



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAY -4 PM 2:00

CITY OF MARLBOROUGH
City Council Agenda

Monday, May 8, 2023
8:00 PM

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

1. Minutes, City Council Meeting, April 24, 2023.
2. PUBLIC HEARING on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" §2 "Exceptions" of the Code to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis, Order No. 23-1008870.
 - a) Communication from Attorney James Hall, re: Request for continuance of Public Hearing to June 5, 2023, on the Petition of Colbea Enterprises, LLC (Shell Station) to operate a gas station/convenience store on a 24-hour basis, Order No. 23-1008870.

**** THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY BEING HEARD AND CONTINUED TO JUNE 5, 2023, AT 8:00 PM. ****

3. Communication from President Ossing, re: Proposed Amendment to the City Code, Chapter 125 §6 "Salary Schedule" to amend the salary for the Assistant City Clerk.
4. Communication from the Mayor, re: Transfer Request in the amount of \$600,500.00 from Reserve for Salaries and Undesignated Fund (Free Cash) to Fire Department payroll accounts to cover contractual obligations for the Fire Department.
5. Communication from the Mayor, re: Transfer Request in the amount of \$94,037.90 which moves funds from Undesignated Fund (Free Cash) to Fringes to cover the shortfall in the 1% non-pensionable stipend paid to all city employees.
6. Communication from the Mayor, re: Transfer Request in the amount of \$9,102.00 which moves funds from Undesignated Fund (Free Cash) to Substance Use Coordinator to fund the position for the remainder of the year.
7. Communication from the Mayor, re: FY 2024 Budget Recommendation in the amount of \$188,751,024.00 which represents a 4.57% increase over the FY 2023 appropriation.
(The Proposed FY 2024 Budget is available for viewing in the City Clerk's Office and on the city website).
8. Communication from the Mayor, re: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund, the Council on Aging Revolving Fund and the Water and Sewer Revolving Fund for Fiscal Year 2024.

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.

9. Communication from the Mayor, re: Appointment of Robert Bourn, III as Plumbing & Gas Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 7 §79.
10. Communication from the Mayor, re: Appointment of John Cain as Wiring Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 473 §1.
11. Communication from the Mayor, re: Appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028, replacing William Fowler.
12. Communication from the Mayor, re: Reappointment of Ellen Silverstein to the Board of Assessors for a 3-year term to expire on September 8, 2026.
13. Communication from the Mayor, re: Reappointment of David Morticelli to the Community Development Authority for a 3-year term to expire on March 23, 2026.
14. Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc., in proper legal form, Order No. 23-1008868.
15. Communication from Emergency Management Director Fredrick Flynn, re: Request for presentation relating to the Hazard Mitigation Plan at the May 22, 2023, City Council meeting.
16. Application for a Sign Special Permit Amendment from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street.
17. Application for Special Permit from Andy Fitz, on behalf of JP Morgan Chase Bank to install a drive-thru ATM for the Chase Bank branch to be located at 189 Boston Post Road West.
18. Minutes of Boards, Commissions and Committees:
 - a) Cultural Council, February 1, 2023.
 - b) Planning Board, March 13, 2023 & March 27, 2023.
 - c) Traffic Commission, February 22, 2023.
19. CLAIMS:
 - a) Elizabeth Collins, 1 Barbaras Path, Upton, pothole or other road defect.
 - b) Carole Saunders, 71 Mount Vickery Road, Southborough, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

- 20. ORDERED: That the Mayor submit a transfer request in the amount of \$1,440,000.00 from the Undesignated Fund to the West Side Fire Station Stabilization Account (83600-32900). The Green District project recently submitted the Phase 2 portion of the mitigation funds identified in Conditions 6 and 7 in Special Permit Order No. 19-1007762C. [Reference: Order No. 22-1008603: Phase 1 portion of the mitigation funds transferred \$1,422,500.00 from the Undesignated Fund to the West Side Fire Station Stabilization Account on May 23, 2022.].Submitted by President Ossing
- 21. ORDERED: That the Mayor submit an internal transfer request in the amount of \$42,000.00 from the various accounts in the City Clerk and Election Department budgets. These transfers are attached in the letter dated February 21, 2023. These voting booths will be more efficient (setup and breakdown) and allow more voters at each precinct, lighter and easier to move and take up less storage space at each voting location.Submitted by President Ossing
- 22. ORDERED: That the Mayor submit a transfer request in the amount of \$110,000.00 from the Undesignated Fund to the Capital Outlay Account to purchase new voting machines. The attached February 1, 2023, letter identifies the current 2007 Accu-vote machines are in need of replacement.Submitted by President Ossing

UNFINISHED BUSINESS:

From Public Services Committee

- 23. **Order No. 23-1008840: Application for Renewal of Junk Dealer License from Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Vote 3-0.

From Finance Committee

- 24. **Order No. 23-1008850: Transfer Requests totaling \$748,290.00 (\$648,290.00 for Operating Budget and \$100,000.00 for the Economic Development Toolbox) from Economic Development to MEDC Funding for FY2024.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfers to fund the toolbox and the FY2024 operating budget. Vote 4-0 (Dumais absent).

- 25. **Order No. 23-1008851: Transfer Request in the amount of \$393,854.64 from PEG Funds [Public Educational and Government Access Channels] to Marlborough Cable Trust to fund WMCT-TV's operations and capital requests for FY2024.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer to fund WMCT-TV operations and capital requests. Vote 4-0 (Dumais absent).

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

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OF MARLBOROUGH
APR 27 AM 10:51

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, APRIL 24, 2023**

The regular meeting of the City Council was held on Monday, April 24, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:18 PM.

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

ORDERED: That the Minutes of the City Council meeting, APRIL 10, 2023, **FILE**; adopted.

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

ORDERED: That the: Proposed Amendment to Code of the City of Marlborough, Chapter 510 "Sewers" §2 "Use of Public Sewers" as submitted by President Ossing, referred to the **PUBLIC SERVICES COMMITTEE**; 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 510, ENTITLED "SEWERS," AS FOLLOWS:

- I. Chapter 510, entitled "Sewers", Section 2 entitled "Use of Public Sewers", subsection (D), is hereby amended as following by adding the new subsection (D)(2):
 - (2) Where City Drawings do not exist that show the location of the sewer stub connection, the City will use available technology (camera/videos) to locate the sewer stub in a timely fashion to not impact the connection activities.

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

ORDERED: That the "Vision for Donald Lynch Boulevard" document which includes a Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Stefanie Ferrecchia to the Community Development Authority for a 3-year term to expire on March 9, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: Reappointment of Dr. Joseph Tennyson to the Board of Health for a 3-year term to expire on February 2, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Debra McManus to the Commission on Disabilities for a 3-year term to expire on October 21, 2025, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That Reappointment of Linda Clark to the Board of Registrars for a 3-year term to expire on April 1, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointments to the Conservation Commission for 3-year terms of John Skarin to expire on March 7, 2025, and Karen Paquin to expire on May 5, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the City Council of the City of Marlborough hereby **RESCINDS** a previously authorized but unissued amount of the following described loan order which is henceforth of no further force or effect:

The \$8,983,087.00 balance of the \$56,418,338.00 authorized to be borrowed for the construction of a new K-5 elementary school, duly adopted by Order of this Council and approved by the Mayor on May 1, 2018, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc. a biotech company with plans to purchase and operate a bio manufacturing facility and office space at 149 Hayes Memorial Drive (Map 99, Parcel 3), referred to the **FINANCE COMMITTEE**; adopted.

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

ORDERED: That the Proposed Deed conveying a certain parcel of land consisting of 9,387 square feet +/- known as the "Rail Spur Parcel" off Lincoln Street to the Marlborough Economic Development Corporation (MEDC), referred to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Public Input regarding the Application for Site Plan Approval from Attorney Brian Falk on behalf of JW Capital Partners, LLC, to build a mixed-use project at 57 Main Street in the Marlborough Village District, Order No. 22/23-1008694D, **FILE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY MAY 8, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc, d/b/a Savers, 222A East Main Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Marlborough Apartment Partners 2 LLC, re: Proposed Zoning Amendment to Chapter 650 "Zoning" §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND LEGAL DEPARTMENT AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 22, 2023**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, SECTION 650-36, AS FOLLOWS:

1. Amend Section 650-36.C(1) as follows (new text underlined):

The City Council shall be the permit granting authority for special permits and site plan approvals in the EROD. Special permits shall require a two-thirds-vote of the City Council, except as modified by M.G.L. c. 40A; site plan approvals shall require a simple majority vote.

2. Amend Section 650-36.D(2) as follows (deleted text in ~~strikethrough~~, new text underlined):

- (a) Multifamily dwellings, provided that the total number of units within the entire EROD shall not exceed ~~475~~ 950.
- (j) Mixed-use development, consisting of a combination of by right or special permit residential/business uses as listed in this section (§650-36, et seq.)

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

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

- a) School Committee, March 28, 2023.
- b) Conservation Commission, March 16, 2023.
- c) Historical Commission, February 16, 2023.
- d) Planning Board, February 27, 2023.

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

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

- a) Deborah Domings, 13 Middle Street, #1, other property damage and/or personal injury.
- b) Hasani Ewing, 59 Peltier Street, re, residential mailbox claim (2a).
- c) Linda Furbush, 7 Richard Road, re, residential mailbox claim (2b).
- d) Dominic Gould, 44 Greendale Avenue, other property damage and/or personal injury.
- e) Michael Tyo, 108 Goodale Street, residential mailbox claim (2a).

Reports of Committees:

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

**City Council Public Services Committee
April 19, 2023
Minutes and Report**

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

Voting members present were Chair Landers, Councilor Irish and Councilor Brown.

Other Councilors present: Councilors Ossing and Perlman.

Order No. 23-1008840: Application for renewal of Junk Dealer License from Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.

Chief Giorgi notified the committee that applicant's CORI is in good standing; the Chief is without objection to the renewal of the license. Mr. Kimyagarov was present and was asked to provide an update on the health of his business since the pandemic. He reported his store is doing well. The pandemic does not appear to have an impact on the business any longer; the sale of used jewelry, including silver and gold, is satisfactory. The use of social media, Facebook and Instagram, to attract new business has resulted in new, younger customers bringing him high-end products for repair, including handbags, shoes, sneakers, gloves, and belts. Councilors expressed thanks for his positive feedback.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Vote 3-0

On a motion made, seconded, and approved, the meeting adjourned at 6:46 PM.

Reports of Committee Continued:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
April 19, 2023
Minutes and Report**

This meeting convened at 7:00 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members Present: Chair Irish, Councilors Perlman, Brown and Oram. (Councilor Dumais absent).

Other Councilors Present: Councilors Ossing, Landers, Robey, Doucette; Councilor Navin arrived at 7:28 PM.

Others Present: MEDC Executive Director Meredith Harris, Operations Director Linda Martins and WMCT-TV Executive Director Ryan Mylar.

Order No. 23-1008850: Communication from Mayor Vigeant, together with two Transfer requests totaling \$748,290.00 (648,290.00 for Operating Budget and \$100,000.00 for the Economic Development Toolbox) from Economic Development to MEDC Funding for FY2024.

MEDC Executive Director Meredith Harris and Director of Operations Linda Martins addressed the Mayor's request. The use of the toolbox was discussed at length; councilors were happy that the funds are available to both new and existing businesses. Councilors discussed many items including contract services, the shuttle bus, the health of the city's vacancy rate, the work of MEDC to assist large and small businesses alike, cooperation between MEDC and the Chamber of Commerce, including a seat for Meredith on the Chamber board. Meredith noted that Welly's was a recipient of toolbox funding for a planned new restaurant at the site of the former Fish Restaurant at South Bolton and Granger Boulevard.

**On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfers to fund the toolbox and the FY2024 operating budget.
Vote 4-0 (Dumais absent).**

Order No. 23-1008851: Communication from Mayor Vigeant together with Transfer request in the amount of \$393,854.64 from PEG Funds [Public Educational and Government Access Channels] to Marlborough Cable Trust to fund WMCT-TV's operations and capital requests for FY2024.

WMCT-TV Director Ryan Malyar addressed the Mayor's request and provided an update on existing, new and public access programming involving all aspects of the community including the City Council and School Committee meetings, Mayoral and School Superintendent updates, MHS sports, Shamrock's football, Chamber of Commerce, and others including some bilingual programming. Ryan outlined the staffing levels at the station and although enthusiastic about the great amount of work accomplished with a small but dedicated staff, he would look to the future to establish a new position to work on greater youth programming. Ryan replied to Councilor Oram that station programming can be found on You-Tube and directly on the WMCT-TV website, <https://www.wmct-tv.com>.

Reports of Committee Continued:

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer to fund WMCT-TV operations and capital requests.

Vote 4-0 (Dumais absent).

Motion made and seconded to adjourn; meeting adjourned at 7:58 PM.

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

**City Council Urban Affairs Committee
April 19, 2023
Minutes and Report**

This meeting convened at 8:03 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Urban Affairs & Housing Committee voting members present: Chairman Katie Robey, Councilor Doucette, Councilor Landers, and Councilor Navin. (Councilor Wagner was absent).

Also present were Councilors Brown, Irish, Oram, Ossing and Perlman and Mayor Vigeant.

Order No. 22/23-1008721D: Communication from Mayor Vigeant re: Veto of City Council Order 22/23-1008721C: Ordinance Amendments to Chapter 650 'Zoning' relative to certain provisions concerning mixed use and affordable housing.

The chair read the Mayor's letter dated March 24, 2023, which notified the Council of his veto of Order No. 22/23-1008721C. The Mayor offered remarks on his veto and Councilor Ossing went through his comments on the Mayoral veto and proposed amendment to the Order which would reduce the 15% affordable units for developments of 8 or more and remove the sentence requiring 20 units to have 20% affordable units. His suggestion was to let the Mayor's veto stand and then reintroduce the Order with his suggested amendment.

After comments from councilors, the chair suggested the best way forward was to let the Mayor's veto stand and then have the chair submit a new order that includes the suggested changes of Councilor Ossing but leaves everything else in place. This new Order could then be referred to Urban Affairs and included with the other proposed amendments that are currently in Urban Affairs. There was also discussion for need to introduce language that would provide for varying percentages of the Area Median Income (AMI) for the affordable components of a project and the chair would work on language for an Order.

The consensus of committee was to report this out with no recommendation of the committee but to let the vote on the veto occur at the April 24th council meeting.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:58 PM.

