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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 JAN 19 P 1:49

1. Minutes, City Council Meeting, January 9, 2017.
2. **From City Council President Clancy: 2017 City Council Regular Meeting Schedule & City Council Committee Assignments.**
3. Communication from the Mayor re: Transfer Request-Marlborough Firefighters Association, Local 1714, I.A.F.F., Memorandum of Agreement which includes several provisions that require City Council approval as noted in the attached packet.
4. Communication from the Mayor re: Walker Building Feasibility Study. (The complete redevelopment study is available for viewing in the City Clerk's office).
5. Communication from the Mayor re: Civil Service Home Rule Petition.
6. Communication from the Mayor re: Dementia Friendly Community Initiative.
7. Communication from Attorney Bergeron re: Acceptance of Bouffard Dr., X13-1005405, 14-1006010, 14-1006096, & 16-1006425.
8. Application for Special Permit from Mina Property Group LLC, to construct a commercial automotive facility on less than 1 acre of land, 408 Maple St.
9. Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Rd.
10. Minutes, Conservation Commission, December 15, 2016.
11. Minutes, Planning Board, November 14 & 28 & December 5, 2016.
12. Minutes, Board of Health, December 13, 2016.
13. Minutes, Assabet Valley Regional Technical High School, December 20, 2016.
14. CLAIMS:
 - a. Cindy Dorsey, 10 Page Circle., other property damage.
 - b. Edwin Quiles, 440 North Ave. #276, Haverhill, pothole or other road defect.
 - c. Derek Barber Shop, 195 Main St., other property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee:

15. **Order No. 16/17-100 6718A-1** - At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non-union) to Administrative Assistant, changing the Position of the Financial Assistant (non-union) to DPW Financial Assistant and all positions on the Step 7 Schedule shall work a 40-hour week. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE. TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017.**

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.

16. **Order No. 16/17-1006718B-1** - At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries in its entirety. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE. TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017.**



RECEIVED
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2017 JAN 19 A 10:24

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

JANUARY 9, 2017

Regular meeting of the City Council held on Monday, JANUARY 9, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:10 PM.

ORDERED:

ORGANIZATIONAL MEETING

Councilor Clancy called the meeting to order at 8:00 PM. The City Council President called for the Election of the City Council President Pro-Tem for the Year 2017. Councilor Delano nominated Councilor Elder as President Pro-Tem. Councilor Juairé seconded the motion for nomination of Councilor Elder as President Pro-Tem. President Clancy closed nominations for President Pro-Tem as there were no further nominations. Councilor Elder received eleven votes for President Pro-Tem. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

Councilor Elder called for the Election of the City Council President of the Marlborough City Council for the Year 2017. Councilor Ossing nominated Councilor Clancy as President. Councilor Landers seconded the motion for nomination of Councilor Clancy as President. President Pro-Tem Elder closed nominations for President as there were no further nominations. Councilor Clancy received eleven votes for President. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

Councilor Clancy called for the Election of the City Council Vice-President of the Marlborough City Council for the Year 2017. Councilor Juairé nominated Councilor Delano as Vice-President. Councilor Elder seconded the motion for nomination of Councilor Delano as Vice-President. President Clancy closed nominations for City Council Vice President as there were no further nominations. Councilor Delano received eleven votes for Vice-President. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

President Clancy declared that the next meeting of the City Council will be Monday, January 23, 2017 and Committee assignments will remain the same unless otherwise noted. Motion made by Councilor Clancy and seconded by Council Ossing that the City Council accept the Rules from Year 2016 and carry over to Year 2017, **APPROVED**; adopted.

ORDERED: That the Minutes of the City Council meeting December 19, 2016, **FILE AS AMENDED**; adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

A new Section 650-63, entitled "TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS," is hereby added, as follows:

650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Cessation.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary cessation on the use of land or structures for housing projects by special permit. In no case shall the City accept an application for special permit for a housing project. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council. During the temporary cessation period, the City shall undertake a planning process to address the potential impacts of housing projects in the City, and shall consider amending its Zoning Ordinance to address the impact of said housing projects.

President Clancy asked the City Council to stand in favor of the referral and advertisement as indicated below. Motion moved 8-3.

Refer to URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 6, 2017.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Formula Grant in the amount of \$67,030.00 awarded to the Council on Aging to provide classes, transportation, administrative support as well as additional enrichment opportunities for our seniors; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Marlborough EMPG 2017 Grant in the amount of \$9,460.00 awarded to Emergency Management to purchase two video recording cameras for two police cruisers; adopted.

ORDERED: THAT PURSUANT to § 15A of chapter 40 of the General Laws of Massachusetts, the City Council of the City of Marlborough hereby transfers the below-described portions of land of the City of Marlborough, being less than the entire land or parcels of land described therein and being no longer required for the purposes for which said portions of land were acquired, from general municipal purposes (Map 104, Parcel 46), the purpose of relocating South Street (Map 93, Parcel 54), the purpose of widening Maple Street at or near South Street (Map 93, Parcel 56), the purpose of the erecting a new fire station (Map 82, Parcels 138 and 135A), and the purposes of laying out a new City Highway location (Map 93, Parcel 49), to the purposes of a grant of easements,

AND WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the hereinafter described easements, as shown on a set of plans thereof, be accepted as municipal easements:

DESCRIPTION

1. In, on, under, through and across a portion of the land located at 506 Maple Street, Marlborough, MA, which land is also known and numbered as Map 104, Parcel 46 on the Assessors' Map of the City of Marlborough, being a 108 ± S.F. permanent easement for a guy pole, grading, and driveway tie-in purposes identified as PUE-28 on sheets 10 and 15 of a set of plans; and a 759 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-72 on sheet 15 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
2. In, on, under, through and across a portion of the land located at the corner of South Street and Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 54 on the Assessors' Map of the City of Marlborough, being a 282 ± S.F. permanent easement for a sidewalk and signal equipment purposes identified as E-36 on sheet 18 of a set of plans; and a 737 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-75 on sheets 11 and 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;

3. In, on, under, through and across a portion of the land located at 361 Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 56 on the Assessors' Map of the City of Marlborough, being a 666 ± S.F. permanent easement for sidewalk purposes identified as E-37 on sheets 11 and 18 of a set of plans; and a 1,725 ± S.F. temporary easement for grading purposes identified as TE-76 on sheet 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
4. In, on, under, through and across a portion of the land located at 215 Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 138 on the Assessors' Map of the City of Marlborough, being a 434 ± S.F. permanent easement for signal cabinet and conduit purposes identified as E-38 on sheets 11, 12, 21, and 22 of a set of plans; a 1,353 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-78 on sheets 21 and 22 of a set of plans; and a 361 ± S.F. temporary easement for grading purposes identified as TE-81 on sheets 21 and 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
5. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 135A on the Assessors' Map of the City of Marlborough, being a 755 ± S.F. temporary easement for grading purposes identified as TE-38 on sheet 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
6. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 49 on the Assessors' Map of the City of Marlborough, being a 1,337 ± S.F. permanent easement for a signal cabinet and conduit purposes identified as E-10 on sheets 10, 11, 16, and 17 of a set of plans; and a 1,539 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-17 on sheets 16 and 17 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;

Said set of plans relating to the proposed Route 85 (Maple Street) Reconstruction Project and being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016, as further revised, to be recorded at the Middlesex County South Registry of Deeds.

Title to the above described easements as shown on said set of plans has been granted to the City of Marlborough in a Grant of Easements from the City of Marlborough, said Grant of Easements to be recorded in the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The easements described herein be accepted as municipal easements in the City of Marlborough.

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

(Grant of Easement is available in the City Clerk's Office for viewing.)

ORDERED: That the following Order of Taking by Eminent Domain-Rt-85/Maple St. Reconstruction Project (The 37-page City Council Order and correlating maps are available in the Clerk's Office), refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Mayor Vigeant filed a disclosure of Invocation of Rule of Necessity. Disclosure is available in the City Clerk's office for viewing.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-East Main St. Reconstruction, Order No. 16-1006732, **MOVED TO ITEM 21**; adopted.

ORDERED: That the Communication from the Planning Board regarding their approval of Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance. Order No. 16-1006702B, **MOVED TO ITEM 20**; adopted.

ORDERED: That the Communication from Attorney Eriksen re: Revised color renderings for proposed Friendly's restaurant, Order No. 16/17-1006632D, **APPROVE RENDERINGS AS AMENDED**; adopted.

Councilor Landers opposed.

ORDERED: That the Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln St. until on or before March, 14, 2017, Order No. 16-10066735A, **APPROVED**; adopted.

ORDERED: That the Minutes, Assabet Valley Technical High School, November 15, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, October 20 & November 17, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, October 25, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, December 6, 2016, **FILE**; adopted.

- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Patricia Hafer, 108 Andrews Rd., other property damage.
 - b. Kevin Paquin, 167 Farrington Lane, other property damage.
 - c. Meaghan Deraad, 264 W. Hill Rd., other property damage.
 - d. Paul Bates, 100 Goodale St., other property damage.

Reports of Committees:

There were NO Reports of Committees.

ORDERED: At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non-union) to Administrative Assistant, changing the Position of the Financial Assistant (non-union) to DPW Financial Assistant and all positions on the Step 7 Schedule shall work a 40-hour week. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE.**

TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

ORDERED: At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries in its entirety. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE.**

TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

ORDERED: That the City of Marlborough accepts Section 53F ¾ of Chapter 44 of the Massachusetts General Laws, as amended, as follows:

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

And further, that said PEG Access and Cable Related Fund shall begin operation in the fiscal year which begins on July 1, 2017.

Councilor Ossing filed a disclosure statement.

APPROVED; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that Order No. 92-4412, adopted on February 24, 1992, which established the Watershed Protection and Acquisition Fund, is hereby repealed, **APPROVED;** adopted.

ORDERED: That the Communication from the Planning Board regarding their approval of Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance. Order No. 16-1006702B, **FILE;** adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FROM THE MARLBOROUGH ZONING BOARD OF APPEALS A SUBMISSION PROPOSING CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting sub-subsection (3) in its entirety and inserting in place thereof the following:-- An appeal from a decision of the Building Commissioner and a petition for a variance shall be filed with the City Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the appeal or petition from the City Clerk and shall render a decision within 100 days from the date of filing.
2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting the preamble in sub-subsection (4) in its entirety and inserting in place thereof the following:-- If the Board of Appeals shall fail to act within 100 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements: .

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

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-East Main St. Reconstruction, Order No. 16-1006732, **FILE**; adopted.

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 East Main Street and located on land at the intersection of East Main Street and Brown Street, and at the intersection of East Main Street and Sawin Street (hereinafter, collectively, "East Main Street"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to East Main Street, 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: East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading and driveway reconstruction:
Being an approximately 232 S.F portion of the property located on East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 323 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-28 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNER: B.B. Realty Corp.
262 Main Street
P.O. Box 5
Marlborough, MA 01752

2. Street Address: 48 East Main Street, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, pedestrian walk reconstruction: Being a 703 S.F. portion of the property located at 48 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 322 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-29 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNERS: U.S. Bank National Association, Trustee
425 Walnut Street
Cincinnati, OH 45202

3. Street Address: 56 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and driveway reconstruction: Being a 643 S.F. portion of the property located at 56 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 324 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-27 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

4. **Street Address: 60 East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading and sidewalk reconstruction: Being a 1,210 S.F. portion of the property located at 60 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 125 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-26 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

5. **Street Address: 59 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 568 S.F. portion of the property located at 59 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 133 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-6 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Michael Triaforos, Trustee
59 East Main Street Realty Trust
49 East Main Street
Marlborough, MA 01752

6. **Street Address: 79 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 335 S.F., more or less, portion of the property located at 79 East Main Street, known and numbered as Map 57, Parcel 182 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-4 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Todd Uminsky, Trustee
79 East Main Street Realty Trust
Marlborough, MA 01752

7. **Street Address: 83-A East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 209 S.F., more or less, portion of the property located at 83-A East Main Street, known and numbered as Map 57, Parcel 184 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-3 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Glayton DaCruz, Trustee
DaCruz Realty Trust
Marlborough, MA 01752

8. **Street Address: 87 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 411 S.F., more or less, portion of the property located at 87 East Main Street, known and numbered as Map 57, Parcel 185 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-2 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Fred R. Angier, Jr.
87 East Main Street
Marlborough, MA 01752

9. **Street Address: 95 East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 593 S.F. portion of the property located at 95 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 186 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-5 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNER: David P. DeCenzo
95 Oakbridge Drive
Pueblo, CO 81001

10. Street Address: 99 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 314 S.F. portion of the property located at 99 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 187 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-2 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNER: Jeanne Bengiovanni
99 East Main Street
Marlborough, MA 01752

11. Street Address: 114 East Main Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 298 S.F., more or less, portion of the property located at 114 East Main Street, known and numbered as Map 57, Parcel 194 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-1 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Cumberland Farms, Inc.
777 Dedham Street
Canton, MA 02021

12. Street Address: 19 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 148 S.F. portion of the property located at 19 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 318 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-20 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNERS: Thomas J. Parks & Cheryl Greska
19 Brown Street
Marlborough, MA 01752

13. Street Address: 21 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 795 S.F. portion of the property located at 21 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 319 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-18 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNERS: David E. Grant & Tina L. Grant
21 Brown Street
Marlborough, MA 01752

14. Street Address: 38 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, reconstruction of pedestrian walk: Being a 335 S.F. portion of the property located at 38 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 321 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-35 on Sheets 4 and 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second 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 East Main Street.

