

REGULAR MEETING
SEPTEMBER 21, 2020
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 SEP 17 P 1:10

This meeting of the City Council will be held virtually on Monday, September 21, 2020 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, September 14, 2020.
2. PUBLIC HEARING On the Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, Order No. 20-1008085.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 350 323 586 #. ****

3. Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – September 2020 Update.
4. Communication from the Mayor, re: Appointment of Sean Divoll as DPW Commissioner for a five-year term, and a request to start him at step two of the salary schedule and to grant 4-weeks' vacation time.
5. Communication from City Solicitor Jason Grossfield, re: Proposed Amendment to Chapter 540 "Solid Waste", in proper legal form, Order No. 20-1008042B.
6. Minutes of Boards, Commissions and Committees:
 - a) Conservation Commission, August 6, 2020 & August 20, 2020.
 - b) Retirement Board, May 26, 2020 & June 30, 2020.

REPORTS OF COMMITTEES:

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

UNFINISHED BUSINESS:

From Personnel Committee

7. **Order No. 20-1008079 –Appointment of Michael Cabral to the Parks and Recreation Commission for a three-year term from date of confirmation.**

Recommendation of the Personnel Committee is to approve. The committee questioned Mr. Cabral and expressed appreciation for his volunteerism in the city, most notably as a constant presence at the Food Pantry during the increased needs caused by Covid-19 and his willingness to serve as a member of the commission. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0. Recommendation of the Personnel Committee is to approve the appointment of Michael Cabral to the Parks & Recreation Commission for a term to expire three years from the date of City Council confirmation.

8. **Order No. 20-1008080 –Appointment of Emily Wilde to the Cultural Council for a three-year term from date of confirmation.**

Recommendation of the Personnel Committee is to approve. Ms. Wilde stated as a transplant to the city in 2015, her work at the library helped her gain an appreciation for the city's rich diverse culture, leading to the Cultural Council appointment where she hopes to share her ideas to expand opportunities for music, art, and food. At the request of Chair Dumais, Emily explained her teaching experiences. Councilor Perlman stated she was looking forward to working with Emily as a member of the Cultural Council. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0. Recommendation of the Personnel Committee is to approve the appointment of Emily Wilde to the Cultural Council for a term to expire three years from the date of City Council confirmation.

From Public Services Committee

9. **Order No. 20-1008042B: Proposed Amendment to Chapter 540 “Solid Waste”, making changes to the Resident Drop-Off Facility operations and associated fees.**

Recommendation of the Public Services Committee is to approve as amended. Chair Landers provided an overview of the committee’s action—the initial review in committee, the call for a public hearing to allow residents to submit input and the possibility of completing the review this evening in order to refer the matter back to the City Council on Monday, September 14, then asked Acting Commissioner Scott to take the podium. Mr. Scott submitted info for the last calendar year, stating 221 stickers were issued to 62-64 year old seniors; 3000 to seniors 65 and over and disabled veterans, and explained the importance of stricter requirements for the maximum number of household bags (proposed 50) and number of allowable pay items (4), and the added fee for sticker upgrades, purchasable in \$100.00 increments for an additional four (4) pay items. Note: Twelve (12) household bags of residential solid waste are considered one (1) pay item, 48 additional bags will be allowed for an additional \$100.00 under this proposal. The changes will allow the city to offset the costs associated by those users continually disposing of more solid waste and other items than the average user, and controlled tracking of items is proposed.

- Councilors Navin and Oram expressed concern for the elimination of the 62-64-year-old senior reduced rate.
- Councilors Robey and Doucette suggested minor edits to further clarify (B)(5), bulk waste.

Councilors continued to question Mr. Scott, resulting in the following suggested, highlighted change to the Mayor’s proposal.

Page 2.

V. Chapter 540-19 Stickers; Use of Resident Drop Off Facility

(B) (5) For purposes of this subsection, Pay items are a single load of electronic and bulk waste as defined in the regulations.

Replying to Chair Landers, Mr. Scott stated that he supported the proposed minor change(s) to (B)(5) requested by Councilors Robey and Doucette.

Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the amendment to section B(5). Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0

Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the ordinance as amended. Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0.

From City Council

10. **Order No. 20-1007976C – Proposed Rezoning of land off Valley Street, identified as Map 82, Parcel 125.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor’s Map 82 as Parcel 125, presently zoned partly “Residence C” and partly “Industrial”, be rezoned entirely as “Residence C”, as said industrial portion parcel 125 is contiguous to the proponent’s residentially zoned portion of Assessors’ Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

Ordinance passed all 4-stages, Councilor Ossing objected to passage in one evening.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Steven W. Kerrigan
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 SEP 16 A 7:35

SEPTEMBER 14, 2020

Regular meeting of the City Council was held on Monday, September 14, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman, Robey & Wagner. Meeting adjourned at 9:24 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

Present: 11 – Absent: 0

Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Minutes of the City Council meeting, August 24, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the **PUBLIC HEARING** on the Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, Order No. 20-1008062, all were heard who wish to be heard, hearing closed at 8:44 PM; adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

At 8:36 PM Councilor Robey disconnected due to a technical issue.

At 8:37 PM Councilor Robey rejoined the meeting.

President Ossing called a recess at 8:44 PM and returned to open meeting at 8:47 PM.

ORDERED: That the Transfer Request in the amount of \$440,000.00 which moves funds from Economic Development to MEDC Funding to fund the purchase of 481 Elm Street as a potential site of the west-side fire station, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:		Mayor			FISCAL YEAR:		2021		
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$1,264,262.52	\$440,000.00	27000099	42440	Economic Development	\$440,000.00	11740006	53950	MEDC Funding	\$0.00
Reason:		Elm Street property purchase							
\$440,000.00	Total				\$440,000.00	Total			

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Comptroller/Treasurer as submitted by the Mayor, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

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

Position	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 years of service	4 years of service	5 years of service
Comptroller - Treasurer	\$130,531.79	\$133,142.43	\$135,805.27	\$138,521.38	\$141,291.81	\$144,117.64	\$147,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Director of Veterans’ Services as submitted by the Mayor, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

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

Position	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 years of service	4 years of service	5 years of service
Veterans’ Director	\$63,933.94	\$65,212.62	\$66,516.87	\$67,847.21	\$69,204.15	\$70,588.24	\$72,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Job Description as updated for the Director of Veterans’ Services position as submitted by the Mayor, refer to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Salary Ordinance Amendment to Chapter 125 §6 of the Code of the City of Marlborough relative to the position of Paralegal as submitted by the Mayor, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

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

Position	Step 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 years of service	4 years of service	5 years of service
Paralegal	\$51,200.33	\$52,224.34	\$53,268.82	\$54,334.20	\$55,420.88	\$56,529.30	\$57,659.89

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Job Description as updated for the Paralegal position as submitted by the Mayor, refer to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Chapter 328 “Fees”, making changes to §2 “Fire Department Fees” as recommended by the Mayor and Fire Chief, refer to **FINANCE COMMITTEE and ORDERED ADVERTISED**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 328, ENTITLED "FEES," AS FOLLOWS:

A. Chapter 328, Section 328-2 entitled “Fire Department Fee Schedule” is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Type	Fee
Home fire/smoke	<u>\$100</u> 50
Sprinkler	\$50
Blasting	<u>\$100</u> 50
Alarm installation/replacement	\$50
Home occupancy	\$50
Insurance reports	\$50 <u>0</u>
LPG storage	<u>\$100</u> 50
Reinspections	\$50
Oil burners	<u>\$100</u> 50
Temporary permits	\$50
Wet systems	\$50
Site assessment	<u>\$250</u> 50
Underground tank storage	<u>\$100</u> 50
Tank truck inspections	\$50
Underground tank removal	<u>\$100</u> 50
Cutting/welding	<u>\$100</u> 50
Aboveground tank storage	\$50
Flammable liquid storage	<u>\$100</u> 50
Miscellaneous	\$50
Black powder storage	\$25
Smokeless powder storage	\$25
Burning permits	\$40 <u>0</u>
Installation and maintenance of Fire Department and Police Department Communications system	\$50

B. Effective Date. These amendments shall take effect on January 1, 2021.

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, in proper legal form, Order No. 20-1007948G, **MOVED TO ITEM 14**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i), **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Application for a Livery License from Eduard Zholudev d/b/a Easy Airport Limo Services, to operate at 15 Indian Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

- a) School Committee, July 14, 2020, July 28, 2020 & August 11, 2020.
- b) Cultural Council, September 8, 2020.
- c) Commission on Disabilities, March 10, 2020 & July 7, 2020.
- d) Fort Meadow Commission, September 19, 2019, May 21, 2020, June 18, 2020 & July 16, 2020.
- e) Historical Commission, July 23, 2020.
- f) Planning Board, July 20, 2020.
- g) Traffic Commission, July 29, 2020.
- h) Zoning Board of Appeals, August 10, 2020.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

- a) Kevin Shepard, 106 Violetwood Circle, other property damage and/or personal injury.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: September 8, 2020

Time: 7:00 PM

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

Voting Members Present: Chairman Landers and Councilor Irish; and Councilor Perlman remote participation

Other Members Present: Councilors Navin, Dumais and Doucette; and Councilor Oram remote

Also Present: Acting DPW Commissioner Ted Scott

Order No. 20-1008042: Communication from Mayor Vigeant re: proposed amendment to the Code of the City of Marlborough, Chapter 540, Solid Waste, making changes to the Transfer Station, Resident Drop off Facility, operation and fees.