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

ORDERED: That the City Council hereby upholds the Mayoral Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the City Council Order 22/23-1008721C, Proposed Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:18 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., APRIL 24, 2023

ORDERED:

That there being no objection thereto set **MONDAY MAY 8, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

ADOPTED

ORDER NO. 23-1008870

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CITY OF MARLBOROUGH
2023 MAY -4 AM 8:57

COLBEA ENTERPRISES, LLC

695 George Washington Hwy

Lincoln, RI 02865

401-943-0005

May 4, 2023

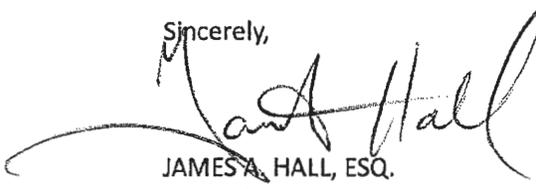
City of Marlborough
City Counsel
c/o Steven Kerrigan, City Clerk
Via Email: skerrigan@marlborough-ma.gov

RE: Petition of Colbea Enterprises, LLC, for 24-Hour Operation of a Gas Station
City Counsel Notice Order: Order No. 23-1008870

To Whom it May Concern,

The undersigned, on behalf of the applicant, Colbea Enterprises, LLC, hereby requests that the Public Hearing of the above-referenced Petition be continued to the June 5, 2023 City Council meeting.

Sincerely,



JAMES A. HALL, ESQ.
General Counsel
Colbea Enterprises, LLC

cc: Andrew Delli Carpini, Chief Executive Officer, Colbea Enterprises, LLC
Gigi Coburn, Licensing Coordinator, Colbea Enterprises, LLC



City of Marlborough
Office of the City Council

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY -4 AM 11:30

Michael H. Ossing
PRESIDENT

Kathleen D. Robey
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

May 4, 2023

Marlborough City Council
City Hall
Marlborough, MA 01752

Reference: City Clerk Budget FY2024

Dear Councilors:

I have attached a proposed salary ordinance for the position of Assistant City Clerk for your review and consideration, including a table compiled by the City Clerk of comparison communities listing their population, union status, full or part-time, hours worked, and annual salary. This ordinance requires advertising and a 2/3 vote of the City Council.

I recommend the salary ordinance be advertised and referred to the Finance Committee.

I look forward to discussing this ordinance change with the Finance Committee during the FY2024 budget meetings.

Sincerely,

Michael H. Ossing
City Council President

enclosures

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 125, entitled "Personnel", 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
Assistant City Clerk	\$73,929.96	\$75,408.84	\$76,916.84	78,455.26	\$80,024.36	\$81,624.92	\$83,257.72

- II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.
- III. The effective date of these amendments shall be July 1, 2023.

ADOPTED
 In City Council
 Order No. 23-XXX
 Adopted

Approved by Mayor
 Arthur G. Vigeant
 Date:

A TRUE COPY
 ATTEST:

City/Town	County	Population	Union/Non	Full/Part-Time	Number of Hours	Hourly or Salary	Annual Salary
Marlborough	Middlesex	41,793	Non-Union	Full-Time	35	Salaried	\$ 68,707.00
Amherst	Hampshire	39,263	Union	Full-Time	37.5	Hourly	\$ 65,842.00
Arlington	Middlesex	46,000	Union	Full-Time	35	Hourly	\$ 62,670.00
Beverly	Essex	42,670	Non-Union	Full-Time	35	Salaried	\$ 72,300.00
Billerica	Middlesex	42,119	Non-Union	Full-Time	37.5	Hourly	\$ 62,887.00
Braintree	Norfolk	39,143	Union	Full-Time	35	Salaried	\$ 86,206.00
Everett	Middlesex	49,075	Non-Union	Full-Time	30	Salaried	\$ 90,000.00
Fitchburg	Worcester	42,000	Union	Full-Time	35	Salaried	\$ 72,000.00
Holyoke	Hampden	39,000	Non-Union	Full-Time	35	Salaried	\$ 54,370.00
Leominster	Worcester	43,782	Non-Union	Full-Time	38.25	Salaried	\$ 64,237.00
Pittsfield	Berkshire	43,927	Union	Full-Time	35	Hourly	\$ 57,280.00
Salem	Essex	44,480	Non-Union	Full-Time	35	Salaried	\$ 69,563.00
Shrewsbury	Worcester	38,325	Non-Union	Full-Time	37.5	Hourly	\$ 67,177.00
Westfield	Hampden	40,834	Union	Full-Time	35	Salaried	\$ 64,000.00
Woburn	Middlesex	40,876	Union	Full-Time	32.5	Hourly	\$ 64,000.00
Framingham	Middlesex	72,362	Non-Union	Full-Time	37.5	Salaried	\$ 99,883.00
Hudson	Middlesex	20,092	Non-Union	Full-Time	37.5	Salaried	\$ 65,727.00
Northborough	Worcester	15,741	Union	Full-Time	40	Hourly	\$ 73,625.80
Southborough	Worcester	10,450	Non-Union	Full-Time	40	Hourly	\$ 68,266.00
Sudbury	Middlesex	18,934	Non-Union	Full-Time	36.5	Salaried (Eligible for O/T)	\$ 70,925.00
Westborough	Worcester	21,567	Union	Full-Time	40	Salaried	\$ 77,000.00



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY -4 AM 11:15

Arthur G. Vigeant
MAYOR

City of Marlborough
Office of the Mayor

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

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Transfer request to fund the Marlborough Fire Department's Bargaining Agreement

Honorable President Ossing and Councilors,

I am submitting for your approval a transfer request in the amount of \$340,900.00 from Reserve for Salary and \$259,600 from Free Cash to the Payroll account to cover the contractual obligations for the Marlborough Fire Department's bargaining agreement.

I would like to thank the members of the Marlborough Local 1714 for working collaboratively to reach an agreement.

Patrick Jones and I will be on hand to answer any questions regarding this transfer.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



City of Marlborough
Office of The Comptroller

140 MAIN STREET
MARLBOROUGH, MA 01752

TELEPHONE (508) 460-3731, FACSIMILE (508) 481-5180

Date: April 28, 2023

To: Mayor Arthur Vigeant

From: Comptrollers Department
Patrick Jones, Finance Director / Treasurer

Re: Marlborough Fire Department Bargaining Agreement

The Marlborough Fire Department has settled their July 1, 2021 through June 30, 2024 contractual bargaining agreement. Therefore, I am requesting a transfer in the amount of \$600,500. \$340,900.00 from the Reserve for Salary Account and the remainder of \$259,600 from Free Cash. These dollars are owed as retro pay due the union members for work performed from July 1, 2021 through the remainder of the current fiscal year.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Fire				FISCAL YEAR:		2023		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$5,089,564.80</u>	<u>\$259,600.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$25,449.78</u>	<u>12200001</u>	<u>50334</u>	<u>Battalion Chief</u>	<u>\$74,757.59</u>	
	Reason:	<u>To fund the ratified Fire Union contract</u>								
<u>\$340,900.00</u>	<u>\$340,900.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$275,585.94</u>	<u>12200001</u>	<u>50450</u>	<u>Firefighter</u>	<u>\$607,829.56</u>	
					<u>\$21,594.50</u>	<u>12200001</u>	<u>50800</u>	<u>Fire Captains</u>	<u>\$68,036.70</u>	
					<u>\$41,957.59</u>	<u>12200001</u>	<u>50810</u>	<u>Fire Lieutenants</u>	<u>\$127,851.71</u>	
					<u>\$378.55</u>	<u>12200003</u>	<u>51481</u>	<u>OT-Special Services</u>	<u>\$5,759.15</u>	
					<u>\$33,566.39</u>	<u>12200003</u>	<u>51300</u>	<u>Additional Gross OT</u>	<u>\$282,561.44</u>	
					<u>\$2,462.41</u>	<u>12200003</u>	<u>51324</u>	<u>OT-Vehicle</u>	<u>\$12,458.69</u>	
					<u>\$5,495.92</u>	<u>12200003</u>	<u>51328</u>	<u>Call Fire OT</u>	<u>\$40,638.12</u>	
					<u>\$106,378.57</u>	<u>12200003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$61,035.60</u>	
					<u>\$29,936.35</u>	<u>12200003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$92,227.62</u>	



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY -4 AM 11:45

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

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

May 4, 2023

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

RE: Transfer request from Free Cash to fund 1% non-pensionable inflation bonus

Honorable President Ossing and Councilors,

I am submitting for your approval a transfer request in the amount of \$94,037.90 from Free Cash to the Fringe account to cover the one percent, non-pensionable inflation bonus for all employees.

The original Payroll Office calculation was incorrect, as explained in Finance Director Patrick Jones's enclosed letter.

Patrick Jones will be on hand to answer any questions regarding this transfer.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Office of The Comptroller

140 MAIN STREET
MARLBOROUGH, MA 01752
TELEPHONE (508) 460-3731, FACSIMILE (508) 481-5180

Date: April 28, 2023

To: Mayor Arthur Vigeant

From: Comptrollers Department
Patrick Jones, Finance Director / Treasurer

Re: 1% Non-Pensionable Stipend Transfer Shortfall

I relied on the original estimate supplied to me from our Payroll Department to create the \$700,000 transfer that came before you a couple of weeks back. Once the actual payroll for this stipend was run on Thursday the 27th, I learned that the total amount was short by \$94,037.90 due to information being miscommunicated. Therefore, I am requesting a transfer from Free cash in the amount of \$94,037.90.

My office takes full responsibility for this miscalculation. We will make every effort to confirm and verify our documentation and work before these kinds of transfers take place again.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

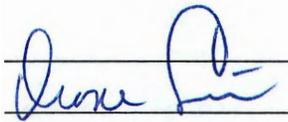
DEPT: Finance/Treasurer

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$5,089,564.80</u>	<u>\$94,037.90</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$94,037.90</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$0.00</u>
	Reason:	<u>To fund 1% stipend shortfall</u>							
	Reason:								
	Reason:								
	Reason:								
	\$94,037.90	Total			\$94,037.90	Total			

Department Head signature: _____
 Auditor signature:  _____
 Finance Director signature: _____

CITY OF MARLBOROUGH



EARN & DED DETAILED PROOF

Pay Period 04/28/23 To 04/28/23

WARRANT: INFLBO PAYROLL TYPE: CITY P/R CHECK DATE: 04/28/2023

Employee	Pay Type	Rate	Hrs	Amount	GL Account/Alloc code	Taxes	Other Ded
----------	----------	------	-----	--------	-----------------------	-------	-----------

EARNINGS SUMMARY

PAY TYPE	HOURS/DAYS	AMOUNT	PAY EARNED	ESCROW AMOUNT
954 INFL-BONUS	821.00	794,037.90	0.00	0.00
Total:	821.00	794,037.90	0.00	0.00
Total Employees:	Total Earnings:	794,037.90		



City of Marlborough Office of the Mayor

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CITY OF MARLBOROUGH
2023 MAY -4 AM 11:45

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
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Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Transfer request to fund Substance Use Prevention Coordinator

Honorable President Ossing and Councilors,

I am submitting for your approval a transfer request in the amount of \$9,102.00 from Free Cash to the Substance Use Coordinator to fund the position for the remainder of the year.

As noted in our FY24 budget and Auditor Diane Smith's enclosed letter, we are waiting for the Legislature to approve a municipal finance rule so the settlement funds can be transferred into a special revenue account that will fund the salary for this position.

Auditor Diane Smith and I will be on hand to answer any questions regarding this transfer.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

May 2, 2023

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

RE: Substance Use Prevention Coordinator

Enclosed herewith is a transfer request to fund the new position of Substance Use Prevention Coordinator within the Board of Health through year-end. We were hopeful that the 2023 supplemental budget bill filed by Governor Maura Healey that proposed municipal finance rule changes would have been approved by the legislature by now. This would have allowed us to create a special revenue fund for the opioid settlement funds that come into the city and expend related expenditures directly from this fund. As of today, all settlement monies received belong to the general fund.

Please contact me if you should have any further questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Diane Smith', is written over a light blue rectangular background.

Diane Smith, CGA
City Auditor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Board of Health

FISCAL YEAR: 2023

FROM ACCOUNT:

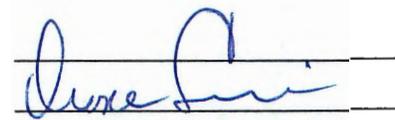
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$5,089,564.80</u>	<u>\$9,102.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$9,102.00</u>	<u>15120001</u>	<u>50607</u>	<u>Substance Use Coordinator</u>	<u>\$0.00</u>
	Reason:	<u>To fund the new position through year-end</u>							
	Reason:								
	Reason:								
	Reason:								
	\$9,102.00	Total			\$9,102.00	Total			

Department Head signature: _____

Auditor signature: _____

Finance Director signature: _____





City of Marlborough
Office of the Mayor

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MAYOR
2023 MAY -4 AM 11:45

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Proposed FY24 operating budget

Honorable President Ossing and Councilors,

Please find enclosed for your review the proposed FY24 operating budget in the amount of \$188,751,024.00 representing a 4.57% increase over this year, primarily due to a continued increase in utility costs, Assabet Valley Regional Vocational School, contract services and added staffing. During budget planning, 13 department heads requested changes in personnel and/or salary increases. Before supporting a salary increase or added personnel, we justify and prioritize the need, research comparative communities and current collective bargaining agreements. All noted union and non-union positions and/or salary increases will need to be negotiated and approved by City Council before any increase or hiring takes place.

Again, we are presenting a conservative budget, and I've included some highlights below:

Local Aid & Revenue

Based on the Division of Local Services, using the Governor's budget proposal, the City is projected to receive a net total of \$44,015,549.00 in local aid, due to a substantial increase in Chapter 70.

We estimate that new growth for FY24 will add an additional \$2 million in tax revenue continuing to help stabilize our tax rate for residents.

Human Services

We are proposing to expand services with the United Way by \$70,000.00 to include a social worker in the United Way contract effective July 1st. We are currently working with the United Way on a job description and will share it with the City Council when it is finalized. This position will give us a full time seasoned social worker who will add follow up services to clients who are referred to Human Services by our Police, Fire, Board of Health, Code Enforcement, Veterans Services and Council on Aging. I want to emphasize that this will not be a case worker, but a full-time social worker that can refer residents to appropriate social services. This position will work along with Nilsa Roman who acts as our

Human Services Director and all relative city departments who have felt a burden due to a lack of mental health services available to those in need. The Community Social Worker will fill the gap and regularly support these departments with public health and safety concerns.

Board of Health

Included in the Board of Health's budget is the new Substance Abuse Prevention Coordinator that was approved recently and who began in late April. We are waiting on the finalized amendment from the Legislature allowing municipalities to deposit statewide opioid settlement funds in a separate account, outside the general fund. Once this is approved, the City will fund this position fully through the settlement funds. Public Health Director John Garside will monitor the progress of programming and education in the schools.

Public Library

Director Sara Belisle has requested two new non-union Librarian positions; Head of Adult Services and Program Outreach. In addition, although not required for municipal employees, we are proposing to increase the Library Pages hourly rate of \$10.56 to \$15.00 to align with the state's minimum wage. We will follow up with draft orders, job descriptions and salary tables where applicable at a future meeting.

