

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 NOV 30 P 12: 37

1. Minutes, City Council Meeting, November 27, 2017.
2. PUBLIC HEARING: On the Application for Special Permit to construct an Ancillary Residential Community in a single 28-unit building to be built at 615 Williams Street in conjunction with the Village at Crane Meadow Retirement Community, Order No. 17-1007054.
  - 2a. Communication from Attorney Bergeron, Mirick O'Connell re: Public Hearing be opened then continued to the first working meeting in January 2018.
3. JOINT TAX CLASSIFICATION PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2018.
4. Communication from Mayor re: Tax Classification Hearing/Tax Levy Offset Transfer Requests totaling \$705,206.48.
5. Communication from Mayor re: Library Project transfer request in the amount of \$245,300.00 which moves funds from Undesignated to Land Acquisition to support the library renovation project.
6. Communication from Mayor re: Retail Program Standards grant in the amount of \$6,970.00 from the National Association of City & County Health Officials, awarded to the Board of Health, which will fund peer-to-peer assistance and technical support to improve our food protection program.
7. Communication from Mayor re: Appointment of Joseph Bisol to the Council on Aging for a term of four years.
8. Communication from Mayor re: Home Rule Petition for Off Premises Liquor Licenses.
9. Communication from City Solicitor, Donald Rider, re: Application for Special Permit from Mina Property Group LLC, Auto Max, to construct a commercial automotive facility on less than 1 acre of land at 408 Maple St., in proper legal form, Order No. 17-1006800G.
10. Communication from Attorney Bergeron, Mirick O'Connell re: Proposed Eminent Domain Taking & Related Matters Concerning Parcels on and off Howe and Valley Streets, Order No. 17-1007065-1, -2, & -3.
11. Communication from Attorney Bourbeau, Drohan Tocchio & Morgan, P. C. re: Proposed Eminent Domain Taking & Related Matters Concerning Parcels on and off Howe and Valley Streets, Order No. 17-1007065-1, -2, & -3.
12. Communication from James Knott, Riverdale Power & Electric Co., Inc. re: Riverdale Mills Hydroelectric Project.
13. Communication from Attorney Beattie re: Black Horse Subdivision (Slocumb Lane).
14. Minutes, Board of Assessors, September 27, 2017.
15. CLAIMS:
  - a. Alyssa Hansen, 218 West Hill Road, other property damage.

#### REPORTS OF COMMITTEES:

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

## UNFINISHED BUSINESS:

From Legislative & Legal Affairs Committee

16. **Order Nos. 17-1007065-1, 2, & 3: (1) Proposed Order of Taking by Eminent Domain which concerns two contiguous parcels of land located on and off Howe and Valley Streets. The purpose of the taking is to create pedestrian access to the Corporal Christos Pappas Playground on John Street. (2) Proposed order would transfer care, management and control of the land the Department of Public Works, which would create and maintain the pedestrian access. (3) Proposed Order of Transfer Between Open Space Stabilization Account and Open Space Acquisition Account would appropriate the compensation awards relating to the taking. Motion made and seconded to transfer \$5,700.00 from the Open Space Stabilization Account to the Open Space Acquisition Account. The motion carried 2-0.**  
**Motion made and seconded to approve the Order of Taking by Eminent Domain. The motion carried 2-0.**  
**Motion made and seconded to transfer the Care, Custody and Control of the Land to the Department of Public Works. The motion carried 2-0.**  
**The Legislative and Legal Affairs Committee agreed to request a Suspension of the Rules for this to be voted upon at the November 27, 2017 City Council meeting.**  
**Councilor Delano decided not to request a Suspension of the Rules.**

From Urban Affairs Committee

17. **Order No.17-1006800: Application for Special Permit from Mina Property Group LLC, Auto Max, to construct a commercial automotive facility on less than 1 acre of land at 408 Maple Street. Motion made and seconded to approve as amended. The motion carried 4-0 (Juaire absent). Motion made and seconded to refer to City Solicitor to place in proper legal form for the December 4, 2017 City Council meeting.**



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 NOV 30 A 10:49 CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723

**NOVEMBER 27, 2017**

Regular meeting of the City Council held on Monday, November 27, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano; Doucette, Elder; Tunnera, Irish and Landers. Meeting adjourned at 8:51 PM.

ORDERED: That City Council President recognized two Police Officers who have been promoted to Sergeant; Kenneth McKenzie & John Graham, and two new Police Officers, Sean Milliken & Daniel McKew, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting NOVEMBER, 13, 2017, **FILE**; adopted.

ORDERED: That the OPEB transfer request in the amount of \$1,100,000.00 which moves funds from Undesignated to OPEB Trust to ensure continual investment in the City's future fiscal stability, **APPROVE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Mayor		FISCAL YEAR:		2018			
Available Balance		FROM ACCOUNT:		TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$11,229,104.00	\$1,100,000.00	10000	35900	Undesignated Fund	\$1,100,000.00	87500	35900	OPEB Trust	\$7,694,947.56
Reason:		Transfer funds to OPEB trust							
\$1,100,000.00	Total			\$1,100,000.00	Total				

ORDERED: That the Undesignated Stabilization transfer request in the amount of \$1,100,000.00 which moves funds from Undesignated to City's Undesignated Stabilization account to ensure the City's fiscal stability, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,229,104.00</u>	<u>\$1,100,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,100,000.00</u>	<u>83600</u>	<u>32925</u>	<u>Undesignated Stabilization</u>	<u>\$11,188,578.50</u>
Reason:		<u>To increase undesignated stabilization funds</u>							
	<u>\$1,100,000.00</u>	Total			<u>\$1,100,000.00</u>	Total			

ORDERED: That the IT transfer request in the amount of \$282,100.00 which moves funds from PEG account to IT Equipment account to improve the IT Department's information technology infrastructure, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:		IT				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$320,856.97</u>	<u>\$282,100.00</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$282,100.00</u>	<u>19300006</u>	<u>58618</u>	<u>IT Equipment</u>	<u>\$0.00</u>
Reason:		<u>Use PEG funds for upcoming projects and various equipment purchases</u>							
	<u>\$282,100.00</u>	Total			<u>\$282,100.00</u>	Total			

ORDERED: That the Fire Station Study transfer request in the amount of \$40,000.00 which moves funds from Undesignated to Capital Outlay to conduct a Fire Station study, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$11,229,104.00	\$40,000.00	10000	35900	Undesignated Fund	\$40,000.00	19300006	52695	Fire Station Site Study	\$0.00
Reason:		<u>Mitigation funds received from Apex permit to fund a fire station site study</u>							
\$40,000.00		Total		\$40,000.00		Total			

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, NOVEMBER 27, 2017 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was ORDERED ADVERTISED as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY INSERTING A NEW CHAPTER 421 AS FOLLOWS:

35) Lodging Houses and Boardinghouses \$100 Building Commissioner and his designee  
(Chapter 421)

AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY INSERTING A NEW CHAPTER 421, AS FOLLOWS:

**CHAPTER 421: Lodging Houses and Boarding Houses**

**§ 421-1 Authority and Scope**

The following ordinance concerning lodging houses and boardinghouses has been adopted by the City Council pursuant to the provisions of Massachusetts General Laws ("M.G.L.") Chapter 140, as amended. Any and all licenses issued by the Licensing Board shall be governed by, and subject to the Licensee's compliance with all applicable federal, state and local laws, regulations and by-laws, including but not limited to the M.G.L., regulations of the Licensing Board, the ordinances of the City of Marlborough, all applicable building, fire prevention, zoning, health and sanitary codes, and any conditions the Licensing Board imposes on specific licenses. Where there is conflict between these ordinances and a condition on the license, the condition shall govern unless it is inconsistent with the law.

**§ 421-2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Boarder, lodger, boardinghouse, lodging house, boarding unit, lodging unit** shall have the same definitions as provided in § 650-5 of the City Code; consistent therewith, where the words lodging house are used, they shall also mean boardinghouse.

**Licensee** shall mean that person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.

**§ 421-3 Application for a New or Renewed License**

Prior to a new or renewed license being issued, Licensees and first-time applicants for a lodging house license shall request advisory reports from the Police Department, Fire Department, Collector, Board of Health, and Building Department, which advisory reports Licensees or first-time applicants shall furnish to the Licensing Board. The Licensing Board may deny an application for renewal of a license where there is cause for doing so. The Licensee's, or first-time applicant's, failure to comply with any federal, state or local law, regulation, or ordinance may be cause for denial of the application. This includes, but is not limited to, the ordinances of the City of Marlborough, state and local health regulations, the state Building Code, and the state Fire Code.

**§ 421-4 New or Newly Renovated Facilities and Existing Licensed Facilities:**

- A. New and renovated lodging houses must comply with all applicable State and Local Codes, Rules and Regulations in effect at time of construction.
- B. Consistent with and as may be permitted by Building Code, Fire Code, and Health Code, respective City officials may establish more flexible standards than certain provisions of this ordinance, applicable to existing facilities previously licensed as lodging houses, so long as they conform with applicable code requirements in effect at the time of construction or rehabilitation.

**§ 421-5 Responsibilities of Licensee:**

The Licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of this ordinance and all other pertinent laws, regulations and ordinances. The appointment of an agent shall in no way relieve the Licensee from responsibility for full compliance with the law.

**§ 421-6 Agent(s)**

- A. If the Licensee, because of health, other employment, non-residence on the premises of the lodging house, frequent or extended absences from the lodging house or other reason, is unable to exercise proper supervision of the lodging house, he/she shall designate one or more agent(s) to carry out all or part of his/her responsibilities.
- B. If, for any reason, an agent ceases to exercise his/her responsibilities, the Licensee shall at once notify the Licensing Board, Board of Health, Building Department, Fire Department and Police Department and take immediate steps to provide proper interim supervision and obtain a suitable replacement.
- C. The agent(s) shall be available on a 24-hour basis and must post his/her telephone numbers (including cell phone number) and beeper number, as applicable, in a location accessible to lodgers.

**§ 421-7 City Inspections**

- A. City inspections of licensed lodging houses shall be made on an annual basis by authorized inspectional departments to determine compliance with applicable state and local laws, regulations and codes, and upon request pursuant to §25 of M.G.L. c. 140, as amended.
- B. Annual inspections shall be made on week-days during normal City business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the Licensee and within the structure containing the licensed premises, including rented and unrented units and other occupied and non-occupied space.
- C. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.
- D. City officials shall, pursuant to an inspection under this ordinance or any other regulation or law, refer all violations of this ordinance and any other ordinance, regulation or law, whether federal, state, or local, which said officials are authorized to enforce, to the Licensing Board. All referrals to the Licensing Board shall also be mailed by first class mail to the Licensee and to the Licensee's agent, if any.

**§ 421-8 Minimum Standards**

- A. These regulations are minimum standards intended for the maintenance and enforcement required for the protection of health, safety and welfare of all persons concerned. If there is any conflict with state or local law, the stricter provision shall apply.
- B. All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and with the requirements of these regulations, whenever they are in addition to or more stringent than the requirements of Article II of said code.
- C. Licensees must have inspections performed by a licensed pest control operator (PCO) every 6 months (unless ordered to do so more frequently by the Health Department). PCO inspection reports must be kept on file for review. Inspections must include, but not be limited to, bed bugs, insects, and rodents. The licensee must take appropriate action to address any findings by the PCO. Licensees that can demonstrate long-term occupancy by a majority of the residents (greater than one year continued occupancy) may request a waiver of this inspection requirement. Waivers will be applied for and approved by the Director of Public Health.
- D. The Licensee and his/her agent(s) shall comply with Chapter 406, Littering, of the City Code, and all other state or local regulations and laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and agent(s) include, but are not limited to, the following:
- (1) Storing garbage and trash in watertight, rodent-proof receptacles with tight-fitting covers;
  - (2) Providing to lodgers as many receptacles as are sufficient to contain accumulation of all garbage and trash before collection for disposal;
  - (3) Locating garbage and trash containers in an area where objectionable odors will not enter any boarding or lodging unit;
  - (4) Removal of dumpster waste as frequently as necessary to prevent overflow, windblown trash and garbage, rodent infestation, and odors.

**§ 421-9 Supervision**

Licensees and their agent(s) shall:

- (1) Exercise due care in the selection of lodgers;
- (2) Inspect all common areas at least daily and all occupied rooms at least monthly and at every change of lodger to ensure that all such areas are in a clean and orderly condition and in compliance with Licensee's electrical use policy and regulations pertaining to obstruction of egress, cooking in rooms, and other health and safety hazards;
- (3) Post a schedule of inspections, for the purposes of notifying lodgers, at least forty-eight hours prior to said inspections. Posting of the schedule for inspections shall not apply in the case of an emergency;
- (4) Ensure that lodgers dispose of trash and garbage properly, and that lodgers store food items in a sanitary manner;
- (5) Ensure cleanliness of rooming units and common areas, if any;
- (6) Ensure an unobstructed path of egress from entry door to fire escape, particularly in exit rooms, stairs and hallways;
- (7) Ensure compliance by lodgers with Licensee's electrical use policy, and prohibit the use of candles and other items that requires burning to be used (incense, odor oils, etc.);
- (8) Prohibit the use of portable heaters;
- (9) Take whatever steps are necessary to prevent lodger(s) from repeatedly violating Licensee's rules or the requirements of this ordinance, or any other law or regulation, up to and including eviction; and
- (10) Comply with any other provisions or requirements as may be required by any department or board of the City of Marlborough.