Chair Landers provided an overview of the committee's action—the initial review in committee, the call for a public hearing to allow residents to submit input and the possibility of completing the review this evening in order to refer the matter back to the City Council on Monday, September 14, then asked Acting Commissioner Scott to take the podium.

Mr. Scott submitted info for the last calendar year, stating 221 stickers were issued to 62-64 year old seniors; 3000 to seniors 65 and over and disabled veterans, and explained the importance of stricter requirements for the maximum number of household bags (proposed 50) and number of allowable pay items (4), and the added fee for sticker upgrades, purchasable in \$100.00 increments for an additional four (4) pay items. Note: Twelve (12) household bags of residential solid waste are considered one (1) pay item, 48 additional bags will be allowed for an additional \$100.00 under this proposal.

The changes will allow the city to offset the costs associated by those users continually disposing of more solid waste and other items than the average user, and controlled tracking of items is proposed.

- Councilors Navin and Oram expressed concern for the elimination of the 62-64-year-old senior reduced rate.
- Councilors Robey and Doucette suggested minor edits to further clarify (B)(5), bulk waste.

Councilors continued to question Mr. Scott, resulting in the following suggested, highlighted change to the Mayor's proposal.

Page 2.

V. Chapter 540-19 Stickers; Use of Resident Drop Off Facility

(B) (5) For purposes of this subsection, Pay items are a single load of electronic and bulk waste as defined in the regulations.

Replying to Chair Landers, Mr. Scott stated that he supported the proposed minor change(s) to (B)(5) requested by Councilors Robey and Doucette.

Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the amendment to section B(5). Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0

Motion made by Councilor Perlman, seconded by Councilor Irish, to approve the ordinance as amended.

Approved by roll call vote: Yes: Perlman, Irish, Landers 3-0

Motion made and seconded to adjourn: Approved by Roll Call vote: Yes: Perlman, Irish, Landers. The meeting adjourned at 7:58PM.

Councilor Dumais reported the following out of the Personnel Committee:

**Marlborough City Council Personnel Committee
Tuesday, September 8, 2020
In City Council Chambers, 2nd Floor, City Hall, 140 Main Street**

Members Present: Chairman Dumais, Councilors Doucette and Landers
Other Councilors: Councilors Navin and Irish; Councilors Oram, Perlman and Robey remote
Also Present: Michael Cabral and Emily Wilde remote

The meeting convened at 6:48PM.

Order No. 20-1008079: Appointment of Michael Cabral to the Parks & Recreation Commission for a term to expire three years from the date of City Council confirmation.

The committee questioned Mr. Cabral and expressed appreciation for his volunteerism in the city, most notably as a constant presence at the Food Pantry during the increased needs caused by Covid-19 and his willingness to serve as a member of the commission. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0

Recommendation of the Personnel Committee is to approve the appointment of Michael Cabral to the Parks & Recreation Commission for a term to expire three years from the date of City Council confirmation.

Order No. 20-1008080: Appointment of Emily Wilde to the Cultural Council for a term to expire three years from the date of City Council confirmation.

Ms. Wilde stated as a transplant to the city in 2015, her work at the library helped her gain an appreciation for the city's rich diverse culture, leading to the Cultural Council appointment where she hopes to share her ideas to expand opportunities for music, art, and food. At the request of Chair Dumais, Emily explained her teaching experiences. Councilor Perlman stated she was looking forward to working with Emily as a member of the Cultural Council. Motion by Councilor Doucette, seconded by Councilor Landers, to approve the appointment. Vote 3-0.

Recommendation of the Personnel Committee is to approve the appointment of Emily Wilde to the Cultural Council for a term to expire three years from the date of City Council confirmation.

Motion made and seconded to adjourn;

The meeting adjourned at 7:09PM.

ORDERED: That the City Council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district (Submitted by Councilor Perlman), refer to **URBAN AFFARIS COMMITTEE**; adopted.

Yea: 10 – Nay: 1

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman, & Robey.

Nay: Ossing.

ORDERED THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

APPROVED.

First Reading suspended; Second Reading, adopted.

Yea: 8 – Nay: 3

Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.

Nay: Tunnera, Irish & Ossing.

Passage to Enroll, adopted.

Yea: 8 – Nay: 3

Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.

Nay: Tunnera, Irish & Ossing.

Passage to Ordain; adopted.

Yea: 8 – Nay: 3

Yea: Wagner, Doucette, Dumais, Navin, Landers, Oram, Perlman, & Robey.

Nay: Tunnera, Irish & Ossing.

Councilor Ossing objected to passage in one evening – matter will be placed on agenda of September 21, 2020.

ORDERED That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, in proper legal form, Order No. 20-1007948G, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED

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

LED Sign Special Permit
Lincoln St. LLC, 431
431 Lincoln Street
Order No. 20-1007948H

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 20-1007948H**

The City Council of the City of Marlborough hereby **GRANTS** the application for a LED Sign Special Permit to Lincoln Street 431, LLC (the “Applicant”) for the property located at 431 Lincoln Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 431 Lincoln Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 69, Parcel 96 (the “Site”) and maintains a filling station with a convenience store.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate a digital display sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a +/- 75.3” x 72.9” double-faced sign with a red and green digital display consisting of a +/- 25.5” x 58.5” and a 13.8” x 34.9” LED Numeral signs displaying the price of fuel (the product specifications are attached hereto as **Exhibit A**). The total digital display area is 14.4 sq. ft. The Sign is to be located below an internally illuminated sign at the premises.
4. In connection with the Application, the Applicant submitted a photograph of the Site depicting the sign as presently installed on the Site and the proposed 24” LED electronic pricing panels for Regular Gas and 12” LED electronic pricing panels for Diesel Gas.
5. The Marlborough City Council held a public hearing on the Application on Monday, July 20, 2020.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to application for a LED sign special permit under the EMC and Digital Display Sign Ordinance.

- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby **GRANTS** the Applicant a special permit for the Sign, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough and shall be turned off when the service station is not open for business and all other extraneous signage shall be removed from the Site;
 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

Yea: 9 – Nay: 2

Yea: Wagner, Doucette, Dumais, Tunnera, Navin, Landers, Oram, Ossing, & Robey.
Nay: Irish & Perlman.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 21, 2020** as the **DATE FOR PUBLIC HEARING**, on the Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ADOPTED

ORDER NO. 20-1008085



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 SEP 16 P 4:08

Marlborough City Council
Robert J. Tunnera
Michael H. Ossing
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

September 16, 2020

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – September 2020 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the second quarter savings from the approved fixed price contract with Inspire that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period. The contract with Inspire runs through January 2024.

Colonial Power has compiled the second quarter 2020 data and the City residents saved over \$250,000 in their electricity bill compared to the National Grid Basic Service Rate. See table below and the graph in Attachment 1.

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Oct - .10793 Nov - .13957 Dec - .13957	Oct - .09732 Nov - .09690 Dec - .09690	\$606,864	\$730,877
First Quarter 2020	Jan – Mar .13 957	Jan – Mar .09690	\$812,099	\$1,034,092
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr – Jun .09690	\$250,091	\$199,150

As a reminder, the City's contract with Inspire is 100% wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

Looking ahead to the third quarter 2020, the City entered into a "blend and extend" contract with Inspire Energy that reduced the rate to 0.09390 \$/kW-hr effective August 2020 and the rate is lower than the recently established National Grid summer basic service rate of 0.09898 \$/kW-hr. This is significant as the City residents will continue to see savings over the Nation Grid Basic Service rate and the requirements in order 19-1007578B will be satisfied by "on a yearly average be lower than the National Grid Basic service rates during the same time period."

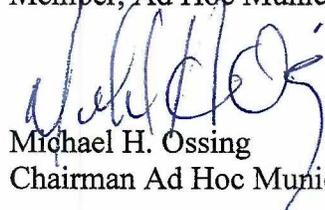
This information will be updated periodically and forwarded to the Councilors in accordance with Order 19-1007578B.

As Councilors, you can take pride in your decision to support Municipal Aggregation as we are saving our residents money on their electricity bills. Since November 2019, City residents have saved over \$1,600,000.