Public Facilities

We have added two Custodian/Houseworkers to maintain the enlarged Public Library and balance the schools' additional workload from the Goodnow Brothers Elementary School, and we plan to bring the City's Custodian/Houseworker positions more in align to the School's Custodian/Houseworker salary.

Public Facilities has struggled to find plumbing contractors and we are proposing to raise the salary to attract a qualified plumber to fill this new position. Currently, the City contracts out plumbing work at \$120.00 hourly rate. Additional applicable information will follow at a future meeting.

Fire Department

A large percentage of their increase includes two years of contractual obligations due to the execution of the 2021-2024 Fire Department's contract. Changes to the recently executed contract should reduce overtime costs in the future and Chief Breen will be closely monitoring.

Marlborough Public Schools & Assabet Valley Regional Technical Vocational High School

The Marlborough Public School District will have a 3.62% increase over last year. Thomas LeFleur will begin on July 1, 2024, replacing Doug Dias as Finance Director. Mr. Dias is retiring from the municipal world, and I would like to take this opportunity to thank him for his dedication to our district, especially most recently handling the NRT busing issues.

Assabet has a significant increase of 14.8% for FY24, and the City has minimum authority to control their spending. As previously discussed, we only have one voting member of a seven member school committee board even though we have over 50% of the students and pay over 50% of the bills.

Department of Public Works

Due to increased revenue from the state, it is a good opportunity to increase the snow and ice budget by \$500,000.00 and this will soften the burden of using free cash in the future for this purpose.

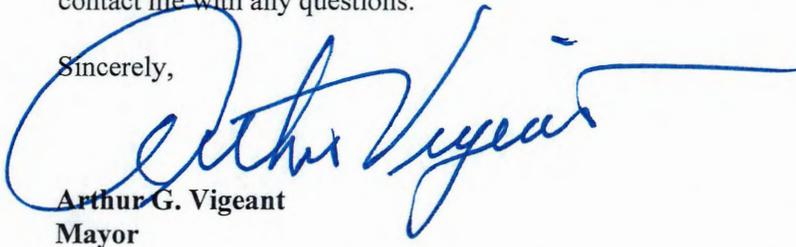
Capital Outlay

We are proposing to use the Capital Outlay account to fund a new vehicle for the Police Department and the Clerk's upgraded polling equipment. Please note that this account in the past has been used to temporarily fund projects that we receive state grants for when the monies are delayed. For example, the IT Department is working with the Fire Department on implementing a crucial dispatch software upgrade where the funding was delayed for almost a year, and we had to put the project on hold.

I am proud to share that our continued disciplined fiscal management will allow the City to fulfill the higher costs of doing business and above mentioned initiatives with a **\$2.5 million reduction** in the real estate tax levy, a **zero percent** increase in health insurance to our employees and retirees, and a **zero percent** increase in water and sewer rate to our residents within the FY24 budget. I would like to thank our strong finance team, Auditor Diane Smith and Finance Director Patrick Jones and their staff for their continued dedication.

My administration and I look forward to discussing this budget in further detail. In the meantime, please contact me with any questions.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2023 MAY -4 AM 11:46

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
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ADMINISTRATOR

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

May 4, 2023

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

RE: FY24 Revolving funds spending limit

Honorable President Ossing and Councilors,

I am submitting for your approval an order to set the spending limits on the City's four revolving funds.

Parks & Recreation Revolving Fund	\$1,275,000.00
Council on Aging Revolving Fund	\$ 150,000.00
Public Safety Revolving Fund	\$ 203,000.00
Water & Sewer Revolving Fund	\$ 500,000.00

We are requesting to increase the Recreation Department's revolving fund from \$350,000.00 to \$1,275,000.00. This fund has accumulated over the last few years and the surplus may be used for future recreation and/or DPW projects.

As you are aware, state law requires that revolving accounts be reauthorized prior to the start of the fiscal year. If reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2024.

I have included year-end financial reports for each account and a draft order for reauthorization.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City Council hereby approves the maximum amount that shall be expended during fiscal year 2024 from each of the revolving funds as established by city ordinance, unless otherwise authorized by City Council and Mayor, as follows:

<u>Revolving Fund</u>	<u>FY2024 Spending Limit</u>
Parks and Recreation Revolving Fund	\$1,275,000.00
Council on Aging Revolving Fund	\$ 150,000.00
Public Safety Revolving Fund	\$ 203,000.00
Water and Sewer Revolving Fund	\$ 500,000.00

ADOPTED

In City Council
Order No. 23-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

MEMORANDUM

Date: May 4, 2023

To: Mayor Arthur G. Vigeant

From: Sean M. Divoll, P.E., Commissioner of Public Works *SMD*

Re: FY2023 Parks and Recreation Revolving Account Report and Authorization Request
 Account No. 26244401-52415

The Revenue and Expenditures for the Parks and Recreation Revolving Account are as follows:

REVENUE

Balance as of July 1, 2022	\$ 776,672.81
Purchase Order(s) Encumbrance Carry Forward	\$ 0.00
Corrections	(\$28,965.14)
Revenue received between July 1, 2022 And May 3, 2023	<u>\$ 365,513.84</u>
Subtotal	\$1,113,221.51

EXPENSE

Expenses incurred between July 1, 2022 And May 3, 2023	\$ 80,301.98
Expenses from prior fiscal year POs	\$ 10,090.95
Encumbrance Outstanding	<u>\$147,546.27</u>
Available Balance	\$875,282.31

Mayor Arthur G. Vigeant
 May 4, 2023
 Page 2 of 2

Please see the table below for expense details.

Expenditures		
FY23		
Vendor	Amount	Comments
Home Depot	\$ 2,064.52	General Parks Repair
Quirk Construction Corp.	\$ 3,542.83	Ghiloni Park Dek Hockey
National Lumber	\$14,565.16	Ghiloni Park Barns Reno.
Maki Building Centers	\$28,370.72	Ghiloni Park Barns Reno.
Concord Electric Supply LTD	\$ 2,416.30	Ghiloni Park Barns Reno.
Central Steel Supply	\$ 410.00	Ghiloni Park Barns Reno.
Doors Unlimited	\$ 1,890.45	Ghiloni Park Barns Reno.
East Coast Sealcoating Inc.	\$12,000.00	Stevens Park Futsal Court
Engraveables, Inc.	\$ 5,142.00	Field Dedication Plaques MHS, MMS
Bigelow Nurseries	\$ 9,900.00	MHS Practice Field Trees
Total	\$80,301.98	

Expenditures		
FY22 Purchase Orders		
Vendor	Amount	Comments
Country Club Enterprises	\$10,090.95	Electric Utility Vehicle for Beach
Total	\$10,090.95	

The FY2023 spending limit is \$350,000. For FY2024 we expect the fund balance will increase as follows:

Current Fund Balance:	\$ 875,000
Expected Revenue Through June:	\$ 50,000
FY2024 Expected Revenue:	<u>\$ 350,000</u>
Total	\$1,275,000

With the current fund balance and expected revenues, the fund balance will far exceed the historical spending cap of \$350,000. Therefore, I kindly request we increase the spending limit to \$1,275,000. It is a missed opportunity if the City is limited to a spending cap that is much less than the fund balance.



City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
 EXECUTIVE DIRECTOR

May 3, 2023

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

Re: Council on Aging/Senior Center Revolving Account Reauthorization

Dear Mayor Vigeant,

Since the authorization of the Revolving Account in October 2015 these funds have been used solely for programing and associated costs at the Senior Center. We are fortunate to be able to offer a tremendous number of different types of programs at the Senior Center to engage as many older adults as possible.

The revenue generated in the Revolving Account represents fees associated with the numerous programs run through the Senior Center. The expenditures represent payment for the instructors, bus trips, office supplies, entertainment along with program supplies and associated food costs.

The Senior Center receives tremendous support from the City for which we are extremely grateful. The spending limit on the Revolving Account of \$150,000.00 allows us to continue to meet our needs at the Center and expand the programing offered to our older adults.

Thank you for your consideration.

Sincerely,

Patricia A. Pope
 Executive Director



CITY OF MARLBOROUGH
Council on Aging/ Senior Center
 40 New Street
 Marlborough, MA 01752
 508.485.6492

MEMORANDUM

TO: Mayor Arthur G. Vigeant
 FROM: Patricia A. Pope
 DATE May 3, 2023
 RE: Council on Aging Revolving Account

Pursuant to the provisions of the City Council Order #15-1006306, the revolving account established by this order had income and expenses shown below:

Balance as of 7/1/22	\$	118,489.53
Total revenue generated (7/1/22 – 4/30/23)	\$	57,875.89
Funds expended (7/1/22 – 4/30/23)	\$	104,545.89
Funds transferred out (reimbursements)	\$	95.00
Funds encumbered	\$	0
Current Balance:	\$	71,724.53

Details:

Revenue generated represents fees associated with programs, lunches and classes

Expenditures represent payment for instructors, programs, food costs, dues, transportation costs, and office supplies.



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

April 26, 2023

MEMORANDUM

TO: Mayor Arthur G. Vigeant

FROM: Diane Smith, City Auditor

RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2022	\$ 86,067.42
Funds received to date	116,869.80
Expenditures to date-	
Police Academy	(22,400.00)
Federal Ammunition	(4,448.70)
Hazardous Materials Training	(5,973.38)
Atlantic Tactical	(7,549.65)
Motorola Portable Radios	(26,813.92)
Jurek Bros Firearms & Holsters	(3,740.00)
Metrowest Drug Task Force	(11,163.90)
Axon Enterprise Cartridges	(9,440.85)
Mass Fire District Training	(1,464.00)
Taser Training	(11,403.39)
Fire Chiefs Assoc FCAM Conference	(2,467.26)
MHQ Municipal Vehicles	<u>(54,430.06)</u>
Subtotal	(161,295.11)
Encumbrances	(17,528.65)
Balance as of April 26, 2023	\$ <u>24,113.46</u>



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

MEMORANDUM

Date: May 3, 2023

To: Mayor Arthur G. Vigeant

SMP

From: Sean M. Divoll, P.E., Commissioner of Public Works

Re: FY2023 Water Infrastructure Revolving Account Report and Authorization Request
 Account No. 26252601-53020

The FY2023 Revenue and Expenditures for the Water Infrastructure Revolving Account are as follows:

REVENUE

Balance as of July 1, 2022	\$225,300.00
Purchase Order(s) Encumbrance Carry Forward	\$0.00
Revenue received between July 1, 2022 And May 3, 2023	<u>\$865,952.00</u>
Subtotal	\$1,091,252.00

EXPENSE

Expenses incurred between July 1, 2022 and May 3, 2023	\$282,766.38
Encumbrance Outstanding	<u>\$200,000.00</u>
Available Balance	\$608,485.62

The FY2023 spending limit is \$500,000. We do not request any change to the spending limit for FY2024.

Please see the table on Page 2 for expense details.

Mayor Arthur G. Vigeant
May 3, 2023
Page 2 of 2

Expenditures		
FY23		
Vendor	Amount	Comments
Aegion Corporation	198,396.12	Sewer Rehabilitation Project
R.H. White Construction	84,370.26	Water Main Repair Related to Project Above
Total	282,766.38	-



City of Marlborough Office of the Mayor

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

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Arthur G. Vigeant
MAYOR
2023 MAY -4 AM 11:46

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Appointment of Robert Bourn as Plumbing & Gas Inspector

Honorable President Ossing and Councilors,

I am pleased to submit for your approval the appointment of Robert Bourn, III, as Plumbing & Gas Inspector for a three-year term effective and subject to City Council confirmation pursuant to Chapter 7 §79.

Mr. Bourn has 13 years as a Master and Journeyman Plumber, 18 years in the plumbing, heating and gas fitting trades and is a business owner. This position has been vacant for some time, and we've been juggling with part time inspectors to keep required inspections done in a timely fashion. With Mr. Bourn's knowledge and business professionalism, he'll be a tremendous asset to the Department of Inspectional Services.

Enclosed is Mr. Bourn's resume for your review.

If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



ROBERT BOURN III

Master Plumber 15863

OBJECTIVE

To gain employment as a Plumbing and Gas Inspector to ensure the safety and reliability of all existing and future properties.

WORK EXPERIENCE

Production Manager, Business Partner
SAAB Plumbing & Heating INC., Ashland MA.
 2019-2022

Supervise and coordinate a team of 9 licensed and apprentice plumbers throughout their daily tasks as lead estimator, sales manager, and technical support leader. Provide technical support and leadership to ensure code compliance, quality of work, and customer satisfaction. Within the first year of this partnership net sales increased 100% with a profit increase of 10%. Annual sales and profit have steadily increased to \$2 million in annual sales.

Owner Operator
Bourn Plumbing & Heating INC., Westborough MA.
 2015-Present

Owner and operator as a startup in 2015 and achieved \$1 million in sales by 2017. Supervise, direct, and train employees while simultaneously performing my own duties in a field and office environment.

EDUCATION

Cape Cod Plumbing School
 June 2011
 Master Plumber and Gas Fitting

Assabet Valley Regional Vocational High School
 2000-2004
 Plumbing

KEY SKILLS AND CHARACTERISTICS

- Patient
- Friendly, courteous, and approachable
- Detail Oriented and organized
- Self-motivated
- Strong computer skills, written, and verbal communication
- Training and technical assistance
- Ability to think outside the box towards creative solutions
- Adaptable and flexible

PROFILE

Master Plumber with 18 years of experience. As an Army Veteran I understand the importance of working as a team to accomplish a required task with no one being left behind. These qualities contribute to my leadership abilities to ensure the training, development, morale, and disciplines required to be successful in this essential trade. As an expert in commercial, industrial, and residential plumbing I take great pride in being a "go to" authority to guarantee safety and accuracy of all work required.

"The Plumber Protects the Health of The Nation"

CONTACT

PHONE:

Website
www.bournplumbing.com

EMAIL:

ACTIVITIES AND INTERESTS

Restoring Classic Cars and Trucks
 Family Vacations and Traveling
 Cooking
 Antique Collecting
 Community Involvement
 Skills USA Plumbing Judge

CITY OF MARLBOROUGH

Marlborough, MA 01752

DEPARTMENT OF INSPECTIONAL SERVICES

PLUMBING AND GAS INSPECTOR

Posting Number: AA#22-46	Date Posted: November 2, 2022
Weekly Hours: 35 Hours/Week	FLSA: Non-Exempt
Hiring Rate: \$37.06/per hour	Bargaining Unit: MMEA
Step Rate: \$37.06 – 41.69/per hour	Location: City Hall

POSITION PURPOSE

Position is responsible for performing field and office work to inspect a wide variety of residential, commercial and industrial applications for mechanical, gas and plumbing installations, repairs, replacement and alterations for compliance with the provisions of 248 CMR: Board of Examiners of Plumbing and Gas fitters, and the provisions of MGL Chapter 142, Section 11.