**§ 421-10 Automatic Fire Alarm System, Sprinkler Systems, Carbon Monoxide Protection**

- A. All lodging houses shall be equipped with automatic smoke or heat detectors, an automatic sprinkler system, carbon monoxide alarms, carbon monoxide detectors and combination smoke/carbon detectors. The design, installation, and performance of said systems, alarms and detectors shall be in accordance with the state Building Code, the state Fire Code, NFPA and all applicable laws and regulations.
- B. The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety and welfare of the lodgers. Installation of, or modification to, any automatic fire protection system shall require a permit from the Fire Department.
- C. Fire protection systems shall not be disconnected or otherwise rendered unserviceable, for purposes including but not limited to repair and maintenance, without first notifying the Fire Department.
- D. As part of the annual Fire Department inspection, all lodging houses must submit to Fire Department annual Fire Alarm and Sprinkler System tests.

**§ 421-11 Penalty**

- A. Refusal, neglect or failure to comply with any section of this ordinance shall be cause for a fine imposed pursuant to and in conformity with Chapter 315 of the City Code, and/or to the penalties imposed by M.G.L. c. 140 § 22, *et seq.*, as amended, where applicable, and/or such other provisions of law including but not limited to the state Sanitary Code, Fire Code, and Building Code, ordinances of the City of Marlborough and other regulations and fines applicable to the particular violation.
- B. The Licensee's refusal, neglect or failure to comply with any federal, state or local law, regulation, or ordinance including, but not limited to, this ordinance and any other ordinance of the City of Marlborough, the state Sanitary Code, Fire Code, and Building Code, and any other local codes and regulations may be cause for denial, suspension or revocation of a license by the Licensing Board, and/or a fine as above.

**SET A PUBLIC HEARING FOR JANUARY 8, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, NOVEMBER 27, 2017 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was ORDERED ADVERTISED as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT ARTICLE IV, SECTION 328-4 OF THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

Delete from Article IV, §328-4 of the Code of the City of Marlborough, entitled Fee Schedule for Other City Departments, the fee amount of "\$50.00" respecting Lodging Houses (M.G.L. c. 140, § 34) and insert in place thereof the fee amount of "\$500 for first 20 lodging units" and "\$50 per additional lodging unit over 20".

**SET A PUBLIC HEARING FOR JANUARY 8, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ORDERED: It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in pending litigation concerning a land use request involving a property off Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.

**APPROVED;** adopted.

**Yea: 11-Nay: 0**

**Yea – Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing & Robey**

ORDERED: That the Applicant, European Wax Center, 115 Apex Drive, Unit 8 request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Applicant, Planet Fitness, 21-F Apex Drive, request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Communication from Global Companies, LLC the owner of the gas station and convenience store located at 656 Boston Post Road East, seeking relief from notification to abutters via certified mailing for Sign Permit, **APPROVED TO USE A CERTIFICATE OF MAILING FROM THE POST OFFICE**; adopted.

**Councilor Oram and Elder opposed.**

ORDERED: That the Communication from Amy Lynch, Signarama, on behalf of Halfway Café, 820 Boston Post Road East, seeking relief from notification to abutters via certified mailing for Sign Permit, **APPROVED TO USE A CERTIFICATE OF MAILING FROM THE POST OFFICE**; adopted.

**Councilor Elder opposed.**

ORDERED: That the Minutes, Conservation Commission, September 21, 2017, October 19, 2017 & November 2, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 30, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, September 26, 2017, October 10, 2017 & October 24, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging Board, October 10, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, October 3, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Cultural Council, November 13, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, September 26, 2017, **FILE**; adopted.

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

- a. Philip Maurice, 218 West Hill Road, other property damage.

Reports of Committees:

Councilor Delano reported the following out of the Legislative & Legal Affairs Committee:

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: November 21, 2017

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 6:08 PM

Present: Chairman (Acting) Delano; Legislative and Legal Affairs Committee Member Councilor Clancy (President, ex-officio member); and Councilors Doucette, Landers, and Ossing; Cynthia Panagore Griffin (Assistant City Solicitor, City of Marlborough); Thomas DiPersio (City Engineer, City of Marlborough)

Absent: Councilors Robey and Juaire

**Order Nos. 17-1007065-1, 2, & 3: (1) Proposed Order of Taking by Eminent Domain which concerns two contiguous parcels of land located on and off Howe and Valley Streets. The purpose of the taking is to create pedestrian access to the Corporal Christos Pappas Playground on John Street. (2) Proposed order would transfer care, management and control of the land the Department of Public Works, which would create and maintain the pedestrian access. (3) Proposed Order of Transfer Between Open Space Stabilization Account and Open Space Acquisition Account would appropriate the compensation awards relating to the taking.** The Legislative and Legal Affairs Committee met with Assistant City Solicitor Panagore Griffin and City Engineer Thomas DiPersio regarding an order of taking by eminent domain for two parcels of land located on and off Howe Street and Valley Street. The Assistant City Solicitor explained the purpose of the taking is to provide a walking trail for neighborhood access to the John Street playground, otherwise known as the Corporal Christos Pappas Playground on John Street. The land is currently in tax title and has been for decades as the heirs of Stetson and Howe, owners of the two different parcels, are unknown. The taking of the land by eminent domain is the best way to achieve the City's goal of creating an accessible walking trail for residents as part of the City's Complete Streets and Open Space programs. The compensation award will go into a special account for a statutory period and if unclaimed, it will be awarded to the state. However, the City may make a claim for any unpaid taxes and/or fees due to the City prior to the award's transfer to the state. Acting Chairman Delano reviewed the three parts of the order, the first being the order of taking by eminent domain, the second being the transfer of care and maintenance of the property to the Department of Public Works, and the third being appropriation of the funds in the amount of \$5,700.00 from the Open Space Stabilization account to the Open Space Acquisition account.

**Motion made and seconded to transfer \$5,700.00 from the Open Space Stabilization Account to the Open Space Acquisition Account. The motion carried 2-0.**

**Motion made and seconded to approve the Order of Taking by Eminent Domain. The motion carried 2-0.**

## Reports of Committee Cont'd:

**Motion made and seconded to transfer the Care, Custody and Control of the Land to the Department of Public Works. The motion carried 2-0.**

**The Legislative and Legal Affairs Committee agreed to request a Suspension of the Rules for this to be voted upon at the November 27, 2017 City Council meeting.**

**Councilor Delano decided not to request a Suspension of the Rules.**

**Order No. 17-1007002: Proposed Zoning Amendment intended to better regulate self-storage facilities.** The Legislative and Legal Affairs Committee discussed the proposed zoning ordinance for the regulation of self-storage facilities. Acting Chairman Delano explained the City Council would like to make decisions on where self-storage facilities are most appropriate for the City. No one spoke against the proposed zoning amendment at the public hearing held on September 25, 2017 and the Planning Board was more restrictive in its recommendation to not allow them in Industrial (I) or Limited Industrial (LI) districts. President Clancy provided additional background information that previous self-storage facilities were permitted as manufacturing and/or warehouse units as self-storage units were not defined within the code nor allowed in the table of uses. The City needed to develop a definition of a self-storage unit and if the definition were adopted, where would they be allowed within the City. President Clancy concurred with the recommendations of the Planning Board as presented to them. The Legislative and Legal Affairs Committee agree to amend the proposed zoning amendment to remove Industrial and Limited Industrial districts from the table of uses.

**Motion made and seconded to approve as amended. The motion carried 2-0.**

**The Legislative and Legal Affairs Committee agreed to request a Suspension of the Rules at the November 27, 2017 City Council meeting that the proposed zoning amendment be sent to the Legal Department to be placed in proper form.**

**Motion made and seconded to adjourn. The motion carried 2-0. The meeting adjourned at 6:08 PM.**

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

Meeting Name: City Council Urban Affairs Committee

Date: November 21, 2017

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:13 PM – Adjourned: 6:46 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Tunnera and Landers; and Councilors Clancy, Doucette, Oram, and Ossing; Donald Rider (City Solicitor, City of Marlborough); Pat Scorzelli (Mina Property Group)

Absent: Councilor Juairé

Reports of Committee Cont'd:

**Order No.17-1006800: Application for Special Permit from Mina Property Group LLC, Auto Max, to construct a commercial automotive facility on less than 1 acre of land at 408 Maple Street.**

The Urban Affairs Committee met with Pat Scorzelli of Mina Property Group for a review of the proposed building, signage, and special permit decision for an AutoMax Service Facility at 408 Maple Street. Mr. Scorzelli presented renderings of the proposed free standing, still building with an infill of insulated metal paneling. He described each of the four facets of the building and what their view would be from the various vantages. There were no objections to the building renderings as presented. Mr. Scorzelli then presented two sign options. Both would be low profile signs suspended between two granite pillars. Version one would be internally illuminated which was not well received. Version two would be an externally illuminated sign that would have the appearance of wood although it would be made of some type of composite for easier maintenance. Option two was the version preferred by the committee, and which was agreed to by the applicant.

The committee next reviewed the decision for the special permit. Solicitor Rider explained that number seventeen was not removed from the decision but moved from the findings to the conditions. Solicitor Rider stated condition one should reference the renderings, dated November 1, 2017, that were presented to the committee. Condition nineteen, Signage, should reference signage proposal version two. It was decided that Mr. Scorzelli would provide a signage plan that contained just a rendering of the preferred sign with the date it was created.

- Condition Nine, "Spill Prevention and Control Plan", required additional language to be inserted after the heading. The additional language read, "A spill prevention and control plan shall be provided to and approved by the City Conservation Officer and Fire Department, noting how hazardous and toxic materials are to be stored, transported, and disposed of."
- Condition Ten, "Conservation Commission, Not Applicable", shall be changed to, "Noise Abatement. The doors to the service bays shall be kept closed except to allow vehicles to enter or to exit the bays."
- Condition Twelve, "Catch Basins", shall be titled "Catch Basins and Subservice Infiltration Systems."
- The front-end language of the special permit decision referenced a "Lot 1" and it shall be properly identified in the final version provided to the City Council.
- Addendum A shall be removed from the end of the decision and included as part of the exhibit.

**Motion made and seconded to approve as amended. The motion carried 4-0 (Juaire absent).**

**Motion made and seconded to adjourn. The motion carried 4-0 (Juaire absent). The meeting adjourned at 6:46 PM.**

**Suspension of the Rules requested – granted to allow a Communication from the City Solicitor re: Proposed Ordinance for Self-Storage Facilities in proper legal form.**

ORDERED: That the Communication from the City Solicitor re: Proposed Ordinance for Self-Storage Facilities in proper legal form, **FILE.**; adopted.

**Suspension of the Rules requested – granted**

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

- I. Section 650-5, entitled “Definitions; word usage,” is hereby amended:
  - a. By deleting in subsection B thereof the definition of SELF-STORAGE FACILITY in its entirety and inserting in place thereof the following definition:

**SELF-SERVICE STORAGE FACILITY**

A building, group of buildings or other structure, whether permanent or temporary, having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to the units. A self-service storage facility shall be considered synonymous with a self-storage facility, self-storage warehouse, mini-warehouse and mini-storage.

- II. Section 650-48, entitled “Off-street parking,” is hereby amended as follows:
  - a. By inserting in subsection A thereof a new sub-subsection 17:
    - (17) A self-service storage facility shall provide a minimum of 1 parking space per employee and 1 parking space per 1,600 square feet of the facility.

- III. Section 650-17, entitled “Table of Uses,” is hereby amended as follows:
  - a. By regulating industrial uses so as to allow, by special permit, a self-service storage facility in the Business (B) and Commercial Automotive (CA) districts, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Self-service storage facility	N	N	N	N	N	N	N	SP	SP	N	N	N

**APPROVED;** adopted.

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

**Suspension of the Rules requested – granted**

ORDERED: That the Application for Special Permit from Mina Property Group LLC, Auto Max, to construct a commercial automotive facility on less than 1 acre of land at 408 Maple Street, refer to the **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE NEXT CITY COUNCIL MEETING**; adopted.

**Council President Clancy announced that the Public Hearing scheduled for Monday, December 4, 2017 for 615 Williams Street Holding will be opened but NO testimony will be heard. The hearing will be continued to the first regular meeting of the Council in 2018, which is scheduled for January 8, 2018.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:51 PM.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ OCTOBER 16, 2017

### ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 4, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit to construct an Ancillary Residential Community in a single 28-unit building to be built at 615 Williams Street in conjunction with the Village at Crane Meadow Retirement Community, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

**Councilor Robey and Landers opposed.**

**Ninety days after public hearing is 03/04/18 which falls on a Sunday, therefore  
03/05/18 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 17-1007054

---

**MIRICK O'CONNELL**


---

ATTORNEYS AT LAW

 RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

2017 NOV 22 A 9:06

**Arthur P. Bergeron**  
 Mirick O'Connell  
 1800 West Park Drive, Suite 400  
 Westborough, MA 01581-3926  
 abergeron@mirickoconnell.com  
 t 508.860.1470  
 f 508.463.1385

November 22, 2017

 Councilor Edward Clancy, President  
 Marlborough City8 Council  
 City Hall  
 Marlborough, MA 01752

 Re: Williams Street Holdings LLC  
Application for Special Permit, Order # 17-1007057

Dear Councilor Clancy:

My client, Williams Street Holdings LLC, hereby requests that the Public Hearing scheduled for Monday, December 4, 2017, in the above-referenced matter be opened but immediately continued to the first working meeting of the City Council in 2018. Since this proposed project is located in Ward 3, my client feels it is important that the ward councilor who will be involved in the ultimate decision regarding this matter be able to attend this Public Hearing after he has been sworn in. If it is the wish of the Council, my client would be happy to send a notice to all those interested parties who were already notified of this meeting, informing them of this request, so that no one will be inconvenienced.