Sincerely,



Robert J. Tunnera
Member, Ad Hoc Municipal Aggregation Committee



Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: 2nd quarter 2020 status report - Graph illustrating Marlboro aggregation savings

**CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM
STATUS REPORT Q2 2020**

Prepared September 2020

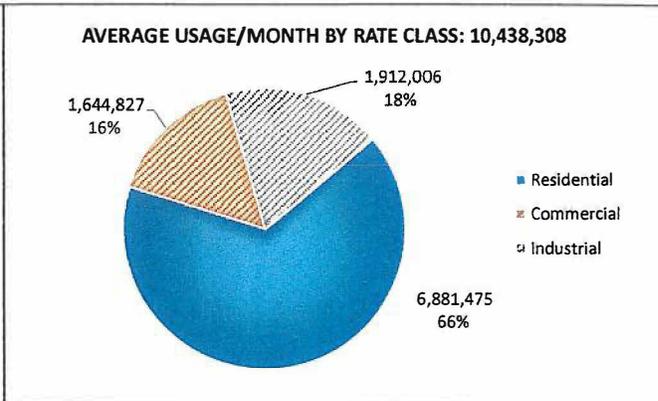
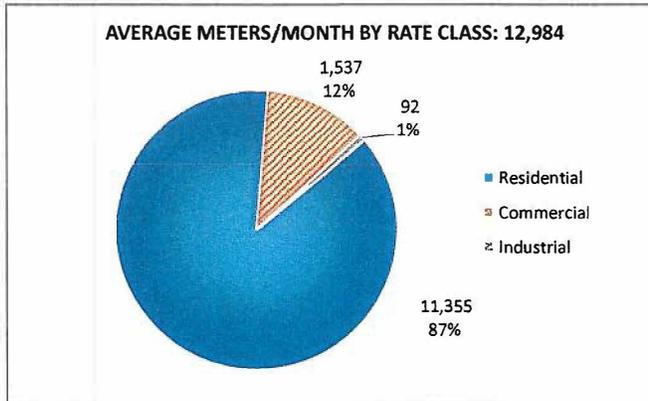
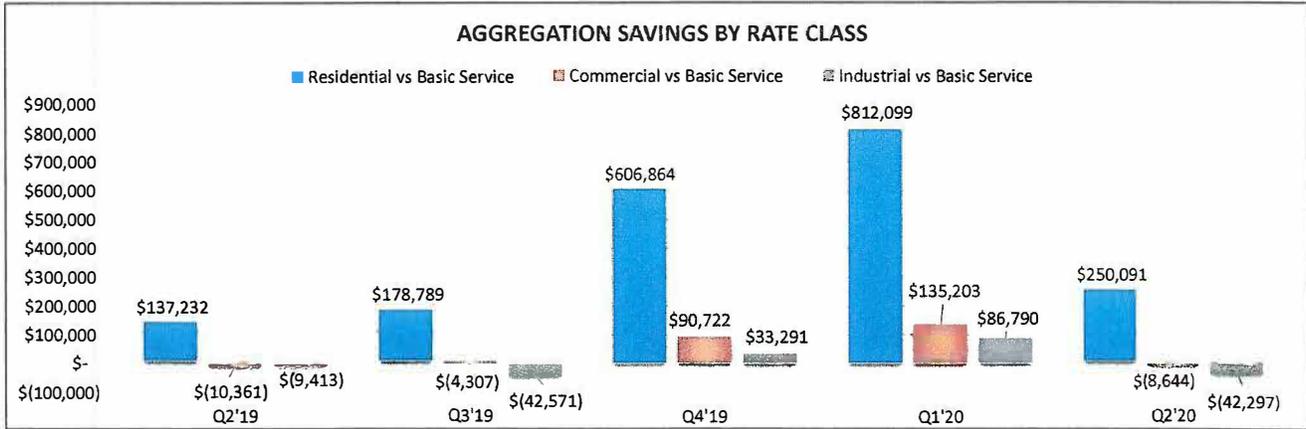
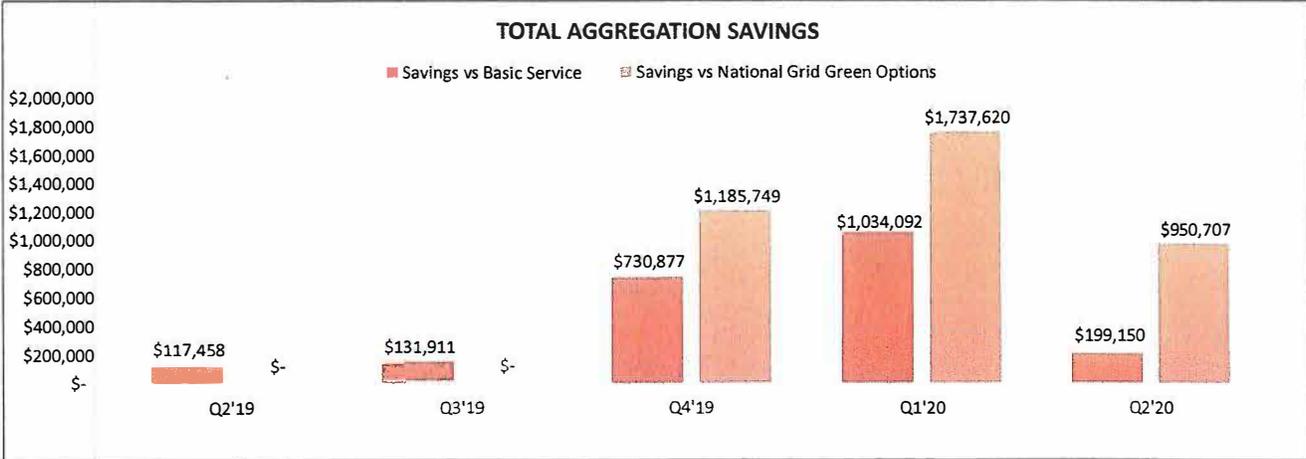
This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the City of Marlborough's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 12,900 customers in the City. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

PROGRAM RATES			
Term	May 2019 – Nov 2019	Nov 2019 - Aug 2020	Aug 2020 - Jan 2024
Competitive Supplier	Dynegy	Inspire	Inspire
Standard Offering	\$0.09732 / kWh Meet MA Requirements	\$0.09690 / kWh 100% National Wind RECs	\$0.09390 / kWh 100% National Wind RECs
Optional Offering	\$0.09804 / kWh 100% National Wind RECs	N/A	N/A

COMPARISON TO NATIONAL GRID RATES

[Click here for NGRID GreenUp Info](#)

As of November 2019, the City of Marlborough chose a 100% green product as its standard offering, which supports renewable energy as 100% of the power supply is offset with Renewable Energy Certificates (REC's). Prior to that the standard offering met MA RPS. The City's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.





City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
2020 SEP 17 A 10:50

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele H. O'Brien
EXECUTIVE SECRETARY

September 17, 2020

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

RE: Appointment of DPW Commissioner

Honorable President Ossing and Councilors:

It is with great pleasure that I submit for your approval the appointment of Sean Divoll as Commissioner of Public Works for a five year term with an anticipated start date of October 19th. Mr. Divoll holds his master's in public administration and is a registered engineer. He comes highly recommended with over 20 years of experience from the Towns of Concord and most recently Oxford. Additionally, he spent six years at Weston & Sampson Engineers designing and managing multiple water, sewer and drainage projects.

I am requesting to waive Step One starting Mr. Divoll at Step Two at \$127,473.75 and allowing him four weeks of vacation as part of his compensation package so he is not losing what he gained at his previous employer.

I am confident that Mr. Divoll's well rounded experience will allow him to manage our busy public works department as well as the ongoing projects while delivering superior service to the residents and businesses in our community.

I've attached the offer letter and resume for your review.

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Sean M. Divoll, P.E., MPA

**12 Ontario Street
Worcester, MA 01606**

June 30, 2020

Arthur G. Vigeant
Mayor
c/o
Human Resources Department
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Department of Public Works Commissioner

Dear Mayor Vigeant:

I am pleased to submit my resume for the Department of Public Works Commissioner position. I have over 20 years of progressively responsible experience in public works engineering, operations, and management through my work with Weston & Sampson Engineers, the Town of Concord, and currently as the Director of Public Works for the Town of Oxford for 13-years.

I have overhauled Oxford Public Works into a forward thinking, high achieving department. I operate a \$3.5M budget spread between one General Fund budget and one Enterprise budget. I have been able to modernize the Town's engineering, parks, public facilities maintenance, sewer, and snow and ice operations. In 2013 Oxford DPW was named the "Department of the Month" by the nationally published "*Public Works Magazine*" for the Town's success in snow and ice management. I have been able to secure over \$4M in grants to construct sewers and traffic signals. We are currently waiting on word for another \$3.5M in grant funding for sewer construction and dam rehabilitation.

I hold a Bachelors of Science degree from WPI and a Masters of Public Administration from Clark University.