ESSENTIAL JOB FUNCTIONS

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- Assist in the creation of policy and procedures for performing field compliance inspections with a high degree of independence.
- Perform field inspections for underground and above ground private and public plumbing, mechanical fuel gas installations as well as installations to municipal water distribution and wastewater collection systems to ensure compliance National, State and Local Codes.
- Assure relevant compliance with Handicap Access regulations and standards.
- Coordinate work activities with Building and Electrical Inspectors, Third party inspectors, Code Enforcement and Public Works Employees.
- Examine and approve plans and specifications for plumbing, mechanical and fuel gas installations and alterations.
- Maintain regular office hours in City Hall to provide technical information to contractors, property owners, and other interested parties;
- Coordinate the issuance of permits, investigate complaints and be responsible for the daily administration of the plumbing/gas division. To enforce regulations through the provisions of Chapter 270, Section 7 of the City Code.
- Access and maintain files for all relevant applications and permits. Create daily and periodic reports of inspections; performed covering conditions found, action taken, and recommendations made for further action. Update manual permits on the job sites and update public records through paper and electronic means.
- Maintain appropriate data of real property owners and licensed contractors;
- As instructed by the Building Commissioner responds to emergency calls.
- Performs similar or related work as required.

EDUCATION AND EXPERIENCE

Must possess a current and valid Journeyman or Master Plumber License issued through the Commonwealth of Massachusetts Division of Professional Licensure (formerly Division of Registration) by the Board of State Examiners of Plumbers and Gas Fitters at the time of application and original appointment. Must have five

years of continuous full-time, or equivalent part-time, practical experience (wartime service* exception) as a journeyman or master plumber**. Must possess a valid driver's license.

* See Chapter 4, Section 7, Clause 43 of the M.G.L.

** While you may qualify to be placed on the plumbing inspector's eligibility list, please be advised that according to Section 11 of Chapter 142 of the M.G.L. as amended by Chapter 843 of the Acts of 1977, you must have had practical experience as a Journeyman or Master plumber, continuously, during the five years next preceding the date of your appointment.

To see the full job description: [Plumbing and Gas Inspector](#)

Please forward cover letter and resume to:

hrjobs@marlborough-ma.gov

Open Until Filled



City of Marlborough
Office of the Mayor

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

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Arthur G. Vigeant
MAYOR
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Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Appointment of John Cain as Wiring Inspector

Honorable President Ossing and Councilors,

I am pleased to submit for your approval the reappointment of John Cain as the City's Wiring Inspector for a three-year term effective and subject to City Council confirmation pursuant to Chapter 473 §1.

Mr. Cain, a licensed Electrician, and business owner has been the City's full-time wiring inspector since 2016 under the Inspectional Services Department. He has continued providing professional electrician services and guidance to the City and its residents. We neglected to officially appoint him and would like to take this opportunity to do so.

If you have any questions, please feel free to contact my office.

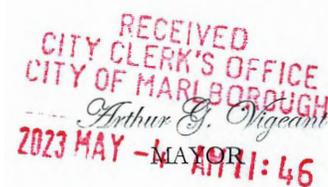
Sincerely,

Arthur G. Vigeant
Mayor



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Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

May 4, 2023

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

RE: Appointment of Patrick Hughes to the Planning Board

Honorable President Ossing and Councilors,

I am pleased to submit for your approval the appointment of Patrick Hughes to the Planning Board replacing William Fowler for a five year term to expire on February 1, 2028, subject to City Council confirmation.

Mr. Hughes moved to Marlborough in 2020 and has expressed an interest in becoming involved with the City. He previously served on the Wilmington Finance Committee and their high school building committee. He is currently employed as Vice President of Finance at HungerRush that provides marketing and point of sale software technology for the restaurant industry. Mr. Hughes brings over 15 years of successful finance experience in high tech industries and enclosed is his resume for your review.

I would like to thank Mr. Fowler for his service on the Planning Board.

If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

PATRICK T. HUGHES

39 Kelber Drive, Marlboro, MA 01752 |

EXECUTIVE SUMMARY

Finance & accounting leader with over 15 years of highly successful experience and upward organizational trajectory in fast-paced, high growth technology environments. Experienced in implementing and administering accounting, operational and financial planning SaaS platforms to create streamlined financial ecosystems. Proven track record of picking up new systems / processes, finding cost saving efficiencies and providing integration & automation recommendations.

EXPERIENCE**HungerRush, A Corsair Capital Portfolio Company****Houston, TX****Vice President, Finance**

November 2022 – Present

HungerRush empowers restauranters to maximize profits with fully integrated and customizable technology solutions including point of sale, order artificial intelligence, marketing and online ordering.

- Built Financial Planning & Analysis team aligned to functional leaders through a finance business partnership model
- Established close controls & procedures to ensure completeness and accuracy of monthly reported financials
- Implemented recurring Actuals vs Budget review with ELT & SLT to ensure transparency and accountability of both labor and non-labor spend
- Built financial planning tools such as comprehensive bookings to revenue model across four revenue streams, a detailed labor model and integrated three statement reporting output
- Liaise and report to the Board of Directors on a monthly basis
- Assist CFO with ad-hoc projects such as Legal Entity consolidation when necessary

Alegeus Technologies LLC, A Vista Equity Portfolio Company**Waltham, MA****Senior Director of Finance**

May 2021 – November 2022

Alegeus is the leading provider of SaaS-based healthcare payment solutions and a highly flexible, white-label platform that powers HSAs, FSAs, COBRA, lifestyle benefits and beyond.

- Spearheaded all reporting efforts (excel based, Adaptive based and powerpoint based) to ELT / BOD / Lenders including MOR, QBR, Covenant Reporting, Annual reporting and any financial data driven one-off requests
- Established weekly CEO Dashboards and supplementary reporting materials accelerating data delivery into the hands of leadership
- Leader of Annual Operating Plan (AOP) creation and liaison to R&D teams on Product Roadmap creation
- Overhauled many accounting & FP&A processes during implementation of Workday Financials & HRIS
- Re-implemented Adaptive Insights; improving reporting, model efficiency and process visibility to ELT
- Established integrations with platform databases to create a single source of truth for topline data
- Increased automation through financial models by expanding data ingestion to pre-pays, fixed assets and numerous elements of the topline model
- Created a robust Cash Flow Forecasting process to meticulously manage cash within 1% of forecast on a weekly basis
- Negotiated favorable contracts with Workday and other key software vendors
- Finance head of Center of Excellence initiative to build from the ground up a 200+ person entity in Bangalore, India
- Key participant in SOX / Internal Audit controls initiative

Upserve, Inc., A Vista Equity Portfolio Company (acquired by Lightspeed in 2020)**Providence, RI****Senior Director of FP&A**

October 2019 – January 2021

Upserve provides restaurants with a world class restaurant management platform made up of point of sale (POS) software, payments, analytics, online ordering, loyalty, and marketing tools specifically for restaurants.

- Managed all aspects of budgeting, forecasting and reporting to the executive team and board of directors
- Created and maintained weekly executive dashboard used weekly CEO/Board meetings
- Provided monthly reporting package to PE management team, including variance analysis and MD&A on all financial reports
- Managed Annual Operating Plan (AOP) creation and iteration through challenging pandemic period
- Migrated variable compensation process to finance team, refined plans to drive appropriate behaviors for 2020 and kicked off implementation of Xactly's SimplyComp
- Led the creation of a flexible and comprehensive Long Range Plan (LRP)
- Implemented Adaptive Insights
- Created a formal compensation committee and charter

SS&C Technologies Inc. (Intralinks Inc. A Siris Capital Portfolio Company acquired in 2018) Waltham, MA
Director of FP&A, Corporate Financial Reporting & Operations

April 2018 – October 2019

Intralinks is the leading FinTech platform for secure document sharing and collaboration for the following verticals: Mergers & Acquisitions, Alternative Investments and Banking & Securities.

- Prepared weekly, monthly and quarterly financial reports including performance and variance
 - Redesigned monthly and quarterly ELT & BOD financial reporting package
- Reviewed, analyzed and reported financial results to enable management to track and drive performance against goals
- Managed the consolidation of the annual budgeting, monthly forecasting and analysis of trends
- Created and maintained functional/departmental budgets and forecasts
- Maintained and enabled systems to support key financial processes and reporting
- Conducted diligence, negotiated and implemented Adaptive Insights Planning Software to modernize planning at Intralinks
- Collaborated with IT to continuously improve processes and systems and ensure data integrity
 - Assisted with the implementation of Tableau
- Coordinated and aligned deliverables for executive team and board audience
- Completed ad-hoc analysis and strategic projects as required by Executive Leadership Team
- Finance leader of Global Sourcing initiative to find low cost R&D / G&A site to expand global operations
- Key contributor in financial reporting integration into Hyperion post acquisition by SS&C Corporation

Datto, A Vista Equity Portfolio Company (Autotask Corporation Acquired in 2017) East Greenbush, NY
Assistant Corporate Controller

September 2016 – April 2018

Datto protects essential business data for tens of thousands of the world's fastest growing companies and provides the world's leading hosted IT business management software to streamline and optimize business processes for technology solution providers.

- Managed all aspects of the financial operations (accounts payable, billing, collections, general ledger, international payroll, monthly & annual close) including both internal and external reporting in accordance with GAAP
- Streamlined the close process from 8 days to under 6 days and developed a world class reporting package
- Managed, hired, developed a diverse team comprised of 14 individual contributors and managers
- Built a collections team, reduced Days Sales Outstanding (DSO) from 20 to 12 and implemented low cost, pull payment options with annualized processing savings over \$120k
- Implemented excel based macros to automate payment application, saving account 40 hours per month of manual processing time while reducing manual processing risk
- Reconfigured billing platform to enhance subscription workflow, surface useful data to the sales organization and present clearer invoices to customers
- Led the 2016 & 2017 Autotask audit to completion on time and on budget
- Managed through international compliance and local statutory audit issues from previous accounting team
- Administered ERP system (Intacct) with multi-entity, multi-currency, global consolidations
- Key contributor in the integration of Autotask and Datto, from systems integration planning to process documentation and training
- Selected by Datto / Autotask for a Hero Award (2017 President's Club)

TripAdvisor
Senior Manager, Accounting
 June 2013 – September 2016

Needham, MA

Bank of New York Mellon Financial Corporation
Senior Supervisor, Client Accounting and Reporting Services
 May 2008 – June 2013

Everett, MA

EDUCATION

Bryant University
College of Business

Bachelor of Science in Business Administration May, 2008

Smithfield, RI

University of Massachusetts, Boston
Center for Collaborative Leadership

Emerging Leaders Program September, 2012

Boston, MA

OTHER NOTEWORTHY ACCOMPLISHMENTS

- Panelist at Adaptive Insight's SaaS User Event (November 2019)
- Speaker at Zuora's Boston User Event (April 2019)
- Panelist at Carlson Management Consulting's "CLOUDFEST" Conference 2019 (March 2019)
- Speaker at Zuora's 2017 New York City "SUBSCRIBED" Conference (September 2017)
- Former appointed member of Town of Wilmington, Ma Finance Committee (December 2010 - May 2012)
 - Participated in new High School project
 - Participated in two fiscal budget reviews / approvals voted on by the committee



City of Marlborough
Office of the Mayor

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Arthur G. Vigeant
MAYOR
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Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM
EXECUTIVE ADMINISTRATOR

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

May 4, 2023

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

Re: Reappointment of Ellen Silverstein to the Board of Assessors

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of Ellen K. Silverstein for a three-year term to expire on September 8, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank Ms. Silverstein for her dedication and support to the Board of Assessors. In addition to assessing property values and annual vehicle excise tax collection, this year the City will undergo a required state recertification audit, and the Board is essential in assisting with this process.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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MAYOR
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Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM
EXECUTIVE ADMINISTRATOR

April 20, 2023

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

Re: Reappointment to the Community Development Authority

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of David Morticelli for a three-year term to expire on March 23, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank Mr. Morticelli for his continued dedication and service to the Marlborough Community Development Authority. As a Senior Vice President at Avidia Bank, Mr. Morticelli acts as an acute sounding board from a financial perspective. His reappointment will satisfy Chapter 395 of the Acts of 2008, requiring that one board member be experienced in the field of finance.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

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CITY OF MARLBOROUGH

JASON D. GROSSFIELD
CITY SOLICITOR

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

2023 MAY -4 AM 10:09

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

May 4, 2023

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

Re: Order No. 23-1008868: Proposed Tax Increment Financing Agreement (TIF) with ModernaTX, Inc.

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed resolution and TIF agreement, in proper legal form, as recommended by the Finance Committee at its May 1, 2023 meeting.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Meredith Harris, Exec. Dir., MEDC

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 99, Parcel 3 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve the ModernaTX, Inc. application for an EDIP Local Incentive-Only Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves ModernaTX, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Local Incentive-Only Certified Project for twenty (20) years.
2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with ModernaTX, Inc. and authorizes submission of the tax increment financing agreement (attached hereto) to the Massachusetts Economic Assistance Coordinating Council.

ADOPTED
In City Council
Order No 23-
Adopted

Approved by Mayor
Arthur G. Vigeant

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH
AND
MODERNATX, INC.**

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**") and ModernaTX, Inc. (the "**Company**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a Delaware corporation having its principal office and its U.S. headquarters located at 200 Technology Square, Cambridge, Massachusetts 02139, is authorized to do business in Massachusetts; and

WHEREAS, the Company intends to purchase a +/- 24 acre parcel of land with building(s) at 149 Hayes Memorial Drive, Marlborough, MA 01752 as further depicted on Marlborough City Assessor's Map 99, Parcel 3 (the "**Property**") and which is shown on the map attached to this Agreement;

WHEREAS, the Company intends to invest approximately \$350 million in combined soft, real property and personal property costs (the "**Project**") in the Property, including adding an additional 60,000 square feet to the existing 140,000 square foot building (hereinafter, the Property including the building and all associated improvements, is defined as the "**Project Area**"); and

WHEREAS, beginning on the effective date of this Agreement, the Company plans to create, according to the schedule set forth herein, and maintain, over the term of the TIF Agreement, 200 permanent, full-time jobs at the Project Area open to qualified residents of Marlborough; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) under Chapter 23A and Chapter 40 Section 59 of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals of the City; and

WHEREAS, by letter dated _____ 2023, the Mayor recommended the TIF Agreement to the Marlborough City Council; and

WHEREAS, on _____ 2023, the Marlborough City Council voted to approve the TIF Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2023 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").