Very truly yours,



Arthur P. Bergeron

APB/cm

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**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**Public Hearing – 2018 Tax Levy**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 NOV 13 A 9:52

LEGAL NOTICE  
CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing** with the Board of Assessors on **Monday, December 4, 2017** at 8:00 PM in Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2018. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

*Per Order of: City Council President, Edward J. Clancy*

This Legal Advertisement will be published on [www.msjnews.com](http://www.msjnews.com) and  
<http://masspublicnotices.org>.

Please publish in the Main Street Journal on Saturday, November 18, 2017.

**Please bill:**  
**Marlborough City Clerk's Office**  
**140 Main Street**  
**Marlborough, MA 01752**



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2017 NOV 30 A 11: 24  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 30, 2017

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

### Re: Tax Classification Hearing

Honorable President Clancy and Councilors:

Enclosed for your information is my recommendation and corresponding draft motion for the Fiscal Year 2018 Tax Classification Hearing.

Our Board of Assessors has once again provided you with an informative packet that provides the basis for this recommendation. Below are a few highlights.

- **CIP Shift Factor: 1.42**
- **Residential Shift Factor: 0.807362**
- **Residential Property Valuation: 68.56%**
- **Commercial, Industrial, Personal Valuation: 31.44%**

In addition, to reduce the Fiscal Year 2018 tax levy, I am submitting for your approval the following transfer requests totaling \$705,206.48

- 1) Transfer in the amount of \$25,300.00 from Sale of Graves to offset the Fiscal Year 2018 Tax Levy.
- 2) Transfer in the amount of \$679,906.48 from Overlay Reserve to offset the Fiscal Year 2018 Tax Levy.

Pending approval of the shift factor, the average single-family home in Marlborough will see an adjustment of 2.72 percent over Fiscal Year 2017.

Our long-term goal has been to keep property tax adjustments to a steady and predictable amount each year. Through our careful budgeting and planning, we have made countless investments across Marlborough, including building the new Senior Center, renovating Ward Park, revitalizing Memorial Beach, constructing not just one, but two new turf fields, and reconstructing our streets.

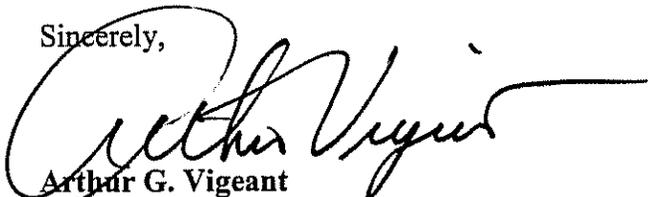
Our strong economic growth and status as a destination for life sciences, advanced manufacturing, and high tech, means we are generating increased revenue without a major impact on our residents.

I have enclosed for your review a chart showing how our average single-family tax bill compares to neighboring communities. Please note that most of these communities do not provide a similar level of municipal services as we do.

Thank you in advance for your continued partnership and consideration of this request.

The Board of Assessors, Comptroller Brian Doheny, and I will be available in City Council to answer any questions you may have.

Sincerely,



**Arthur G. Vigeant**  
Mayor

Enclosures

Average Single-Family Tax Bills in Neighboring Communities										
Municipality	2013	2014	2015	2016	2017	2018	\$ Inc 2013-2017	% Inc 2013-2017	\$ Inc 2013-2018	% Inc 2013-2018
Ashland	\$6,125	\$6,351	\$6,555	\$6,790	\$7,013	TBD	\$888	14.50%		
Framingham	\$5,783	\$5,922	\$5,952	\$6,065	\$6,138	TBD	\$355	6.14%		
Hudson	\$4,700	\$4,856	\$5,080	\$5,447	\$5,822	TBD	\$1,122	23.87%		
Natick	\$6,216	\$6,459	\$6,630	\$6,868	\$7,144	<b>\$7,448</b>	\$928	14.93%	<b>\$1,232</b>	<b>19.81%</b>
Northborough	\$6,181	\$6,225	\$6,485	\$6,850	\$7,098	\$7,340	\$917	14.84%	\$1,159	18.75%
Southborough	\$8,573	\$8,675	\$8,929	\$9,105	\$9,459	\$9,632	\$886	10.33%	\$1,059	12.35%
Sudbury	\$11,205	\$11,544	\$11,598	\$12,082	\$12,520	TBD	\$1,315	11.74%		
Westborough	\$7,972	\$8,134	\$8,045	\$8,264	\$8,384	TBD	\$412	5.17%		
Worcester	\$3,492	\$3,643	\$3,756	\$3,871	\$3,898	TBD	\$406	11.63%		
<b>Marlborough</b>	<b>\$4,540</b>	<b>\$4,655</b>	<b>\$4,790</b>	<b>\$4,820</b>	<b>\$4,941</b>	<b>\$5,075</b>	<b>\$401</b>	<b>8.83%</b>	<b>\$535</b>	<b>11.78%</b>

*Marlborough's FY2018 average single-family tax bill is as proposed for City Council review*

*Highlighted figures represent proposed tax rate info, according to Town websites*

All other figures are from DLS Municipal Databank on the state's website

**Motion to Approve**

I move to approve the residential factor of 0.807362 which results in a CIP shift factor of 1.42 and produces based upon the Fiscal Year 2018 tax levy a residential tax rate of \$14.63 and a commercial tax rate of \$25.73.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor's Office

FISCAL YEAR: 2018

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available  
Balance

\$25,300.00

\$25,300.00

27000 33020

Sale of Graves

\$25,300.00

To reduce FY18 Tax Levy

\$0.00

Reason:

Other funds used to reduce FY18 Tax Levy

\$25,300.00

Total

\$25,300.00

Total



*City of Marlborough*  
Office of the Assessors  
140 Main Street  
Marlborough, Massachusetts 01752  
TDD (508) 460-3610  
Phone: (508) 460-3779

Voted by the Board of Assessors this 29<sup>th</sup> day of November, 2017  
a release of overlay funds for the Fiscal Years as follows.

2013 \$292,675.05

2014 \$387,231.43

*Christopher...*  
11-28-17

*[Signature]*

*[Signature]*

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Mayor's Office

FISCAL YEAR: 2018

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$679,906.48</u>	<u>\$679,906.48</u>	<u>10000</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$679,906.48</u>			<u>To reduce FY18 Tax Levy</u>	<u>\$0.00</u>

Reason: Overlay surplus used to reduce FY18 Tax Levy

\$679,906.48	Total	\$679,906.48	Total
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Fiscal Year 2018  
**Tax Classification Hearing**

December 4, 2017

**Marlborough Board of Assessors**

Anthony C. Arruda, Jr. – Chairman

Ellen Silverstein – Member

David Manzello – Member/Principal Assessor

Harald M. Scheid – Chief Assessor

## Introduction

Each year, prior to the mailing of 3<sup>rd</sup> quarter tax billings, the City Council holds a public hearing to determine the percentage of the city's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

## Steps in Setting Tax Rates

### Pre-classification Hearing Steps

- |  |                  |
|--|------------------|
| Step 1: Determination of the property tax levy | (Budget Process) |
| Step 2: Determine assessed valuations          | (Assessors)      |
| Step 3: Tabulate assessed valuations by class  | (Assessors)      |

### Classification Hearing Steps

- |   |                       |
|---|-----------------------|
| Step 4: Classification hearing presentation | (Assessors & Council) |
| Step 5: Determine tax shift options         | (City Council)        |
| Step 6: Vote a tax shift factor             | (City Council)        |

### Post Classification Hearing Steps

- |  |                |
|--|----------------|
| Step 7: Sign the LA-5 Classification Form              | (City Council) |
| Step 8: Send annual recap to DOR for tax rate approval | (Assessors)    |
| Step 9: Obtain DOR approval of tax rates               | (DOR)          |

## Terminology

The following are definitions of terms frequently used in the discussion of tax rates.

**Levy:** The tax levy (or levy) is the amount of property taxes to be raised. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. In Marlborough, the levy to be raised is reported to the Assessors by the City Comptroller. The fiscal year 2018 levy is \$97,680,293.

**Levy Ceiling:** The levy ceiling is 2.5 percent of the full value of the city. Based on the Marlborough aggregate valuation of \$5,390,659,107, the City cannot levy taxes in excess of \$134,766,478.

**New Growth Revenue:** Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property.

**Levy Limit:** Also referred to as the "maximum allowable levy", the levy limit is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue, and Proposition 2 ½ voted overrides and debt exclusions. The fiscal year 2018 levy limit is \$131,259,954.

**Excess Levy Capacity:** Excess levy capacity is the difference between the actual property tax levy and the levy limit. Marlborough's tax levy is well below the limit permitted under Proposition 2 ½.

## The Fiscal Year 2018 Levy Limit and amount to be raised

The following is a calculation of Marlborough's levy limit for fiscal year 2018.

Fiscal year 2017 levy limit	\$124,710,450
Levy increase allowed under Prop. 2 ½	3,117,761
New growth revenue	3,431,743
Proposition 2 ½ overrides	-0-
Fiscal year 2018 levy limit	131,259,954
Levy ceiling	134,766,478
<b>Levy to be raised</b>	<b>\$97,680,293</b>
Excess levy capacity	\$33,579,661

## Valuations by Class before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	3,695,618,523	68.5560	68.5560
Commercial	977,732,325	18.1375	
Industrial	452,841,409	8.4005	31.4440
Personal Property	264,466,850	4.9060	
TOTAL	5,390,659,107	100.0000	

## Mayor's Recommendation

After considering the valuations of Marlborough's residential and commercial property, and after examining the current fiscal strength of the city, the Mayor recommends the adoption of a Commercial/Industrial/Personal Property (CIP) shift factor of 1.42 resulting in residential tax rate of \$14.63, and a CIP tax rate of \$25.73.

## Tax Rates

Based on the above shift factor, the Board of Assessors has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2017</u>	<u>FY2018</u>
Residential	15.32	14.63
Commercial	26.41	25.73
Industrial	26.41	25.73
Personal Property	26.41	25.73

\*Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$18.12 per \$1,000 valuation.

## Tax Impacts

Marlborough's single-family homeowners are benefitting from increased property values. Price appreciation in the year leading up to fiscal year 2018 (calendar year 2016) ran about 7 percent. Other residential property classes, including condominiums and multi-family apartment buildings, have experienced similar market appreciation. This increase in property values has been captured in revised assessed valuations that will appear in January's tax bills.

With residential valuations increasing, tax rates will need to be reduced accordingly. The typical homeowner will see a net tax increase, largely due to the higher property tax levy required to fund the city's budget.

Commercial and industrial valuations have also been increased, though not to the extent found in residential properties. It is recommended that the CIP shift factor be increased from 1.40 to 1.42 to equalize tax increases born respectively by the residential, and CIP classes.

### Examples of Average Residential Tax Changes

<u>Residential Class</u>	<u>FY18 Value</u>	<u>Avg. Tax</u>	<u>FY17 Value</u>	<u>Avg. Tax</u>	<u>Change</u>	<u>% Change</u>
Single Family Homes	346,900	5,075	322,500	4,941	\$134	2.72%
Condominiums	193,400	2,829	172,300	2,640	\$189	7.15%
2 Family Homes	275,700	4,034	237,200	3,634	\$400	11.00%
3 Family Homes	294,000	4,301	271,900	4,165	\$136	3.26%

<u>Average SF Values &amp; Tax</u>	<u>FY18 Value</u>	<u>Avg. Tax</u>	<u>FY17Value</u>	<u>Avg. Tax</u>	<u>Change</u>	<u>% Change</u>
Ranch	294,400	4,307	265,700	4,070	\$237	5.82%
Cape Cod	326,700	4,780	305,400	4,679	\$101	2.16%
Colonial	450,500	6,591	425,700	6,522	\$69	1.06%
Antique/Conventional	249,700	3,653	226,400	3,469	\$184	5.30%
Split/Raised Ranch	340,600	4,983	317,200	4,859	\$124	2.55%

Commercial and industrial valuation changes vary by property type. Tax increases for CIP class properties as a whole will increase an average of 2-3%.

<u>Style</u>	<u>Sample FY 18 Tax Bill</u>	<u>FY17 Tax</u>	<u>Change</u>
Strip Mall - West	\$36,537	\$35,609	+2.60%
Office Building-West	\$90,613	\$89,342	+1.40%
Strip Mall- East	\$42,699	\$42,158	+1.28%
Office Building - East	\$69,993	\$69,247	+1.08%

## **Recommendations**

The Board of Assessors recommends that the City Council adopt a Fiscal Year 2018 residential shift factor of 0.807362 with a corresponding CIP shift of 1.42, producing a residential tax rate of \$14.63 and CIP tax rate of \$25.73. Final tax rates are subject to Department of Revenue approval.