OWNERS: James C. Thomas & Lauren B. Thomas
31 Ash Street
Hopkinton, MA 01748

15. Street Address: 15 Sawin Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 67 S.F., more or less, portion of the property located at 15 Sawin Street, known and numbered as Map 70, Parcel 373 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-5 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: 15 Sawin Street LLC
 15 Sawin Street
 Marlborough, MA 01752

Said plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County" 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 (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
B.B. Realty Corp. 262 Main Street P.O. Box 5 Marlborough, MA	70/323	232 S.F.	\$40.00
U.S. Bank National Association, Trustee 425 Walnut Street Cincinnati, OH 45202	70/322	703. S.F.	\$366.00
William W. George, Trustee, 70/324 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		643 S.F.	\$390.00
William W. George, Trustee, 57/125 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		1,210 S.F.	\$2,130.00
Michael Triaforos, Trustee 57/133 59 East Main Street Realty Trust 49 East Main Street Marlborough, MA 01752		568 S.F.	\$630.00
Todd Uminsky, Trustee 57/182 79 East Main Street Realty Trust Marlborough, MA 01752		335 S.F.	\$630.00

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
Glayton DaCruz, Trustee DaCruz Realty Trust 26 Hilldale Road Ashland, MA 01721	57/184	209 S.F.	\$627.00
Fred R. Angier, Jr. 87 East Main Street Marlborough, MA 01752	57/185	411 S.F.	\$567.00
David P. DeCenzo 95 Oakbridge Drive Pueblo, CO 81001	57/186	593 S.F.	\$335.00
Jeanne Bengiovanni 99 East Main Street Marlborough, MA 01752	57/187	314 S.F.	\$545.00
Cumberland Farms, Inc. 777 Dedham Street Canton, MA 02021	57/194	298 S.F.	\$1,043.00
Thomas J. Parks & Cheryl Greska 19 Brown Street Marlborough, MA 01752	70/318	148 S.F.	\$161.00
David E. Grant & Tina L. Grant 21 Brown Street Marlborough, MA 01752	70/319	795 S.F.	\$863.00
James C. Thomas & Lauren B. Thomas 31 Ash Street Hopkinton, MA 01748	70/321	335 S.F.	\$335.00
15 Sawin Street LLC 15 Sawin Street Marlborough, MA 01752 (Land Court Book 1362, Page 007, Certificate No. 243066)	70/373	67 S.F.	\$117.00

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing & Robey.

ORDERED: That the Reappointments of the following individuals to the Council on Aging with staggered terms; Leslie Biggar to three-year term expiring in May 2019, Rose Marie Elwood, Jeanne McGeough and Pat Gallier to two-year terms expiring May 2018, **APPROVED**; adopted.

ORDERED: That the Cultural Council Appointments as follows: Stephan D'Alessandro and Jessica Bowen to the Cultural Council for a term of three years and Reappointment of Melissa Vera for a term of three years which expired in August 2016, **APPROVED**; adopted.

ORDERED: That the Reappointment of Auditor, Diane Smith, for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Chief Procurement Officer, Beverly Sleeper, for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Lisa Thomas as City Clerk for a term of three years to expire on February 28, 2020, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 PM.

CITY COUNCIL REGULAR MEETING SCHEDULE - 2017

January 9

January 23

February 6

February 27

March 13

March 27

April 10

April 24

May 8

May 22

June 5

June 19

July 24

August 28

September 11

September 25

October 16

October 30

November 13

November 27

December 4

Classification Public Hearing

December 18

[Additional meetings may be added as necessary to accommodate required public hearings]

CITY COUNCIL COMMITTEES

2017

Edward J. Clancy, President
Joseph F. Delano, Jr., Vice-President

FINANCE

Michael H. Ossing
Kathleen D. Robey
David Doucette
Mark A. Oram
John Irish

PUBLIC SERVICES

Donald R. Landers
John Irish
David Doucette

LEGISLATIVE & LEGAL AFFAIRS

Kathleen D. Robey
Joseph F. Delano, Jr.
Peter J. Juairé

AFFORDABLE HOUSING

*Combined with
Urban Affairs in 2008*

WIRELESS COMMUNICATIONS

Mark A. Oram
David Doucette
Peter J. Juairé

PUBLIC SAFETY

John Irish
Robert J. Tunnera
Michael H. Ossing

URBAN AFFAIRS & HOUSING

Joseph F. Delano, Jr.
Matthew H. Elder
Peter J. Juairé
Robert J. Tunnera
Donald R. Landers

HUMAN SERVICES

Donald R. Landers
Mark A. Oram
Robert J. Tunnera

VETERANS' AFFAIRS

Peter J. Juairé
Michael H. Ossing
Kathleen D. Robey

OPERATIONS & OVERSIGHT

Matthew H. Elder
Kathleen D. Robey
Donald R. Landers

OPEN SPACE

David Doucette
Matthew H. Elder
Joseph F. Delano, Jr.

PERSONNEL

Robert J. Tunnera
John Irish
Matthew H. Elder

RULES COMMITTEE

Edward J. Clancy
Joseph F. Delano, Jr.
Michael H. Ossing

*****FIRST PERSON NAMED SHALL SERVE AS CHAIRMAN*****
The **second** person named denotes vice-chair. The President or Vice-President may serve as an ex-officio member of any of the above Committees to form the required quorum.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 JAN 19
City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 19, 2017

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

**Re: Transfer Request – Marlborough Fire Fighters Association, Local 1714, I.A.F.F.
Memorandum of Agreement**

Honorable President Clancy and Councilors:

I am pleased to inform you that the City of Marlborough and the Marlborough Fire Fighters Association, Local 1714, I.A.F.F. recently ratified a Memorandum of Agreement ("MOA") to cover the period between July 1, 2015 through June 30, 2018.

The MOA is extensive and contains several provisions that need City Council approval; thus, I have enclosed for your approval the following:

- A transfer request in the amount of \$615,629.11 from the Reserve for Salaries account and the internal Deputy Fire Chief account to various accounts in the Marlborough Fire Department budget to fund the MOA and reorganization.
- Salary ordinances and job descriptions for the two newly created positions of Assistant Chief and Battalion Chief
- An order to update the City Code which outlines the Fire Department's permanent force

I am very pleased that the MOA that both parties ratified also includes the revocation of civil service by the members of the Fire Department. I will request your approval of a home rule petition to exempt the Fire Department from Civil Service in a separate letter to the City Council.

Reorganization of the Marlborough Fire Department

Since Chief Kevin Breen joined the MFD, he has been working closely with MFD staff and union representatives to reorganize the Department to improve operations. The MOA contains the result of those discussions and hard work.

First, the City and union agreed to remove the two Deputy Chief positions which were within the union and create two Assistant Chief positions that are out of the union. Having high ranking fire officers and line fire personnel in the same union creates certain managerial challenges, but creating two Assistant Chief positions outside of the union and part of a senior management team will help improve the managerial system in the Marlborough Fire Department.

The fire departments in comparable cities and towns are generally both civil service and union departments making it difficult to create a salary ordinance based on a salary survey. The ordinance I have proposed for the Assistant Chief salary limits it to no more than \$140,000.00. This amount takes into consideration the overtime, hazard pay, and the various other payments union firefighters receive while also considering the union protections employees give up by moving into a nonunion, appointed position.

Second, the City and union agreed to create four new Battalion Chief positions. Battalion Chiefs oversee each working tour and these positions will be filled immediately from the existing officer corps.

This reorganization is beneficial because it ensures a command presence on each working tour in terms of fulfilling the need for an on-scene incident commander at all significant emergencies. Additionally, the reorganization creates a management team that will create and maintain a strong progressive vision to continue to deliver high-quality services to the citizens of Marlborough.

Update to the City Code

Section 74-5 of the Marlborough City Code outlines the permanent department force for the Marlborough Fire Department. I have enclosed an order to revise that section to reflect what the new MFD force will be comprised of moving forward. This proposed order also updates the City Code to reflect the position titles we now use, rather than the outdated terminology the City previously used.

While the negotiations may have taken longer than we hoped to complete, I am pleased at the final product and believe that the benefits, including the reorganization, the exemption of civil service, and the two nonunion leadership positions will help improve MFD operations for the long term.

I want to also thank two individuals whose years of experience and strong leadership was crucial to moving this MOA forward one step at a time. Local 1714 president Bill Taylor and Fire Chief Kevin Breen devoted numerous hours to negotiations and debate about the best way forward for the Department. This MOA is the product of their hard work and I thank them for their efforts.

Again, thank you for your consideration of the enclosed transfer request. Chief Breen and I will be available to discuss the MOA with you in detail. In the meantime, if you have any questions, please do not hesitate to contact me or Chief Breen.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures

December 30, 2016
DRAFT FOR REVIEW
OFF-THE-RECORD
MEMORANDUM OF AGREEMENT
Between
CITY OF MARLBOROUGH (the City)
And
LOCAL 1714, I.A.F.F. (The Union)

The Marlborough Fire Fighters Association, Local 1714, International Association of Firefighters, AFL-CIO ("Union") and the City of Marlborough ("City") tentatively agree to a successor collective bargaining agreement covering the period July 1, 2015 to June 30, 2018 ("2015-2018 CBA") as follows:

1. **Procedure to consummate as final agreement.** The Union's agreement is subject to ratification by the collective bargaining unit and the City's agreement is subject to City Council vote funding of all financial terms of this tentative agreement in accordance with Chapter 150E. Assuming this tentative agreement is ratified by the collective bargaining unit and funded by City Council, the parties shall collaborate thereafter to draft and execute an integrated 2015-2018 CBA incorporating the terms and conditions set forth herein. Failing such ratification or affirmative vote of the City Council funding the cost items, this Memorandum shall not be admissible in any proceeding between the parties, and both parties will be free to revert to bargaining positions prior to the off-the-record discussions that produced this agreement.
2. **Incorporation of terms of prior agreement.** All terms and conditions of the collective bargaining agreement covering the period July 1, 2012 to June 30, 2015 shall continue as terms and conditions of the 2015-2018 CBA, except as amended by the express terms of this memorandum of agreement.

3. **Salary Schedule (Article XII) shall be amended as follows:**

- a. Retroactive to July 1, 2015 the salaries of fire fighters and fire officers (lieutenant, captain, and deputy chief) shall be increased by 2.0% across-the-board.
- b. Retroactive to July 1, 2016, the salaries of all unit positions shall be further increased by 2.0%.
- c. Effective January 1, 2017, \$1,000 shall be added to all fire fighter base salary steps, and the base salaries of fire officers above that new maximum base salary shall on the same date be adjusted as follows: Fire fighter to Lieutenant, 16.0%; Lieutenant to Captain, 9.0%; Captain to Battalion Chief, 9.0%.
- d. Effective July 1, 2017 base salaries shall be further increased by 2.0% for all ranks.
- e. Based on the foregoing changes, the Wage Scale in Article XII shall be amended as per Attachment A.

4. A new Article [TBD] shall be added to the 2015-2018 CBA entitled "**Fire Officer and Command Staff Reorganization**" that shall read as follows:

- a. Effective as soon as practicable after the signing and funding of the Agreement, the City may proceed to implement a management reorganization in which the upper ranks of the department will be structured as follows:
 - i. First, two assistant chiefs, excluded from the bargaining unit, whose selection will first be determined by the option set forth in section 3d below.
 - ii. Then, four Battalion Chiefs, assigned from the ranks of Captain (or Lieutenant) to perform within the fire suppression division as shift commanders and incident commanders. Such Battalion Chiefs shall be appointed provisionally to the Civil Service position of District Chief.
 - iii. Then, to the extent of any vacancies in the position of Captain, such vacancies shall be filled from an existing Civil Service list, and then provisionally, from the positions of lieutenants and, if necessary, from the ranks of fire fighters.
 - iv. Then, to the extent of any vacancies in the position of lieutenant, such vacancies shall be filled provisionally from the position of fire fighter.

- b. Inasmuch as there are Civil Service examinations for the positions of Fire Lieutenant and Fire Captain scheduled for November 19, 2016, and eleven (11) unit members have applied to take one (or more) of said examinations, it is agreed that upon the establishment of a promotional list for said positions the City shall make permanent appointments, based on vacancies, in the following order of preference:
- i. First, employees who passed the examination for one or both positions and were provisionally appointed pending the results of the examination;
 - ii. Second, employees who passed the examination for one or both positions;
 - iii. Third, employees provisionally appointed to the position; and
 - iv. Fourth, other interested applicants, as the City shall determine.
- c. After the initial vacancies are filled by permanent appointments under Section 3b, the City and the Union agree that the replacement promotion policy, effective after the Legislature's revocation of Civil Service, shall govern promotional appointments for subsequent vacancies.
- d. The two incumbent Deputy Chiefs assigned to day shifts shall first be offered the Assistant Chief positions referred to below. If such positions are not accepted, the incumbent Deputy Chiefs shall each have the option of dropping back to the position of Battalion Chief, such option to be exercised within 7 calendar days of the funding of this Agreement. If that option is not exercised, it is agreed that the two incumbent deputy chiefs shall be appointed to serve as Assistant Chiefs; that such position shall be added as a specific exclusion from the bargaining unit as described in Article I, Section I; and that the salaries, hours, benefits and other terms and conditions of employment for such positions shall be determined by the City.