2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E, as amended; Chapter 40, Section 59, as amended; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws and the applicable regulations thereunder. The Exemption shall be for a period of twenty (20) years (the "Exemption Term"), commencing on July 1, 2023 (the beginning of fiscal year 2024) and ending on June 30, 2043 (the end of fiscal year 2043). The Exemption shall pertain only to real property taxes for the Project Area, and shall provide an exemption from taxation of the new incremental value of the Project Area resulting from the Project, as determined by the City of Marlborough Assessor, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

Fiscal Year	Real Property Exemption Percentage
2024	100%
2025	100%
2026	100%
2027	100%
2028	90%
2029	90%
2030	80%
2031	80%

2032	70%
2033	70%
2034	60%
2035	60%
2036	50%
2037	40%
2038	30%
2039	30%
2040	20%
2041	20%
2042	10%
2043	5%

3. The base valuation for the Project Area shall be the Project Area's assessed valuation in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. The Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Agreement which is expected to be June 15, 2023. Therefore, the exemption is expected to commence on July 1, 2023, which is the beginning of fiscal year 2024. Accordingly, the base year for this TIF Agreement will be fiscal year 2023.
4. The base valuation shall be adjusted annually by an inflation factor, which is based on a portion of the increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59(iii) of the Massachusetts General Laws. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.
5. The Exemption shall not apply to personal property taxes.

B. THE COMPANY'S OBLIGATIONS

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will develop the Project Area into a state-of-the-art internal manufacturing site; and
 - (b) As part of owning the Project Area, the Company agrees to make capital improvements which are currently estimated to be approximately \$350 million in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvements and investment;

- (c) The Company agrees to timely pay all of the taxes owed to the City by the Company, respectively, over the term of this TIF Agreement; and
- (d) The Company agrees to create and maintain at least 200 new permanent full-time jobs at the Project Area for permanent full-time employees (as "permanent full-time employee" is defined in Chapter 23A Section 3A of the Massachusetts General Laws), to begin employment at the Project Area as set forth in the schedule below, and whose employment by the Company commences on or after the effective date of this Agreement ("New Permanent Full-Time Employees"). The new jobs shall be performed, and maintained, in said building at the Project Area until the termination of this TIF Agreement. The new jobs shall not be performed remotely. The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent
2024	50
2025	150
2026	200
2027	200
2028	200
2029	200
2030	200
2031	200
2032	200
2033	200
2034	200
2035	200
2036	200
2037	200
2038	200
2039	200
2040	200
2041	200
2042	200
2043	200

The Company shall maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough. Determination of whether any individual is qualified for any specific

job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.

2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at the Project Area to the City of Marlborough Board of Assessors, MEDC, and Mayor and to EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2024 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus report for fiscal year 2024, ending on June 30, 2024, shall be submitted by the end of December 2024. In addition to information that may be required by the EACC pursuant to G.L. c. 40 § 59(viii), the annual report shall be comprised of the following information:
 - (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
 - (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough;
 - (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
 - (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
 - (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company shall provide the City with any and all information reasonably related to the Project Area including the Company's improvements to the Project Area as the City may deem necessary to monitor the Company's compliance with this TIF Agreement.

The Company shall also submit any reports required by law, including annual reports required through the Commonwealth's on-line portal, with a written copy to the City.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

$$\frac{\text{(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement)}}{\text{Scheduled Exemption Percentage}} = \text{Actual Exemption Percentage.}$$

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2026 is 100 instead of 200, then the real property tax exemption percentage otherwise applicable for FY 2026 would be $(100/200) \times 100\% = 50\%$. Therefore, the Exemption for FY 2026 would be reduced to 50% rather than 100% as set forth in the schedule.

The Exemption percentages applicable to the tax Exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Section B of this TIF Agreement, and the City further determines that such failure continues or remains uncured for one hundred eighty (180) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such revocation, the City shall have the right, upon written notice to the Company, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year

immediately following that fiscal year. Any notice required hereunder shall be effective upon receipt.

5. In addition to discontinuance of benefits as set forth in Paragraph B(4) above, if the Agreement is revoked because the Company has failed to satisfy any of the requirements in Section B, then, pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the City may recapture the value of any taxes not paid due to the Exemption provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.
6. The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public of a proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company, and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.
7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in the Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to G.L. c. 40 § 59(v)(d), this Agreement shall be binding upon the Company and its successors and assigns, and upon any subsequent owner of the Property and its successors and assigns, and upon the City and its successors and assigns.

2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first and the applicable regulations thereunder.
3. No other building or structure (or portion thereof) at the Property shall be eligible for a Tax Increment Financing Exemption, unless specifically authorized by a separate tax increment financing agreement. The parties acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be June 15, 2023, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the EDIP Local Incentive-Only Application and TIF Agreement.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City and Company, as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
 City Hall, 4th Floor
 Attention: Mayor's Office
 140 Main Street
 Marlborough, MA 01752

With a copy to: Legal Department at same address

With a copy to: Marlborough Economic Development Corporation
 91 Main Street, Suite 204
 Marlborough, MA 01752

COMPANY: ModernaTX, Inc.
 Attention: Jed Larkin
 200 Technology Square
 Cambridge, MA 02139

With a copy to: Legal Department at same address

- 7. This TIF Agreement may be executed in counterparts by the parties, and each such counterpart shall be considered an original and all such counterparts shall constitute one and the same instrument.
- 8. This TIF Agreement may be amended, changed, modified, or altered only by a written instrument signed by the parties to this TIF Agreement. This Agreement and the terms contained herein shall not be altered or modified unless approved by the EACC.
- 9. This TIF Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. The rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Massachusetts.

WITNESSETH, the execution and delivery of this Agreement by the Company and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

COMPANY
MODERNATX, INC.

By: _____

Dated: _____, 2023

Name: Jed Larkin

Title: Senior Vice President of Tax

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2023, before me, the undersigned notary public, personally appeared _____ of ModernaTX, Inc., and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF AUTHORITY

The undersigned, _____, hereby certifies as follows:

- 1. The undersigned is the _____ of the Company.

- 2. The undersigned hereby certifies that _____, _____ of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation this Agreement.

The undersigned has executed this certificate as of this date.

Name:
Title:
Dated: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2023

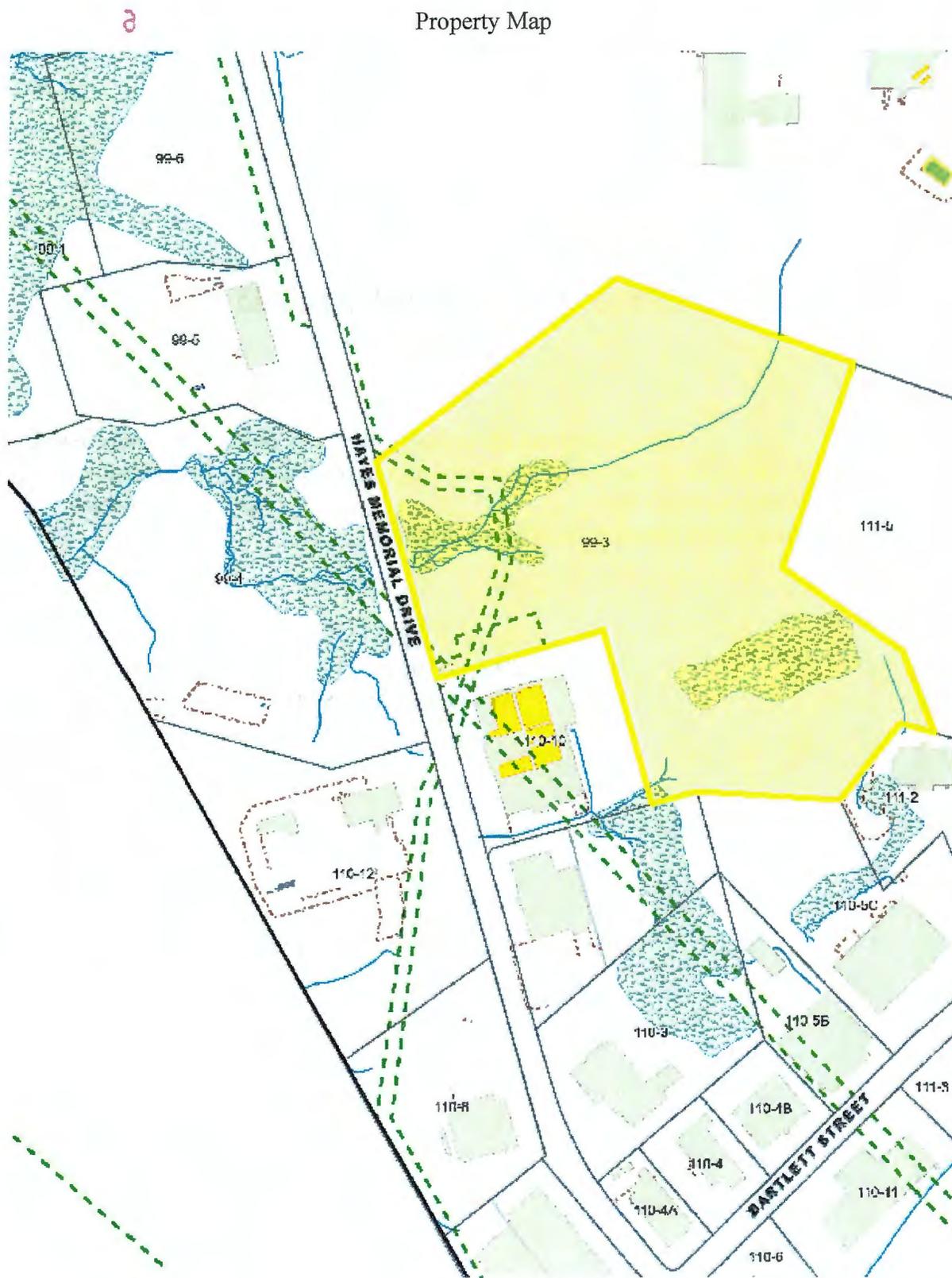
COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2023, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

ATTACHMENT
Property Map





City of Marlborough
Emergency Management

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2023 MAY -3 PM 4:56

215 MAPLE ST.

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 624-6984 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610

Council President Ossing,

As the process of review and rewriting the Hazard Mitigation Plan for the City of Marlborough continues, the next step in the process is a short presentation to the Council and public before the draft plan gets sent to MEMA and FEMA for approval. The approved plan will then be presented to the Council for adoption in the coming months. I would like to have this presentation scheduled for the May 22, 2023 meeting. There will be a link in the public notices for people to ask questions instead of taking time at the presentation.

This will be presented by Martin Pillsbury, Environmental Planning Director at Metropolitan Area Planning Council (MAPC) as they were awarded the grant last fall to update the plan. This plan needs to be updated on a 5-year cycle and the city would be ineligible for FEMA grants if the plan expires.

Thank you

Fredrick F. Flynn
 Emergency Management Director

MIRICK O'CONNELL

ATTORNEYS AT LAW

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 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2023 APR 21 AM 11:33

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 CITY OF MARLBOROUGH

2023 APR 21 AM 11:33

Brian R. Falk
 Mirick O'Connell
 100 Front Street
 Worcester, MA 01608-1477
 bfalk@mirickoconnell.com
 t 508.929.1678
 f 508.983.6256

April 20, 2023

VIA HAND DELIVERY

Councilor Michael Ossing, President
 Marlborough City Council
 City Hall
 Marlborough, MA 01752

Re: 431 Lincoln Street (Shell Station);
EMC Sign Special Permit Amendment

Dear Councilor Ossing:

On behalf of my client Lincoln Street 431, LLC (Manager William Camuso), I submit the enclosed application to amend an EMC sign special permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street. These sign panels (on both faces of the existing sign) will advertise food options within the Shell station convenience store.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client



City of Marlborough

MARLBOROUGH CITY COUNCIL

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

SIGN SPECIAL PERMIT

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

1. Location of the property where sign is located (street and number):

431 Lincoln Street

2. What other signs exist on the property (type, size, location):

Free standing sign (15' by 6') with EMC gasoline price panels, allowed by special permit

Gasoline canopy Shell logos (3' by 3')

Wall sign on building (8' by 33")

Gasoline pump top signs

3. Are there other signs on the property of similar type to what is requested in the Sign Permit Application? If so, please state size and location:

No

4. Names of business or activity applying for sign:

Lincoln Street 431, LLC (William Camuso, Manager)

5. Applicant:

Brian Falk, Esq.

Street/City/Zip Code:

Mirick O'Connell

100 Front Street, Worcester, MA 01608

6. Building Owner:

Lincoln Street 431, LLC (William Camuso, Manager)

Street/City/Zip Code:

87 Walkers Brook Drive

Reading, MA 01867

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

Building Owner.

E-mail: billcamuso@gmail.com Business: 508-485-9772 Mobile: 978-846-0255

Agent/Owner of Business where sign will be located.

E-mail: same Business: _____ Mobile: _____

Applicant.

E-mail: bfalk@mirickoconnell.com Business: 508-929-1678 Mobile: _____

8. Applicant is (please check).

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

Required Attachments

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

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

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

[Signature] Applicant Signature 4/20/2023 Date

Lincoln Street 431, LLC, by its attorney Property Owner Signature 4/20/2023 Date

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

Description:
 (Qty 2) Faces
 - 3/16" White polycarbonate
 - Graphics are surface applied translucent vinyl.

Typeface:
 EgyptienneDBolExt

Colors:
 Faces - White Polycarbonate
 Graphics - Arlon Vivid Green translucent vinyl

Installation:
 By Viewpoint. (TBD)



E1 Elevation: #13335.1 (Qty 2) Faces
 Scale: 1 1/2" = 1'

Job: Shell
 Account Manager: Jeff Kwass
 Date: 12.27.22 .75
 Location: 431 Lincoln Street - Marlboro, MA
 File: Shell_MarMA-431Lincoln_Faces_1a.ai
 Designer: Matthew Hoard

Revisions: Revisions:

THIS PROPOSAL DRAWING CONTAINS ORIGINAL ELEMENTS
 CREATED BY VIEWPOINT SIGN AND AWNING. ALL RIGHTS RESERVED.
 UNAUTHORIZED DUPLICATION OR REPRODUCTION IS PROHIBITED.

ViewPoint 1.508.393.8200
 SIGN AND AWNING FAX 1.508.393.4244

Customer Approval Act. Manager Approval Production Approval
 TBD/VIF





IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 14, 2020

ORDERED:

PAGE 1

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.



IN CITY COUNCIL

Marlborough, Mass., _____ SEPTEMBER 14, 2020

ORDERED:

PAGE 2

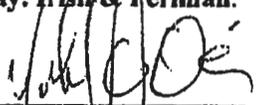
**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- 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.



Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
20-1007948H

**NEW RVI Evolution
6' Mod Cabinets between
Existing Poles.**



72 15/16"
(1500mm)

EXISTING OAH TO REMAIN UNCHANGED

75 1/4"

75 1/4"



Regular
2.34 ⁹/₁₀

Diesel
2.34 ⁹/₁₀

F7 SAVE ON EVERY FILL
Fuel Rewards

Red LED
Panel
4'-10 1/2" x 2'-1 1/2"
= 10.6 sf.

24" LED

12" LED

Green LED
Panel
2'-10 3/8" x 1'-3 1/4"
= 3.8 sf.