I have made a career working closely with key stakeholders both in and outside of government. It is an honor working for local government and to be entrusted to carry out the people's work to the highest level of efficiency and integrity. I am interested in learning more about the position and how my skills and experience can help the City of Marlborough.

Thank you for your consideration and I look forward to hearing from you.

Sincerely,

Sean M. Divoll, P.E., MPA

Enclosure

Sean M. Divoll, P.E., MPA

12 Ontario Street
Worcester, MA 01606

Professional Experience:

Director of Public Works: Town of Oxford – Oxford, MA

2007 to Present

- Manage a modern public works department including the divisions of:
 - **Administration & Engineering** including procurement of all services, supplies and contract work
 - **Highway** including maintenance of all streets, bridges, sidewalks, traffic control signals, and street lighting equipment
 - **Parks –Recreation-Cemetery-Forestry** including all Town and School properties
 - **Fleet Maintenance** including all DPW, Police, Fire, & Administration Vehicles
 - **Facilities Maintenance** Including all Town and School buildings
 - **Sewer** including all operations maintenance tasks
- Manage a workforce of 27 full-time employees through a subordinate Operations Manager and division managers
- Develop and manage a \$3.5M operating budget for all General Fund and Enterprise accounts
- Develop and manage robust capital budget that currently includes:
 - Highway projects:
 - Continuous survey and analysis through the Towns Pavement Management System
 - Roadway rehabilitation / resurfacing through a \$15M debt exclusion
 - Traffic signal installation through a MassWorks grant
 - Downtown redesign/reimagining including protected bike lanes and pedestrian safety
 - Parks projects:
 - Dog park construction closeout
 - High School track resurfacing
 - Playground design and construction for a Town park and an elementary school
 - Cemetery roadway resurfacing including public safety improvements
 - Facilities projects:
 - Carbuncle Beach House Community Center construction completion and closeout
 - Restroom facility design and construction
 - Building management system upgrades including VFD installations
 - Generator install at Oxford Community Center
 - DPW facility feasibility study / conceptual design

Sean M. Divoll, P.E., MPA

12 Ontario Street
Worcester, MA 01606

- Sewer projects:
 - Sewer expansion to accommodate a large commercial and residential site development
 - Pump replacements at various pumping stations
 - Feasibility study for sewer installation in the downtown area
 - I/I investigation
- Coordinate key pieces of a modern snow and ice program
- Administer a treated salt bidding consortium for 20 municipalities worth about \$2.5M
- Manage the Town's compliance with its NPDES MS4 Stormwater Permit
- Manage the Town's yard waste drop-off and composting facility

Public Works Engineer: Town of Concord – Concord, MA

2003-2007

Worked at an Assistant Town Engineer level as a program manager for drainage maintenance and roadway improvements for a town with approximately 17,000 residents.

Selected Work History

- Managed and maintained Town's GIS based pavement management system
- Developed the Town's first comprehensive stormwater and drainage maintenance program
- Managed NPDES stormwater permit program
- Designed and built various drainage systems
- Designed and supervised construction of playing field irrigation systems including wells, pumps, and controls for three soccer fields in two locations

Engineer / Senior Engineer: Weston & Sampson Engineers, Inc., Peabody, MA 1997-2003

Designed and managed multiple water, sewer, and drainage projects for various municipal clients.

Selected Work History

- Designed and managed new well development, pumping facilities, and new water mains including a horizontal directional drill under a large lake for the Town of Wrentham
- Designed and managed water and sewer replacement projects from 8" to 36" in diameter for the City of Chelsea
- Designed and managed water replacement projects and cleaning and lining water main projects for the City of Quincy

Education:

Masters of Public Administration: Clark University, Worcester, MA

Alpha Epsilon Lambda Honor Society

Bachelor of Science, Civil Engineering: Worcester Polytechnic Institute, Worcester, MA

Graduated with Distinction

Sean M. Divoll, P.E., MPA

12 Ontario Street
Worcester, MA 01606

Professional Affiliations:

Worcester County Highway Association

Past President

Massachusetts Highway Association

Past President

American Public Works Association – New England Chapter

Certifications:

Commonwealth of Massachusetts

Registered Professional Engineer, Massachusetts No. 46257

Class D Drivers License

Federal Emergency Management Agency

ICS-100, ICS-200, ICS-300, ICS-400, IS-700, IS-701, IS-775, IS-800

Professional Presentations:

Selected Presentation History

Town Meeting

- Acquisition of water system
- Consolidation of trash and recycling
- Design and construction of new public works facility
- Implementation of a comprehensive \$15M roadway rehabilitation program

Board of Selectmen

- Capital budgets
- Operating budgets

Planning Board

- Private development projects review
- Town sewer expansion

Conservation Commission

- NOI applications for various construction projects
- NPDES MS4 education / outreach goals

Master Plan Committee

- Downtown redesign/reimagining including protected bike lanes and pedestrian safety

APWA – New England Chapter

“Lessons Learned in Large Diameter Sliplining: Know Your Host”

WCHA

“Sand/Salt Program Change: How Oxford Eliminated Sand and Saved Money”

Sean M. Divoll, P.E., MPA

**12 Ontario Street
Worcester, MA 01606**

Recognition / Awards

Awarded "Employee of the Year" by the Town of Oxford, 2019

Received a Certificate of Presidential service to the Massachusetts Highway Association, 2017

Recognized by the national "*Public Works Magazine*" for our innovation in the use of deicing chemicals and our help in educating surrounding towns, 2013



City of Marlborough
Human Resources Department

140 MAIN STREET
 MARLBOROUGH, MA 01752
 TELEPHONE (508) 460-3705, FACSIMILE (508) 481-6354

LYNN DAVINE
 HR DIRECTOR

MARY WARD
 HR ASSISTANT

DIANE REGO
 HR ADMIN. ASSISTANT

September 14, 2020

Mr. Sean M. Divoll
 12 Ontario Street
 Worcester, MA 01606

Re: Department of Public Works Commissioner

Dear Mr. Divoll:

The City of Marlborough would like to conditionally offer you the Department of Public Works Commissioner position. This position is contingent on passing a physical examination and drug screen as well as a CORI background check.

The starting salary for your position will be \$127,473.75 and you will also have four weeks of vacation time (both subject to City Council approval). This is a full-time benefitted position. Kindly advise if you accept this conditional offer and I can advise you on the next steps. I look forward to hearing from you.

Sincerely,

Lynn T. Davine, Director
 Human Resources Department

CC: Arthur G. Vigeant, Mayor



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

September 15, 2020

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

Re: Order No. 20-1008042: Proposed Amendment to Chapter 540 re: Solid Waste; Transfer Stations

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed ordinance amendment, in proper legal form, as recommended by the Public Services Committee at its September 8, 2020 meeting.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Theodore L. Scott, P.E., Interim DPW Commissioner

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. By amending Chapter 540 (“Solid Waste”), Article II (“Transfer Stations”) by deleting the words “Transfer Stations” in the title and replacing it with the words: “Resident Drop-Off Facility”.

II. By amending Chapter 540, Section 540-16, entitled “Provision for Station”, as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 540-16 Provision for ~~station~~ resident drop-off facility.

The City shall provide, either by contract or otherwise, a ~~transfer station~~ resident drop-off facility for the ~~disposal of solid waste~~ drop-off and transfer of residential solid waste and residential recycling, and may include residential compost, generated within the City.

III. By amending Chapter 540, Section 540-17, entitled “Use of landfill”, as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 540-17 Use of landfill.

~~Upon establishment of a transfer station,~~ The Hudson Street landfill will be closed to public use. Further use of said ~~landfill facility~~ by the public will only be allowed under emergency conditions by the Department of Public Works or as otherwise approved by the City Council.

IV. By amending Chapter 540, Section 540-18, entitled “Definitions”, by deleting the existing section in its entirety and replacing it with the following:

§ 540-18 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this article:

RESIDENTIAL COMPOST: Discarded organic material such as yard trimmings, kitchen scraps, wood shavings, cardboard and paper that is converted to compost, which can be used for soil improvement or as a fertilizer.

RESIDENTIAL RECYCLING: Discarded material that can be converted into reusable material as defined by the Massachusetts Department of Environmental Protection.

RESIDENTIAL SOLID WASTE: Discarded material that is usual to housekeeping, which is not recycling or hazardous waste as defined by the Massachusetts Department of Environmental Protection.