5. Civil Service Revocation —TWO PARTS:

PART I: NEW ARTICLE

A new Article [TBD] shall be added to the 2015-2018 CBA entitled "Revocation of Civil Service" that shall read as follows:

Revocation/Promotion Policy

The parties agree as an essential element of this Agreement to sponsor and support the City Council's adoption and the Legislature's expeditious approval of a Home Rule Amendment to revoke the acceptance of G.L. c.31 as it relates to the Marlborough Fire Department. The effective date of such revocation shall be the date the legislation is passed and signed by the Governor. The following terms and conditions shall come into effect upon revocation:

SECTION 1. EFFECT OF REVOCATION

The revocation of the Civil Service statute shall not affect any contractual or civil service rights which have come into existence between the City and any person employed as of the date of revocation, as a result of the original acceptance of such law pursuant to G.L. c.4, Section 4B, clause (e).

SECTION 2. LAYOFF AND RECALL

- a. Employees appointed prior to the City's revocation of the Civil Service statute shall maintain all rights regarding layoffs, recall, inclusion on the re-employment list, and lateral transfers, and the procedures under M.G.L. c. 31 governing such matters and any appeal shall continue to apply.
- b. For employees appointed after the removal of the department from Civil Service, the term "layoff" means a reduction in the number of employees due to a lack of work, lack of funds or abolition of position. In the event of a layoff, the least senior employee or employees shall be laid off first. In any case, a thirty (30) days'

advance notice of the contemplated layoff shall be given to the employee in writing; a copy of such notice shall also be given to the Union.

- c. A laid-off employee shall have recall rights for a maximum period of seven (7) years. Recall shall be in order of seniority with the employee with the highest level of seniority having first right of recall. Notice of recall shall be via certified mail and by email to the employee's last known address and email address, with a copy to the Union President. A recalled employee shall notify the Mayor within twenty-one (21) calendar days of receipt of the recall notice of his or her intention to return to the Marlborough Fire Department. Any person refusing or failing to exercise such recall opportunity within such twenty-one (21) day period shall be deemed to have waived his or her right of recall permanently and absolutely. Employees must be available to work within twenty-one (21) calendar days of receiving notice in order to be eligible for recall, except as follows in the next paragraph.
- d. Any person refusing or failing to exercise such recall opportunity within such twenty-one-day period shall be deemed to have waived his or her right of recall permanently and absolutely except as follows:
- (1) An employee who is on active duty in the military for an enlistment period, or an employee who is obligated by contract to continue in the employ of another employer, shall have the right to maintain eligibility for recall for the next vacancy, or
 - (2) The recalled employee may within the twenty-one-day period request the Mayor in writing an extension of time to return to work in Marlborough for exigent reasons which shall be specified. In considering any such request the Mayor shall weigh specific exigent circumstances justifying an extension and the City's need to fill a vacancy.

The exceptions listed above shall not include situations where the employee being recalled has alternative employment with another City or with a private ambulance company, unless obligated by contract to continue for a term in the employ of another employer.

- e. Prior to returning the laid off employee to work the City shall have the right to obtain a CORI report for determining whether any actions reflected on such report, after the date of the layoff, affect the employee's qualifications for re-employment. Prior to returning to work a recalled employee may be required to undergo a physical examination, and such other background investigation of conduct occurring after the layoff as the Fire Chief deems necessary and appropriate. The City shall bear the cost of any physical examination it requires under this section. If, based on the results of such examination or investigation, the Mayor rescinds the offer of recall he shall provide the employee with a written statement of his reasons for the rescission. This rescission may be subject to the grievance and arbitration provisions of the contract.
- f. In the event of a layoff in the rank of lieutenant, captain, or battalion chief, the incumbent with the least length of service in grade shall have the option to bump into a position in the next lower grade of the Department. If two employees have equal length of service in grade, the employee with less total service with the Department shall be affected by the layoff.
- g. Laid off employees will be responsible for maintaining any required licenses or certifications, provided that laid off employees are allowed to attend department training sessions, if available, at no cost to the employee or the City. Laid off employees will be allowed to attend courses which involve a cost provided they pay their portion of the costs. Laid off employees who attend such City-sponsored training sessions and/or courses, shall as a condition of attendance, sign a Release of All Claims on a form provided by the City indicating that they are participating on a voluntary basis and not as employees of the City and, except in instances

involving gross negligence on the part of the City, they accept all risks associated with participation in the program. To facilitate maintenance of required licenses or certifications, the City agrees to continue to affiliate laid off firefighters, with the Office of Emergency Medical Services, if they do not otherwise have employment with such affiliation.

SECTION 3. PROMOTIONS.

Section 1. Promotion Process.

The purpose of this process is to identify the best-qualified individual for promotion without regard to personal preference, prejudice or unsubstantiated opinions.

- a. The initial component of the promotional process shall be an examination administered by a professional testing firm hired by the City. The written examination will be provided for eligible employees at no cost.
- b. At least ninety (90) calendar days prior to any written promotional exam for Lieutenant, Captain, or Battalion Chief, the department will announce by posting a notice including:
 - (1) The title of the position;
 - (2) The eligibility requirements
 - (3) Description of the duties of the position
 - (4) The date, time and location of the written examination;
 - (5) The reading list of resource and reference materials upon which the test and the assessment center will be based.

Such notice will be posted conspicuously at all fire stations. Eligible employees who are out of work due to illness, injury, active military leave or other long term absence shall be mailed and/or emailed a copy of the examination notice at their last known address or email address.

A reference book list for the ranks of Lieutenant, Captain, and Battalion Chief will be posted and maintained at all times. No changes to the book list will be made once notification of an exam has been announced.

While there may be exam questions for positions which overlap, the exam shall contain questions specifically designed to measure qualifications for each rank

The passing score, established by the City, to the written examination is 70. The written examination will be scored by the testing firm. The release of the written marks will be made in a timely manner, the contemplated timeframe to be announced with the notice of the exam. (The City will request that the release of the written marks occur within fifteen (15) days of the exam date.) Upon receiving written exam scores,

candidates shall then have five (5) business days to review the promotional examination in accordance with the review policy in place by the testing firm.

- c. To be eligible for promotion to a Lieutenant or Captain, a candidate must be a permanent member of the department with a minimum of three (3) years of continuous service. To be eligible for promotion to a Battalion Chief, a candidate must be a permanent member of the department with a minimum of five (5) years of continuous service with at least two years as a fire officer.
- d. All candidates must notify the Chief in writing of their interest in taking the exam by submitting a resume and a cover letter of intent and documentation of qualification for the posted position at least thirty (30) calendar days prior to the test date.
- e. Only candidates who pass the written examination as defined in **paragraph (g) below** will be included in subsequent phases of the promotional process.
- f. Examinations for Lieutenant, Captain, and Battalion Chief will be conducted every two (2) years, or sooner if necessary. If no promotion has been made within the two (2) year period, the examination will be administered in the third (3rd) year, and the list will remain in effect until superseded by a new list. The Chief may make provisional appointments in the absence of a certified list.
- g. In the event that fewer than two (2) applicants achieve a minimum passing score, the Chief shall have the option to proceed with the remaining testing portions or schedule another examination after posting as outlined in **letter (b) above**. Eligibility of this second exam will be in accordance with **letter (c) above**, EXCEPT, in-grade requirements for the position of Captain and/or Battalion Chief will be waived depending on the test given not having at least two candidates achieve a minimum passing score.

If another exam is held because fewer than two (2) applicants achieved a score of seventy (70) or above, the applicant who passed the original exam shall have the option of "holding" their examination score and will not be required to take the next written examination. Their score shall remain valid until the next subsequent examination is given. Candidates who choose to "hold" their score shall notify Human Resources in writing at least fourteen (14) calendar days before the date of the next exam. The candidate electing to "hold" their score on the written examination will then be required to complete all other aspects of the promotional process.

- h. A candidate may appeal a question from the written examination. Such appeal must be made in writing to the Chief within five (5) business days of the close of the candidate's promotional testing review period. The Human Resources Director will then transmit the appeal to the testing firm. If there is a question that gets overturned as the result of the appeal process, the following is applied:
 - No correct answer to the question, all candidates receive credit.

- If multiple answers are correct, only those candidates who answered either correct answer will receive credit.
- If candidate chose neither correct answer, then no credit allowed.

No questions will be thrown out. The written test will be based upon a 100% score. The candidate shall be advised of the result of the appeal within ten (10) business days of the City's receipt of an appeal, which decision shall be final.

- i. Examination scores will remain valid until a new examination is administered and results are available.
- j. Candidates who achieve a passing score on the written examination will be eligible to participate in an assessment center, which may include, but not be limited to a fire simulator component. The exercise(s) which comprise the assessment center shall be professionally designed and administered, and an orientation session shall be held to assist candidates in knowing the areas to be assessed. The goal of the assessment center is to evaluate the candidate's knowledge, skills, abilities and personal characteristics that are directly related to the essential functions of the roles of Lieutenant, Captain, and Battalion Chief. The consultants who develop and administer the assessment center will be responsible for the scoring system for the assessment and for establishing the passing score for the assessment center. The dates, times, and locations of the orientation session and assessment center shall be posted conspicuously at all fire stations. The City will be responsible for the cost of the assessment center.
- k. A candidate may appeal any component of the assessment center. Such appeal must be made in writing to the Chief, who will transmit such to the consultant administering the center, within five (5) business days of the completion of all components of the assessment center for all candidates. The candidate shall be advised of the result of the appeal within ten (10) business days of the City's receipt of an appeal, which decision shall be final.
- l. Candidates who achieve a passing score on the assessment center shall be eligible for inclusion on the promotional list. The third component of the promotional process shall consist of an oral interview conducted by a panel selected by the Chief. The panel shall include: Fire Officers from municipalities who hold a rank equal to or higher than the position being tested.
- m. The promotional list shall be established based on the following weighted components:
 - (1) Score on the written examination: 50%
 - (2) Score on the assessment center: 40%
 - (3) Oral Interview: 10%

The promotional list shall be established no later than fifteen (15) business days following the completion of the last and third component of the promotional process, oral interview, for all candidates. Each candidate at that time shall be mailed/mailed

their final scores and ranking. Once established, the list shall remain valid until a new promotional process is administered and a new list is established.

- n. The Fire Chief shall select from the highest three candidates on the list to recommend to the Mayor. In the event candidates have the exact same score after applying the weighted criteria, within the top three scores, such tied candidates shall be considered as one candidate for purposes of selecting from the top three candidates eligible for promotion. [For example, if candidates A and B tied with a score of 90, and candidates C and D had scores of 88 and 86, respectively, all four candidates would be eligible for promotion. The same standard would apply for candidates tied with the second highest and third highest scores].

The Fire Chief shall evaluate each candidate's record of service using the following criteria:

- i. Job related experience;
- ii. Performance evaluation in his/her present position (including contributions to the department);
- iii. Attendance record;
- iv. Sick leave record;
- v. Formal education;
- vi. Fire & EMS certification;
- vii. Training and education through career and self-initiated development;
- viii. Disciplinary record of the employee; and
- ix. Work ethic and initiative.
- x. Military service

Candidates may submit materials relating to the above criteria for the Fire Chief's review to supplement the Department's personnel record.

- o. Prior to presenting his recommendation, the Fire Chief will notify the eligible candidates of which candidate he intends to recommend. This notification shall include a general statement summarizing his/her recommendation.
- p. Candidates not recommended for promotion may, at their discretion, arrange a meeting with the Fire Chief to review the candidate's performance within the promotional process to identify how the candidate may be more successful in future promotional efforts.

Section 2. Selection.

- a. The parties agree that the Union shall have the right to grieve alleged violations of certain sections of the Promotion Process [sub-sections (a) through (o)] provided that any grievance filed by the Union involving sub-sections (i), (l), (m) and (o) of Section 1 cannot involve the substance of the written exam, assessment center (or oral

interview) or the Fire Chief's evaluation of the service record, only the procedures by which they are administered.

- b. If, after all dimensions are scored, two or more bargaining unit employees appear equally qualified, the employee having the greater seniority shall be given preference.
- c. Union grievances shall be filed at the Mayor's level (level III of the grievance and arbitration procedure outlined in Article VIII) within seven (7) calendar days of the Union learning of the act or omission and a copy shall be provided to the Fire Chief.
- d. The promotional process will not be delayed or held in abeyance pending any employee appeal or pending any Union grievance.
- e. Under no circumstances will an arbitrator have the right to rescind a promotional decision.

**PART II:
AMENDMENTS RELATED TO
ANTICIPATED REVOCATION OF CIVIL SERVICE**

In anticipation of revocation of the Civil Service law by the Commonwealth, the following provisions in the CBA that reference Civil Service in the 2015-2018 CBA shall be amended to read, as follows:

- (a) **Article I, Recognition, Union Dues and Union Rights, shall be amended at Section I and III (paragraph D), to read as follows:**

Section I: The City of Marlborough recognizes Local 1714, International Association of Fire Fighters, AFL-CIO, CLC, as the sole and exclusive bargaining agent for all uniformed, full time, permanent members of the Marlborough Fire Department and all other members of said department, excluding the Chief, Assistant Chief, for the purposes of collective bargaining with respect to wages, hours and other conditions of employment.

“Permanent” firefighters include all provisional firefighters and firefighters hired to fill permanent positions who have not completed their Civil Service probationary period (one year). as well as any such uniformed, full time firefighters hired after revocation of Civil Service.

Section III.

- A) [no change]
- B) Time off for members of the union's grievance committee, which shall not exceed two (2) members, without pay or benefit loss and without required make up time, shall be provided for the investigation and processing of contract grievances and problems relative to the wages, hours and working conditions of bargaining unit personnel, for the processing of arbitration cases and for the processing of matters before the Civil Service Commission (before and after any revocation of Civil Service where a permanent civil service bargaining unit member or the Union has business

at the Civil Service Commission). Every effort will be made to conduct such business within a reasonable time.