## **Voting a Tax Shift Factor**

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2018 tax rates and set the Residential Factor at 0.807362 with a corresponding CIP shift of 1.42, pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

## Marlborough LA-4

MASSACHUSETTS DEPARTMENT OF REVENUE  
 DIVISION OF LOCAL SERVICES  
 BUREAU OF LOCAL ASSESSMENT

Marlborough

CITY

## ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2017

Fiscal Year 2018

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	7,043	2,443,219,500				
102	2,461	475,907,378				
MISC 103,109	46	32,497,100				
104	798	220,020,461				
105	163	47,925,500				
111-125	158	435,689,808				
130-32,106	839	15,333,400				
200-231	0		0			
300-393	570			954,402,570		
400-442	267				450,638,134	
450-452	0				0	
CH 61 LAND	0	1	0	774		
CH 61A LAND	1	17	0	144,202		
CH 61B LAND	0	7	0	808,150		
012-043	93	25,025,376	0	22,376,629	2,203,275	
501	264					55,524,130
502	438					112,188,960
503	0					0
504	3					56,641,570
505	8					34,891,200
506	1					928,900
508	4					4,292,090
550-552	0					0
<b>TOTALS</b>	<b>13,182</b>	<b>3,695,618,523</b>	<b>0</b>	<b>977,732,325</b>	<b>452,841,409</b>	<b>264,466,850</b>
<b>Real and Personal Property Total Value</b>						<b>5,390,659,107</b>
<b>Exempt Parcel Count &amp; Value</b>					<b>540</b>	<b>568,791,830</b>

# LA-5

MASSACHUSETTS DEPARTMENT OF REVENUE  
 DIVISION OF LOCAL SERVICES  
 BUREAU OF ACCOUNTS

Marlborough  
 CITY

## CLASSIFICATION TAX ALLOCATION Fiscal Year 2018

1. The selected Residential Factor is 0.807362

If you desire each class to maintain 100% of its full values tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?

Yes  No

If Yes, what is the percentage discount? 0

3. Was a residential exemption adopted?

Yes  No

If Yes, please complete the following:

Class 1 Total Assessed Value	=	<u>3,695,618,523</u>	X	<u>0</u>	=	<u>0</u>
Class 1 Total Parcel Count *		<u>0</u>		Selected Res. Exemption %		Residential Exemption

\* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption 0

Net value to be exempted 0

4. Was a small commercial exemption adopted?

Yes  No

% Selected 0

If Yes, please complete the following:

No. of parcels eligible	<u>0</u>
Total value of parcels	<u>0</u>
Total value to be exempted	<u>0</u>

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A Class	B Certified Full and Fair Cash Value Assessments	C Percentage Full Value Shares of Total Tax Levy	D New Percentage Shares of Total Tax Levy
Residential	3,695,618,523.00	68.5560%	55.3495%
Open Space	0.00	0.0000%	0.0000%
Commercial	977,732,325.00	18.1375%	25.7553%
Industrial	452,841,409.00	8.4005%	11.9287%
Personal Property	264,466,850.00	4.9060%	6.9665%
<b>TOTALS</b>	<b>5,390,659,107.00</b>	<b>100.0000%</b>	<b>100.0000%</b>

NOTE : The information is preliminary and is subject to change.

6. Notice was given to taxpayers on 11/18/2017 (date), 12:00 (time), at Main St Journal (place), by Newspaper Ad (describe type of notice) that a public hearing on the issue of adopting the tax levy percentages for fiscal year 2018 would be held on 12/5/2017 (meeting date).

7. We hereby attest that on 12/5/2017 (date), 8:00 (time), at City Hall (place) in a public hearing on the issue of adopting the percentages for fiscal year 2018, that the Board of Assessors presented information and data relevant to making such determination and the fiscal effect of the available alternatives, and that the percentages set forth above were duly adopted in public session on (date).

8. The LA-5 excess capacity for the current fiscal year is calculated as 33,597,701.32

The LA-5 excess capacity for the prior fiscal year is calculated as 30,590,855.29

For cities : City Councilors, Aldermen, Mayor

For towns : Board of Selectmen

For districts : Prudential Committee or Commissioners

## Marlborough LA-13 New Growth

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES  
BUREAU OF LOCAL ASSESSMENT

Marlborough  
CITY

### LA13 Tax Base Levy Growth Retain documentation for 5 years in case of DOR audit - Fiscal Year 2018

Property Class	(A) PFY LA4 Values	Omitted and Revised No.	(B) Omitted and Revised Values	Abatement No.	(C) Abatement Values	Other Adjustment No.	(D) Other Adjustment Values	(E) Adjusted Value Base
<b>RESIDENTIAL</b>								
SINGLE FAMILY (101)	2,267,198,200	0	0	11	345,900	21	1,041,100	2,267,893,400
CONDOMINIUM (102)	424,829,868	0	0	3	50,000	2	342,500	425,122,368
TWO & THREE FAMILY (104 & 105)	233,395,261	0	0	0	0	3	33,000	233,428,261
MULTI - FAMILY (111-125)	389,858,908	0	0	0	0	0	0	389,858,908
VACANT LAND (130-132 & 106)	15,987,400	1	106,000	1	6,100	39	-1,141,100	14,946,200
ALL OTHERS (103, 109, 012-018)	61,383,651	0	0	0	0	2	-6,963,400	54,420,251
<b>TOTAL RESIDENTIAL</b>	<b>3,392,653,288</b>	<b>1</b>	<b>106,000</b>	<b>15</b>	<b>402,000</b>	<b>67</b>	<b>-6,687,900</b>	<b>3,385,669,388</b>
OPEN SPACE	0	0	0	0	0	0	0	0
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0	0	0	0	0	0
<b>TOTAL OPEN SPACE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
COMMERCIAL	924,844,509	0	0	11	3,045,000	21	13,201,400	935,000,909
COMMERCIAL - CHAPTER 61, 61A, 61B	946,665	0	0	0	0	0	0	946,665
<b>TOTAL COMMERCIAL</b>	<b>925,791,174</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>3,045,000</b>	<b>21</b>	<b>13,201,400</b>	<b>935,947,574</b>
INDUSTRIAL	418,667,009	0	0	2	94,500	11	-2,134,200	416,438,309
PERSONAL PROPERTY	251,306,540	0	0					
<b>TOTAL REAL &amp; PERSONAL</b>	<b>4,988,418,011</b>	<b>1</b>	<b>106,000</b>					

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES  
BUREAU OF LOCAL ASSESSMENT

Marlborough  
CITY

### LA13 Tax Base Levy Growth Retain documentation for 5 years in case of DOR audit - Fiscal Year 2018

Property Class	Reval Perct	(F) + or - Reval Adj Values	(G) Total Adjusted Value Base	(H) CFY LA4	(I) New Growth Valuation	(J) PY Tax Rate	(K) Tax Levy Growth
<b>RESIDENTIAL</b>							
SINGLE FAMILY (101)	0.07130	161,706,933	2,429,600,333	2,443,219,500	13,619,167		
CONDOMINIUM (102)	0.09154	38,915,310	464,037,678	475,907,378	11,869,700		
TWO & THREE FAMILY (104 & 105)	0.14081	32,868,300	266,296,561	267,945,961	1,649,400		
MULTI - FAMILY (111-125)	0.06540	25,496,800	415,355,708	435,689,808	20,334,100		
VACANT LAND (130-132 & 106)	-0.00363	-54,200	14,892,000	15,333,400	441,400		
ALL OTHERS (103, 109, 012-018)	0.04943	2,689,925	57,110,176	57,522,476	412,300		
<b>TOTAL RESIDENTIAL</b>	<b>0.07727</b>	<b>261,623,068</b>	<b>3,647,292,456</b>	<b>3,695,618,523</b>	<b>48,326,067</b>	<b>15.32</b>	<b>740,355</b>
OPEN SPACE	0.00000	0	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0.00000	0	0	0	0		
<b>TOTAL OPEN SPACE</b>	<b>0.00000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>
COMMERCIAL	0.01957	18,296,490	953,297,399	976,779,199	23,481,800		
COMMERCIAL - CHAPTER 61, 61A, 61B	0.00683	6,461	953,126	953,126	0		
<b>TOTAL COMMERCIAL</b>	<b>0.01956</b>	<b>18,302,951</b>	<b>954,250,525</b>	<b>977,732,325</b>	<b>23,481,800</b>	<b>26.41</b>	<b>620,154</b>
INDUSTRIAL	0.06455	26,880,100	443,318,409	452,841,409	9,523,000	26.41	251,502
PERSONAL PROPERTY				264,466,850	68,903,130	26.41	1,819,732
<b>TOTAL REAL &amp; PERSONAL</b>				<b>5,390,659,107</b>	<b>150,233,997</b>		<b>3,431,743</b>

# Levy Limit Calculation

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES  
BUREAU OF ACCOUNTS

Marlborough  
CITY

## Levy Limit Fiscal Year 2018

### FOR BUDGET PLANNING PURPOSES

#### I. TO CALCULATE THE FY 2017 LEVY LIMIT

A.	FY 2016 Levy Limit	119,963,736	
A1.	ADD Amended FY 2016 Growth	0	
B.	ADD (IA + IA1)*2.5%	2,999,093	
C.	ADD FY 2017 New Growth	2,801,390	
C1.	ADD FY 2017 New Growth Adjustment	0	
D.	ADD FY 2017 Override	0	
E.	FY 2017 Subtotal	<u>125,764,219</u>	
F.	FY 2017 Levy Ceiling	<u>124,710,450</u>	I. <u>124,710,450</u>

FY 2017 Levy Limit

#### II. TO CALCULATE THE FY 2018 LEVY LIMIT

A.	FY 2017 Levy Limit from I	124,710,450	
A1.	ADD Amended FY 2017 Growth	0	
B.	ADD (IIA + IIA1)*2.5%	3,117,761	
C.	ADD FY 2018 New Growth	3,431,743	
C1.	ADD FY 2018 New Growth Adjustment	0	
D.	ADD FY 2018 Override	0	
E.	ADD FY 2018 Subtotal	<u>131,259,954</u>	
F.	FY 2018 Levy Ceiling	<u>134,766,478</u>	II. <u>131,259,954</u>

FY 2018 Levy Limit

#### III. TO CALCULATE THE FY 2018 MAXIMUM ALLOWABLE LEVY

A.	FY 2018 Levy Limit from II.	131,259,954
B.	FY 2018 Debt Exclusion(s)	0
C.	FY 2018 Capital Expenditure Exclusion(s)	0
D.	FY 2018 Stabilization Fund Override	0
E.	FY 2018 Other Adjustment :	0
F.	FY 2018 Water/Sewer	0
G.	FY 2018 Maximum Allowable Levy	<u>131,259,954</u>

## Projected Tax Implication of Proposed FY 18 Budget

	FY 17	FY 18	Difference	PCT
Tax Levy	\$ 94,119,595.00	\$ 97,680,293.21	\$ 3,560,698.21	3.78%
New Growth	\$ 2,801,390.00	\$ 3,431,743.00		
Effective Tax Levy	<u>\$ 91,318,205.00</u>	<u>\$ 94,248,550.21</u>	\$ 2,930,345.21	3.21%

New Growth for FY 18 will add \$3,431,743 in additional tax revenue without increasing the tax rate for FY 18.

For every Million dollar increase in the tax levy there is a corresponding .17 cent increase in the residential tax rate.  
For every Million dollar increase in the tax levy there is a corresponding .28 cent increase in the CIP tax rate.

	FY 17 with New Growth	FY 18 with New Growth	Difference
Typical House Value	\$ 322,500.00	\$ 346,900.00	
Tax	\$ 4,940.70	\$ 5,075.15	\$ 134.45
Tax Rate	\$ 15.32	\$ 14.63	2.72%
Typical Retail Value	\$ 1,026,300.00	\$ 1,087,878.00	
Tax	\$ 27,104.58	\$ 27,991.10	\$ 886.52
Tax Rate	\$ 26.41	\$ 25.73	3.27%