FEDERAL HEALTH

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(903) 599-2100 • Fax (903) 599-2101

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Atlanta • Fort Worth • Dallas • Beach • Winter Park

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Revisions

1	
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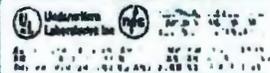
Account Rep: **Dan Hull**

Project Manager: **V. Hernandez**

Drawn By: **Brian Essary**

Project / Location:

Shell
RVI Evolution
GLOBAL



Client Approval Date:

Landlord Approval Date:

Project Description:
This project is for the installation of a new Shell RVI Evolution sign for the Shell station located at 1500 North Bolton, Jacksonville, Texas. The sign will be installed on the existing structure. The sign will be illuminated with LED lights. The sign will be made of aluminum. The sign will be made of aluminum. The sign will be made of aluminum.

Job Number: **197105**

Date: **10/01/19**

File Name: **SG197105 e**

Sheet Number: **1** of **1**

Design Number:



City of Marlborough
MASSACHUSETTS
 01752

BUILDING DEPARTMENT

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

BUILDING COMMISSIONER
 ZONING ENFORCEMENT OFFICER

TIN HTWAY

ZONING DETERMINATION

April 21, 2023

ViewPoint Signs and Awnings
 C/O Brian R. Falk, Mirick O'Connell
 100 Front Street
 Worcester, MA 01608-1477
 bfalk@mirickoconnell.com

RE: 431 LINCOLN STREET
 SIGN DENIAL
 MODIFICATION OF SPECIAL PERMIT

To Whom It May Concern:

A request to change the message panel of the existing non-EMC portion at the bottom of the pylon sign to advertise food options at the Shell Station convenience store. Please reference Section 526-9 (K) Gasoline station signs (2)(b)[2]Bonus area[d]. Modification of the approved pylon sign requires a new approval from the Special Permit Granting Authority, Marlborough City Council. The original approval special permit Order No. 20-1007948H, on September 14, 2020.

Best Regards,

Tin Htway
 Building Commissioner



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 APR 26 PM 1:26

February 6, 2023

Mr. Tin Htway
Building Commissioner
City of Marlboro
Marlboro, MA 01752

**RE: Chase Bank – Site Plan Review/Special Permit
189 Boston Post Road West
Marlborough, MA**

Dear Commissioner Htway:

This is notification that R.K. Associates – Marlboro, Inc. as the owner of the above-referenced property, is aware that our tenant, Chase Bank, will be building their new branch at our above-referenced property, and will be applying for Site Plan Approval and a Special Permit.

Please accept this letter as the owner's authorization for Chase Bank, and its Permit Expeditor, Andy Fitz (Project Expeditor's Consulting Corp., 28 Station Street, Manalapan, NJ) to act as owner's "Agent" for the Chase project and to submit for any and all permits required to complete this project only.

Please feel free to contact me at 781-320-0001 if you have any questions.

Sincerely,
RK Centers

A handwritten signature in blue ink that reads "David Baker".

David R. Baker

cc: Tenant Lease File

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:
Project Expediters Consulting Corp. o/b/ JP Morgan Chase 28 Station Street Manlapan NJ 07726

2. Specific Location of property including Assessor's Plate and Parcel Number.
189 Boston Post Road West Marlborough MA. 07162 PN #78-16

3. Name and address of owner of land if other than Petitioner or Applicant:
R.K. Associates - Marlborough Inc. 50 Cabot Street Needham MA. 02494

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

5. Specific Zoning Ordinance under which the Special Permit is sought:
Article VIII Section 650 Paragraph 14 Sub-paragraph B.2

6. Zoning District in which property in question is located:
B - Business

7. Specific reason(s) for seeking Special Permit
To install a drive-through ATM for the Chase bank branch.

A drive-through or drive-up ATM is a critical component and feature of the Branch's operations and is a service/amenity that banking customers have come to expect and highly value when choosing which bank to do business with.

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

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

Andy Fitz

Signature of Petitioner or Applicant

Address: 28 Station Street
Manlapan NJ 07726

Telephone No. 773-914-0012

Date: 4/13/23

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

Project Expeditors Consulting Corp o/b/o JPMorgan Chase Bank, N.A.

(Name of Petitioner)

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

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

KARAPATSAS PAUL
C/O WENDY'S ATTN BLAKE SN
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

MCDONALDS CORPORATION
C/O DAVID BALDACCI
P O BOX 902
SPENCER, MA 01562

NEWTON-WALTHAM BANK & TRU
101 N TRYON ST NC1-001-03-81
ATTN BANK OF AMERICA
CHARLOTTE, NC 28255

R K ASSOCIATES-MARLBORO I
50 CABOT STREET STE 200
ATTN RK CENTERS
NEEDHAM, MA 02494

R K ASSOCIATES-MARLBORO I
6800 BISHOP ROAD
PLANO, TX 75024

RB HOTEL MARLBOROUGH LLC
C/O ROCKBRIDGE CAPITAL LL
4100 REGENT ST SUITE G
COLUMBUS, OH 43219

RK MARLBORO WEST LLC
50 CABOT ST STE 200
NEEDHAM, MA 02494

ROYAL PLAZA MARLBOROUGH L
181 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Project Expeditors Consulting Corp o/b/o JP Morgan Chase, NA

Applicant's Name: _____ Address: 28 Station Street, Manalapan NJ 07726

Project Name: Chase Bank Address: 189 Boston Post Road West

1. PROPOSED USE: (describe) New Chase Bank Branch with Drive-Through ATM

2. EXPANSION OR NEW: New Use in Existing Building

3. SIZE: floor area sq. ft. 4,162 1st floor 4,162 all floors 4,162
 # buildings 1 # stories 1 lot area (s.f.) 31,957

4. LOT COVERAGE: 80.6% %Landscaped area: 19.4% %

5. POPULATION ON SITE: Number of people expected on site at anytime:
 Normal: 10-15 Peak period: 28

6. TRAFFIC:
 (A) Number of vehicles parked on site:
 During regular hours: 5-10 Peak period: 20-25

(B) How many service vehicles will service the development and on what schedule?
0

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property?
please see attached civil plans with lighting analysis

8. NOISE:
 (A) Compare the noise levels of the proposed development to those that exist in the area now.
Noise levels should be less, as the bank use will generate less traffic than the former restaurant

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. There will be no major sources of noise generation

9. AIR: What sources of potential air pollution will exist at the development? There will be no
sources of air pollution other than those generated by vehicular traffic

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? There will be no hazardous materials stored on-site

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 4/20/2023

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Chase Bank

Project Use Summary: New proposed drive-through ATM for Chase Bank

Project Street Address: 189 Boston Post Road West

Plate: _____ Parcel: 78-16

Applicant/Developer Name: Project Expediters Consulting Corp o/b/o JP Morgan Chase N.A.

Plan Date: 3/30/23 Revision Date: _____

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

**Application Fee to submit to
City Clerk's office**

\$ 500.00

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

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

- 1 SET POLICE CHIEF
- 1 SET FIRE CHIEF
- 1 SET CITY ENGINEER
- 1 SET DIRECTOR OF PLANNING
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED)
- 1 SET BUILDING COMMISSIONER
- 12 SETS OFFICE OF THE CITY COUNCIL
- 3 SETS OFFICE OF THE CITY CLERK **(MUST be Original & 2 Complete Sets)**

Signature

Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan
City Clerk*

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

R.K. ASSOCIATES - MARLBORO, INC.

Owner Name/Officer Name of LLC or Corporation

DAVID KATZ, VICE PRESIDENT

Owner/Officer Complete Address and Telephone Number

c/o R/K CENTERS
50 CABOT STREET; NEEDHAM, MA 02494
TEL: 781-320-0001

Signature of Applicant



Attorney on behalf of Applicant, if applicable

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

 4/18/2023

Tax Collector



City of Marlborough
CODE ENFORCEMENT

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

TIN HTWAY
 BUILDING COMMISSIONER

PAMELA WILDERMAN
 CHIEF CODE ENFORCEMENT
 OFFICER

September 28, 2022

Victoria Cleary
 Project Expeditors Consulting Corp.
 28 Station Street
 Manalapan, NJ 07726

RE: Zoning Information
 189 Boston Post Rd West

The following information is provided in response to your inquiry of September 22, 2022.

- The property is located within a Business (B) zone.
- This is neither a historic building nor is it located within a historical district.
- There are no overlays to this location.
- There is no master development plan for this location.
- There are no master sign plans; signs are governed by Chapter 526 of the City Code.
- All facilities requiring a drive through component require a special permit from the City of Marlborough City Council.

Any further questions regarding zoning can be forwarded to my office. If, for any reason, I am unable to answer your questions I would refer to the Building Commissioner.

Additionally, this office would be appropriate permitting facility for any work being completed despite Boston Post Road West being a state highway. The state would only be involved if you had plans that impacted the roadway itself.

As always, please feel free to contact this office if you have any questions or if we can be of any further assistance to you.

Sincerely,

Pamela A. Wilderman
 Chief Code Enforcement Officer

Cc: File

CHASE

SITE IMPROVEMENT PLAN

PARCEL ID: 78-16
 189 BOSTON POST ROAD (US ROUTE 20)
 CITY OF MARLBOROUGH, MIDDLESEX COUNTY, MASSACHUSETTS



SOURCE: GOOGLE EARTH PRO, DATED 10/6/2012

AERIAL MAP

SCALE: 1" = 80'±



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120 Washington Street, Suite 201, Salem, MA 01970
 Phone 617.203.2076

PLAN REFERENCE MATERIALS:

- THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
 - PROPERTY PARTIAL TOPOGRAPHIC SURVEY BY CONTROL POINT ASSOCIATES, INC., DATED 12/12/2012
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
- ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.

SHEET INDEX	
DRAWING TITLE	SHEET #
COVER SHEET	C-1
EXISTING CONDITIONS & DEMOLITION PLANS	C-2
SITE PLAN & CONSTRUCTION DETAILS	C-3
LIGHTING PLANS	C-4
ATH & LIGHTING DETAILS	C-5
LANDSCAPE DETAILS	C-6

ISSUE	DATE	BY	DESCRIPTION
1	10/20/12	JH	ISSUED SITE IMPROVEMENT SCOPE
2	10/20/12	JH	ADDITIONAL AT - LIGHTING COMMENTS
3	10/20/12	JH	FOR MUNICIPAL SUBMISSION

NOT APPROVED FOR CONSTRUCTION

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SITE IMPROVEMENT PLAN
CHASE
 PROPOSED BANK WITH
 DRIVE-THRU ATM
 PARCEL ID: 78-16
 189 BOSTON POST ROAD (US ROUTE 20)
 MIDDLESEX COUNTY, MASSACHUSETTS

JOSHUA H. KLINE, P.E.
 MASSACHUSETTS LICENSE NO. 1576
 LICENSE PROFESSIONAL ENGINEER



SCALE: AS SHOWN PROJECT ID: 805-2009

TITLE:

COVER SHEET

DRAWING:

C-1

C-EP-C-50 Series
E-LITE

AVAILABLE, ENERGY EFFICIENT AND MADE IN USA!
The C-EP-C-50 Series Area Light is a high quality, energy efficient lighting fixture designed for use in parking lots, walkways, and other areas where energy efficiency is a priority. It is available in a variety of finishes and is designed to provide long, reliable service.



PRODUCT SPECIFICATIONS

Material: Aluminum	Finish: White	Mounting: Pole Mount
Light Source: LED	Power: 100W	Beam Spread: 120°
Life Span: 50,000 hours	Operating Temp: -40°F to 140°F	IP Rating: IP65

AREA LIGHT FIXTURE 'A' SPECIFICATIONS
NOT TO SCALE

C-WP-B-RDC Series
E-LITE

OFF THE WALL LIGHTING
The C-WP-B-RDC Series Area Light is a high quality, energy efficient lighting fixture designed for use in parking lots, walkways, and other areas where energy efficiency is a priority. It is available in a variety of finishes and is designed to provide long, reliable service.



PRODUCT SPECIFICATIONS

Material: Aluminum	Finish: White	Mounting: Wall Mount
Light Source: LED	Power: 100W	Beam Spread: 120°
Life Span: 50,000 hours	Operating Temp: -40°F to 140°F	IP Rating: IP65

AREA LIGHT FIXTURE 'B' SPECIFICATIONS
NOT TO SCALE

Hirada Medium Outdoor LED Area Light

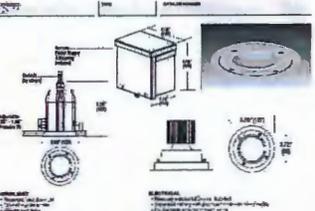
PRODUCT SPECIFICATIONS

Model	Power	Beam Spread	Mounting
H100	100W	120°	Pole Mount
H200	200W	120°	Pole Mount
H300	300W	120°	Pole Mount

AREA LIGHT FIXTURE 'C1' & 'C2' SPECIFICATIONS
NOT TO SCALE

ILLUMINATION

AREA LIGHT FIXTURE 'D' SPECIFICATIONS
NOT TO SCALE

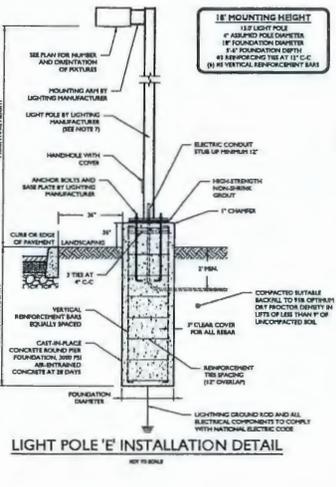


ORDERING INFORMATION

Model	Power	Beam Spread	Mounting
D100	100W	120°	Pole Mount
D200	200W	120°	Pole Mount
D300	300W	120°	Pole Mount

18' MOUNTING HEIGHT

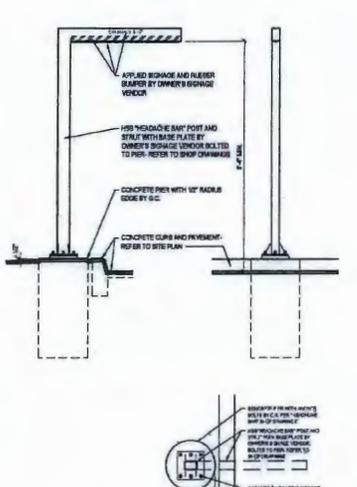
LIGHT POLE 'E' INSTALLATION DETAIL
NOT TO SCALE



NOTES:

- MINIMUM SOIL BEARING CAPACITY OF 1500 PSF. SOIL GRAIN SIZE OF 30 DEGREE AND SOIL DRY UNIT WEIGHT OF 120 PCF SHALL BE CONFIRMED IN THE FIELD BY A QUALIFIED PROFESSIONAL.
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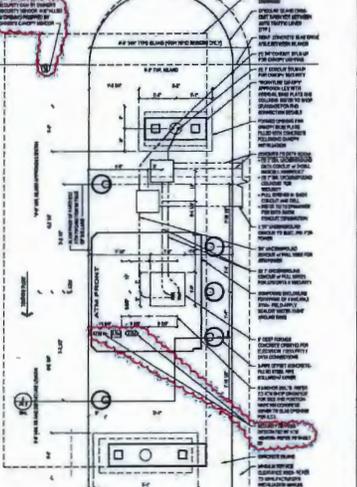
CLEARANCE BAR DETAIL
NOT TO SCALE



NOTES:

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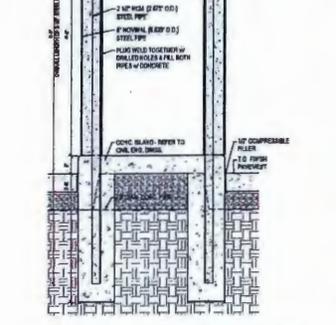
DRIVE-UP ISLAND PLAN - "SIGNATURE" CANOPY DETAIL
NOT TO SCALE



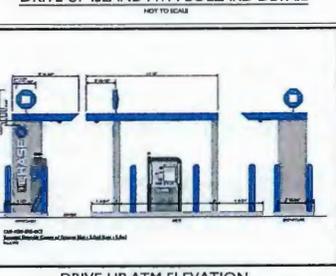
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DRIVE-UP ISLAND ATM BOLLARD DETAIL
NOT TO SCALE



DRIVE-UP ATM ELEVATION
NOT TO SCALE



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CHASED
PROPOSED BANK WITH DRIVE-THRU ATM

STONEFIELD engineering & design

ATM & LIGHTING DETAILS

C-5



Massachusetts Cultural Council

Marlborough Cultural Council Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAY -1 AM 7: 54

Date: Wednesday, February 1, 2023 at 6:30 PM

Location: Marlborough City Hall, Memorial Hall on 3rd floor

After approve, email as Word doc to:

skerrigan@marlborough-ma.gov

wchu@marlborough-ma.gov

Members Present:

Mary Avery	Kathryn B. Weaver
Andrea Bibi	Marcia Waldman
Harmony Larson	Amanda Mayo
Kathy Oliver Jones	

Members Absent:

Beatrice "Bea" Mullony	
Jagruti Seemungal	

- I. Call to Order at 6:34pm.
- II. FY 23 Grantee Announcements
 - Social media pages - MCC and community pages, Community Advocate, Action Unlimited
- III. Designating Grantee Partners
 - Partner with grantees to attend and share info about events
 - Understand value of events, activities
 - Help publicize in advance
 - Questions about how involved we want to be - limited capacity
 - Amanda suggested that we draft an email to all grantees that offers a partnership and please tell us when the event is happening (communication needs to be sensitive to emphasizing partnership vs. oversight)
 - Kathryn wil draft and share with Harmony and Amanda. We will share with the group ahead of the next meeting.

IV. Suggestions for Working Groups

- I.e. cultural festival: discussed differences between Food Truck Festival: more culturally diverse, bring everyone together, like a mini Epcot, storytelling, food - some thoughts about how we can dovetail in with other events that are going on already. Stressed the importance of relationships.
- Grantee reception
- Mural project and comms with the Mayor's office
- Some will be longer term, some will be shorter term
- Agreed that we will form work groups.

V. Preparation for MCC Position Election in March

- Mary will share recommendations to break up chair position responsibilities

VI. Adjournment. 7:39 Mary made a motion to adjourn. Harmony seconded.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
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 CITY OF MARLBOROUGH
 2023 APR 26 PM 2:47

1A

Call to Order

March 13, 2023

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

Mr. Fay welcomed the two new Planning Board members James Fortin and Dillon LaForce.

1. Draft Meeting Minutes

A. February 27, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the February 27, 2023, meeting minutes. Yea: Fay, Fenby, Fowler, and LaVenture. Nay: 0. Motion carried. 4-0. Abstained: Fortin and LaForce.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates – Jenks Lane – Bond Update

i. Correspondence from Thomas DiPersio

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the board voted to accept and file the March 7, 2023, recommendation letter from City Engineer, Thomas DiPersio and to release the bond securing the Goodale Estates Subdivision from \$84,000.00 to \$0.00. Yea: Fay, Fenby, Fortin, Fowler, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

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

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

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

Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

i. Request for Extension

Mr. LaVenture read the March 8, 2023, correspondence into the record.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Fay, Fenby, Fortin, Fowler, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to grant the extension for the decision on the Open Space Special Permit Application for the Preliminary Subdivision on Stow Road (547 Stow Road) to April 27, 2023. Yea: Fay, Fenby, Fortin, Fowler, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

ii. Correspondence from Vito Colonna

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

7. Definitive Subdivision

A. 689 Pleasant Street, Marlborough, MA 01752 – No Discussion

Open Space Development Definitive Subdivision Plan

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Korvos, P.E., (59 Granite Lane, Chester, NH 03036)

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

8. Signs (None)

The Board discussed the Harbor Freight sign application for 230 East Main Street, that was on the February 27, 2023, agenda. The Administrator informed the Board the application was withdrawn, and that a permit has been issued through the Building Department for a smaller sign that is in full compliance with the sign ordinance.

Mr. Fay asked for the Fazza sign application for 405 Maple Street to be included on the March 27, 2023, agenda.

9. Correspondence (None)

10. Unfinished Business

A. Working Group

i. Draft Memo - Sign Ordinance Variance Procedures

Mr. LaVenture went over the language within the draft memo:

Due to the highly specific requirements for sign ordinance variances under 526.12.C.(2), the Planning Board requires that the applicant for a sign ordinance variance be the business owner or the responsible executive of the business requesting the variance. The applicant and/or their legal counsel will appear before the Planning Board at the agreed date and time to present their case for the variance. At a minimum the applicant must address:

- how they believe their proposed sign was not contemplated by the ordinance, and
- how enforcement of the existing ordinance requirements would involve practical difficulties, and
- how desirable relief might be granted without substantially derogating from the intent and purposes of the ordinance

Applicant must be specific in their responses as 526.12.C.(2) allows variances under these three conditions and none other.

Mr. LaVenture explained a representative for the sign vendor or installer may attend to address any issues of construction or installation that the Board may have.

ii. Draft Sign Variance Application Edits

Mr. LaVenture went over the change under #5 and explained originally it listed [] Other as an option, which has been removed.

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

Mr. LaVenture explained the Legal Department is reviewing the draft memo. Mr. Fay requested this item remain on the agenda for the March 27, 2023, meeting.

The Administrator suggested once the memo is approved, to include the memo with the application documents on the City's website. The Board agreed.

11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023 – Vote on or before **March 13, 2023**, meeting

Mr. Fay reminded the Board the Stow Road date has changed from March 19, 2023 to April 27, 2023.

- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

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

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 APR 26 PM 2:47

1A

Call to Order

March 27, 2023

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

1. Draft Meeting Minutes

A. March 13, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the March 13, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required (None)

4. Public Hearings

A. 689 Pleasant Street, Marlborough, MA 01752

Open Space Development Definitive Subdivision Plan

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
 (P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Korvos, P.E., (59 Granite Lane, Chester, NH 03036)

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

- i. Form C-1, Form D and Form L
- ii. Certified Abutters List
- iii. Arborist Letter – Tree Tech, Inc.
- iv. Waiver Correspondences
- v. Engineering Review
- vi. Conservation Commission Review
- vii. Board of Health Review
- viii. Plan Set

Dated: February 6, 2023

Chairperson Fay opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fay provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from the Board members.

Presentation:

Dan Koravos, P.E., of DK Engineering LLC (59 Granite Lane, Chester, NH 03036) spoke on behalf of 689 Pleasant Street. Mr. Koravos explained Beauchemin Estates is an open space development. This process consists of two steps. The first step is the special permit, which the Planning Board approved on July 25, 2022. The definitive plan being presented today is the second step. The site is located at 689 Pleasant Street, Marlborough, MA. The site is wooded with a section of wetland that runs through the middle of it. In 2022 the wetland border was set by a filed AINRAD (Abbreviated Notice of Resource Area Delineation). The soils on site have been mapped by NRCS (Natural Resource Conservation Service), the testing determined the soil where the detention basins are, have a lot of sand, so the infiltration rate is rapid.

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

The property is zoned A2 and is approximately 5.4 acres. Each lot would have a minimum of 12,000 square feet, 50 feet of frontage, 20-foot front and rear and 10-foot side yard setbacks. The proposed development consists of a 461-foot-long cul-de-sac with a 40-foot right-of-way and a 28-foot pavement width.

Mr. Koravos went over the difficulties the profile of the road posed due to the wetlands and the placement of the infiltration basin. He discussed the existing issue on site, where water runoff from the condominiums on north of the site is pooling. He proposed a depression, headwall, and culvert that leads the water to the wetlands.

Mr. Koravos explained the plan seeks to divide the parcel into seven lots and one open space parcel. Lot 7 would house the already existing home on the property. Parcels B, C and D would be given to the City.

Mr. Koravos went over Parcels:

Parcel A: Infiltration Basin

Parcel B: Infiltration Basin between the roadway and the wetlands

Parcel C: 10-foot strip that would hold the culvert in front of 705 Pleasant Street

Parcel D: 2.2 acres of open space

Mr. Koravos went over the proposed sewer on the property and explained each lot would require a pump, so they are proposing individual grinder pumps for each lot or an Environmental One (E1) pump. All lots would be pumped to a collective force main that would run down the outside of the right-of-way within a 10-foot easement to a manhole off the right-of-way where it would gravity feed to the existing main on Pleasant Street.

Mr. Koravos discussed conditions 8 and 9 within the special permit which were written for 705 Pleasant Street. The plan does not show the proposed sewer stub because he wanted to get clarification on its location from the property owner. Evergreens spaced 8-10 feet apart are being proposed as screening long the proposed roadway the abutting property.

See special permit conditions below:

8. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall construct a fence or install vegetative screening along the property line between the proposed roadway and the lot identified as #705 Pleasant Street (Map 28 Parcel 18A).
9. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall install a sewer stub off of the new sewer main for the house at #705 Pleasant Street (Map 28 Parcel 18A).

Mr. Koravos discussed proposing a 6" water main to match what is on Pleasant Street verse the 8" which is shown on the plan and explained he would discuss this change the City Engineer, Thomas DiPersio.

Mr. Koravos went over the proposed drainage system and explained there is a low point in the roadway with two catch basins which would catch the runoff and bring it to catch basin that is further up the street. The culvert and the catch basin would then discharge into the infiltration basin on parcel B. The catch basin at the end of the cul-de-sac would discharge into a swale that runs along the boundary of the open space and discharge into the infiltration basin on parcel A.

Mr. Koravos explained the plan shows street trees being planted at 40-foot intervals and evergreen screening along the roadway in front of parcel B.

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

Mr. Koravos went over the two requested waivers:

- Article IV. Section §676-12.C.(1) Width of Streets as presented in the City of Marlborough, MA Ecode360. The required right-of-way width for a secondary street is fifty (50) feet. We respectfully request a reduction to forty (40) feet. The reason for the request is due to the limited area between the abutting property to the north and the wetland area to the south of the proposed road.
- Chapter A676 Subdivision Regulations §676-26.A. Sidewalks. Which states, "Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street". We respectfully request a reduction in the length of the sidewalk by eliminating the sidewalk in Parcel C on the north side of the proposed roadway.

The reason for the request is due to the limited area between the abutting property to the north and the proposed roadway. Within that area, there will be landscaping for screening, a drainage swale, joint utility trench, a headwall and depression for the proposed culvert to mitigate the ponding on the abutting lot. If granted, on the north side of the proposed roadway, the sidewalk would begin at the property line for Lot 1 and extend all around to the intersection with Pleasant Street. Also, a crosswalk would be provided across the new road.

Mr. Koravos told the Board the tree preservation and protection plan is missing from the plan set but will be provided at a later date.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

No one spoke in favor.

Speaking in Opposition to the Amendment:

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Pleasant Street being a scenic road
- Width of the access road
- Commuter safety
 - High volume of accidents
 - Traffic
- Moving the access to Crowley Drive if possible instead of Pleasant Street
- Existing vernal pools after heavy rain where the roadway is being proposed
- Increase in water run off
- Concerns regarding the existing retention pool from the Toll Brothers Property

Paula Guz (669 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Commuter safety
 - Blind corner
 - Speeding
 - High volume of accidents
 - Traffic

Christine Devona (705 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

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

- Concerns that the proposed drainage system will not withstand the existing standing water issue and the increase in water runoff from the development

Mr. DiPersio provided information on the culvert along the roadway near the abutting property 705 Pleasant Street. The intent is to pick up the water that is coming from the higher ground behind the property. The pipe will convey the water across the road into the wetland.

Mr. DiPersio explained a swale is a channel that would run length wise to convey water and a headwall is a stone or concrete small wall that is built at the end of a pipe, to hold the earth back so the pipe can remain clear and discharge.

Christine Devona (Continued)

- Concerns regarding the profile of the roadway creating additional water strain

Mr. Fay reminded members of the public that their questions/concerns that are Engineering/Conservation based are part of the respective department reviews and the Board's evaluation.

Christine Devona (Continued)

- Concerns regarding the sidewalk waiver
- Asked, if the City will maintaining parcel C
 - Mr. DiPersio explained in his review, the ownership/maintenance of parcel C was one of his questions and that he wanted to hear from the developer regarding their intent.

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Future development of map and parcel 28-12A

Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Mr. Russ asked about the sidewalk waiver request. Mr. Koravos explained the plans show sidewalks because he is aware the Board preference but explained the utilities would be easier to design if the sidewalks abutting 705 Pleasant Street were eliminated. Mr. Russ and Mr. Koravos discussed the utilities' locations within the plan. Mr. Russ asked if fencing is being proposed around the detention basins. Mr. Koravos said yes and explained their slope is 3 to 1.

Dr. Fenby asked Mr. Koravos if he would be willing to speak with the abutters that will be impacted by the development. Mr. Koravos said yes.

Mr. Fowler asked Mr. Koravos if there was a tree plan that showed what type of trees are being proposed. Mr. Koravos explained sheet 9 has more information regarding the trees and that the tree warden would have more information on what type of trees the City would prefer.

Mr. Fay asked when the Board would see the scenic road public hearing request. Mr. Koravos explained once the decision on the width of the right of way is made, they would put in the request for scenic road public hearing.

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

Mr. Fay asked Mr. Koravos if he had analyzed the runoff from the Toll Brothers development and how it affects the drainage plans. Mr. Koravos said yes, and explained contours were obtained from Lidar data and blended them with what they collected in the field to make sure everything was taken into account.

Mr. Fay confirmed with Mr. Koravos that he would work with abutter Christine Devona (705 Pleasant Street) on the sewer stub location.