(b) **Article III, Section III and shall be amended to read, and a new Section IV shall be added that shall read:**

Section III. All permanent promotions within the department through the rank of Battalion Chief shall be made as a result of a competitive promotion process, provided however, that all firefighters must have a minimum of three years of permanent full time service to be deemed entitled for permanent promotion.

Section IV.

(c) **Article IV, first paragraph shall be amended to read:** "The duties of the members of the Fire Department shall consist of prevention, control, and extinguishing of fire, and all related work, including light maintenance of equipment and quarters and implied work necessary to secure the carrying out of the aforementioned duties, all such duties as set forth in each individual employee's job description (job description shall be as set forth in Civil Service law, regardless of any revocation of Civil Service during pendency of this Agreement), and the rules and regulations of the Marlborough Fire Department as adopted by the City. Such duties shall also include cleaning snow and ice from pedestrian walkways of the fire stations."

(d) **Article XVI, Seniority Roster, shall be amended to read:**

SECTION I: For employees appointed pursuant to Civil Service Law the following shall apply regarding seniority (before and after any revocation of Civil Service Law (G.L. c.4, Section 4B, clause (e)):

The City will maintain a seniority roster based upon Civil Service standards until _____ and thereafter based upon the employee's departmental hiring date as a permanent firefighter. The seniority roster shall be used for all selections involving layoffs whereby the last person hired is the first person laid off. The seniority roster shall also be used for matters involving conditions of employment, such as vacation availability and selection and longevity. Updated seniority lists shall be posted immediately after January 1 of each year on the bulletin boards at central station and all sub-stations, and a copy shall be mailed to the Secretary of the Union. The City will also maintain a list of department officers (lieutenants, captains and battalion chiefs) which will reflect time in grade held for each position.

(e) **Article XXX, Miscellaneous, Paragraph "D" shall be amended to read:**

"D) No permanent employee who has completed his/her Civil Service probationary (or contractual one-year probationary period for those hired after revocation of Civil Service)—shall be dismissed or otherwise disciplined without just cause. Any suspension or dismissal shall not be subject to the grievance and arbitration procedure unless the employee elects arbitration as his exclusive remedy, as provided in Chapter 150E, Section 8 of the Massachusetts General Laws. This section does not apply to provisional employees or other firefighters who have not completed their Civil Service or contractual probationary period."

7. **Master Firefighter (Article XII, Section III) shall be amended to read as follows:**

- a. An employee covered by this agreement with ten (10) years of service shall be paid as a Master Firefighter and as such, shall receive a weekly differential equal to 5% of his/her annual base salary in addition to his/her weekly compensation and any other differential to which he/she may be entitled. Such differential shall be included in base

pay for the purpose of computing overtime, vacation, holiday, sick and injured pay, and/or retirement/pension programs to the extent allowed by law.

- b. [Reserve – pending confirmation of deletion]
- c. [Reserve – pending confirmation of deletion]
- d. Effective January 1, 2017 the Master Fire Fighter pay in sub-section (a) above shall be increased from 5.0% to 5.0%, plus \$500. Effective January 1, 2017, the Master Fire Fighter pay in sub-section (a) above shall be increased from 5.0% plus \$500 to 5% plus \$1,000 after twenty (20) years' service; and effective that same date the Master Fire Fighter pay shall be increase to 5% plus \$1500 after twenty-five years' service.
- e. In addition to the Master Fire Fighter pay as enhanced in sub-section (d) above, employees in their 11th through 19th year of service, 21st through 24th year of service, and 26th year of service and thereafter shall receive an annual payment, not included in base pay for any purpose, of \$500, payable in June of such fiscal year to employees on the payroll at that time.

8. **Effective on ratification of this Agreement, Article XVII shall be amended to read as follows:**

SECTION I

Employees covered by this agreement shall be entitled to a plan of group life insurance, group accidental death, and dismemberment insurance, and group general or blanket hospital, surgical and medical insurance, governed by Chapter 100, acts of 1968 and Chapter 32B of the General Laws of Massachusetts, if same is adopted by the City Council.

SECTION II

The City shall contribute 60%, the employee 40% to the PPO option, the City shall contribute 70%, the employee 30%, to the HMO option.

The following provision shall be suspended in light of the Supreme Judicial Court decision in Somerville v. Commonwealth Employment Relations Board, 470 Mass. 563 (Mass. 2015) holding

that such provisions are not enforceable: "The City shall contribute 70% to the senior and retiree's health insurance plans and the senior or retiree shall contribute 30%. The City will split co-pay actual costs 90/10 for out of service area seniors and retirees." This provision will take effect only upon judicial or legislative action establishing that the future retirement benefits of current bargaining unit members is a mandatory subject of bargaining." Non-mandatory subject should be deleted. If it becomes negotiable, the parties can deal with this subject at that time.

SECTION III

The Union will cooperate through its designee to participate in an employee's group advisory committee on group insurance as may be established by the City under State law.

SECTION IV

A dental plan as agreed upon by the City and the Union shall be offered to bargaining unit employees. The premium cost for such dental plan shall be a fifty-percent/fifty-percent (50% - 50%) share as between the employee and the City.

SECTION V

The City shall make available to bargaining unit employees a so-called I.R.S. - section 125 plan, through which all employee medical and dental plan premium costs can be paid by employees on a "pre-tax" basis.

9. **Code of Conduct/Discipline For Just Cause.** Adopt revised Code of Conduct as a policy, and add to Article II the following sentence: Notwithstanding any prior policy or practice adopted by prior fire chiefs under the administration of prior Mayors, the City's exercise of its rights to discipline employees will be governed by decisions interpreting M.G.L. c. 31 and by applicable arbitral precedent under a just cause standard.

Attached is a Code of Conduct that shall be incorporated as an ADDENDUM of the CBA

10. **Article VI ("Clothing"), Section II shall be amended to read as follows:**

The clothing allowance for permanent members of the department, as of the first day of each fiscal year, shall be as follows:

July 1, 2015 - \$1,050
July 1, 2017 - \$1,250

All receipts for clothing must be received no later than June 1st of each year. All remaining balances shall be paid by check to the employee. Applicable taxes will be withheld by the city.

The City and the Union agree to return to the previous system of direct payment to vendors.

A permanent member of the Marlborough Fire Department entering service of the department in the first half of the fiscal year shall be entitled to full benefits of this section. A permanent member of the department entering service in the second half of the year shall be entitled to one-half of the benefits of this section.

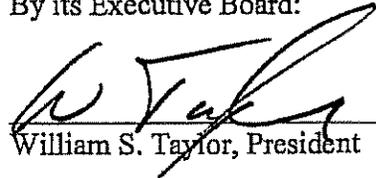
11. **Overtime Meals.** Delete Article XIV, effective July 1, 2017.

12. **Arbitration Settlements.** In consideration of the resolution of issues relating to the reorganization of the department and associated changes in rank differentials the Union agrees, upon funding of this Agreement by the Marlborough City Council to withdraw with prejudice (but without precedent) the following pending arbitration cases: Failure to Fill Deputies positions (AAA #01-16-0002-3126); Transfer grievance (AAA #01-16-0002-6559); Deputies' Schedule grievance (AAA #01-16-0003-8570); and Disputed Contract Provisions Grievance (AAA Case #01-15-0004-6069). The following more expansive language added in the Union's draft about non-precedential withdrawals, is acceptable. The withdrawal of the above referenced matters and the underlying events shall be without precedent to the meaning of the parties' collective bargaining agreements and past practices. Accordingly evidence of this settlement, the events that formed the basis of each such grievance/arbitration, and the grievance procedural and withdrawal of arbitration shall not be admissible in any forum except for one to enforce this paragraph.

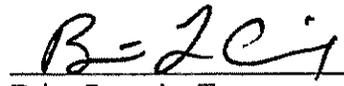
Agreed to this ____ date of December, 2016:

**FOR THE MARLBOROUGH FIREFIGHTERS ASSOCIATION, LOCAL 1714
I.A.F.F.,**

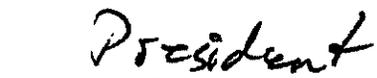
By its Executive Board:



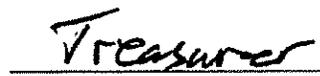
William S. Taylor, President



Brian Lacroix, Treasurer



[title]

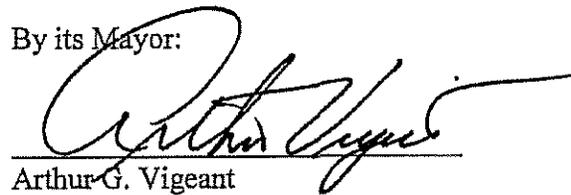


[title]

Dated: 1/4/17

FOR THE CITY OF MARLBOROUGH,

By its Mayor:



Arthur G. Vigeant

Dated: 1/4/17

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough as amended, be further amended in Chapter 125, Section 6 "Salary Schedule" as follows:

Non Union Employees								
Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Assistant Chief	January 23, 2017							\$140,000.00
Chief	July 1, 2017							\$142,800.00

Marlborough Fire Department		
Position	Effective Date	Base Salary
Battalion Chief	January 23, 2017	\$86,190.22
	July 1, 2017	\$87,914.02

ADOPTED
In City Council
Order No. 17-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

JOB TITLE: ASSISTANT FIRE CHIEF

DUTIES AND RESPONSIBILITIES:

ASSIGNMENT: Assistant Chief - Fire Department

SUMMARY: Performs highly responsible work assisting the Fire Chief in managing the delivery Fire Suppression, Fire Prevention, Rescue, Hazardous Materials and disaster management services. Assumes complete operational control of the department, under direction of the fire chief, on an assigned, rotating basis. Assistant Chiefs are members of the department's executive team and serve as second in command under the fire chief. They strive to continuously improve the department's efficiency and operational effectiveness in all customer service delivery.

Assistant Fire Chiefs are members of Department's Senior Management team and classified as confidential employees, exhibiting a strong, continuing commitment to the organization's mission, philosophy, goals and objectives.

ACCOUNTABILITY: Reports directly to and is accountable to the Fire Chief.

Supervises all paid fire department staff below the rank of Assistant Chief (Battalion Chiefs, Captains, Lieutenants, Firefighters), either directly or through other subordinate officers.

Administers the department's health and safety program.

Administers the department's training and personnel program. Develops training programs and courses. Delivers training programs to fire department personnel and other internal as well as external customers.

Acts as the department's curriculum specialist by seeking, reviewing and recommending selection of appropriate training materials, consultants and supplies.

Assists in managing facilities, equipment, communications, fire alarm, information systems, fire prevention, emergency medical services, and hazardous materials programs/services.

May act as Fire Chief during absence of the Fire Chief, as assigned.

Directs and participates in major departmental programs.

Responds to alarms as needed; assumes Incident Command and control on an assigned, rotating basis.

Carries out duties in conformance with Federal, State, County and City laws and ordinances.

Assists in the planning and implementation of Fire, EMS and disaster management programs for the City in order to better carry out the policies and goals of the Town.

Directs the operation of departmental in-service training activities.

Investigates grievances from officers and firefighters, maintains Departmental discipline and the conduct and general behavior of personnel by enforcing and complying with general orders, standard operating procedures, collective bargaining agreements and other operating policies and procedures. Issues verbal and written warnings to subordinates. Recommends suspension and/termination of subordinates to the Fire Chief.

Embraces and promotes the department mission, vision and philosophy and rules and regulations.

Researches and recommends material for general orders, rules, regulations and manuals of operations and procedures.

Plans schedules for subordinates, evaluates subordinate performance. Reviews evaluations to monitor evaluators and employees.

Prepares and presents reports of new equipment, methods and procedures to the Chief of Department for evaluation.

Prepares and submits periodic reports to the Fire Chief regarding the Department's activities.

Assigns personnel and equipment to such duties and uses as the service requires.

Recommends employee action in accordance with personnel evaluations.

Assigns work, monitors resources.

Assures staffing at authorized levels.

Serves as an assistant to Fire Chief and Emergency Management Director during emergencies.

Peripheral Duties:

Meets with elected or appointed officials, other Fire/EMS officials, community and business representatives and the public on all aspects of the Department's activities.

Attends conferences and meetings to keep abreast of current trends in the field; represents the Department in a variety of local, county, state and other meetings.

Performs the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.

Serves as a member of various employee committees.

SPECIFIC REQUIREMENTS FOR THE POSITION:

Associates Degree in Fire Science or related field.

Seven (7) years of full time Firefighting and EMS experience. Three (3) years of supervisory experience.

Fire Instructor I, Firefighter II, ICS, NIMS, and Haz-Mat operations level certification.

Valid motor vehicle license.

Enrollment in and completion of the National Fire Academy Executive Fire Officer Program is an ongoing job requirement.

OTHER CONSIDERATIONS AND REQUIREMENTS:

Considerable knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, and equipment; working knowledge of first aid and resuscitation techniques and their application; considerable knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations.

Skill in the operation of following tools and equipment: Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone.

Ability to train and supervise subordinate personnel; ability to perform work requiring good physical condition; ability to communicate effectively orally and in writing; ability to exercise sound judgment in evaluating situations and in making decisions.

No felony convictions or disqualifying criminal histories within the past seven years.

Ability to read and write the English language.

Ability to meet Departmental physical standards.