- V. By amending Chapter 540, Section 540-19, entitled "Stickers", by deleting the existing section in its entirety and replacing it with the following:

§ 540-19 Stickers; Use of Resident-Drop Off Facility

- (A) The resident drop-off facility shall be for the sole use of residents of the City of Marlborough. The department of public works shall issue permits in the form of stickers to be attached to each vehicle window. The department of public works shall adopt regulations for the administration of the resident drop-off facility consistent with this section.
- (B) Entrance for the use of the resident drop-off facility shall only be allowed to vehicles displaying a proper window sticker affixed to the lower, front corner of the driver's side window. Said permit shall allow use of the facility on an annual basis, from July 1 through June 30 of each year, as follows:
- (1) Residential Solid Waste / Residential Recycling Standard Sticker: \$50 annual fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
 - (2) Residential Recycling Only Sticker: No fee.
 - (3) Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker: No fee. This sticker permits a maximum of 50 household bags of residential solid waste and 4 pay items.
 - (4) Sticker Upgrades: Purchasable in \$100 increments for an additional 4 pay items. 12 household bags of residential solid waste are considered 1 pay item.
 - (5) For purposes of this subsection, Pay Items are a single load of electronics, appliances and bulk waste as defined in the regulations.

- VI. By deleting Chapter 540, Sections 540-20, 540-21, and 520-22 in their entirety.

ADOPTED
In City Council
Order No. 20-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**CITY OF MARLBOROUGH
Conservation Commission**

Minutes, August 6, 2020 (Thursday)

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
MAY 17 2020
2020 SEP 14 P 4:01

This meeting was recorded by video/audio

Chairman Clancy Read the notice to explain how the meeting would run: Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlbrough-ma.gov/>

Present: By roll call vote: Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; William Dunbar- yea; Karin Paquin-yea; John Skarin- yea 6-0 (a quorum). Also present was Priscilla Ryder Conservation Officer

Absent: Allan White. (he attempted to connect, but was not able to)

Minutes: The Commission reviewed the minutes of the June 25 and July 23, 2020 meeting. On a motion by Mr. Skarin to approve both sets of minutes as written, second by Chairman. On a roll call vote Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; William Dunbar- yea; Karin Paquin-yea; and John Skarin- yea. Both these sets of minutes were approved unanimously 6-0.

Public Hearings:

Request for Determination of Applicability – Continuation

215 Cullinane Dr. - Amanda Morse

Ms. Morse was present and explained that she would like to remove and replace existing walkway/steps going down to Ft. Meadow Reservoir from the house. It is currently a 128' walkway with railroad tie steps that are all deteriorated as shown in the photos she provided with the application. She needs to replace them for safe access. She has not determined what type of steps will replace them yet, as the original quotes she received are very expensive. She's thought of Trex (plastic composite), pavers, wood steps etc., but is now not quite sure what she will use. Ms. Paquin asked about how run off from the hill will affect the steps, Mr. Dunbar noted that the Commission will need more details in order to render a decision on this. Questions were raised about construction and stabilization. It was agreed that it will take some time to come up with a final plan, so this item was continued until April 1, 2021 in order for Ms. Morse to gather more details.

Request for Determination of Applicability – Continued – Draft Conditions

489 Stevens St. – Brent Coullard

Ms. Ryder noted that she and Ms. Paquin and Mr. Dunbar visited the lot at 4:00 PM this afternoon and met with the homeowner. The area to be cleared for the trailer has been staked and the stakes were adjusted so they are approximately 20' from the wetland boundary. The area will be gravel and not asphalt. The large stones that exist will create the barrier between the trailer and the yard. The Commission expressed its satisfaction with this new staked area. There being no further questions from the Commission or the public, the hearing was closed. On a motion by Ms. Paquin second by chair to issue a negative determination with standard conditions. The roll call vote was taken: Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; Bill Dunbar- yea; Karin Paquin-yea; and John Skarin- yea. Vote approved unanimously 6-0.

Request for Determination Applicability**315 Stevens St. - The Charles Company**

Kevin O'Leary from Jillson Company was present. Chairman Clancy noted that they did a site walk this afternoon and the erosion control barrier/limit of work was staked in the field. The Commission members present inspected the wetland boundary and checked flag #10 & #11 and looked at soils and determined that the flags were in the correct location. It was noted that there is a mystery plant that will be identified on the property too. There were no questions from the public. The Commission had questions about adding markers of some type to the 100' boundary to alert future owners, deed language to require future owners to acknowledge wetland near site, how were slopes to be stabilized. Mr. O'Leary explained that the 3:1 slope on either side of the house are to be stabilized with grass. A motion to issue a negative determination with conditions as noted was made by Ms. Paquin, second by the Chairman. A roll call vote as follows:

Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; William Dunbar- yea; Karin Paquin-yea; and John Skarin- yea. Vote approved unanimously 6-0.

Notice of Intent – Continued – 212-1218 Draft Conditions**339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC**

Brian Faulk of Merrick O'Connell; Dave Robinson and Carlton Quinn of Allan and Major; Tim McGuire of Goddard Consulting and Tom Moran of Waypoint Real Estate Investments were all present.

Mr. Faulk explained that they have been before Zoning Board of Appeals (ZBA) and City Council and they are waiting for the Conservation Commission's decision before proceeding with ZBA. Mr. Robinson explained that they have made some revisions to the plans and have addressed some of the questions raised at and after the last meeting. He reviewed the letter Scott Goddard had submitted dated August 5th which outlines the answers to the questions as follows:

- Trotting track - only the portion of the track from the parking lot to the dog park will be paved. The remaining track will stay as is. This is to allow for handicapped access. The paved section now also has drainage to meet DEP's request. There was discussion about how the old path will connect into the new parking area to create a loop. The reason the dog park access is paved is to make it accessible and meet building code. The remainder of the path will remain as is.
- Fencing - there is a lot of fencing around the facility and around the track. To improve wildlife movement on the undeveloped portions of the site, it was agreed that all the fencing would be removed.
- Drainage outlets- They indicated at first that they couldn't change the outlet location, but after some discussion and questions it was agreed that the pipe would be redesigned to be designed to discharge outside the 20' buffer zone. This will be revised on the plans. Ms. Ryder read into the record an e-mail from Tom DiPersio City Engineer commenting on the pipe design and questions he had. Ms. Ryder will forward to applicant to review and address. Mr. Demers and Ms. Paquin both agreed that the pipe should be removed to be outside the 20' no disturb buffer zone and grading over the pipe needs to be provided as well. Later in the meeting it was discussed that a plan showing the grading changes needs to be provided.

Tim McGuire explained the following:

- Dog Park – The dog park is now located outside of all resource areas and outside the Commission's jurisdiction so is far away from the resource areas which they believe is appropriate. Mr. Moran explain that the dog waste pick up will be traced with DNA testing as they've done at other facilities and which was discussed at the last meeting. Mr. Clancy noted that given the drainage to the Sudbury Reservoir, he was not in favor of the dog park. It was noted that the applicant would just have grass in the dog park area and not do any special dog turf or construction, they believe they are far enough away from the resource area. Ms. Ryder

noted later in the meeting that there is some drainage that appears to run through the dog park that should be looked at.

- Riverfront area (RFA)– He explained that a portion of the riverfront area is a degraded paddock/riding ring with no topsoil. The definition of degraded in the regulation is “lacking topsoil”. They are proposing to restore a good portion of this paddock area when restoring floodplain and returning it to an open meadow as discussed at the last meeting for the floodplain restoration. Two graphics were reviewed showing existing condition and proposed conditions. There was much discussion about what the RFA requires and what is allowable for the Commission to accept. The restoration according to the plans and as explained by Mr. McGuire improves on the existing degraded RFA. Ms. Ryder asked them to explain which areas were degraded and which are not, and which were being built on and which are not. Mr. Dunbar asked if the bocce court which is within the undisturbed RFA was still going to stay or not.

Mr. Clancy asked about the pool and what type of water treatment and backwash system is proposed. He wanted to know if the drain around the pool goes to the drainage system, and how it is neutralized before dumping into the drainage system. And is it a seasonal or heated pool. Mr. Moran indicated it was a seasonal pool, they didn't have the details yet on treatment type and cleaning protocol but can provide that.

Mr. Dunbar noted that the green space is a key amenity as outlined by the applicant, however the bocce court is encroaching on the riverfront area. Why not make the pool smaller and remove the bocce court and bring the retaining wall up to the 100' riverfront area line? Mr. Faulk indicated that as designed the RFA is improved over existing conditions which is allowable in the regulations. Mr. Demes indicated that they are really stretching all the rules and he'd like to see everything smaller and outside resource areas. Mr. Moran argued that they are conserving a large portion of the site and not using everything that is useable.

Chairman Clancy opened the discussion up to the public. City Councilor Katie Robbie asked for clarification on the wetland and riverfront impacts. Mr. McGuire did explain the regulations which allow for the restoration and alteration of already degraded RFA and they believe the project does meet these standards as outlined. Mr. McGuire explained that they are providing more than 1:1+ the regulations require at least 1:1 ration is restored. Ms. Ryder provided a summary of what was proposed and what impacts were mitigated. She noted however, the Riverfront area impacts need to be further examined to determine whether the regulations say that the commission “shall allow” or “may allow”. She will provide a summary once she's reviewed it. Mr. Falk and Mr. Clancy both noted that it is the Commission's responsibility to make sure they comply with the requirement and impose conditions that protect resource areas.