FY18 REVENUE PROJECTIONS						
	FY 14 Actual	FY 15 Actual	FY 16 Actual	FY 17 Actual	FY 18 Projection	
MOTOR VECH	\$ 4,487,982.99	\$ 4,879,253.54	\$ 5,160,782.66	\$ 5,606,019.34	\$ 5,600,000.00	Estimate
OTHER EXCISE - Meals	\$ -	\$ -	\$ -	\$ -	\$ 398,500.00	
OTHER EXCISE - Room	\$ 1,358,725.77	\$ 1,481,063.23	\$ 1,602,321.34	\$ 1,661,273.58	\$ 1,660,000.00	Estimate
OTHER EXCISE - Other	\$ 38,811.00	\$ 43,720.00	\$ 49,080.00	\$ 44,680.00	\$ 44,000.00	Estimate
PENALTIES & INTEREST	\$ 518,127.79	\$ 509,410.52	\$ 456,153.07	\$ 567,961.15	\$ 566,000.00	Estimate
LIEU OF TAXES	\$ 252,651.54	\$ 172,810.25	\$ 354,943.80	\$ 323,541.74	\$ 320,000.00	Estimate
CHARGES WATER	\$ 8,195,660.60	\$ 8,271,756.56	\$ 10,235,431.79	\$ 12,735,824.78	\$ 12,735,000.00	No Rate Change
CHARGES FOR SEWER	\$ 7,863,057.39	\$ 8,201,762.11	\$ 10,011,173.95	\$ 11,370,356.48	\$ 12,025,000.00	No Rate Change
FEES	\$ 186,543.40	\$ 315,040.09	\$ 333,269.69	\$ 357,321.78	\$ 355,000.00	Estimate
RENTAL	\$ 115,292.15	\$ 218,658.68	\$ 288,656.21	\$ 273,131.47	\$ 270,000.00	Estimate
DEPT REV. LIBRARIES	\$ 12,218.94	\$ 5,845.50	\$ 5,094.90	\$ 5,059.95	\$ 5,000.00	Estimate
DEPT REV. CEMETERIES	\$ 63,260.00	\$ 66,490.00	\$ 66,290.00	\$ 69,890.00	\$ 66,000.00	Estimate
OTHER DEPT REV	\$ 117,690.00	\$ 121,503.50	\$ 133,760.99	\$ 137,466.00	\$ 135,000.00	Estimate
LICENSES AND PERMITS	\$ 1,579,960.55	\$ 1,691,606.19	\$ 1,435,706.43	\$ 1,698,488.99	\$ 1,300,000.00	Estimate
FINE AND FORFEITS	\$ 256,347.53	\$ 194,484.75	\$ 190,939.34	\$ 255,508.35	\$ 250,000.00	Estimate
INVESTMENT INCOME	\$ 136,366.04	\$ 475,083.69	\$ 3,106,003.45	\$ 704,484.58	\$ 300,000.00	Estimate
MISC. REV.	\$ 19,687.45	\$ 206,461.84	\$ 19,959.32	\$ 91,640.69	\$ 50,000.00	Estimate
Medicaid Reimbursement	\$ 359,537.74	\$ 374,931.06	\$ 455,447.20	\$ 617,536.80	\$ 300,000.00	Estimate
MISC REV NON RECURRING	\$ 1,575,888.29	\$ 539,987.15	\$ 554,491.48	\$ 1,125,044.16	\$ 300,000.00	Estimate
SUB TOTAL Local Rcpt	\$ 27,137,809.17	\$ 27,769,868.66	\$ 34,459,505.62	\$ 37,645,229.84	\$ 36,679,500.00	
School Construction	\$ 170,309.00	\$ 170,309.00	\$ 170,309.00	\$ 170,309.00	\$ 170,309.00	
CHERRY SHEET	\$ 25,429,745.00	\$ 25,289,438.00	\$ 29,309,348.00	\$ 31,297,581.53	\$ 31,654,072.00	
TOTAL	\$ 52,737,863.17	\$ 53,229,615.66	\$ 63,939,162.62	\$ 69,113,120.37	\$ 68,503,881.00	

	PROJECTED RECAP FY18		
BUDGET			\$ 156,581,522.00
AMOUNT CERT FOR TAX TITLE	\$	-	
TOTAL CHERRY SHEET OFFSET	\$	45,951.00	
SNOW & ICE DEFICIT	\$	-	
OTHER PR YR OVERLAY	\$	-	
OTHER DEFICITS	\$	-	
TOTAL			\$ 45,951.00
CHERRY SHEET EST CHARGES			\$ 8,766,488.00
OVERLAY			\$ 1,495,419.69
TOTAL APPROPRIATION			\$ 166,889,380.69
CHERRY SHEET&SCH CONST	\$	31,824,381.00	
CHERRY SHEET SUPPLEMENTAL	\$	-	
CHERRY SHEET OVER EST			
TOTAL			\$ 31,824,381.00
ESTIMATED RECPTS			
LOCAL	\$	36,679,500.00	
OFFSET			
ENTERPRISE			
TOTAL			\$ 36,679,500.00
REVENUE SOURCES FOR PURPOSE			
FREE CASH Snow and Ice	\$	-	
OTHER AVAILABLE FUNDS	\$	25,300.00	
TOTAL			\$ 25,300.00
			Sale of Graves \$25,300
OTHER REVENUE SOURCES TO REDUCE TAX RATE			
FREE CASH	\$	-	
OTHER - Excess Overlay	\$	679,906.48	
TOTAL			\$ 679,906.48
TOTAL EST. RECPT & OTHER REVENUE			\$ 69,209,087.48

**SUMMARY FY 18**

SUMMARY OF TOTAL		
TOTAL TO BE RAISED	\$166,889,380.69	
TOTAL EST RCPT & OTHER	\$ 69,209,087.48	
TOTAL TAX LEVY	\$ 97,680,293.21	
TOTAL RECPT FROM ALL SOURCES		\$ 166,889,380.69

**Current Levy**

FY 18 TAX LEVY	\$ 97,680,293.21	
FY 17 TAX LEVY	<u>\$ 94,119,594.71</u>	
<b>Increase in Tax Levy</b>	<b><u>\$ 3,560,698.50</u></b>	<b>3.78%</b>

FY18 Levy Limit	\$131,259,954.25	\$124,710,450.00	FY 17 Levy Limit
FY18 Tax Levy	\$ 97,680,293.21	\$127,828,211.25	FY 18 Levy Limit @2.5%
Under/Over Limit	<u>\$ 33,579,661.04</u>	\$ 3,431,743.00	Projected New Growth
		\$131,259,954.25	FY18 Levy Limit



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2017 NOV 30 A 11: 24

140 Main Street

Marlborough, Massachusetts 01752

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

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 30, 2017

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

**Re: Transfer Request – Library Project Land Acquisition**

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$245,300.00 for land acquisition related to the library project. In December 2016, you gave me authorization to negotiate for land purchases to support the library renovation project.

We have reached an agreement with the owners of 29 Witherbee Street, as you can see from the attached Purchase and Sale Agreement. This transfer will fund the balance of the purchase after the deposit. Until we receive approval from the state for funding for the library project, we intend to maintain the property as it is today.

We are on the waiting list for state grant funding for the library project and I will continue to keep you updated on any news regarding the release of that funding.

Thank you in advance for your consideration, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure



## PURCHASE AND SALE AGREEMENT

### 1. PARTIES

Roy E. Hansen and Eileen Maguire, with an address of 249 Randall Road, Berlin MA 01503 hereinafter called the SELLERS, agrees to sell, and CITY OF MARLBOROUGH, a municipal corporation with a principal place of business at 140 Main Street, Marlborough, Middlesex County, Massachusetts 01752 hereinafter called the BUYER, agrees to buy, upon the terms and conditions hereinafter set forth, the following described premises:

### 2. DESCRIPTION

Land identified as 29 Witherbee Street, Marlborough, MA 01752 as shown on the Assessors Map 69 Parcel 245 containing 8,698.93 square feet of land, more or less, and the buildings thereon. For further description see deed recorded with Middlesex South Registry of Deeds in Book 47304, Page 279 (hereinafter referred to as the "premises").

### 3. BUILDINGS, STRUCTURES, IMPROVEMENTS

Included in the sale as a part of said premises are the buildings, structures, and improvements thereon, and all items specified elsewhere herein.

### 4. TITLE DEED

Said premises are to be conveyed by a good and sufficient Quitclaim Deed ("the Deed") running to the BUYER, and said deed shall convey a good and clear title thereto, free from encumbrances, except for:

- (a) Provisions of existing building and zoning ordinances;
- (b) Any existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (d) Any liens for municipal betterments assessed after the date of this Agreement; and
- (e) Easements, covenants, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises, as a residential tenement.

BUYER, at its sole expense, may elect to obtain an owner's policy of title insurance with respect to the Premises and SELLERS agrees to cooperate with BUYER and the Title Company to facilitate the issuance of such policy, provided that such cooperation does not require the SELLERS to incur any additional expenses and/or to accept any additional or increased liability.

5. PLANS

If said deed refers to a plan necessary to be recorded therewith, the BUYER shall be responsible for such plan with the deed in form adequate for recording or registration. The survey for said plan will be at BUYER'S expense.

6. PURCHASE PRICE

The agreed purchase price for said premises is Two-hundred Fifty-eight Thousand Two Hundred (\$258,200) dollars. The purchase price shall be due and payable in accordance with the terms of paragraph 7 herein.

\$ 12,900	5% of purchase price is the offer deposit paid to bind this offer.
\$ 245,300	is to be paid at the time of delivery of the deed by certified, cashier's, treasurer's, bank check or attorney's clients' trust account check.

\$ 258,200	Total
------------	-------

7. CLOSING AND CONTINGENT PERFORMANCE

The BUYER'S obligations under this Agreement shall be contingent upon (a) by the end of July 2017 selection by the Massachusetts Board of Library Commissioners of the BUYER, acting by and through its Public Library, for a construction grant pursuant to an application by the Public Library for such grant, and (b) appropriation of the purchase price by the Marlborough City Council no later than ninety (90) days after said selection by the Massachusetts Board of Library Commissioners. Final settlement of the parties' obligations hereto shall occur no later than sixty (60) days of said appropriation by the City Council, which in no event shall be later than December 31, 2017. Accordingly, neither the SELLERS nor the BUYER shall be required to proceed with the closing unless and until the BUYER has been selected for both said construction grant and the City Council has appropriated the purchase price. In the event that the BUYER is not selected for said construction grant, and City Council does not appropriate the purchase price, then all obligations of the parties hereto shall cease, any payments made by BUYER to SELLERS shall not be refunded to BUYER, and the Agreement shall be void without recourse to the parties thereto. In the event that the BUYER is selected for said construction grant, and City Council appropriates the purchase price, then the closing shall take place at Marlborough City Hall unless otherwise agreed to in writing. It is agreed that time is

of the essence of this Agreement. On the closing date, BUYER's attorney shall obtain and record a municipal lien certificate and the Deed and deliver to the appropriate parties all closing documents. It is agreed that the BUYER's attorney shall have no liability to the SELLERS or to BUYER for the performance of its services herein.

8. CONTINUING OPERATION OF PREMISES AS RENTAL RESIDENTIAL PROPERTY

The parties agree that, in view of BUYER's intention to utilize the Premises for library parking and the parties' shared desire to not cause the displacement of the tenants presently living at the Premises, for the value of rents collected SELLERS shall manage the Premises as a residential rental property for a period of 20 months from the date of the closing, or as extended by written agreement of the parties.

It is understood and agreed that SELLERS shall not be financially responsible for any repairs, above and beyond ordinary maintenance, not to exceed Five Hundred Dollars (\$500.00) per repair, that may be necessary to the property for the period of said twenty months from the date of closing, or as extended by written agreement of the parties, and shall only act as property manager under the direction of the BUYER. SELLER shall not be responsible for any defects, deficiencies or liabilities in or to said property from the date of closing or any extension thereafter.

9. POSSESSION AND CONDITION OF PREMISES

Subject to paragraph 8 herein, possession of said premises is to be delivered at the time of the delivery of the Deed, said premises to be in the same condition as they are now, reasonable use and wear thereof excepted. The BUYER shall be entitled to personally inspect said Premises prior to delivery of the Deed in order to determine whether the condition thereof complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

(a) If the SELLERS shall be unable to give title or make conveyance, or to deliver possession of the Premises all as herein stipulated, or if at the time of delivery of the Deed the Premises does not conform with the provisions hereof, the SELLERS shall use reasonable efforts to remove any defects in title, to delivery possession as provided herein, in which event the time for performance hereunder shall be extended, by written notice, for a period designated by SELLERS in its sole discretion, not in excess of sixty (60) days, and if a shorter period than sixty (60) days is designated, SELLERS may further extend the time for performance one or more times, by written notice, but in no event beyond such sixty (60) day period.

(b) BUYER and SELLERS hereby authorize their respective attorneys (as the case may be) to execute on their behalf any extensions to the time for performance and any change of location and/or time of delivery of the Deed. BUYER and SELLERS shall

be able to rely upon the signature of said attorneys as binding unless they have actual knowledge before the execution or other consent of such extensions, that either party has disclaimed the authority granted herein to bind them. For the purposes of this Agreement, facsimile and pdf signatures shall be construed as original.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, ETC.

If at the expiration of any such extended time the SELLERS shall have failed so to remove any defects in title, deliver possession, or make the Premises conform as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage for said Premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then BUYER's sole and exclusive rights shall be to elect either: (a) to require that the deposit made hereunder be forthwith refunded, whereupon the deposit shall be refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto; or, (b) at the Closing Date or any extended time for performance, BUYER shall accept such title and possession as the SELLERS can deliver to the Premises in its then condition, and pay the Purchase Price with deduction as agreed upon by BUYER and SELLERS, in which case the SELLERS shall convey such title and deliver such possession.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLERS can deliver to the said Premises in their then condition and to pay therefor the purchase price without deduction, in which case the SELLERS shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said Premises shall have been damaged by fire or casualty insured against, then the SELLERS shall, unless the SELLERS has previously restored the Premises to their former condition either:

- (a) Pay over or assign to the BUYER, on delivery of the Deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLERS for any partial restoration; or
- (b) If a holder of a mortgage in said premises shall not permit the insurance process or a part thereof to be used to restore the said premises to their former condition or to be paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of said mortgage less and amounts reasonably expended by the SELLERS for any partial restoration.

13. ACCEPTANCE OF DEED

The acceptance of the Deed by the BUYER shall be deemed to be a full performance

and discharge of every agreement and obligation of SELLERS herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said Deed.

14. USE OF PURCHASE MONEY TO CLEAR TITLE

To enable the SELLERS to make conveyance as herein provided, the SELLERS may, at the time of delivery of the Deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded within a reasonable time following delivery of the Deed by attorney for BUYER'S lender in accordance with prevailing conveyancing practices.

15. INSURANCE

Until delivery of the Deed, the SELLERS shall maintain insurance on the building on said premises as follows:

<u>Type of Insurance</u>	<u>Amount of Coverage</u>
(a) Fire	SELLERS shall maintain coverage AS CURRENTLY INSURED.
(b) Extended Coverage	Risk of loss to remain with SELLERS until recording of deed.