Job Title: Assistant Fire Chief	Date Submitted:	Revision Date:
---------------------------------	-----------------	----------------

JOB TITLE: ASSISTANT FIRE CHIEF

Physical Activity Requirements

PRIMARY PHYSICAL REQUIREMENTS

LIFT up to 10 lbs: Regularly Required
 LIFT 11 to 25 lbs: Occasionally Required
 LIFT 26 to 50 lbs: Occasionally Required
 LIFT over 50 lbs: Occasionally Required

CARRY up to 10 lbs: Regularly Required
 CARRY 11 to 25 lbs: Occasionally Required
 CARRY 26 to 50 lbs: Occasionally Required
 CARRY over 50 lbs: Occasionally Required

REACH above shoulder height: Occasionally Required
 REACH at shoulder height: Regularly Required
 REACH below shoulder height: Regularly Required

PUSH/PULL: Occasionally Required

HAND MANIPULATION

Grasping: Regularly Required
 Handling: Regularly Required
 Torquing: Occasionally Required
 Fingering: Occasionally Required
 Controls and Equipment: Regularly Required

OTHER PHYSICAL CONSIDERATIONS

Twisting: Occasionally Required
 Bending: Occasionally Required
 Crawling: Occasionally Required
 Squatting: Occasionally Required
 Kneeling: Occasionally Required
 Crouching: Occasionally Required
 Climbing: Occasionally Required
 Balancing: Occasionally Required

WORK SURFACE(S)

Counter tops and desks 
 Flooring (various types) 
 Uneven surfaces 
 Sloped Surfaces 
 Snow or icy surfaces 
 Grass/Pavement 
 Vehicle Interiors 

**DURING AN 8 HOUR DAY,
EMPLOYEE IS REQUIRED TO:**

	<u>Consecutive Hours</u>								<u>Total Hours</u>							
Sit	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
Stand	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
Walk	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8

Job Title: Assistant Fire Chief	Date Submitted:	Revision Date:
---------------------------------	-----------------	----------------

PRIMARY PHYSICAL REOUREMENTS

Environment: Inside 70% Outside 30%

OTHER PHYSICAL CONSIDERATIONS

(Percentage spent daily)

JOB TITLE: BATTALION CHIEF

ASSIGNMENT: Battalion Chief - Fire Department

SUMMARY: Protects life and property by supervising and performing firefighting, emergency aid, hazardous materials, and fire prevention duties. Maintains fire equipment, apparatus, and facilities. Monitors all shift activity, personnel, equipment and fire alarm/communications. Embraces and promotes the department mission, vision and philosophy.

ACCOUNTABILITY: Reports directly to and is accountable to the Assistant Fire Chiefs

DUTIES AND RESPONSIBILITIES:

Exercises supervision over all on-duty firefighting personnel, including subordinate Company Officers.

Supervises firefighting activities including driving fire apparatus, operating pumps and related equipment.

Supervises and performs fire combat, containment and extinguishment tasks.

Supervises and performs Emergency Medical, Disaster Management and Hazardous Material mitigation tasks.

Participates in fire drills, attends classes in firefighting, emergency medical, hazardous materials, and related subjects.

Instructs and drills subordinates in the duties consistent with their positions.

Receives and relays fire calls and alarms. Operates radio and other communication equipment.

Participates in the inspection of buildings, hydrants, and other structures in fire prevention programs.

Supervises and performs general maintenance work in the upkeep of fire facilities and equipment; cleans and washes walls and floors; cares for grounds around station; makes minor repairs; washes, hangs and dries hose; washes, cleans, polishes, maintains and tests apparatus and equipment.

Assists in special assignments such as emergency preparedness, hazardous communications, training programs, firefighting, hazardous materials, and emergency aid activities.

Presents programs to the community on safety, medical, and fire prevention topics.

All other related duties as assigned

Peripheral Duties:

Assists in department supervisory and administrative duties.

Assists in training new employees.

SPECIFIC REQUIREMENTS FOR THE POSITION:

High School Diploma or GED equivalent.

Valid Motor Vehicle License.

Experience as a Company Officer with Marlborough Fire Department

Certification as an Emergency Medical Technician (EMT) is preferred

Certification as a Fire Level II is required

Must be in good health and capable of conducting the duties and responsibilities of the position.

Desired Minimum Qualifications:

Associate Degree in Fire Science or related field.

Five years' experience as a full time firefighter.

Certified Fire Officer I.

Certified Fire Instructor, ICS, Haz-Mat Operations.

OTHER CONSIDERATIONS AND REQUIREMENTS:

Considerable knowledge of modern fire prevention, suppression, hazardous materials, and emergency medical principles, procedures, techniques and equipment; considerable knowledge of building, electrical, mechanical and fire codes; considerable knowledge of inspection techniques.

Skill in the operation of the tools and equipment listed below:

Ability to train and supervise subordinate personnel in the duties of their position; ability to apply standard firefighting, emergency medical aid, hazardous materials, and fire prevention techniques; ability to perform strenuous or peak physical effort during emergency, training or station maintenance activities for prolonged periods of time under conditions of extreme heights, intense heat, cold or smoke; ability to act effectively in emergency and stressful situations; ability to follow verbal and written instructions; ability to communicate effectively orally and in writing; ability to establish effective working relationships with employees, other agencies, and the general public; ability to meet special requirements.

Special Requirements:

Must be 21 years or older; must possess, or be able to obtain by time of hire, a valid State driver's license without record of suspension or revocation in any State; no felony convictions or disqualifying criminal histories; U.S. citizen; must be able to read and write the English language

Tools and Equipment Used:

Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone.

Job Title: Battalion Chief - Fire Department	Date Submitted:	Revision Date:
--	-----------------	----------------

JOB TITLE: BATTALION CHIEF - FIRE

Physical Activity Requirements

PRIMARY PHYSICAL REQUIREMENTS

LIFT up to 10 lbs: Regularly Required
 LIFT 11 to 25 lbs: Regularly Required
 LIFT 26 to 50 lbs: Regularly Required
 LIFT over 50 lbs: Regularly Required

CARRY up to 10 lbs: Regularly Required
 CARRY 11 to 25 lbs: Regularly Required
 CARRY 26 to 50 lbs: Regularly Required
 CARRY over 50 lbs: Regularly Required

REACH above shoulder height: Regularly Required
 REACH at shoulder height: Regularly Required
 REACH below shoulder height: Regularly Required

PUSH/PULL: Regularly Required

OTHER PHYSICAL CONSIDERATIONS

Twisting: Regularly Required
 Bending: Regularly Required
 Crawling: Regularly Required
 Squatting: Regularly Required
 Kneeling: Regularly Required
 Crouching: Regularly Required
 Climbing: Regularly Required
 Balancing: Regularly Required

WORK SURFACE(S)

Counter tops and desks 
 Flooring (various types) 
 Uneven surfaces 
 Sloped Surfaces 
 Snow or icy surfaces 
 Grass/Pavement 
 Vehicle Interiors 

HAND MANIPULATION

Grasping: Regularly Required
 Handling: Regularly Required
 Torquing: Occasionally Required
 Fingering: Occasionally Required
 Controls and Equipment: Regularly Required

Environment: Inside 60% Outside 40%

**DURING AN 8 HOUR DAY,
EMPLOYEE IS REQUIRED TO:**

	<u>Consecutive Hours</u>								<u>Total Hours</u>							
Sit	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
Stand	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
Walk	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8

(Percentage spent daily)

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- A. The City Code is hereby amended in its entirety by deleting the words "Chief Engineer" as said words appear throughout the City Code, , and inserting in place thereof, throughout the entirety of the City Code, the words "Fire Chief."
- B. Chapter 74 is hereby amended by deleting the words "Assistant Engineer" as said words appear throughout the City Code, and inserting in place thereof, , throughout the entirety of the City Code, the words "Assistant Chief."
- C. Section 125-17, entitled "Overtime Pay," is hereby amended in its entirety by deleting the words "First Assistant Engineer and Second Assistant Engineer in the Fire Department" and inserting in place thereof the following words: "Assistant Chiefs."
- D. Section 74-5, entitled "Permanent Department Force," is hereby amended as follows:

§ 74-5 Permanent Department Force

- A. The permanent force of the Fire Department shall consist of a Fire Chief; Assistant Chiefs; Battalion Chiefs; Captains; Lieutenants; and as many firefighters as the Mayor and City Council may from time to time order.

ADOPTED
In City Council
Order No. 17-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

1/19/2017

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: FIRE

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$733,779.70</u>	\$92,803.72	11990006	57820	Reserve for Salaries	\$44,276.42	12200001	50810	Fire Lieutenant	<u>\$591,276.47</u>
	Reason:	<u>Calculated amounts for contractual obligations</u>							
					\$18,940.40	12200003	51920	Sick Leave Buy Back	<u>\$28,881.18</u>
	Reason:								
					\$20,166.57	12200003	51490	Holiday	<u>\$182,255.69</u>
	Reason:								
					\$488.30	12200003	51481	Training Special Services	<u>\$1,758.20</u>
	Reason:								
					\$8,932.03	12200003	51480	EMT	<u>\$79,183.55</u>
	Reason:								
	\$92,803.72	Total			\$92,803.72	Total			

Department Head signature:

Kevin Breen

Auditor signature:

Comptroller signature:

[Signature]

1/19/2017

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: FIRE

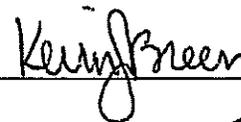
FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$733,779.70</u>	\$82,538.96	11990006	57820	Reserve for Salaries	\$6,531.22	12200003	51450	Night Shift	<u>\$42,489.82</u>
	Reason:	<u>Calculated amounts for contractual obligations</u>							
					\$13,530.40	12200003	51440	Educational Incentive	<u>\$107,686.57</u>
	Reason:								
					\$55,953.53	12200003	51430	Longevity	<u>\$54,492.14</u>
	Reason:								
					\$4,471.24	12200003	51226	First Responder	<u>\$29,333.78</u>
	Reason:								
					\$2,052.57	12200003	51328	Call Fire Overtime	<u>\$73,692.95</u>
	Reason:								
	\$82,538.96	Total			\$82,538.96	Total			

Department Head signature:



Auditor signature:



Comptroller signature:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 JAN 19 A 11:44

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 19, 2017

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

Re: Walker Building Feasibility Study

Honorable President Clancy and Councilors:

Please find enclosed for your review the Walker Building Feasibility Study as completed by Symmes, Maini & McKee Associates ("SMMA"). Last year, the City Council appropriated funds for a study and directed the Marlborough Economic Development Corporation ("MEDC") to contract with a firm to study the Walker Building and analyze potential opportunities for adaptive reuse.

Architects and Engineers from SMMA reviewed the 60,000 square foot building to assess its condition and development potential for several different uses, including residential, hotel, mixed use, and municipal offices.

There are certainly challenges ahead, whether the City intends to use the facility for its own municipal purposes, or whether there is significant interest in moving forward on soliciting bids for a redevelopment of the Walker Building. Other than City Hall, the Walker Building is the iconic building in Marlborough and the final product must be one that we agree will be a source of pride for Marlborough many decades into the future.

I look forward to hearing your feedback, questions, and concerns as we carefully analyze the best possible outcome for the Walker Building. With your approval, the MEDC will move into phase two of the study, which will focus on public outreach to solicit input from Marlborough residents about the most beneficial use of the Walker Building.

In the meantime, if you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



January 19, 2017

Mayor Arthur Vigeant
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

RE: Walker Building Feasibility Study

Dear Mr. Mayor:

I am pleased to inform you that the highest and best use analysis of the Walker Building Feasibility Study is now complete. As you know, Marlborough Economic Development Corporation (MEDC) requested and received a \$75,000 appropriation from the City Council to conduct a feasibility study of the iconic Walker Building located in downtown Marlborough. The highest and best use analysis which focuses on assessing the current conditions of the building and the feasibility of redevelopment is attached for your review. Pending your approval, MEDC will move into the second part of the process, the public outreach portion of the study.

MEDC worked with Symmes Maini & McKee Associates (SMMA), a well-known integrated design firm which offers a full range of architectural, engineering, interior design, and planning services to complete phase one of the study. Architects and Engineers from SMMA reviewed the 60,000 square foot building to assess its condition and development potential as it relates to the overall goals of the downtown village district. The goals for redevelopment include the following:

- 1) Promote economic activity in the Marlborough Village District.
- 2) Preserve the architectural character of the building.
- 3) Preserve the character of the memorial park and landscape foreground of the building.
- 4) Minimize investment costs for the City.
- 5) Reflect input from City residents and stakeholders.

With these redevelopment goals in mind, MEDC directed SMMA to develop an understanding of what the "highest and best use" may be for this great asset. SMMA developed a full list of potential re-use options, highlighted opportunities and challenges associated with redevelopment, and evaluated each option against the redevelopment goals. The study resulted in the following four options that most closely meet the redevelopment goals:

- 1) **Residential:** The Walker Building's location in the downtown and recent zoning make residential development a potential re-use option.
- 2) **Hotel:** The historic architecture and location in the downtown make a boutique hotel a potential option with opportunity to introduce additional business activity in the downtown.

- 3) **Mixed-Use:** A mixed-use option would most likely include a combination of residential with office, restaurant and possibly some retail or community function such as performing arts.
- 4) **Municipal Office:** SMMA identified options for the City to continue operation and ownership of the building.