Ms. Paquin noted that there were two chat questions from Victoria Rule asking, one, for a definition of degraded area and how is it defined right to the brook, which was answered as lack of topsoil adjacent pasture is not degraded. She also asked if 401 Water Quality Certificate been filed yet? The answer is that yes it was filed this week anyone can get a copy, just ask Ms. Ryder.

Ms. Ryder noted that received today was a snow storage plan, Mr. Robinson explained how this was to be place only on pavement area, away from catch basins and Not on landscaped areas. Councilor Wagner expressed concerns about managing snow, if there is no parking area left what will happen. The answer is when they reach capacity they must remove from site.

Mr. Arthur Skura who is an abutter across the street he has seen the wetland and flooding on this property, he doesn't like this plan. He noted that this is a large "spurge" and is not in favor of this project, he noted that he speaks for many others in his opposition to this project.

Mr. Clancy noted that although Ms. Ryder had drafted some condition, he is not prepared to act on them tonight. The Commission concurred after some discussion about what is needed to finish the review on August 20th. A list of items still needed, and plan revisions was reviewed, and it was agreed by all parties to continue the hearing to August 20th. The ZBA meeting scheduled for Aug. 10th will be continued until Con. Com. Issues a permit.

Notice of Intent – Continued

447 Boston Post Rd. (known as Harrison Arms) - Wayside Apartments LLC

Ms. Ryder has been in touch with the Applicant and DEP. Unfortunately, DEP has not issued a file number yet, and the Commission must wait for that before issuing a permit. So, this item was continued to the next meeting, August 20th with hopes a DEP number will be available, so the hearing can close, and an Order of Conditions can be issued.

Notice of Intent (3 separate filings as noted below)

Hayes Memorial Dr. - The Gutierrez Company

- **Lot K - Construct a 29,540 ± s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping. Map 88, Parcel 1 and Map 88 Parcel 35. Work is proposed near wetlands**
- **Lot L - Construct an 80,880 s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping. Map 99, Parcel 1 and Map 88 Parcel 35. Work is proposed near wetlands. Lot L.**
- **Lot M - Construct a 24,020 ± s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping. Assessors Map 88 Parcel 1 and Map 99, Lots 1 & 6. Work is proposed near wetlands**

Mark Arnold of Goddard Consulting and David Robinson from Allan and Major were present. Mr. Arnold explained that Goddard Consulting had gone out with the city's consultant Oxbow Associates to review the wetland boundary along with two of the Commission members Ms. Paquin and Mr. Dunbar. Mr. Arnold noted that there were some wetland flag changes and adjustments that were included in the plan update that was shown on the screen. One area where they had done some test pits was in fact within the wetland. Therefore, Goddard went out and replanted this wetland area that had been impacted. During the site visit the replication was already growing in and confirmed by Ms. Paquin and Mr. Dunbar, that they transplanted shrubs and ferns and some of the root system was re-sprouting. A letter dated July 29, 2020 was provided with pictures showing this work, they saw the mistake and corrected it. Ms. Ryder noted that this was great to have this corrected and it will be noted in the final permit as it will need to establish within 2 years. Mr. Robinson noted that they wanted to be sure these wetland line changes were acceptable, since it appears they are, he would like to make changes to the plans and resubmit them. They would like to move forward with Lot L first and then take up Lot K & M after that. After some discussion it was agreed by all parties that the Notice of Intent for Lot L discussion will be continued to the next meeting on August 20th. The Notice of Intent for lots K & M will both be continued to September 3rd.

Notice of Intent – Continued to August 20, 2020 at the applicant's request

178 Simpson Rd. – Joseph Bisazza

Prior to the meeting, the applicant's engineer asked for some additional time to revise the plans and have the wetlands consultant establish the wetland line. The hearing was continued to the August 20, 2020 meeting. Ms. Ryder asked if members would like to look at the site prior to the meeting once the plan is in hand. It was agreed that the Commission would meet Wednesday August 19th in the afternoon. Ms. Ryder will notify members.

Certificate of Compliance:

- 212-1198 150 Hayes Memorial Dr. – Parcel G – Continued - Ms. Ryder noted that she had walked the site and reviewed the Order of Conditions. All conditions have been met except the erosion controls still need to be removed, and the meadow area which requires once a year mowing needs to be identified. The Commission agreed to vote and then have Ms. Ryder hold the permit until this has been completed. On a motion by Mr. Skarin and second by the Chairman. The roll call vote was taken: Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; William Dunbar- yea; Karin Paquin-yea; and John Skarin- yea. Vote approved unanimously 6-0.

Correspondence:

- CISMA – report any invasive plant seed packets you might get unsolicited in the mail. This item was accepted and placed on file.

Next Conservation Commission meetings – August 20 and September 3, 2020

Adjournment - There being no further business, the meeting was adjourned, on a motion by Mr. Demers, second by the Chairman. A roll call vote was taken: Edward Clancy-yea; Dennis Demers-yea; David Williams- yea; William Dunbar- yea; Karin Paquin-yea; and John Skarin- yea. The vote was unanimous 6-0 to adjourn at 9:09 PM.

Respectfully submitted,


Priscilla Ryder,
Conservation Officer

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 SEP 14 P 4:01

August 20, 2020 7:00 pm
Minutes

Chairman Clancy opened the meeting and noted it was being recorded and being conducted via remote participation and read the following:

Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlbrough-ma.gov/> and choose calendar and click on the August 20, 2020 meeting date.

Present: Roll call vote was taken and was 7-0 as follows:

Yeas: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams.

Also present was Priscilla Ryder -Conservation Officer

Approval of Minutes: The minutes of the August 6, 2020 were reviewed and on a motion to approve as written by Mr. Skarin, second by the Chair was unanimously approved 7-0 by a roll call vote all yeas: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams.

Public hearings:

Notice of Intent - Continued

178 Simpson Rd. – Joseph Bisazza

Bob Parente, PE was present representing the applicant. He reviewed the revised plans; he had presented to the Commission which shows that some filling of wetland has occurred. The wetlands were flagged by Dave Crossman, of B&C Associates. Mr. Clancy noted that Ms. Paquin, Mr. Dunbar and Mr. Williams along with Ms. Ryder had visited the site earlier in the day. Ms. Paquin and Mr. Dunbar explained that Flag #4 & #5 were at the toe of a steep filled slope, they suggest that when the work is being done to pull back this slope, this area be re-evaluated to determine if it is agreed to be in the right spot or if it should be further up the slope. Other than Flag #4 & #5 the rest of the flags look OK. They noted that there are rocks that have rolled down and stumps that remain which will all need to be removed in order to stabilize the slope and ensure it doesn't slump when the stumps rot. The Commission asked about a timeline when this work would be completed. Mr. Parente indicate he would need to ask the applicant to provide a letter for the next meeting explaining his timeline and construction sequence etc. The Commission also asked about a planting plan for the 20' buffer zone restoration and wetland restoration areas. Ms. Ryder noted that there are winterberry, highbush blueberry, red maple and cinnamon fern in the area, so some combination of those would be good. Mr. Parente will have Mr. Crossman provide such a plan. Mr. Williams noted that there were chunks of cement and asphalt on the site, so the fill does NOT look clean. This should be checked to be sure when the owner pulls out this material it is properly disposed of and not used as fill. Mr. Parente noted he

believed most of the fill would need to be trucked away as he will not need all the fill, he is removing to level the back yard. The final slope will be a 2.5: 1 slope. The top of slope has been staked in the ground. He expects they will excavate out the bottom of slope first to reveal the 20' no disturb zone, and then start shaping the slope to the top elevation of approximately 275.5'. He acknowledged there is a lot of work to be done. The Commission continued the hearing to the September 3rd meeting in order to get the letter from the applicant and other items noted above.

Request for Determination of Applicability (already advertised for 7:10)

155 Raymond Rd. – Glauca Afonso

Ms. Afonso was present and explained that she would like to add a deck to the back of her house. It is located on the existing lawn and the wetland is down at the bottom of the slope. Ms. Ryder noted that the wetland is 24' from the edge of the deck area at the base of the slope. The Commission asked what is holding up the deck. She answered posts in cement, and all excess material will be removed from the site. Because the work is on a flat lawn area and not much excavation is anticipated, the Commission on a motion by Allan White and second by the Chairman, voted to issue a negative determination with conditions. The roll call vote was unanimous 7-0 as follows: yeas: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams.

Notice of Intent - Continued

Lot L Hayes Memorial Dr. - The Gutierrez Company (Map? Parcel?) Work is proposed near wetlands.