16. ADJUSTMENTS

There shall be no adjustments of any kind or nature. SELLERS shall be responsible for all real estate taxes then due and payable water and sewer charges and outstanding financing relating to the property until the recording of the Deed.

17. BROKER'S FEE

There will be no broker's fee involved with this transaction.

18. DEPOSIT

All deposits made hereunder shall be made payable to Roy E. Hansen and Eileen Maguire, 249 Randall Road, Berlin MA and shall be held in escrow subject to the terms of this Agreement, and shall be duly accounted for at the time for performance of this Agreement. If the BUYER shall fail to fulfill the BUYER'S Agreement

herein, all deposits made hereunder by the BUYER, shall be paid to the SELLERS as liquidated damages without further recourse against the BUYER in any event.

19. BUYER'S DEFAULT: DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLERS as liquidated damages and this shall be the SELLERS' sole remedy at law or in equity.

20. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction, nor has he/she relied upon any warranties or representations not set forth or incorporated in this Agreement or previously made in writing.

21. PROPERTY SOLD "AS IS"

The Premises are being conveyed "AS IS" and as shown, and no representations have been made by the SELLERS with regard to its condition except those contained in this Agreement; the BUYER and SELLERS agree that they have incorporated into this Agreement their entire understanding and that no oral statement or prior written statement made by any of them or by any person extrinsic to this Agreement shall have any force and effect.

22. PERFORMANCE CONTINGENT UPON RECEIPT OF GRANT, ETC.

Except for BUYER'S payment to bind the offer, as providing in paragraph 6 herein, BUYER'S obligations under this Agreement shall be contingent upon the notice by the Massachusetts Board of Library Commissioners to the BUYER by and through its Public Library, of a grant award and upon the appropriation by the City Council of the purchase price for BUYER'S purchase of the Premises. If the BUYER is not awarded said grant, and the City Council does not appropriate said purchase price, this Agreement shall automatically terminate and be null and void, and as provided in paragraph 7 herein, all deposits made hereunder by the BUYER, shall be paid to the SELLERS as liquidated damages without further recourse against the BUYER in any event.

23. EMINENT DOMAIN

In addition to agreeing to conveyance of the Premises by transfer of deed from the SELLERS hereunder, the BUYER reserves the right to exercise its right of eminent domain to acquire the Premises and/or to clear title. In the event that BUYER takes delivery of the Deed from SELLERS, and elects to clear title through eminent domain, SELLERS hereby acknowledges and agrees that SELLERS shall institute no proceedings against BUYER, its Public Library, employees and agents and

consultants subsequent thereto for damages in excess of the purchase price or for any relocation benefits to which SELLERS may be entitled pursuant to chapter 79A of the Massachusetts General Laws. SELLERS agrees to save, defend, indemnify and hold harmless the BUYER, its Public Library, employees and agents and consultants from any and all costs, expenses, losses or liabilities, including reasonable attorney's fees, should SELLERS violate the within provision. This paragraph shall survive the delivery of the Deed hereunder.

24. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLERS and the BUYER. If two or more persons are named herein as BUYER, their obligation hereunder shall be joint and several. The captions are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it.

25. INSPECTION PROVISIONS

SELLERS agree to allow BUYER access to and entry onto and/or into the Premises prior to the date of performance herein under the following terms and conditions:

- (a) BUYER shall give at least 73 hours notice to the SELLERS;
- (b) BUYER or BUYER's agents, employees, licenses or contractors shall indemnify and hold SELLERS harmless from any and all personal and/or property damage resulting from said access to and entry onto and/or into the Premises.

26. SELLERS' CLOSING STATEMENT

SELLERS agree to execute at the closing under oath to the BUYER or to any title insurance company issuing a policy to the BUYER to the effect that: (1) SELLER has no knowledge of any work having been done on the Premises which would entitle anyone now or hereafter to claim a mechanics or materialmens' lien on the Premises; and (2) SELLER is not a foreign person subject to the withholding provisions of the Internal Revenue Code of 1986, as amended (FIRPTA).

27. SELLERS' COVENANTS

SELLERS covenant and agree as follows:

- (a) Henceforth through Closing, SELLERS shall not consent to any request or cause or permit any lien, encumbrance, mortgage, deed of trust, right, restriction or easement

to be placed upon or created with respect to the Premises, except with written consent of the BUYER;

- (b) Henceforth through Closing, SELLERS shall not consent to any request to erect any structures and/or remove any vegetation, soils or minerals from the Premises or to disturb or suffer the disturbance of the existing contours and/or other natural features of the land in any way whatsoever, except with written consent of the BUYER;
- (c) At or prior to the Closing, SELLERS shall pay in full all outstanding amounts due to third parties arising from any work or services performed at or on the Premises by such third parties and in the event that any mechanics lien or materialmen's lien is filed by any such third party in connection with such work. SELLERS shall indemnify and hold harmless with respect to such claim.

28. TITLE STANDARD

Any title matter or practice arising under or relating to this Agreement which is the subject of a title or practice standard of The Real Estate Bar Association for Massachusetts, Inc. at the time for delivery of the Deed shall be governed by such standard to the extent applicable.

29. VOID IF RECORDED OR ASSIGNED

If the BUYER either makes an assignment of its rights under this Agreement or records a copy of this Agreement with Middlesex South Registry of Deeds, the SELLERS at its option may declare SELLERS' obligations hereunder to be null and void and may deem the BUYER to be in default of its obligations hereunder.

30. NEXT BUSINESS DAY

If the period by which any right, option or election must be exercised, or by which any act must be performed, or by which the Closing must be held, expires on a Saturday, Sunday, Federal or Commonwealth of Massachusetts holiday, such time shall automatically extend through the close of business on the next business day.

31. APPLICABLE LAW

This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth without regard to conflict of law principles.

32. BINDING ON SUCCESSORS

This Agreement shall be binding not only upon the parties, but also upon their respective heirs, personal representatives, assigns, and other successors in interest.

33. EFFECTIVE DATE

The effective date of this Agreement shall be the date this Agreement is signed by the parties.

34. NOTICES

All notices given hereunder shall be in writing and signed by the party or the party's attorney. Written notice from either party to the other shall be deemed to have been properly given if delivered in hand, mailed postage prepaid, faxed with confirmation receipt, or delivered by a recognized commercial courier, if to Seller, to:

Andrea M. Leland, Esq.  
AML Law Associates, LLC  
40 Mechanic Street, Suite 302  
Marlborough, MA 01752  
Phone: (508) 393-8400  
Fax: (888) 753-6040  
[aml@amllawassociates.com](mailto:aml@amllawassociates.com)

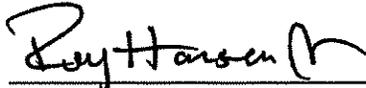
or to Buyer:

John L. Ghiloni  
City of Marlborough  
Department of Public Works  
1354 Neil Street  
Marlborough, MA 01752  
Phone: (508) 624-6910  
[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)

Notices are effective when they are received unless receipt is refused: in which event notice shall be effective on the first occasion receipt is refused.

**SELLERS:**

ROY E. HANSEN AND  
EILEEN MAGUIRE  
249 Randall Road  
Berlin MA 01503

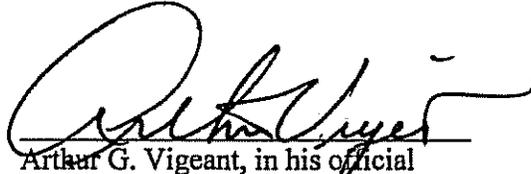


Roy E. Hansen, Owner, 29 Witherbee Street  
Marlborough, MA

Date: 1/25/17

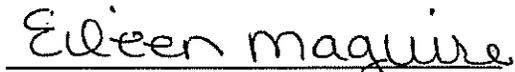
**BUYER:**

THE CITY OF MARLBOROUGH  
BY ITS MAYOR:



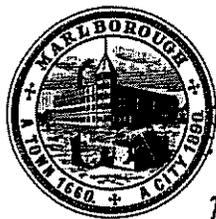
Arthur G. Vigeant, in his official  
capacity as Mayor and not individually

Date: 1/25/17



Eileen Maguire, Owner, 29 Witherbee Street  
Marlborough, MA

Date: 1/25/17



# City of Marlborough

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2017 NOV 30 A 11: 24

140 Main Street

Marlborough, Massachusetts 01752

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

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 30, 2017

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

### Re: Grant Acceptance – Board of Health

Honorable President Clancy and Councilors:

I am pleased to enclose a grant for the Board of Health for your acceptance. This grant award in the amount of \$6,970.00 from the National Association of City and County Health Officials will fund peer-to-peer assistance and technical support to improve our food protection program.

I would like to congratulate our Board of Health on being one of 26 sites across the country selected for this program.

I have attached a letter from Cathleen Liberty, Director of Public Health, a notification of grant award form, and supporting documentation about the grant program.

The goals of the grant program are to promote control of risk factors associated with foodborne illness in food establishments and establish a recommended framework for food regulatory programs.

If you have any questions, please do not hesitate to contact me or Cathleen Liberty.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



# CITY OF MARLBOROUGH

BOARD OF HEALTH  
 140 Main Street, Lower Level  
 Marlborough, Massachusetts 01752  
 Facsimile (508) 460-3625 TDD (508) 460-3610

Robin Williams, Chairman  
 Jim Griffin, Vice Chairman  
 Joe Tennyson, MD, Member  
 Tel (508) 460-3751

November 20, 2017

Dear Mr. Mayor,

The City of Marlborough health department is one of 26 sites within the country selected to receive a 9- month Mentorship Program grant from the National Association of City and County Health Officials (NACCHO) who represent health departments nationwide. The mentorship program provides peer-to-peer assistance and technical support to help enforce the FDA standards to improve our food protection program.

The goals are to:

1. Promote active managerial control of the risk factors most commonly associated with foodborne illness in food establishments
2. Establish a recommended framework for retail food regulatory programs within which the active managerial control of the risk factors can best be realized.

The grant award is for \$6, 970.00 slated for consultant fees for Food Service Solutions (Maureen Lee) and traveling expenses to the National Environmental Health Association in June 2018.

It is exciting for the health department to collaborate and partner directly with NACCHO through support from the Food and Drug Administration (FDA). A notice of the grant award and a grant cover spreadsheet is attached. Therefore, I would like to request that these documents be submitted to City Council for approval to expend the funds received for the grant.

Sincerely,

*Cathleen Liberty*  
 Cathleen Liberty  
 Director of Public Health

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Health DATE: 1-Dec-17

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Cathleen Liberty

NAME OF GRANT: Retail Program Standards grant

GRANTOR: National Association of County and City Health Officials

GRANT AMOUNT: 6,970.00

GRANT PERIOD: Dec 2017-August 2018

SCOPE OF GRANT/  
ITEMS FUNDED Mentorship program  
food consultant  
travel expenses to conference  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: no  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? no  
\_\_\_\_\_

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
\_\_\_\_\_  
\_\_\_\_\_

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO BE  
USED:  
\_\_\_\_\_  
\_\_\_\_\_

ANY OTHER EXPOSURE TO CITY?  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: \_\_\_\_\_  
\_\_\_\_\_

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER  
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL  
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**

# NACCHO

National Association of County & City Health Officials

The National Connection for Local Public Health

November 16, 2017

Dear Cathleen Liberty:

Congratulations! On behalf of the National Association of County and City Health Officials (NACCHO), I am pleased to announce that Marlborough Health Department, MA has been selected to participate as a mentee local health department in the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) Mentorship Program. Your jurisdiction is one of 26 sites selected to collaborate and partner directly with NACCHO through support from the Food and Drug Administration (FDA).

It is exciting to have so much interest from around the country in this important community collaboration focused on building capacity for integrating the Retail Program Standards at health departments. Your jurisdiction will be matched with mentor, Rockingham County Environmental Health, NC, who will be providing guidance on Standard 4 and the self-assessment as indicated in your application. NACCHO is pleased to award funding in the amount of \$6,970.00 for the period December 2017 – August 31, 2018.

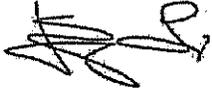
#### Next Steps:

- Please confirm your acceptance by **November 21, 2017** to Amy Chang ([achang@naccho.org](mailto:achang@naccho.org)).
- Respond with your availability for the Mentorship Program Kick Off Call by using the following link by **November 21, 2017**: <https://doodle.com/poll/kdripra8cu4iz6ea>
- Complete the attached Vendor Information Form and return the form by **November 28, 2017** to Amy Chang ([achang@naccho.org](mailto:achang@naccho.org)). Upon receipt of the Vendor Information Form, a contractual agreement will be forwarded via email in the coming weeks.
- Complete the attached Budget Request Form (see attached directions for further clarification) and return by **November 28, 2017** to Amy Chang ([achang@naccho.org](mailto:achang@naccho.org)).
- Upon meeting with your mentor, you will be expected to review and revise your action plan, workplan, and deliverables as appropriate. Submit completed items, with assistance from your mentor, by **December 15, 2017** to Amy Chang ([achang@naccho.org](mailto:achang@naccho.org)).
- NACCHO is conducting a pre- and post- assessment of mentorship program participants. Please answer the following questions so that we may evaluate your progress and, moving forward, tailor the program to best meet the needs of both mentors and mentees. Please fill out the pre-assessment by **December 15, 2017** using this link: [http://naccho.co1.qualtrics.com/jfe/form/SV\\_b71nsL0GhZ1jq8B](http://naccho.co1.qualtrics.com/jfe/form/SV_b71nsL0GhZ1jq8B)

NACCHO and FDA staff looks forward to working with you and your colleagues on this important endeavor. A hard copy of the notification letter will also be mailed to you. Please do not hesitate to contact me at (202) 507-4242 or [jli@naccho.org](mailto:jli@naccho.org) if you have any questions.