In addition to analyzing the full list of potential redevelopment options and establishing the overall suitability of the selected options, SMMA also provided conceptual cost estimates associated with the four selections. This technical review provides the city with the information necessary to decide how best to maximize the Walker Building's value and prepare for next steps if desired.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Kindest regards,

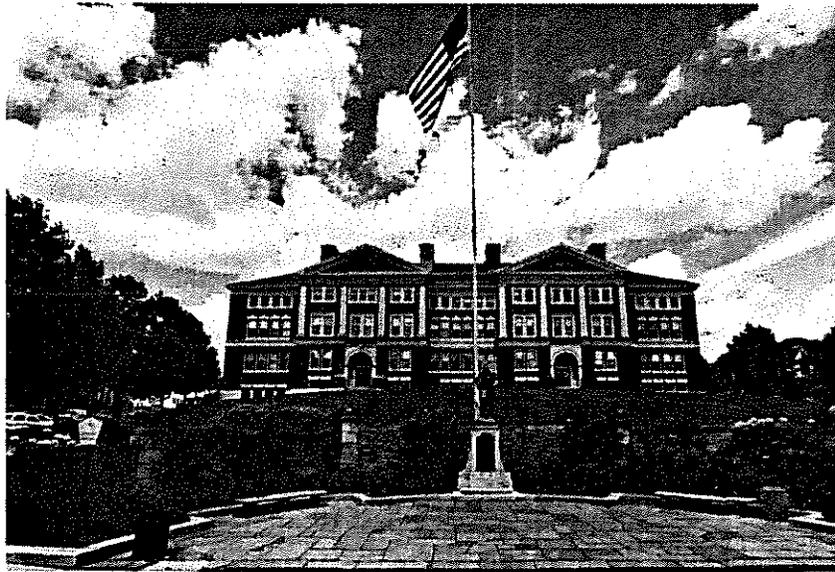


Meredith Harris
Executive Director

Walker Building

255 Main Street
Marlborough, Massachusetts

Redevelopment Study
Phase 1: Assessment and Conceptual Planning



Marlborough Economic Development Corporation

January 16, 2017

Submitted by,

SMMA

Symmes Maini & McKee Associates

Cambridge, MA

SMMA No. 16071.00



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2017 JAN 19 AM 11:44 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 19, 2017

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

Re: Civil Service Home Rule Petition

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a home rule petition to exempt the members of the Marlborough Fire Department from civil service. As I noted in a separate letter to the City Council, the Marlborough Firefighters Association, Local 1714, I.A.F.F. and the City have entered into a Memorandum of Agreement which includes the removal of Civil Service.

Accordingly, I have enclosed herewith a home rule petition to exempt members of the Marlborough Fire Department from civil service. I request your immediate action upon this home rule petition to enable our legislative delegation to file it with the Legislature as soon as possible.

As you know, we have negotiated with several of the City's collective bargaining units to exempt them from Civil Service moving forward. While there are benefits to the Civil Service system, it has become too outdated and cumbersome for modern City Departments. By adopting in its place a hiring system that places priority on experience and a thorough assessment of candidates, we will be able to hire and promote the most qualified candidates, based on a complete review of their qualifications rather than just a single test. Candidates will receive a boost if they have veterans status.

Again, I am grateful for the efforts of Chief Breen, Local 1714 President Bill Taylor, and Local 1714's Executive Board who put in many hours of work towards an agreement. Please do not hesitate to contact Chief Breen or me if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

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 exempting all positions in the fire department of the City of Marlborough from the Civil Service Law.

SECTION 1. Notwithstanding any general or special law to the contrary, all uniformed positions in the fire department of the City of Marlborough below the rank of Fire Chief, including assistant fire chiefs, deputy fire chiefs, fire captains, fire lieutenants, and fire fighters shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

ADOPTED
In City Council
Order No. 17 -

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 JAN 19 A 11:44

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 19, 2017

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

Re: Dementia Friendly Community Initiative

Honorable President Clancy and Councilors:

Please find enclosed a letter from Marlborough Council on Aging Executive Director Trish Pope who is requesting the opportunity to update the City Council's Operations and Oversight Committee on the steps the COA has taken in collaboration with Hudson and Northborough on the Dementia Friendly Communities Initiative.

Since the Fall of 2015, the three communities have been working together thanks to a grant from BayPath Elder Services. Now would be an opportune time to update the City Council on the various steps they have taken so far and to outline the next steps in the process.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me or Trish Pope.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

40 New Street
Marlborough, Massachusetts 01752
Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
EXECUTIVE DIRECTOR

January 13, 2017

Councilor Edward Clancy
City Council
140 Main Street
Marlborough, MA 07152

Re: Come 2B Dementia Friendly

Dear President Clancy and members;

The Marlborough Council on Aging has been thrilled to partner with both the Hudson and Northborough Senior Centers on the Dementia Friendly Communities Initiative. All three communities have been collaborating on this initiative since the Fall of 2015 when we received a grant through BayPath Elder Services. We have based our program on the success of the Minnesota program, ACT on Alzheimer's. Our community Action Team members aptly named our program 'Come 2B Dementia Friendly'. We have witnessed the program gain momentum and completed our survey phase in each community this past fall.

I would like to request on behalf of the Action Team, for Come 2B Dementia Friendly/Marlborough, that we have the opportunity to update to the Operations and Oversight committee the results of our community survey and the next steps we are taking to help Marlborough become a Dementia Friendly community.

We look forward to the opportunity to present to members of the City Council.

Sincerely,

Trish Pope
Executive Director



MIRICK O'CONNELL

RECEIVED
A T T O R N E Y S O F F I C E
C I T Y C L E R K ' S O F F I C E
C I T Y O F M A R L B O R O U G H T L A W

2017 JAN 11 A 9 46

Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.929.1652
f 508.463.1385

January 11, 2017

Councilor Ed Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Acceptance of Bouffard Drive

Dear Councilor Clancy:

I represent Thomas Niles, who currently owns the land on which Bouffard Drive is located. Mr. Niles has executed a deed to the City of Marlborough conveying to it the fee interest in Bouffard Drive, as shown on a layout plan that is now in the possession of the Engineering Division of the Marlborough Department of Public Works. I also delivered the original deed to the Engineering Division. It is my understanding that the deed is not in the possession of the City Council secretary.

My client hereby requests that the City Council accept Bouffard Drive, as shown on said plan, as a public way. Please let me know if I can be of further assistance in this matter.

Very truly yours,

Arthur P. Bergeron

APB/cm

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2011 JAN 10 P 3:20

1. Name and address of Petitioner or Applicant:

Mina Property Group, LLC 408 Maple St Marlboro, Ma

2. Specific Location of property including Assessor's Plate and Parcel Number.

408 Maple Street, Marlboro 93-65

3. Name and address of owner of land if other than Petitioner or Applicant:

- Same -

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650 Section 18A Paragraph 25 Sub-paragraph _____

6. Zoning District in which property in question is located:

Commercial Automotive

7. Specific reason(s) for seeking Special Permit

Construction of a Commercial Automotive Facility on less than 1 acre of land

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

Mina Property Group, LLC
[Signature]
Signature of Petitioner or Applicant

Address: 408 Maple Street
Marlboro, MA

Telephone No. 978-278-8588

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Mina Property Group, LLC
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Par
93	15			FLORIO JAMES D TR	ELECTRICAL REALTY TRUST	63 SHERBURN CIR	WESTON	MA 02493	35
93	16			CROWLEY JAMES F TR	BARBARA J CROWLEY	8 ROCKWELL DR	SHREWSBURY	MA 01545-4078	23
93	18			461 SOUTH STREET MARLBOROUGH LLC		19 WESTGATE RD	FRAMINGHAM	MA 01701	461
93	46			MORSE W HERBERT		UNKNOWN	MARLBOROUGH	MA 01752	SOI
93	48			SKB DEVELOPMENT LLC		103 MECHANIC ST	MARLBOROUGH	MA 01752	83
93	49			COMMONWEALTH OF MASSACHUSETTS		10 PARK PLAZA STE 4160	BOSTON	MA 02116	MAI
93	50			COMMONWEALTH OF MASSACHUSETTS		10 PARK PLAZA STE 4160	BOSTON	MA 02116	413
93	51			GENTILOTTI JAMES G	GERALD D GENTILOTTI	27 EDWARDS RD	MENDON	MA 01756	405
93	52			GENTILOTTI GERALD DTR	JAMES G GENTILOTTI TR	27 EDWARDS RD	MENDON	MA 01756	401
93	53			GENTILOTTI GERALD D TR	JAMES G GENTILOTTI TR	27 EDWARDS RD	MENDON	MA 01756	MAI
93	59			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	364
93	61			SERENE-SCAPE DAY SPA AND SALON LLC		376 MAPLE ST	MARLBOROUGH	MA 01752	376
93	62			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	386
93	63			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	390
93	64			JABE PARTNERS LLC	C/O SHELL LUBRICANTS/JIFFYLUBE	ATTN POLLY JONES	HOUSTON	TX 77002	402
93	65			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	406
93	66			LINTON DAVID H	DIANNE E LINTON	110 WHITE TAIL LN	LANCASTER	MA 01523	410
93	67			CORBETT DAVID T TR	CHARLES F HENDERSON TR	PO BOX 853	MARLBOROUGH	MA 01752	73
93	68			SCOOT PROPERTIES LLC	N/O NOLAN CASSIDY MAPLE STREET LLC	24 ANNIE MOORE RD	BOLTON	MA 01740	416
93	70			SCHRAM JOAQUIN	JESSICA SCHRAM	45 RIVER ST	MARLBOROUGH	MA 01752	45
93	71			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	RIV
93	77			EVANGELOUS THEODORE J JR TR		28 RIVER ST	MARLBOROUGH	MA 01752	RIV
93	78			GARCEASU DAVID J SR		46 RIVER ST	MARLBOROUGH	MA 01752	RIV
93	79			GARCEASU DAVID J SR		46 RIVER ST	MARLBOROUGH	MA 01752	46
93	80			MERCURIO JOSEPH F		50 RIVER ST	MARLBOROUGH	MA 01752	50
93	81			JOSEPHSON LINDA E		68 RIVER ST	MARLBOROUGH	MA 01752	68
93	82			TUTTLE GARY W	N/O JUNE TUTTLE	6 WALKER ST	MARLBOROUGH	MA 01752	64
93	83			CAFERELLI DAVID J		35 WALKER ST	MARLBOROUGH	MA 01752	35
93	84			MCGOWAN DIONYSI	CHRISTINA MCGOWAN & VIRGINA SNYDER	61 WALKER ST	MARLBOROUGH	MA 01752	61
93	85			FERRO MICHAEL F TR	FERRO FAMILY TRUST	56 WALKER ST	MARLBOROUGH	MA 01752	58
93	86			DEGIACOMO JOHN	GINA FERRARA	131 FRAMINGHAM RD	MARLBOROUGH	MA 01752	131
93	106			ADVOCATES INC		ONE CLARKS HILL STE 305	FRAMINGHAM	MA 01702	28
93	108			NEWBOLD CAROL ANN TR	N/O ROWIE MOREIRA DEAGUIAR	69 RIVER ST	MARLBOROUGH	MA 01752	69
93	111			FERRO MICHAEL F	ANDREA FERRO	56 WALKER ST	MARLBOROUGH	MA 01752	56
93	15A			MARLBOROUGH SOUTH 417 CPI LLC		43 BROAD ST	HUDSON	MA 01749	MII
93	63A			MINA PROPERTY GROUP LLC		400 MAPLE ST	MARLBOROUGH	MA 01752	396
93	66A			SCOOT PROPERTIES LLC	N/O NOLAN CASSIDY MAPLE STREET LLC	24 ANNIE MOORE RD	BOLTON	MA 01740	412
93	67A			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	421
93	67B			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	MAI
93	67C			SCOOT PROPERTIES LLC	N/O NOLAN CASSIDY MAPLE STREET LLC	24 ANNIE MOORE RD	BOLTON	MA 01740	WAJ
93	80A			PANTA MAYBELLINE		54 RIVER ST	MARLBOROUGH	MA 01752	54
93	81A			JOSEPHSON LINDA E		68 RIVER ST	MARLBOROUGH	MA 01752	RIV
93	85A			FERRO MICHAEL F TR	FERRO FAMILY TRUST	56 WALKER ST	MARLBOROUGH	MA 01752	WAJ
93	111A			FERRO MICHAEL F	ANDREA FERRO	56 WALKER ST	MARLBOROUGH	MA 01752	WAJ
104	2			IVY BRIGHAM PROPERTY LLC		102 CHESTNUT RIDGE RD STE	MONTVALE	NJ 07645	41-
104	49			SLAAM LLC		15 FORBES AVE	MARLBOROUGH	MA 01752	MII

12/29/2011 10:50:21AM

MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	St Zip	Pa
104	50			SLAAM LLC		15 FORBES AVE	MARLBOROUGH	MA 01752	87
104	51			B & B WHOLESALE TIRE CO		109 MILL ST SOUTH	MARLBOROUGH	MA 01752	109

MARLBOROUGH ASS

Anthony C. Lima
William J. Silver
John W. [unclear]

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Mina Property Group LLC Address: 400 Maple St, Marlboro, MA

Project Name: Service Facility Address: 408 Maple St, Marlboro, MA

1. PROPOSED USE: (describe) Automotive Repair Facility

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 2530 1st floor all floors
buildings 1 # stories 1 lot area (s.f.) 16,816

4. LOT COVERAGE: 76.1 % Landscaped area: %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 6 Peak period: 6

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 26 Peak period: 26

(B) How many service vehicles will service the development and on what schedule?

N/A - Random Drop-off of parts

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Lighting on Building - No light will leave or enter property from abutting property

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

No change

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation.

There should be no discernible noise outside the boundary

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed?

