545± square feet.

3. Lot 3 (12 Robert Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 3 (12 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 42892, Page 101.

OWNER: Ming Fang
 12 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 56 on Map 46. The total land area being taken consists of 851± square feet.

4. Lot 50 (15 Robert Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 50 (15 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 41333, Page 557.

OWNERS: William E. Thomson and Darlene M. Thomson
15 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 57 on Map 46. The total land area being taken consists of 1,063± square feet.

5. Lot 51 (186 Stow Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 51 (186 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 47744, Page 289.

OWNERS: Steven Bishop and Amy S. Bishop
186 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 53 on Map 33. The total land area being taken consists of 1,980± square feet.

6. Lot 34 (323 Robert Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 34 (323 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 25230, Page 508.

OWNERS: Wayne E. Siladi and Elizabeth B. Siladi
323 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 76 on Map 33. The total land area being taken consists of 1,191± square feet.

7. Lot 25 (210 Stow Road) - Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 25 (210 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 29788, Page 577.

OWNERS: Saleem Mouawad and Ghada Garioss a/k/a Ghada Mouawad
210 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 97 on Map 33. The total land area being taken consists of 1,164± square feet.

8. Lot 26 (226 Stow Road)- Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 26 (226 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 24777, Page 398.

OWNER: Arnold W. Johansen
226 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 98 on Map 33. The total land area being taken consists of 2,930± square feet.

9. Lot 27 (238 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 27 (238 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 34455, Page 333.

OWNERS: Robert F. Reed, Jr. and Leslie A. Croci-Reed
238 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 99 on Map 33. The total land area being taken consists of 1,312± square feet.

10. Lot 28 (250 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 28 (250 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 26264, Page 188.

OWNERS: Charles L. Estes and Connie M. Estes
250 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 100 on Map 33. The total land area being taken consists of 1± square feet.

11. Lot 29 (264 Stow Road) - Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 29 (264 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 44093, Page 579.

OWNER: Manosha S. Karunatilaka
264 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 101 on Map 33. The total land area being taken consists of 798± square feet.

12. Lot 30 (37 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 30 (37 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 33098, Page 603.

OWNERS: Pietro D. Parravicini and Gail M. Ogden Parravicini
37 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 102 on Map 33. The total land area being taken consists of 716± square feet.

13. Lot 31 (33 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 31 (33 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27544, Page 390.

OWNERS: Thomas S. Gluck and Sandra I. Gluck
33 Country Club Circle

The land consisting of Proposed Easement P as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 103 on Map 33. The total land area being taken consists of 776± square feet.

14. Lot 32 (30 Country Club Circle)- Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 32 (30 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 56142, Page 15.

OWNER: Bina Keshavan
30 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 104 on Map 33. The total land area being taken consists of 640± square feet.

15. Lot 33 (26 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 33 (26 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 51522, Page 234.

OWNERS: Rodney E. Willis and Joanne E. Bradshaw-Willis
26 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 105 on Map 33. The total land area being taken consists of 83± square feet.

AWARDS

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

<u>OWNER(S)</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Eric J. Malsky and Hye Rin Malsky	46/54	1,227± SF	\$3,200.00
Joseph D. Regan and Brenda G. Regan	46/55	545± SF	\$1,640.00
Ming Fang	46/56	851± SF	\$2,200.00
William E. Thomson and Darlene M. Thomson	46/57	1,063± SF	\$2,760.00
Steven Bishop and Amy S. Bishop	33/53	1,980± SF	\$4,360.00
Wayne E. Siladi and Elizabeth B. Siladi	33/76	1,191± SF	\$3,100.00
Saleem Mouawad and Ghada Garioos a/k/a Ghada Mouawad	33/97	1,164± SF	\$3,000.00
Arnold W. Johansen	33/98	2,390± SF	\$5,260.00
Robert F. Reed, Jr. and Leslie A. Croci-Reed	33/99	1,312± SF	\$3,400.00
Charles L. Estes and Connie M. Estes	33/100	1± SF	\$120.00
Manosha S. Karunatilaka	33/101	798± SF	\$960.00
Pietro D. Parravicini and Gail M. Ogden Parravicini	33/102	716± SF	\$860.00
Thomas S. Gluck and Sandra I. Gluck	33/103	776± SF	\$930.00
Bina Keshavan	33/104	640± SF	\$770.00
Rodney C. Hawkins	33/105	83± SF	\$365.00

APPROVED; adopted.

ORDERED: That the Application for Special Permit from Bohler Engineering on behalf of VNG Co., to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, **FILE;** adopted.

Councilor Elder read a disclosure statement at this time.

ORDERED: That the sum of \$ 3,000,000 (three million) dollars be and is hereby appropriated for the reconstruction of municipal outdoor recreational facilities.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,000,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, **APPROVED**; adopted.

Yea: 10 – Nay: 1

Yea: Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

Nay: Delano

ORDERED: That the sum of \$6,500,000 (six million five hundred thousand) dollars be and is hereby appropriated for the construction of a Senior Center.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$6,500,000.

Pursuant to the provisions of Chapter 44, Section 7 (3) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue, **APPROVED**; adopted.

Yea: 10 – Nay: 1

Yea: Delano, Jenkins, Elder, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey

Nay: Tunnera

ORDERED: At President Pope's request to recess at 9:52 PM and returned to open meeting at 9:53 PM, **APPROVED**; adopted.

ORDERED: MOTION made by Councilor Elder to send a Communication to the Mayor to ensure that the full \$3,000,000.00 be spent on Ward Park – Carries.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:55 PM.