Regards,

A handwritten signature in black ink, appearing to read "Jennifer Li". The signature is stylized and somewhat cursive.

Jennifer Li  
Senior Director, Environmental Health and Disability

Enclosures:

- Vendor Information Form
- Budget Request Form Instructions
- Budget Request Form
- W-9 Form

# Retail Food Program Standards MENTORSHIP PROGRAM

# NACCHO

National Association of County & City Health Officials

The National Connection for Local Public Health



## About Our Program

The National Association of County and City Health Officials (NACCHO) Mentorship Program encourages all retail food regulatory programs to use the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards). The Food and Drug Administration (FDA) created these standards to reinforce proper sanitation and reduce factors associated with the occurrence of foodborne diseases. By adopting these standards, retail food regulatory programs can prevent foodborne illnesses and protect the health of their communities.

NACCHO's Mentorship Program supports retail food regulatory programs in implementing these standards. The program provides peer-to-peer assistance and intensive technical support to help enforce the standards efficiently and effectively. Experienced retail food regulatory programs advise participating agencies on how to get started and best apply the Retail Program Standards to improve their food protection programs. Mentees also gain insight on developing and implementing policies and procedures, completing self-assessments, and conducting verification audits.



## Benefits of Mentorship

Our mentorship program provides retail food regulatory programs with the opportunities to:

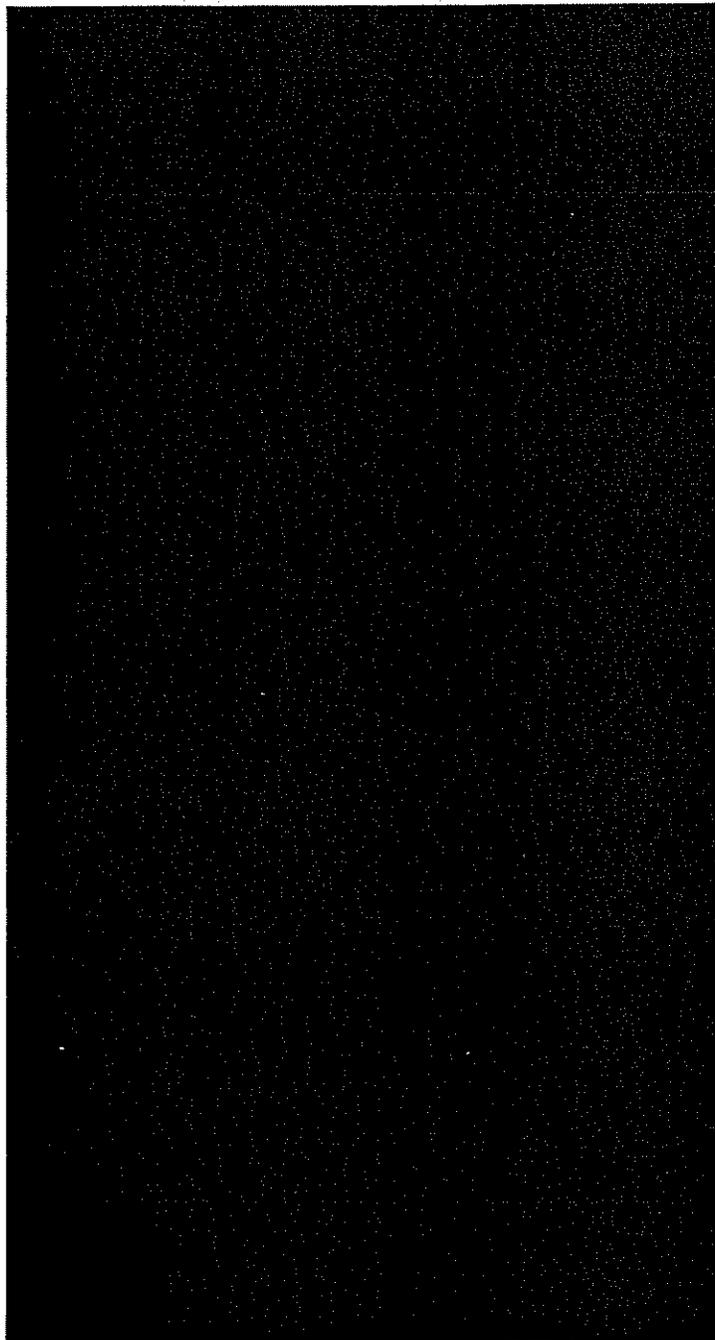
- Share sample policies and procedures, resources, and tools with other retail food regulatory programs from across the country.
- Learn from other retail food regulatory programs during conference calls and face-to-face meetings.
- Network with NACCHO, FDA and other retail food regulatory programs



### For more information visit:

<http://www.naccho.org/programs/environmental-health/hazards/food-safety>

<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/ProgramStandards/>



Jennifer Li  
Senior Director,  
Environmental Health,  
Health & Disability  
JLi@naccho.org  
202-507-4242

Amy Chang  
Program Analyst,  
Environmental Health  
AChang@naccho.org  
202-507-4221

Hida Reese  
Senior Program  
Assistant,  
HReese@naccho.org  
202-507-4256



# City of Marlborough

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2017 NOV 30 A 11:25  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlbrough-ma.gov](http://www.marlbrough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 30, 2017

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

**Re: Appointment to the Council on Aging**

Honorable President Clancy and Councilors:

I am pleased to enclose for your review and confirmation the appointment of Joseph Bisol to the Council on Aging for a term of four years. With the pending appointment of Councilor Michael Ossing and my appointment of Mr. Bisol, we will have a full complement of 11 members on the Council on Aging.

Mr. Bisol is a recent retiree and active user of the Marlborough Senior Center. Mr. Bisol also spends time volunteering as an instructor with the MassWildlife Angler Education Program. Professionally, he worked in accounting and business management at Raytheon, WCVB, and most recently for the Wellesley Municipal Light Plant. His professional and personal experience will be an asset for the Council on Aging.

I have enclosed a copy of the form he filled out to register his interest in the Council on Aging. I appreciate your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

CANDIDATE FOR COUNCIL ON AGING (Nominating/Board Development Committee)

Name: Joseph A. Bisol Email: [REDACTED]

Address: 212 HUDSON STREET, MARLBOROUGH, MA 01752-1215

Home Phone: [REDACTED] Cell Phone [REDACTED]

How did/do you hear about the COA: Through City's Website

Have you given your time previously as a Volunteer?  Yes  No

If yes, in what capacity: Mass Wildlife Angler Education - I am an instructor - The program teaches individuals how to fish.

Why do you want to become a board member? What would you like to get out of the experience?

To give back to the community. The satisfaction of using my skills to help COA achieve its goals and objectives.

What interests, activities or hobbies do you enjoy? Fishing + Photography

Education/training, hobbies or other skills: B.S. Degree in Accounting

What other organizations do you belong to? currently none

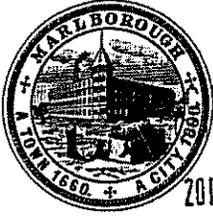
Are you willing to attend a training/information session for board members? YES

Are you willing to undergo a CORI background check? YES

What are your current interests in the COA? Currently participate in several programs.

Any addition information or comments? I am looking forward to my service on the Board

Sponsor: J. A. Bisol Date: 11/17/2017



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CITY OF MARLBOROUGH

2017 NOV 30 A 11: 25

*City of Marlborough*  
*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 30, 2017

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

**Re: Home Rule Petition for Off Premises Liquor Licenses**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a home rule petition to increase by two the number of licenses for the sale of all alcoholic beverages not to be drunk on the premises available in the City of Marlborough.

As you may know, the City is about to hit its quota for liquor stores allowed in the City. The antiquated quota system is based on population and is a relic of state laws that were enacted in the aftermath of Prohibition.

Due to the interest of two longtime Marlborough businesses, I believe it is now necessary to increase our quota. One beer and wine only license remains, but it is sought after by two local business owners who want to expand their specialty offerings.

These are not run of the mill package stores on a street corner, but are two businesses that have roots in Marlborough and provide specialty services and selections.

This proposed home rule petition will enable the Licensing Board to grant licenses to both business, while leaving the Board with one remaining license for a future opportunity.

Please note that the attached home rule petition is based on several different pieces of legislation filed by other communities that were subsequently approved by the Legislature both this year and last year.

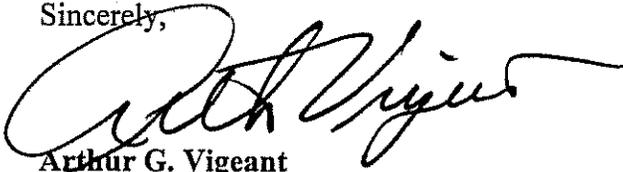
If approved by the Legislature and Governor, the licenses governed by this legislation will be permitted to be used at only one location for their entire period of use.

If a license is cancelled or no longer in use, it must be returned to the Licensing Board which can then grant it to a new applicant, but it may not be at a location other than the location first approved by the Board.

These are safeguards the Legislature has chosen to place on additional licenses they grant to communities so that the licenses may not be sold or transferred by private entities for profit.

Please do not hesitate to contact me with any questions or concerns. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

**Arthur G. Vigeant**  
**Mayor**

Enclosures

**ORDERED:**

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

**An act authorizing the city of Marlborough to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises.**

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Marlborough may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the said licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority of the said city shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked, or no longer in use at the location of original issuance, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the said city and the said licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the said licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

ADOPTED

In City Council  
Order No. 17-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST:

**Acts (2016)****Chapter 57****AN ACT AUTHORIZING THE TOWN OF CANTON TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Canton may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

*Approved, March 16, 2016.*



**City of Marlborough**  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

DONALD V. RIDER, JR.  
 CITY SOLICITOR

2017 NOV 30 A 11:19

CYNTHIA M. PANAGORE GRIFFIN  
 ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
 PARALEGAL

November 30, 2017

Edward Clancy  
 President  
 Marlborough City Council

RE: Order No. 17-1006800G  
 Application for a Special Permit – Mina Property Group LLC  
 408 Maple Street, Marlborough

Dear President Clancy and Members:

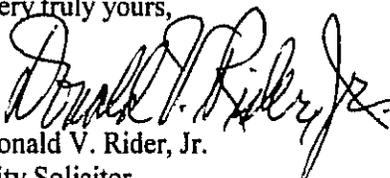
Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Mina Property Group LLC. The LLC seeks a special permit to allow New England Auto Max, Inc., dba AutoMax Service Center, to conduct a business for the service, repair and minor refinishing of automotive cars and trucks on land owned by the LLC at 408 Maple Street.

Please note that (after consulting with both the applicant's agent and the Council office who contacted the Urban Affairs chair) I have taken the liberty of:

1. revising the last sentence of condition 16 so that it now reads: "In order to prohibit customers from using or having access to the stacked parking area, Applicant shall erect and maintain proper signage stating that the spaces in the stacked parking area are for AutoMax Service Center Personnel only."; and
2. flipping the order of conditions 19 (now pertaining to the building) and 20 (now pertaining to signage), as it made more overall sense to make Exhibit 1 the rendering for the building and Exhibit 2 the rendering for the freestanding sign.

I have enclosed a copy of the proposed decision, including Exhibits 1 and 2. I certify that the decision is in proper legal form.

Very truly yours,

  
 Donald V. Rider, Jr.  
 City Solicitor

Enclosure

cc: Pat Scorzelli, Agent for Mina Property Group LLC

# IN CITY COUNCIL

Marlborough, Mass. December , 2017

ORDERED:

## DECISION FOR SPECIAL PERMIT

### IN CITY COUNCIL

---

Special Permit  
Mina Property Group LLC  
New England Auto Max, Inc., dba AutoMax Service Center  
Order No. 17-1006800H

## DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Mina Property Group, LLC (Applicant) and New England Auto Max, Inc. dba AutoMax Service Center (Tenant), each having a usual place of business at 400 Maple Street and 386 Maple Street, respectively, Marlborough, Massachusetts 01752 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

### PROCEDURAL FINDINGS

1. Mina Property Group LLC is a limited liability company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts, having a usual place of business at 400 Maple Street, Marlborough (hereinafter referred to as the "Applicant").
2. New England Auto Max, Inc., dba AutoMax Service Center, is a corporation organized, existing and in good standing under the laws of the Commonwealth of Massachusetts, having a usual place of business at 386 Maple Street, Marlborough (hereinafter referred to as the "Tenant").