There should be no hazardous material, with the exception of waste oil which will be burned daily

*Attach additional sheets if necessary Neatly scanned



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3766 Facsimile (508) 460-3736 TDD (508) 460-3610

DOUGLAS SCOTT - C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

January 9, 2017

City of Marlborough
City Council
Marlborough, MA 01752

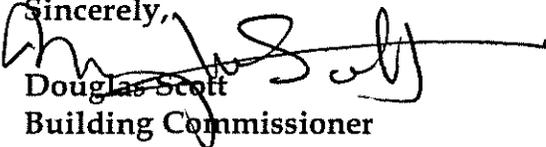
Re: 408 Maple St.
Marlborough, MA

Following a review of the proposed Automotive Service Facility located at 408 Maple St. I offer the following:

1. The stacked parking shown is not mentioned in the City Zoning Ordinances, and is therefore allowed. In discussions with the owner of the proposed garages, this is to be used specifically by CarMax, the owners. I make the recommendation that this use not be allowed to be open to the public, as the stacked parking would create a hazard should the public be allowed to come and go.
2. The parking that is shown is just enough to meet the zoning ordinances. The snow will need to be removed from the lot.

Should you have any questions, please feel free to contact me.

Sincerely,


Douglas Scott
Building Commissioner

ORIGINAL



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Autumn Service Facility

Project Use Summary: Commercial Automobile

Project Street Address: 408 Maple Street, Marlboro, MA

Plate: 93 Parcel: 65

Applicant/Developer Name: Mina Property Group, LLC

Plan Date: January 25, 2016 Revision Date: December 19, 2016

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Douglas Scott
Interim Building Commissioner

Application Fee to submit to
City Clerk's office
1500

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**



**Lisa M. Thomas
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

3 SETS	OFFICE OF THE CITY CLERK	_____
- 1 SET	POLICE CHIEF	<u>7/21/16</u>
- 1 SET	FIRE CHIEF	<u>1/26</u>
- 1 SET	CITY ENGINEER	<u>1/14</u>
1 SET	CITY PLANNER	<u>(Signature)</u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<u>(Signature)</u>
1 SET	BUILDING INSPECTOR	<u>(Signature)</u>
12 SETS	OFFICE OF THE CITY COUNCIL	<u>(Signature)</u>

Mina Property Group, LLC
Pat O'Neil - Trust _____ 12/29/16
Signature Date

Thank you for your cooperation in this matter.

Sincerely,

Lisa M. Thomas
City Clerk

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**



**Lisa M. Thomas
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Mma Property Group, LLC

Owner Name/Officer Name of LLC or Corporation

Howard Wilner

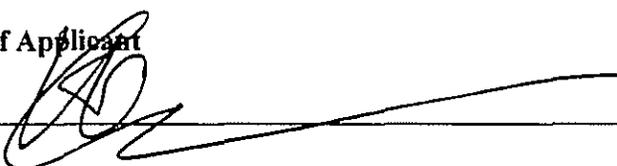
Owner/Officer Complete Address and Telephone Number

400 Maple Street

Marlboro, Ma

617 - 800 - 3005

Signature of Applicant



Attorney on behalf of Applicant, if applicable

N/A

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

City Copy

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 JAN 18 A 8:54

To the City Clerk 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:

Concord Road Pole 4 & P4-84

National Grid request to relocate p4 and guy Pole4-84 approximately 25' west of existing location. Installing a line recloser on Pole 4 for reliability improvement.

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. 22940995 Dated: 12/22/2016

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.

By: [Signature]
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

February 20, 2013

By the City Clerk 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 **3rd day of January, 2017**

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. **22940995** Dated: **12/22/2016** 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:--

Concord Road Pole 4 & P4-84

National Grid request to relocate p4 and guy Pole4-84 approximately 25' west of existing location. Installing a line recloser on Pole 4 for reliability improvement.

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

**ABUTTERS LISTING for Pole Relocation on Concord Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Fiscal Location
46	33			MARLBOROUGH COUNTRY CLUB INC		200 CONCORD RD	MARLBOROUGH	MA 01752	298 CONCORD RD
58	42			COMMONWEALTH CLUB LLC		ATTN HILES GILBERT	MARLBOROUGH	MA 01752	350 EAST MAIN ST
58	44			MELVIN SHAWNA	CHRIS MELVIN	44 CONCORD RD	MARLBOROUGH	MA 01752	44 CONCORD RD
58	46			REILLY ERIC L	HAREN M PURDY-REILLY	56 CONCORD RD	MARLBOROUGH	MA 01752	56 CONCORD RD
58	123			MCLAUGHLIN BRIAN J		P O BOX 337	WEST BRIDGEWATE MA	02379	2-10 BOSTON POST RD EAST

MARLBOROUGH ASSESSORS

*Anthony C. Amadio
William J. Silverstein
John W. De...*

nationalgrid

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 JAN 18 A 8:54

January 3, 2017

City Of Marlborough
City Clerk Office
140 Main Street
Marlborough, MA 01752

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole locations

If you have any questions regarding this permit please contact:
Angela Birch 401-784-7726

Please notify National Grid's Angela Birch of the hearing date / time at 401-784-7726 or
angela.birch@us.ngrid.com

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

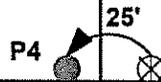
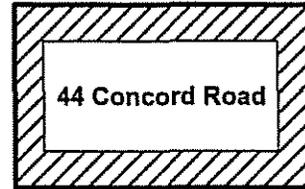
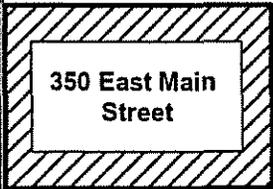
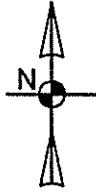
National Grid Contact: Angela Birch; 280 Melrose Street; Providence, RI 02907

Very truly yours,



Eric Widman, Engineering
Supervisor, Distribution Design

Enclosures



EAST MAIN STREET

CONCORD ROAD



MARLBORO COUNTRY CLUB

BOSTON POST ROAD EAST

Relocate P4 and guy P4-84 approximately 25' west of existing location. Installing a line recloser on P4 for reliability improvement.

JOINT OWNED POLE PETITION

nationalgrid

And

Verizon New England, Inc.

● Proposed NGRID Pole Locations

○ Existing NGRID Pole Locations

⦿ Proposed J.O. Pole Locations

⓪ Existing J.O. Pole Locations

⊕ Existing Telephone Co. Pole Locations

⊙ Existing NGRID Pole Location To Be Made J.O.

⊗ Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

Date: 12/22/16

Plan Number: 22940995

To Accompany Petition Dated: 12/22/16

To The: City **Of** Marlboro

For Proposed: Relocate Pole: P4 & P4-84 **Location:** Concord Road

Date Of Original Grant: 12/22/16

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CITY OF MARLBOROUGH

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

2017 JAN -6 P 3:48

December 15, 2016 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

Present: Acting Chairman-John Skarin, David Williams, Allan White, Dennis Demers, Karin Paquin, Lawrence Roy, also present was Priscilla Ryder-Conservation Officer.

Absent: Edward Clancy

Approval of Minutes – The minutes of November 17, 2016 were reviewed and unanimously approved.

Public Hearings:

329 Boston Post Rd. - 329 Boston Post Rd. Owner LLC

Attorney Christopher Flood, Paul Ferreria representing BH Storage, and Paul Hutnak of Andrews Survey and Engineering Inc. were all present. Mr. Flood explained that the project proposes to construct a self-storage facility and associated site work and drainage near a river and wetlands. Mr. Hutnak reviewed the plans and noted that he is still working out some final details with the city engineer and fire chief. The property contains a perennial stream, bank and a small amount of Bordering Vegetated Wetland in the back area. The entire site falls within the Riverfront area. No additional impervious surfaces will be added, the new 3 story building will replace pavement in some locations. Catch basins will be retrofitted to include stormceptor 450i's to improve water quality. Current basins have no sumps and drain directly into the brook. They will infiltrate the roof drains into 4 dry wells. Test pits show gravel and sandy soil under the parking lot which will be conducive to this design.

The Commission discussed lighting, drainage, construction sequencing, water main size and utilities. They also discussed landscaping along the brook side, where the applicant proposes to add a 6' stockade fence. Snow will be removed from site during larger storms. After some discussion it was decided to continue the hearing to the January 5th meeting in order to get comments from the City Engineer, to receive the DEP file # and have Ms. Ryder look at possible landscaping along the brook and discuss same with project landscape architect Michael Radner.

The following hearing was continued to January 5, 2017-with the applicant's prior approval.

215 Fitchburg St. - Assabet Valley Regional Vocational School District (Continued to Jan. 5, 2017)

Proposes to renovate the existing running track, athletic field, football field, grandstand and associated site improvements near wetlands.

Discussion:

- DEP 212-1177 and 1181 Apex Center - Ms. Ryder provided an update on the wetland cleanup still in progress. She provided a map showing the locations that have been

completed and the last remaining work to be done. Weather permitting the work will be done either in the next week, if the ground thaws or wait until spring as outlined in an e-mail received today by Ms. Ryder.

- New England Wildflower Society wants to use the Desert Natural Area for a training workshop next August and has asked for permission to do so. The Commission had no objection. Ms. Ryder will submit the permission form.
- Cider Knoll Pond: The beavers are back. Ms. Ryder has received quotes for beaver trapping and a beaver pipe. Due to the ice cover now, this will need to wait until spring. Ms. Ryder will continue to monitor the beaver dam, as several neighbors are concerned with the rising water level.

An abutter to Cider Knoll Pond on McNeil Cir. has raised concerns about the cat-tails growing in the pond and taking it over. His e-mail and pictures provided were shared with the Commission. The Commission noted that this is unfortunately the process of natural succession. As cattails are not non-native invasive plants, there isn't much the Commission is interested in doing at this point. Ms. Ryder will convey these thoughts.

- Mauro Farm Subdivision open space parcel: Ms. Ryder noted that during the subdivision review process with the Planning Board, 4 parcels of land were set aside as open space. However, no further details on what to do with the open space was provided. One option is to have all the parcels conveyed to the city for Conservation purposes. The Commission was agreeable to this option if the Planning Board determines that is the best route. Ms. Ryder will send a letter to the Planning Board outlining the options and note the Commission's preference.
- 319 Boston Post Rd.- Brook Village East – Ms. Ryder met with the facilities manager for the property and noted that he wanted permission to keep the brook clear of debris and trash and to be able to clean the trash grate where the brook enters an underground pipe. As this is routine maintenance, Ms. Ryder provided a letter with approval for this work.

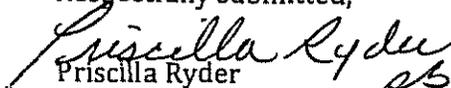
Other Business/Correspondence:

- Conservation Commission meeting dates for 2017 were provided.
- 140 Stevens St. wetland issue resolved, letter was reviewed and placed on file.

Meetings – Next Conservation meetings – January 5th and January 19th, 2017 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 7:56 PM.

Respectfully submitted,


Priscilla Ryder

Conservation Officer

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 JAN -9 A 10: 53

Call to Order

November 14, 2016

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Brian DuPont, Shawn McCarthy & Philip Hodge. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio Colleen Hughes & Sean Fay were absent.

1. Meeting Minutes:

A. Regular Meeting October 24, 2016

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was voted to approve the minutes of the October 24, 2016 Regular Meeting. Motion carried with Mr. DuPont Abstaining.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Mr. DuPont gave a brief high level overview of the newest edition of the Planning Board page. A more in depth discussion will take place at the next regularly scheduled meeting.

This item was carried over to the next regularly scheduled agenda. (November 28, 2016)

B. Amendment to Zoning Chapter 650-58.C(3)&(4) Time allowed for ZBA Decision

Mr. DuPont read the notice from the City Council into the record.

The Public Hearing for the requested Zoning Amendment was set for December 5, 2016 at 7:15pm.

3. Approval Not Required: None

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out that all of his items will be addressed later in the agenda. Chairperson Fenby requested an updated Subdivision Status report for the next regularly scheduled meeting November 28, 2016.

B. Request for extension Howe's Landing (Attorney Galvani)

Attorney Galvani was in attendance to answer any questions the Board may have.

Mr. DuPont read the request into the record.

Attorney Galvani presented that the Subdivision is moving along with the remainder of the work left on the construction schedule slated to be completed in the Spring.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was voted to accept the request and place it on file as well as refer the construction schedule to the Engineering Department for review. Motion carried.

C. Discussion Black Horse Farms (November 15, 2016)

Attorney Beattie was in attendance at the Boards request to answer any questions the Board may have.

After minimal discussion regarding the stockpiling of lumber on one empty lot as well as the planting/replanting of required trees the Board took the following action:

On a motion made by Mr. McCarthy, seconded by Mr. DuPont it was voted to upon the recommendation of the Engineering Department reduce the existing bond from \$248,000.00 to \$101,000.00 as well as enter into the one (1) year maintenance period for the Subdivision. Motion carried.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

**A. Proposed Zoning Amendment 650-34 & 650-41 (Downtown Village)
City Council Order 16-1006667**

This Public Hearing is still open for discussion.

Mr. McCarthy still maintains that he is not in favor of the proposed wording he wants there to be contact with the green space and the roadway or sidewalk. He is not content with the term "visible open/green space".

Chairperson Fenby and Mr. McCarthy will work towards acceptable wording that the entire Board can agree on.

The Hearing was closed at the November 14, 2016 regular meeting.

The 21 Day period for commenting to the City Council will expire on December 5, 2016.