Mr. DiPersio summarized his review and explained the tree preservation and protection plan is missing. The intent is to overlay the proposed roadway onto the surveyed trees, so the Board can get an idea on what trees will be cleared and which trees can possibly be saved. Miscellaneous notes and comments need to be added/ revised through the plan set. After hearing the presentation by Mr. Koravos, Mr. DiPersio explained he needs to review the storm water calculations to validate the drainage systems ability to account for water that will drain into the system from off-site.

Mr. DiPersio explained the pumps and sewer force main would be owned and maintained by the homeowners within an easement across all of the properties. He explained an agreement with the homeowners would need to be created. He explained 705 Pleasant Street would likely be able to connect by gravity and the connection would be approved once the proposed roadway was accepted by the City as a public way.

vii. Board of Health Review

Mr. LaVenture read the February 22, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to accept and file all the correspondence under item 4. Public Hearings, A. 689 Pleasant Street, Marlborough, MA 01752. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Fowler, the Board voted to keep the public hearing open since additional materials would be submitted which could impact their review. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. DiPersio asked Mr. Koravos to provide site distance measurements for the proposed road, which will provide additional information for the abutters to address their commuter safety concerns.

On a motion by Mr. Fowler, second by Dr. Fenby, the Board voted to take a two-minute break. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted resume the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

5. Subdivision Progress Reports

A. Goodale Estates – Jenks Lane

i. Mylar plans for endorsement

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to endorse the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

B. 76 Broad Street

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

- i. Correspondence from City Engineer, Thomas DiPersio
Mr. LaVenture read the March 23, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to refer the 76 Broad Street Definitive Subdivision to the Legal Department for review/guidance. The Board is requesting an update on the Subdivision's legal status and guidance on what steps, if any are needed to rescind the approval. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

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

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

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

Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

- i. Plan Set Dated: December 2, 2022, Revised: February 9, 2023

Mr. Russ reminded the Board they are waiting on revised plans to correct the 50-foot permanent buffer and asked for its definition. Mr. DiPersio explained when it's abutting a residential property, there is two buffers, the total of which is double the setback. The first part of the buffer, closest to the new house, is essentially no structures. The second half is no disturb.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to send the draft special permit to the Legal Department for review upon receipt. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

7. Definitive Subdivision (None)

8. Signs

A. 405 Maple Street (Fazza Group, Inc.)

- i. Application
ii. Denial letter, Ethan Lippitt, Code Enforcement Officer
iii. Proposed Sign

Mr. Fay explained to Mr. Fortin, the applicant had already used 134.95 square feet of their allotted 150 for the building. They were seeking relief for 105 square feet for the proposed sign within the packet. The applicant had been requested to come to the following meeting and provide additional information. The applicant did not respond to the calendar invite and did not attend the following meeting as indicated.

Mr. Russ discussed how this application should be considered incomplete because the application does not show the already existing signs on the property and concluded this would be something that could be discussed with the Working Group.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to deny the sign variance request for 405 Maple Street. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

9. Correspondence (None)

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

10. Unfinished Business

A. Working Group

i. Draft Memo - Sign Ordinance Variance Procedures

Mr. LaVenture updated the Board and explained he is still waiting to hear back from the Legal Department with their review/comments. Mr. Fay requested this item remain on the agenda for the April 10, 2023, meeting.

11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to April 27, 2023 - Vote on or before **April 24, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

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

The Board endorsed the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane.

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

February 22, 2023
 RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 APR 26 AM 10:30



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, February 22, 2023, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlborough-ma.gov)). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant Civil Engineer Ashley Miller and Sgt. Ron Ney and Officer Andy Larose from the MPD Traffic Services Unit.

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

Chief Giorgi started recording the meeting at 10:05 a.m. and began by welcoming everyone and making introductions.

1- Minutes

Review of the minutes of the Traffic Commission meeting of Wednesday, November 30, 2022.

(NOTE: December 2022 and January 2023 meetings were canceled.)

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

2 - New Business

2a) Accident concerns in the area of Winter Street/Winter Street Ext./Lincoln St.

This agenda item was added at the request of local resident, Sally Boyd. She is very concerned about the number of accidents at this location. She is proposing that Lincoln Street at Winter Street become a Do Not Enter. This would force drivers to not be able to take a right off Winter Street Ext. and go up Lincoln and not allow drivers coming up Lincoln St. from Bond St. to go all the way up. She also suggested not allowing drivers

from Winter St. and Winter St. Ext. to turn up on Lincoln Street or having some type of flashing lighted sign showing "Dangerous Curve".

Chief Giorgi reviewed her request and noted that it ties into Agenda item 2c., request to make Winter Avenue a one-way street. The Chief also noted that the Traffic Commission has received requests recently for a guardrail and rocks in this area. Tom DiPersio recalled that this request was related to trucks trying to make the turn here. GPS is sending trucks this way from Elm Street to the highway. They had talked about increasing signage to make drivers more aware.

Sgt. Ney advised that he reviewed the accident history here. He found that from 1/1/23 through yesterday, 2/21/23 there were 9 accidents in total. Six were coming from Broad Street and were due to weather conditions – ice and snow. Two were coming out of Winter Street and were due to solar glare, the other one didn't know the area and wasn't aware of the stop.

Chief Giorgi agreed that additional signage is warranted. Tom DiPersio and Sgt. Ney agreed that it's a tough right coming out of Winter Avenue or coming over the hill. He will have Engineering look into this further. He noted that Winter Avenue is a Private Road but open to the City. They may be able to something here if it is a public safety issue. Officer Larose pulled up a photo of the area for reference.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into this further.

2c) Request to make Winter Avenue a one-way street.

This request came from Christopher Evangelous, resident of Winter Street. It was also discussed above with Agenda Item 2a). Tom DiPersio will check with the Legal Department since Winter Avenue is a private way. They can advise as to what action can be taken. Steve Kerrigan noted that Winter Avenue is very narrow, and you need to pull up onto the side if a car is coming in the opposite direction.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to discuss this with the Legal Department and to Chief Giorgi to update Mr. Evangelous.

2b) Request for stop sign in the area of St. Martin Drive and D'Angelo Drive.

This request came from Councilor Navin. There have been some close calls with tanker trucks and vehicles in the area. Ken's Foods has put up a stop sign on their property to encourage their employees to stop before exiting the parking lot and taking a left onto D'Angelo drive heading towards Simarano Drive. He feels there is a need for another stop sign from the other direction of St. Martin Drive and D'Angelo Drive.

Officer Larose pulled up a photo of the area for reference. Chief Giorgi agreed that it is kind of a "free for all" coming out of here, however, this area would not meet the warrants for a stop sign. Maybe some type of warning sign could be used instead. For example, "Traffic Does Not Stop". It was discussed that the majority of the traffic here is trucks coming in and out of the MWRA. It was suggested that the Traffic Commission could also contact the MWRA directly and ask that they tell their drivers to be cautious.

Ken's Foods is straight across, and their trucks are turning right. The congestion is coming from 3 different lines. They can also have the same conversation with Ken's Foods as the two businesses are having the same issues. There is hardly any traffic coming in and out of the Treatment Plant. St. Martin Drive is not the issue here.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi or Sgt. Ney to contact the two businesses (MWRA & Ken's Foods) and advise them of the discussion and ask them to speak to their drivers.

3-Old Business

3a) Traffic Pattern Concern at Rte. 20, Boston Post Road E & entrance to Raytheon.

Update: Tom DiPersio advised that he does not have any update on this issue at this time, however, he did send a follow-up email to the DOT this morning.

3b) Request for a crosswalk on Elm Street/Broad Street Area.

Update: Chief Giorgi advised that he reached out to Councilor Irish again but does not have any update at this time.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:19 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-City of Marlborough Meeting Posting for the Traffic Commission Meeting on February 22, 2023, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, November 30, 2022.

-Email from Trish Bernard, on behalf of Councilor Navin, to Chief Giorgi, dated 2/10/23, re: Traffic Concerns in the area of St. Martin Drive and D'Angelo Drive.

-Email from Sgt. Ney to Chief Giorgi, dated 2/6/23, re: Accident concerns in the area of Winter Street/Winter Street Ext./Lincoln St. – as requested by Sally Boyd.

-Email from Trish Bernard, on behalf of Christopher Evangelous, to Chief Giorgi, dated 2/16/23, re: Request to make Winter Avenue a one-way street.

Additional Handouts

TRAFFIC COMMISSION

4

February 22, 2023

-None



City of Marlborough
Office of the City Clerk

140 Main Street
 Marlborough, Massachusetts 01752
 Telephone (508) 460-3775 Facsimile (508) 460-3723

Steven W. Kerrigan
 City Clerk

Wilson Chu
 Assistant City Clerk

February 21, 2023

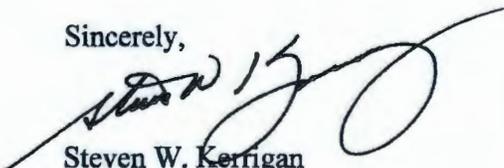
Mayor Arthur G. Vigeant
 City Hall
 140 Main Street
 Marlborough, MA 01752

Dear Mayor Vigeant:

Enclosed is a proposed transfer in the amount of \$42,000.00 from various accounts within the City Clerk/Elections Department budget to move funds to the Capital Outlay-Voting Equipment line. We have identified new voting booths that we believe will be more efficient and allow for more voters at each precinct. In addition, these booths are lighter and easier to move, they also should take up less storage space at each of the voting locations.

I am requesting that your office submit this transfer in order for it to appear on the February 27, 2023, City Council agenda, so we can move forward with the purchase and have these booths in place for the upcoming Municipal Election cycle. Should you have any questions, or need additional information please feel free to contact me directly.

Sincerely,


 Steven W. Kerrigan
 City Clerk

Enclosure

cc: Michael H. Ossing, City Council President

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: **City Clerk/Election**

FISCAL YEAR: **2023**

Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance
		Org Code Object Account Description: Amount	Org Code Object Account Description:	
<u>\$6,669.94</u>	<u>\$4,000.00</u>	11610004 53180 Prof & Technical Services <u>\$42,000.00</u>	19300006 56300 Voting Equipment	<u>\$0.00</u>
	Reason:	<u>Surplus in account</u>	Reason: <u>Purchase new voting booths</u>	
<u>\$12,898.00</u>	<u>\$10,000.00</u>	11620004 53932 Election Programming		
	Reason:	<u>Budgeted for maintenance covered by warranty</u>	Reason:	
<u>\$28,877.73</u>	<u>\$10,350.00</u>	11620002 50520 Principal Clerk		
	Reason:	<u>Position not filled for entire year</u>	Reason:	
<u>\$17,660.00</u>	<u>\$17,650.00</u>	11620002 50141 Clerk		
	Reason:	<u>Position vacant</u>	Reason:	
	Reason:		Reason:	
	\$42,000.00	Total	\$42,000.00 Total	

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____



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- Universal design: all voters vote at the same booth
- Meets all ADA and ADAAG standards for width, approach, and clearance, and includes one lowered station
- Eligible for accessibility grants
- Custom shelf configurations available

Simple Storage and Setup

- No pieces to lose — all booths are self contained
- Durable, easy set up: one-piece construction (legs collapse inside booth)
- Packs small for storage — requires 30% less space than other booth types

Dimensions

- Packed Dimensions: 38.5"L x 9.5"W x 25"H
- Weight (assembled): 48 lbs
- Assembled dimensions: 61" to frame top
37.5" to standard writing shelf
30" to seated accessible shelf
32" width between outside legs
20.5" shelf depth



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Benjamin Franklin® Booth:
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US Reg. Trade Mark 4123180 R.W.&B

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- Meets statewide "per voter" booth requirements
- Can be set up as 2, 3, or 4 station booths depending on precinct configuration

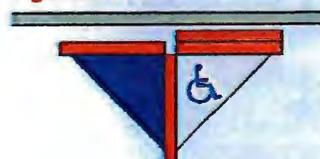


12 booths/48 voting stations stacked for storage, on 39"L x 39"W x 82"H pallet.

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Office of the City Clerk

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Steven W. Kerrigan
 City Clerk

Wilson Chu
 Assistant City Clerk

February 13, 2023

City of Marlborough
 Mayor Arthur G. Vigeant
 140 Main Street
 Marlborough, MA 01752

Dear Mayor Vigeant:

Attached is a FY 2023 Capital Request for new Voting Equipment for the City Clerk's Office. The current equipment that we use to tabulate our election ballots (AccuVote machines) were purchased in 2007 and are in need of replacement.

Currently, the Commonwealth of Massachusetts has two (2) approved vendors that new voting equipment can be purchased from that meet the requirements of the Secretary of State. I have contacted both vendors and received quotes from them; however, we have not scheduled any demonstrations of the machines. I wanted to ensure that we would be moving forward with the request prior to having the vendors demonstrate the machines so we can evaluate which is the best option for the City of Marlborough.

Should this request be moved forward, please let us know so we can schedule demonstrations of the potential new equipment. Pursuant to MGL Chapter 54 §34 a vote of the Council must take place a minimum of 60-days prior to the election the equipment is to be used. Therefore, in order to utilize this equipment for the Preliminary Election, scheduled for October 10, 2023, a vote would need to take place no later than August 4, 2023. As you know the Council meets only once in July and August so we would need to have a vote by July 24, 2023.

Thank you for your attention to this matter, and I look forward to discussing the matter with you further.

Sincerely,


 Steven W. Kerrigan
 City Clerk

CC: Council President



CAPITAL IMPROVEMENT PROJECT REQUEST FORM – *City of Marlborough*

Project Request Date:	February 6, 2023			Priority Level 1-5:	1
Project Name:	Election Equipment - Ballot Tabulators				
Project Location:	City Clerk's Office - Deployed during elections				
Department Requesting:	City Clerk's		Contact Person:	Steven Kerrigan	
Phone Number:	(508) 460-3775	Ext.:	30354	Email:	skerrigan@marlborough-ma.gov
Replacing Existing Item:	Yes	Age of Current Item:	15 years	Mileage:	N/A
Condition of Current Item:	Fair - Still operational but needs replacement		Make/Model:	N/A	
Estimated Cost:	\$110,000.00		Borrowing/Funding Source:	Free Cash/Other	
Amount Per Fiscal Year: <i>Identify amount needed each year of Five-Year Capital Plan</i>					
FY23:	\$110,000.00	FY24:		FY25:	
		FY26:		FY27:	

Project Description

Purchase replacement Tabulators for use at Federal, State and Local elections. The technology has changed dramatically and the current machines we have have been phased out and are no longer being used by many communities. The new machines will allow for faster processing of ballots and easier use.

Describe Impact on Operating Costs

After initial costs there will be an annual maintenance fee of approximately \$350.00 per machine. This cost is currently being paid in our budget for the annual maintenance of our current voting equipment. With the new machines there will not be an increase maintenance/annual cost.

Describe Dept. Priority: High Priority - Current equipment needs to be replaced