Israel Lopez from the Gutierrez Co, David Robinson of Allen and Major and Amy Blomeke from Langan Engineering (Geotech firm) were all present. Mr. Robinson explained that they have made some changes to the warehouse distribution center on the Lot. L plans. He explained that they have relocated the sewer line back to where it is today because of ledge that was found along the roadway, the revised plans has a reduced size building, is outside the 20' buffer zone, provides 360 degree fire access around the building. The Commission asked about cuts and fills and ledge. Amy Blomeke (Geotech) noted that they believe the site contains large boulders and cobbles which can be crushed on site, blasting will be limited if at all. Mr. Clancy asked if they had these plans, Ms. Ryder noted that the plans are new this evening, as they were not in the Commission's packets. Mr. Robinson agreed to provide full size sets of plans for the Commission's next meeting in time for the packets. The Commission agreed to continue the hearing to the next meeting on September 3rd so they can review the changes.

Notice of Intent – Continued

447 Boston Post Rd. (known as Harrison Arms) - Wayside Apartments LLC

At the applicant's request, prior to the meeting, the meeting was continued as we wait for DEP's review and a DEP number to be issued. This hearing was continued to the September 3rd meeting.

Notice of Intent – Continued – 212-1218 Draft Conditions

339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC

Attorney Brian Falk of Merrick O'Connell; Scott Goddard of Goddard Consulting; David Robinson and Carlton Quinn of Allen and Major, and Tom Moran of Waypoint were all present.

Mr. Falk explained that they are presenting a revised plan tonight which shows all work outside the 100' River Front Area and shows the pipe flared end outside of the 20' buffer zone. As had been suggested at the previous meeting.

Mr. Goddard noted that the plans being shown are just the modified cut sheet of the items that have changed. All work, except restoration work has been moved outside the 100' River Front Area which is the inner riparian zone. Having reviewed comments from Ms. Ryder they moved this work outside this

zone. The only impacts now on site are to the Bordering Land Subject to Flooding (BLSF) and outer riparian zone. As shown on the plan presented this evening.

Mr. Clancy noted that the driveway entrance was also changed, according to plans submitted to site plan review. Mr. Robinson noted that it is a minor adjustment to building location and has the same number of parking spaces as previously presented. They flip flopped some items but overall, the same impervious surface and same drainage calculations still apply. Mr. Clancy noted that he would like to see the full plans in paper before he renders any decision, as plans on the screen are too difficult to review. Mr. Goddard noted that the plan changes were minor in nature. Mr. Clancy acknowledged that the changes seem to be more protective of the wetland and he was glad to see things outside the inner riparian zone, but he still is not comfortable approving a plan he hasn't had a chance to review. Ms. Ryder asked if the paddock area will still be restored, the answer was yes, the restoration plan will stay the same.

Mr. Clancy asked about snow storage and parking spaces, these are still generally the same?

The Commission received letters and e-mails comments from: Victoria Rule, Cindy Zomar, Arthur Skura, the comments were all in opposition to the project and were related to floodplain and wetland impacts, traffic and generally that this project is too big for this site. Victoria Rule did speak, and asked questions related to 401 Water Quality Certificate, and comments from DEP on the Environmental Notification Form. She was also concerned that the ENF mentioned ledge as well, which has not been discussed here. The Geotech, Amy Blomeke of Langan Engineering explained that there is some bedrock, but not a lot. Mr. Robinson noted it will be largely a fill site. Cindy Zomar, a resident of Marlborough, also asked about the reference to ledge in the ENF and the reference to mitigation funds to the city and in the comments she received from DEP from Ms. Briggs she noted that alternatives to the existing plans may exist, the isolated wetland may be bigger, the dog park etc. She had written a lengthy e-mail to the Commission outlining her many concerns about the project. Arthur Skura, an abutter across the street from this project also had written a letter and he spoke against the project as well and expressed his concern about changes to the wetland and the proximity of the project to the river and the impact it will have to wildlife, he reiterated that he does not like this project.

Mr. Clancy noted that he had been prepared to review the Order of Conditions that was drafted, but with the last-minute plan changes he was not comfortable rendering a decision until he's had a chance to look closely at the plan changes. Mr. White noted that he believes the project is too big for the lot and is concerned about the impact to wildlife and groundwater recharge. Mr. Demers noted that the applicant is trying to put a 100-lb project into a 50 lb. sack. It is too much building on this property and so close to the resource areas. He also noted that he knows there is ledge near the sewer taking and near the remote parking, he wasn't sure where else on the site this would be. He would like to see a scaled down project for this location. Mr. Williams asked if the Commission could get a copy of an example of the DNA dog testing requirements that are being used at other sites that was mentioned. This would help the Commission evaluate this process. There being no further questions this evening, the hearing was continued to the next meeting on September 3, 2020 to gather the additional information noted during this meeting.

Discussion/Correspondence:

- Plan modification - 615 Williams St. – Williams Street Crossing (212-1214) - Mr. Bruce Saluk was present and noted that they have modified the original plans that were approved by the Commission. They have made the building smaller, thus allowing for the parking lot to shrink. The work has been pulled away

from the wetland a bit. The retaining wall along the back has been removed and will be graded. The Commission asked if this could be planted with vegetation and trees, as quite a few trees will be removed with the grading. Mr. Saluk agreed. After some discussion the Commission determined this was a minor change to the plans and did not require a full amended Order of Conditions, the existing conditions will still work for this project. There was a discussion about snow storage and landscaping, which Mr. Saluk said does not change. There was discussion about the stabilization of the new 3:1 slope will be loamed and seeded, and trees can be added to the slope- maples and oaks should be added, this can be included in a letter. Chairman Clancy stated that he believes the plan is a minor modification with a smaller footprint and should not require a full amended Order of Conditions. On a roll call vote, the Commission voted unanimously 7-0 to approve these revised plans as minor changes as long as the back slope is re-vegetated with trees. The roll call of all yeas was as follows: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams.

- Letter from Coneco, dated August 13, 2020 RE: Notice of Maintenance Activities, Woodland Estates Cable Replacement, Marlborough, MA. The Commission reviewed this request for maintenance work within the roadway. This can be considered a minor activity under 310 CMR 10.02. The Commission agreed and on a motion by Mr. White, second by the Chair to approve the work in the notice provided erosion control methods are followed. Vote of the Commission were all Yeas: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams.
- Mr. Demers asked what was happening at 413 Lakeside Ave – Shell Gas Station and also noted that utility work has begun on the Elm St. power lines and matting was being brought in. Ms. Ryder said she would look into both of these and get back to the Commission on the status

Certificate of Compliance:

- 212-1010 175 Maple St. – Full Certificate of Compliance and confirm violation has been resolved. - Ms. Ryder and the Commission noted they want to look at the restoration before signing off, this was continued to the next meeting

Next Conservation Commission meetings – September 3rd and 17th, 2020

Adjournment - There being no further business, on a motion from Mr. White, second by the Chairman, to adjourn. It was a unanimous 7-0 vote all yeas: Edward Clancy, Dennis Demers, Karin Paquin, William Dunbar, Allan White, John Skarin, and David Williams, the meeting was adjourned.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Minutes
Retirement Board Meeting of
May 26, 2020

RECEIVED
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 CITY OF MARLBOROUGH
 2020 SEP 14 A 8:10

The monthly meeting of the Marlborough Retirement Board was held on May 26, 2020. The meeting was held remotely due to the Corvid-19 crisis. Gregory Brewster, William Taylor, Daniel Stanhope, David Keene, Diane Smith, Margaret Shea, and Nathaniel Chen were participating via conference call. Gar Chung was also in attendance.

1. The meeting was called to order at 8:15 a.m.

2. A motion was made to accept with one change; the addition of Diane Smith to the attendees. Motion made and seconded to approve.
 William Taylor – Yes
 David Keene – Yes
 Diane Smith – Yes
 Daniel Stanhope – Yes
 Gregory Brewster - Yes
 Motion carried.

3. The next item was the quarterly investment review. Henry Jaung and Stephen MacLellan from the Meketa Group joined the conversation. Mr. Jaung provided the Board with an update on the economy and world markets. He observed the differences between equity and bonds and US equity verses international equity. He discussed prior drawdowns and recoveries from 1926 to 2000. The average recovery time from downturns is 41 months. Jaung and MacLellan also discussed the Board's recent step in reallocating the portfolio moving 8 million in bonds to US equity. At of the end of the first quarter, the fund was down 12.6%. By May 20th, performance had improved; the fund was down 5.9% year to date. The quarterly return as of May 20th was 7.7%. They addressed individual managers' performance. Meketa discussed Frontier and Fiduciary. Frontier is the Board's small/mid cap manager. MacLellan attributed Frontier's underperformance to the fact that small cap stocks did poorly in general and Frontier had a substantial position in airlines. Fiduciary's underperformance was surprising. MacLellan expected them to outperform in this environment but noted it could take a few months to realize the improvement. Meketa will monitor their performance. Discussion then turned to the Board's RFP for a defensive equity manager. The Board members thanked Mrs. Jaung and MacLellan for their presentation.