10. Informal Discussion:

A. Mr. Joe May, 297 Concord Rd, Feasibility Plan

Mr. May was again in front of the Board to discuss the feasibility of creating an additional house lot between the two properties that his family owns on Concord Road.

Mr. May indicated the Fire Chief Breen now has no issues with the ability to access the property for Life Safety or Firefighting Operations.

Mr. May noted that he had briefly spoken with the Interim Building Commissioner Doug Scott and Mr. Scott raised the Issue of Lot Shape and Buildability.

City Solicitor Rider acknowledged the potential zoning issue as it pertains to lot shape.

Mr. May will meet again with Interim Building Commissioner Scott to attempt to alleviate this issue.

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Zoning Board of Appeals, 4 Notices

B. Town of Framingham, Planning Board, 6 Notices

C. Town of Hudson, Planning Department, 1 Notice

D. Town of Hudson, Planning and Community Development, 2 Notices

E. City of Marlborough, City Council, 1 Notice

On am motion made by Mr. DuPont, seconded by Mr. Hodge items 12A-E were accepted and placed on file. Motion carried.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to adjourn at 7:49pm. Motion carried.

Respectfully submitted,

Brian DuPont
Acting Clerk

/mai

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 JAN -9 A 10: 53

November 28, 2016

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay & Philip Hodge.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio
Brian DuPont & Shawn McCarthy were absent.

1. Meeting Minutes:

A. Regular Meeting November 14, 2016

This item was carried over to the next regularly scheduled meeting (December 5, 2016)

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item was carried over to the next regularly scheduled agenda. (December 5, 2016)

3. Approval Not Required:

A. Broadmeadow Street, Gulbankian (Bruce Saluk)

Mr. Saluk was in attendance to present the proposed ANR Plan to the Board.

Mr. Gulbankian is proposing to carve out 2 additional parcels from his existing lot. The original lot is 26.18 acres. Each potential lot will be over 1 acre in area and have over 200 feet of frontage each.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to refer the plan to the Engineering Department for review. Motion carried.

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio handed out an updated Subdivision Status Report. The Board will take the Report under advisement and will discuss at the next regularly scheduled meeting. (December 5, 2016) City Engineer DiPersio had nothing additional to add to his report.

B. Request for extension Howe's Landing (Attorney Galvani)

Attorney Galvani was in attendance to answer any questions the Board may have.

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to reduce the Bond to \$234,000.00 as well as Extend the Subdivision Approval until December 1, 2017 With the condition that the Tri Partite Agreement between the Bank, The City of Marlborough and the Developer be fully executed and recorded with proof of recording delivered to the Planning Board Office prior to close of business on December 1, 2016. Motion carried.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

**A. Proposed Zoning Amendment 650-34 & 650-41 (Downtown Village)
City Council Order 16-1006667**

This Public Hearing was closed on November 14, 2016.

The 21 Day period for commenting to the City Council will expire on December 5, 2016.

After additional discussion among the Board members present the following action was taken:
On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to forward a favorable recommendation to the City Council regarding the Proposed Zoning Amendment to Section 650-34 & 41 with the following comments. (Motion carried)

Item number 14 in the proposed zoning should be amended to include the following:
...Provided however that consideration is given to include Visible Public Space Green or Otherwise.

The Board would like to note that Mr. McCarthy was a dissenting member in this opinion.

10. Informal Discussion: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Zoning Board of Appeals, 5 Notices

B. Town of Framingham, Planning Board, 3 Notices

C. City of Marlborough, City Council, 1 Notice

On an motion made by Ms. Hughes, seconded by Mr. Hodge items 12A-C were accepted and placed on file. Motion carried.

Adjournment: On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to adjourn at 7:24pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 JAN -9 A 10:53

December 5, 2016

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Shawn McCarthy & Philip Hodge. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio. Brian DuPont & Sean Fay were absent.

In attendance as well were members of Boy Scout Troop 41 based in Marlborough working towards earning their Citizenship and Community Badge.

1. Meeting Minutes:

A. Regular Meeting November 14, 2016

This item was carried over to the next regularly scheduled meeting (December 19, 2016)

B. Regular Meeting November 28, 2016

This item was carried over to the next regularly scheduled meeting (December 19, 2016)

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item was carried over to the next regularly scheduled agenda. (December 19, 2016)

3. Approval Not Required:

A. Decision Broadmeadow Street, Gulbankian (Bruce Saluk)

Mr. Saluk was in attendance to answer any questions the Board may have.

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to accept and place on file the recommendation as well as endorse the plan as amended. Motion carried.

4. Public Hearings (7:15):

A. Proposed Zoning Amendment 650-58 ZBA Time to Act

Ms. Hughes read the notice into the record.

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor-questions

Those speaking in opposition

Questions from Board Members

Presentation:

City Solicitor Rider presented the proposed changes to the Board. These changes basically fall in the category of general housekeeping amendments. The change is in days to act for the Zoning Board moving the deadline from 75 days to 100 days. This change will bring the City's Zoning Ordinance in line with the Massachusetts General Laws that already allow the Zoning Boards 100 days to act.

Speaking in Favor: None

Speaking in Opposition: None

Questions/Comments from the Board Members: None

The Public Hearing was closed at 7:21pm

On a motion made by Mr. Hodge, seconded by Ms. Hughes it was voted to forward a favorable recommendation to the City Council regarding this amendment as presented. Motion carried.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reminded the Board that the Walker Brook Estates approval expires in January, he also noted that there had been a meeting between himself, Karen Boule City Council Secretary and a representative from the Legal Department regarding the procedure for street acceptance. Both Ms. Hughes and Chairperson Fenby have indicated interest in attending a secondary meeting with the City Council representative and or the Legal Department for continuity sake in understanding where the issues are in the process as it is currently understood by the Board.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business: None

10. Informal Discussion: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board, 3 Notices

B. City of Marlborough, City Council, 1 Notice

C. Town of Hudson Planning and Community Development, 1 Notice

On an motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept and place on file items 12A-C. Motion carried.

Adjournment: On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to adjourn at 7:35pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai



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CITY OF MARLBOROUGH

2017 JAN 12 A 9 18

BOH MEETING MINUTES – 12/13/16

Attending

Robin Williams, Chairwoman
James Griffin, Vice Chair
Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health, and Tina Nolin, Senior Clerk

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Meeting minutes of November 1, 2016

Motion to accept November 1, 2016 minutes – Vice Chair Griffin

Second – Member Tennyson

3-0 Vote to accept and place on file the minutes of November 1, 2016 Yes, Chairwoman Williams; Yes, Vice Chair Griffin, Yes, Member Tennyson.

BOARD BUSINESS

• **Membership Tobacco Regulations**

Also attending: Tom Bouvier, David Adams, Nicole Dunlop and Councilor Peter Juairé

After much discussion thereof regarding the Marlborough Tobacco regulations prohibiting smoking in membership establishments. Several members from the Order of the Moose Lodge voiced their opinion on the regulation and how it is causing loss revenue and loss of members. The Board agreed to conduct further discussion and research on this subject matter, asking Director Liberty to invite D.J. Wilson, Tobacco Control Director, Public Health Liaison for the Mass. Municipal Association and Cheryl Sbarra, Senior Staff Attorney, Massachusetts Association of Health Boards to the January meeting to further discuss the issue.

• **Good Standing Document**

Director Liberty updated the Board that the city comptroller, Brian Doheny, had requested that with all Food Permit renewal applications include a document of Good Standing, which is self-certification that all taxes owed the City of Marlborough and the Commonwealth of Massachusetts as required under law have been paid.

PUBLIC HEALTH ISSUES

• **Immunization Program School Program**

The public health nurse has vaccinated 20 students in November and anticipates more next month as December is traditionally, a time when our schools experience a large influx of children arriving from other countries. Director Liberty reported the clinic will be moving to Tuesdays so that TB tests may be implanted in order for the school to conduct a TB surveillance on their students.

MONTHLY REPORTS

• **Nurse's Report**

Director Liberty presented the Public Health Nurse's report and announced there will be two additional Flu Clinics in January – one for the public and one for city employees. The report was accepted and approved to be place placed on file.

• **Sanitarians' Reports**

Presented by Director Liberty - reports were accepted and approved to be place placed on file.

ADJOURN

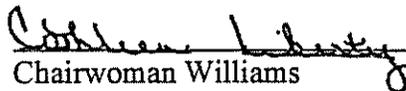
Motion – to adjourn meeting at 7:33 pm – Member Tennyson

Second – Vice Chair Griffin

3-0 vote to adjourn Board of Health Meeting at 7:33 pm, Yes, Chairwoman Williams; Yes, Vice Chair Griffin.
Yes, Member Tennyson

Next Board of Health meeting will be on January 10, 2017

Respectfully submitted,


Chairwoman Williams

1/10/2017
Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website

**Assabet Valley Regional Technical High School
School Committee
School Committee Meeting Minutes
Tuesday, December 20, 2016, 6:40 p.m.
School Committee Conference Room**

2017 JAN 12 A 9:25

In Attendance: Bill Charbonneau; Christopher Evers; Lynn Ryan; Paul George; Peggy Ayres; Virginia Simms George

Also: Ernest F. Houle; Kris Luoto; Mark Hollick; Dawn Bacon; Emily Blackwood

Not In Attendance: Laura Ross

The School Committee met in regular session in the Conference Room. The meeting was called to order at 6:40 p.m. by the Chair.

Approval of Minutes

A motion was made and seconded to approve the regular session meeting minutes of December 6, 2016 as presented.

Move: Peggy Ayres Second: Paul George Status: Passed

Bills and Payroll

A motion was made and seconded to approve Warrant Nos. 16, 1061-1066, 5557, and 5558.

Move: Virginia Simms George Second: Peggy Ayres Status: Passed

Audience

Rob McCann was present to give an update of the Academic Program with a PowerPoint presentation. He was thanked and he left the meeting.

Student Representative Report

Student Representative Anna O'Connell was present to give an update of recent and upcoming student activities. She distributed the attached report to members for review.

Chair's Report

None

Superintendent-Director's Report

Mr. Houle discussed his report as follows:

- Chapter 74 Non-resident Tuition Student Update - Information on West Boylston's decision to enter an agreement with Leominster and information on the Town of Sudbury's vote to send their students to Assabet Valley.
- Assabet Valley Collaborative (AVC) Update - The search for office space is ongoing, Mr. Houle will keep the committee updated.
- Mark Perna, Tools for Schools (TFS) - links were included on BoardPaq for members to review. Virginia Simms George talked about his presentation at the recent conference. She noted how she found his presentation dynamic and engaging. Peggy also gave some input on how the "Career Tree" works and Mark Perna's enrollment and retention ideas. Members discussed finding a way to work with Mark Perna in the future. Mr. Houle will investigate and keep the committee updated.

Director of Business Operations

Mr. Luoto discussed his report as follows:

- A meeting was held with the Mayor of Marlborough and members of the Finance Committee to discuss school finances.
- Reaffirmation of the budget vote taken at the December 6, 2016 meeting: Lynn Ryan, Peggy Ayres, Paul George, Chris Evers, Virginia Simms George, and Bill Charbonneau - all affirmed the vote on the budget.

Principal's Report

Members took a moment to go to the basketball game in the gym to watch RJ Grasso score his 1000 high school career point.

Mr. Hollick discussed his report as follows:

- Freshmen program selection - Students have been placed in their technical programs beginning this week.
- School activities - Full week of school then break till January 3.

Communications

- Letter from the Marlborough Senior Center thanking Culinary Arts for holiday pies

Program Advisory Committee

Members were informed of a student appointment to the Electrical Wiring Program Advisory Committee; and eight adult appointments to various Program Advisory Committees.

Personnel

Members were informed of the resignation of the Clerk/Secretary in the School Nurse's office. The administration recommended that the .5 nurse position in the Nurse's office be extended to a .75 position. A motion was made and seconded to approve the recommendation. The motion was passed unanimously.

Move: Lynn Ryan Second: Peggy Ayres Status: Passed

Old Business

Peggy Ayres gave an update on her experience at the ACTE Conference (report attached).

Virginia Simms George gave her feedback of the conference. She noted that she enjoyed being with teachers and feels it's a good teacher resource. Discussion followed regarding the possibility of sending a member of the PAC to a future conference.

Mr. Houle noted that he has asked that some teachers who attended the conference to come to the next meeting and discuss their individual experiences.

Lynn Ryan asked about the status of the roof leak. Kris Luoto noted that the problem has been addressed and remedied. Lynn also asked if the water leak issue has been fixed. Kris noted that it has all been fixed.

At 8:40 p.m., a motion was made by Peggy Ayres and seconded by Paul George to adjourn the meeting. The motion was passed unanimously.

The minutes herein were recorded by the Clerk, approved by the Committee, and so noted in a subsequent record.

Laura Ross, Secretary

**Attachments for the December 20, 2016
School Committee Meeting**

- Proposed meeting minutes from December 6, 2016
- Memo to the School Committee dated December 20, 2016, re: Warrant Vote
- Student Representative Report dated December 20, 2016
- Academic Program Update for School Committee PowerPoint dated December 20, 2016
- Superintendent-Director's Report to the School Committee dated December 14, 2016
- Mark Perna presentation
- Fiscal Operations Updated dated December 20
- Principal's Report, dated December 20, 2016
- Letter from the Marlborough Senior Center thanking Culinary Arts for holiday pies
- Application and recommendation paperwork for Program Advisory Committees for Giselle Perez, Aidan Horrigan, Brittany Blaney-Anderson, Dan Guindon, Robert Fields, Brian Connearney, Ken Robbins, Ryan Gordon and Paul Longtine.