4. The approval of the FY21 COLA vote was the next item on the agenda. After discussion, a motion was made and seconded to approve a 3% COLA on the first \$12,000 of a retirement allowance.
 Diane Smith – Yes
 David Keene – Yes
 William Taylor – Yes
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 Motion carried.

5. The Board reviewed the draft FY2021 operating budget. Discussion centered around the proposed full-time administrative clerk. The members reached consensus that another full-time position was not warranted and discussed the possibility of a part-time clerk. The members also asked about the reasons for the PBI's large fee increase. A motion was made and seconded to table the discussion on the FY21 operating budget to the June meeting.
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 William Taylor – Yes
 Diane Smith – Yes
 David Keene – Yes
 Motion carried.
6. Approval of refunds and transfers was the next item on the agenda. A motion was made and seconded to approve.
 Daniel Stanhope – Yes
 Diane Smith – Yes
 William Taylor – Yes
 David Keene – Yes
 Gregory Brewster – Yes
 Motion carried.
7. The Board reviewed a request from Kristen Rando to purchase creditable service for employment rendered between August 26, 2019 to March 10, 2020. Ms. Rando was eligible for membership but retirement deductions were not taken due to clerical error. A motion was made and seconded to approve.
 William Taylor – Yes
 Diane Smith – Yes
 Daniel Stanhope – Yes
 Gregory Brewster – Yes
 David Keene – Yes
 Motion carried.

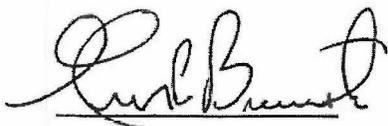
The Board reviewed a request from Elizabeth Sydney to request creditable service for non-contributory employment as a substitute in the Marlborough Public Schools from 2006 through 2016. The director told the members that Ms. Sydney's employment did not reach the 1040 hour per year threshold for purchasing non-contributory service. A motion was made and seconded to deny.

Dave Keene – Yes
 Bill Taylor – Yes
 Diane Smith – Yes
 Greg Brewster – Yes
 Dan Stanhope – Yes

Bill Taylor left the meeting at 9:24 a.m.



8. The Board reviewed a cash flow analysis and operating budget as of May 31, 2020. The Board also reviewed the preliminary cashbooks, journals, and trial balance for April 2020. The check reconciliation for March and April was presented. There is a .30 discrepancy due to bank error. A motion was made and seconded to accept and place on file.
 Diane Smith – Yes
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 David Keene – Yes
 Motion carried.
9. New Business / Old Business was the next item on the agenda. The Board reviewed a timeline for the upcoming Board member election and a letter which was sent to PERAC requesting approval of simultaneous elections for the two member seats. The director asked the Board to appoint Nathaniel Chen as the Retirement Board election officer.
 Greg Brewster – Yes
 Diane Smith – Yes
 Dave Keene – Yes
 Dan Stanhope – Yes
 Motion carries
- The director discussed the medical exams conducted by telemedicine. She reported the necessary waivers have been signed for the Board's pending application. The Director also told the members that their RFP for defensive equity index manager have been posted on the PERAC website.
10. The Board reviewed warrants #112020 and #122020. A motion was made and seconded to approve.
 Diane Smith – Yes
 Greg Brewster – Yes
 Dan Stanhope – Yes
 Dave Keene – Yes
 Motion carries.
11. A motion was made and seconded to adjourn the meeting at 9:30 a.m.
 Dan Stanhope - Yes
 Dave Keene - Yes
 Diane Smith – Yes
 Greg Brewster - Yes



Gregory P. Brewster, Chairman

**Minutes
Retirement Board Meeting of
June 30, 2020**

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MARLBOROUGH
2020 SEP 14 A 8:10

The monthly meeting of the Marlborough Retirement Board was held on June 30, 2020, 2020. The meeting was held remotely due to the Corvid-19 crisis. Gregory Brewster, William Taylor, Daniel Stanhope, David Keene, Diane Smith, Margaret Shea, and Nathaniel Chen were participating via conference call.

1. The meeting was called to order at 8:17 a.m.
2. A motion was made and seconded to approve the minutes of May 26, 2020.

Diane Smith - Yes
William Taylor - Yes
Gregory Brewster - Yes
Daniel Stanhope - Yes
David Keene - Yes
Motion carried.

3. The next item was the review and approval of the draft 2021 Operating Budget. The line-item for the Administrative Clerk was revised from full-time to part-time with an annual cost of \$19,760. After discussion, a motion was made and seconded to accept the FY2021 Operating Budget of \$401,268.

William Taylor - Yes
Gregory Brewster - Yes
Daniel Stanhope - Yes
David Keene - Yes
Diane Smith - Yes
Motion carried

The Director asked the members to approve a 2% salary increase for herself and Nathaniel Chen. A motion was made and seconded to approve.

Gregory Brewster - Yes
Daniel Stanhope - Yes
David Keene - Yes
Diane Smith - Yes
William Taylor - Yes
Motion carried

4. The Board reviewed requests for creditable service. Thomas Regele, a member of the Massachusetts Teachers' Retirement System, had requested creditable service for non-contributory employment as a Tutor in the Marlborough Public Schools from February 1993 to June 1994. Records supplied by the School Department indicate that the only period time eligible for service was from February 1993 to June 1993. After discussion, a motion was made and seconded to allow .3333 years of creditable service upon makeup.

Daniel Stanhope – Yes
 David Keene – Yes
 Diane Smith – Yes
 William Taylor – Yes
 Gregory Brewster – Yes
 Motion Carried

The Board reviewed a request from Carol Farese to purchase credit for non-contributory employment as a Clerical/Para Educator Substitute from October 1995 to August 23, 1998. Information provided by the School Department indicated that her employment was rendered on a less than 1040 hour per year basis. A motion was made and seconded to deny creditable service.

David Keene – Yes
 Diane Smith – Yes
 William Taylor – Yes
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 Motion Carried.

5. The Board reviewed PERAC's response in the matter of Marlborough Retirement Board v. Public Employee Retirement Administration Commission. A motion was made and seconded to accept and place on file.

Diane Smith – Yes
 William Taylor – Yes
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 David Keene – Yes
 Motion Carried

6. Approval of retirements was the next item on the agenda. Deborah Boates, formerly of the Library, and Michael Volpe, formerly of the DPW, had applied for superannuation in May. After a review of pertinent information, a motion was made and seconded to approve.

William Taylor – Yes
 Gregory Brewster – Yes
 Daniel Stanhope – Yes
 David Keene – Yes
 Diane Smith - Yes
 Motion carried.

7. The Board reviewed refunds and transfers. After discussion, a motion was made and seconded to approve all refunds and transfers.

Gregory Brewster – Yes
 Daniel Stanhope – Yes
 David Keene – Yes
 Diane Smith - Yes

William Taylor - Yes
Motion carried.

8. New Business / Old Business was the next item on the agenda. PERAC had approved the Board's request for a supplementary regulation to conduct simultaneous election. The Board reviewed an election timetable. The Board also reviewed a list of respondents to their RFP for Defensive Equity Managers. A motion was made and seconded to accept and place on file.

Daniel Stanhope – Yes
David Keene – Yes
Diane Smith - Yes
William Taylor - Yes
Gregory Brewster - Yes
Motion Carried

9. The Board reviewed a cash flow analysis and operating budget as of June 30, 2020. The Board also reviewed the cashbooks, journals, and trial balance for May 2020. The May reconciliation was not complete but will be presented at the July meeting. A motion was made and seconded to accept and place on file.

David Keene – Yes
Diane Smith - Yes
William Taylor - Yes
Gregory Brewster – Yes
Daniel Stanhope – Yes
Motion Carried

10. Approval of Warrants was the next item on the agenda. The Board reviewed warrants #132020, #142020, and the June 2020 retiree payroll warrant. A motion was made and seconded to approve.

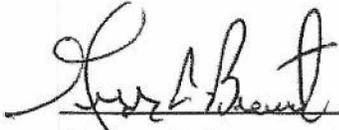
Diane Smith – Yes
William Taylor – Yes
Gregory Brewster – Yes
Daniel Stanhope – Yes
David Keene – Yes
Motion Carried

11. The Board reviewed the accidental disability application of James Fortin. The Board received application and medical records under separate cover. A motion was made and seconded to approve the application.

William Taylor – Present
Gregory Brewster – Yes
Daniel Stanhope – Yes
David Keene – Yes
Diane Smith – Yes

The motion carried.

12. A motion was made and seconded to adjourn the meeting at 8:35 a.m.
Gregory Brewster – Yes
Daniel Stanhope – Yes
David Keene – Yes
Diane Smith – Yes
William Taylor - Yes



Gregory P. Brewster, Chairman