3. The Applicant is the owner of land in Marlborough, MA shown as Lots #7 and #8 in Plan Book #56, Plan # 20, dated November 23, 1887 and recorded in the Middlesex South District Registry of Deeds, said land being owned by the Applicant described in said Registry of Deeds in Book 44518, Page 294. Said Lots #7 and #8 are further known as 408 Maple Street, Marlborough, MA, as shown on the City of Marlborough Assessors Maps as a portion of Map 93, Parcel 65 (hereinafter referred to as the "Site").
4. The Applicant, on or about January 23, 2017, filed with the City Clerk of the City of Marlborough, an Application To City Council for Issuance of Special Permit (hereinafter referred to as the "Application") under the Ordinances of the City of Marlborough, Article VI Section 650-18.A, paragraph 25, to permit Tenant to conduct a business owned and operated by Tenant for the service, repair and minor refinishing of automotive cars and trucks on land owned by the Applicant on 16,816 square feet +/- of land located at 408 Maple Street being Lots #7 and #8 referenced in paragraph 3 above (the "Project").
5. The Site is located in the Commercial Automotive zoning district of the City of Marlborough and is subject to the Zoning Ordinance Chapter 650-18.A, paragraph 25 for commercial automotive use on less than an acre of land.
6. The Application consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit; (b) Filing Fee check in the amount of \$500.00; (c) Plan Delivery Certification; (d) Tax Payment Certification; (e) Abutters List; (f) Site Plan (the "Site Plan"); and (g) Planning Department Certification (collectively, the "Documents"), which Documents are incorporated herein and become a part of this decision. Twelve sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Section 650-18.A, paragraph 25, and Section 650-59 of the Zoning Code of the City of Marlborough. The Abutters List was updated as of January 1, 2017 and filed with the City Clerk.
7. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner on behalf of the City Planner for the City of Marlborough.
8. Under the provisions of Massachusetts General Laws Chapter 40A, on January 10, 2017 Applicant filed with the City Clerk to be placed on the City Council Agenda for January 23, 2017 the Application for a Special Permit. At the January 23, 2017 meeting, the Council voted to schedule a public hearing to be held on February 27, 2017.
9. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established February 27, 2017 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws

## Chapter 40A.

10. The Marlborough City Council held a public hearing on the Application on February 27, 2017 in accordance with the published notice (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of testimony the hearing was closed on said date. The Applicant timely requested the Council to grant, and was timely granted, extensions of time for the Council to take final action on the application up to and including May 12, 2017, September 12, 2017, and December 18, 2017.
11. The Applicant presented testimony at the Public Hearing detailing the construction to be performed on the Site, including site work, drainage and the construction of the building, especially as it pertained to automotive service and repair, and such issues with the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing and there was no public input.
12. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the Site, traffic impacts, landscaping, drainage, lighting, water and sewer use, and other utilities associated with the Site.
13. AutoMax Service Center (Tenant) currently conducts its business at 386 Maple Street, Marlborough, MA.
14. The Site is located on Route 85 (408 Maple Street) and is bounded to the west by Maple Street, and to the east by River Street.
15. The Site is less than 1/2 acre (16,816 square feet +/-) and is located within the Commercial Automotive Zone. According to the Building Commissioner, the Project proposes a use which is allowed by special permit in the Commercial Automotive zoning district on land less than 1 acre.
16. According to the Building Commissioner, the Project meets all requirements of the City's Zoning Ordinance.
17. The Project consists of one building of approximately twenty-five hundred (2,500) square feet and will be located as shown on the Site Plan.
18. According to the Applicant, natural gas is available to serve the Project.
19. According to the Applicant, telephone, electricity and cable TV services are all available to serve the Project.
20. According to the Applicant, the Site Plan provides for proper management of storm water runoff from the project; proposed runoff rates are less than or equal to but do not exceed existing; there will be no adverse impact to any surrounding areas; the drain systems have been properly designed to handle the design flow rates; and reduced TSS

results in improved quality of storm water runoff to receiving areas.

21. According to the Applicant, all buildings will be constructed in accordance with the latest life safety and building codes.
22. The Applicant will maintain all walkways, driveways and storm drainage structures.

**BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF  
MABLBOROUGH MAKES THE FOLLOWING FINDINGS OF FACT:**

A. The City Council finds that it may grant a special permit (the "Special Permit") subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").

B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or General Laws c. 40A.

C. The City Council finds that the use of the Site for the Project is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will complement the business nature of the abutting properties and the surrounding neighborhood.

D. The Site Plan, as submitted, and as may be amended by Site Plan Review Committee during the site plan review process, provides improvements that will protect the environment such as improved drainage, a gas/oil separator, landscaping, etc. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee and the conditions more fully set forth herein.

E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

**GRANT OF SPECIAL PERMIT WITH CONDITIONS**

The City Council of the City of Marlborough, pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to construct the Project as set forth in the Application documents and as per the Site Plan submitted to the City Council, and subject to the following conditions which shall be binding on the Applicant, its successors and assigns, as well as on the Tenant:

1. Construction. Construction of all structures on the Site is to be in accordance with all building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the Site Plan entitled, "Mina Property Group, 408 Maple Street, Marlborough, MA Preliminary Site Plan," prepared by:

Whitman & Bingham Assoc., Inc. Civil Engineering & Land Surveying Mechanic Street Marlborough, MA 01453 Tel: 978-537-5296; dated: January 25, 2016, last revised: December 19, 2016, and filed with the Application and as may have been amended during the application process. The Applicant's Site Plan indicates a permitted building area where the proposed building is to be located.

2. Compliance with Local State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and Federal Agencies as they may apply to the construction, maintenance and operation of the Project, including, without limitation, compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), and the State Building Code. The terms and conditions of such decisions and findings will become a part of this decision.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to this Special Permit and no occupancy permit shall be issued until all conditions are complied with by the Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of this Special Permit.

4. Utilities Review. The detailed review of on-Site and off-Site utilities will be performed as part of the Site Plan Review process and such utilities as may be required by the City Engineer during this review shall be provided. The Applicant will deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of the final plans and schedule of work of such improvements for final review and approval by the City Engineer.

5. Off-Site Improvements. In connection with the installation of improvements within public rights-of-way which requires a street opening permit, the City Engineer shall be provided by Applicant with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. A police detail shall be provided for any utility work performed within the public way on Route 85 (Maple Street).

6. Construction Traffic. During construction of the Project, the Applicant shall impose on each of its contractors a requirement that all heavy equipment accessing the Site shall use River Street to access the Project as recommended by the Site Plan Review Committee.

7. Inspectional Services Mitigation. Applicant shall, prior to issuance of the building permit for the Project, provide a payment to the City of Marlborough Inspectional Services fund in the amount of three hundred (\$300.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies and equipment so as to enable the Inspections Staff to provide adequate and timely inspections of the Project construction.

8. Hazardous Waste/Flammable/Combustible Materials. (a) The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts, the Conservation Commission, the Fire Chief, and the Department of Public Works of the City of Marlborough relative to the existence and handling of any hazardous waste, toxic chemicals, flammable or combustible materials which may be located on the Site, and shall comply with the provisions of M.G.L. Chapter 21E, Chapter 510 Sewers of the Code of the City of Marlborough and any other applicable government codes and as they relate to the use or disposal of hazardous materials, hazardous waste, toxic chemicals, flammable or combustible materials; (b) Any hazardous materials, hazardous waste, toxic chemicals, flammable or combustible materials (motor oil, lubricants, anti-freeze, etc.) that may be delivered to the Site will be stored and handled and disposed of in a good practices manner and in compliance with all Federal, State and local laws and in accord with the directives of the Marlborough Fire Department; (c) Hazardous materials, hazardous waste (waste oil, etc.), toxic chemicals, flammable or combustible materials that will be stored on the Site will be those used in the normal course of business connected with operating a vehicle maintenance and repair facility .

9. Spill Prevention and Control Plan. A spill prevention and control plan, noting how hazardous and toxic materials are to be stored, transported, and disposed of, shall be provided by the Applicant to, and approved by, the City Conservation Officer and the Fire Department. Any spills that may occur on-Site will be responded to as required by the Massachusetts DEP and Fire Department. Standard Control procedures as set forth by these agencies will be strictly adhered to by Applicant.

10. Abatement. The doors to the service bays shall be kept closed except to allow vehicles to enter or to exit the service bays.

11. Detention Basins. There will be no retention or detention basins on-Site.

12. Catch Basins. All catch basins and subsurface infiltration systems shall be installed by the Applicant in accordance with the City Code or as required by the Site Plan Review Committee, as more fully shown on the Site Plan. The catch basins shall be monitored on an annual basis with reports given to the City Engineer and the Conservation Agent. The catch basins are to be cleaned by the Applicant annually, or at more frequent intervals as determined by the City Engineer and the Conservation Agent. The existing catch basins and all drainage structures shall be monitored by Applicant on an annual basis, per the storm water operation and maintenance plan to be developed by Applicant, with a written report given to the City Engineer and Conservation Commission by June 1<sup>st</sup> of each year. The catch basins are to be cleaned by Applicant when debris buildup is within 24 inches of the pipe invert to remain functioning properly.

13. Water-Sewer. Water and sewer services provided to the Project shall be subject to currently applicable citywide water and sewer policies and charges subject to annual adjustment by the Commissioner of Public Works. Applicant shall develop an on-Site water supply for irrigation purposes may only be permitted, upon demonstration by the Applicant to the City Engineer, that on-Site supplies are inadequate, due to quantity or quality.

14. Parking Areas. (i) Parking areas will be maintained by Applicant, as necessary. (ii) Pursuant to the provisions of M.G.L. c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-Site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Uniform Manual of Traffic Control Devices.

15. Maximum Number of Vehicles. There shall be a maximum of 25 vehicles allowed as shown on the Site Plan, with employee parking to be located closest to River Street in the 3 double stacked spaces designated and labeled "Employee Parking Only".

16. Labeled Parking Spaces. Parking spaces at the front of the site shall be clearly labeled for Handicap parking and Customer Drop Off and Pick Up. In order to prohibit customers from using or having access to the stacked parking area, Applicant shall erect and maintain proper signage stating that the spaces in the stacked parking area are for AutoMax Service Center Personnel only.

17. Parking Area Lighting. All illuminations of individual parking area light fixtures shall not exceed 250-watt fixtures and shall be screened from abutting property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

18. Site Access and Egress. Access to the building and parking will be off Maple Street (Route 85) (one-way entrance) and exit onto River Street (one-way exit) as shown on the Site Plan and requested by the Police Chief and Site Plan Review Committee. The Site shall be designed, and signage created, to specify enter "one way in" from Maple Street (Route 85) and exit "one way out" onto River Street.

19. Building. The building to be constructed on the Site shall be a freestanding steel building with metal siding and a proposed stone veneer in the front "customer" area of the building, and shall conform to a plan entitled, "AutoMax Vehicle Maintenance Building, 408 Maple Street, Marlborough, Massachusetts," prepared by: Haynes Lieneck and Smith Inc., Architects; dated: November 22, 2017, and attached hereto as Exhibit 1. There will be 5 service bays. The siding and service doors shall be similar in style and design to the siding and doors currently used at AutoMax Service Center. The operation of the business shall be conducted within the facility as to not create abnormal noise or nuisance on the Site. There shall be no external storage of junk vehicles or parts. There shall be minor repair and paint work done on vehicles at this location; however, no major auto body operation involving insurance type collision work shall be allowed to be conducted on-Site.

20. Signage. All Site signage erected on the subject property shall be consistent with low profile entrance and exit signage that is consistent with lighting, size, lay-out and design, including fonts, as signage requested and approved by the City Council. As shown on the building plan (Exhibit 1) referenced in condition 19 above, the signage will be mounted on the building with internal illumination that meets the lighting criteria as set forth in the review of the Site Plan. All signage at the subject location shall comply with the existing City of Marlborough

sign ordinance, without variance. The freestanding sign for the Site shall conform to a plan, entitled "Freestanding Sign, 408 Maple Street, Marlborough, Massachusetts," prepared by: Haynes Lieneck and Smith Inc., Architects; dated: November 22, 2017, and attached hereto as Exhibit 2.

21. Landscaping. Pursuant to Chapter 270 of the Marlborough City Code, the Project shall be subject to Site Plan Review at which time, and under which procedure, changes and alterations to the Site Plan may be incorporated. The Project landscaping shall be implemented as shown on the Site Plan submitted with the Application as may be amended during Site Plan Review. The Site Plan Review staff shall determine whether the planted landscaping is adequate and, if the staff determines that it is not, they shall have the authority to require reasonable landscaping changes to assure that the Project's building is not significantly visible from Maple Street.

22. Dumpster. The on-Site dumpster shall be properly screened so as to create an aesthetic element to the Site and abutting properties as set forth in the City of Marlborough ordinance. Due to the nature of the Site, parking layout and dumpster pick up the Site design requires that the dumpster be located at the rear of the Site towards River Street.

23. Snow Storage. Snow storage is to be provided on-Site as shown on the Site Plan. The Applicant shall remove accumulations exceeding 6" or more during any snowstorm event to an off-Site storage area. Snowmelt runoff is to be directed toward catch basins. Onsite storage shall not be permitted that will create a nuisance to abutting properties.

24. Hours of Operation. The hours of operation will be Monday through Friday 8am-6pm, Saturday 8am-3pm, and Sunday – Closed.

25. Vehicle Sales Prohibited. At no time can there be vehicles presented for sale on this Site.

26. Tractor Trailer Deliveries and Pickups Prohibited. No vehicles are to be delivered or picked up via tractor trailer to this Site at any time.

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

28. As-Built Plans. Applicant shall provide to the City's Building Commissioner as-built plans for the Site prior to the issuance of an Occupancy Permit.

29. Occupancy Permit Prerequisites. Prior to the issuance of any Permanent Occupancy Permit ("Occupancy Permit") for this Project, Applicant must complete all landscaping, architectural design and planting installation together with all other site

improvements, unless, in the opinion of the Site Plan Review Committee, weather is prohibitive in which case landscaping and planting installation shall be completed within a reasonable time, but no more than 6 months from the issuance of the Occupancy Permit, taking into consideration the weather conditions.

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

Yea: - Nay: - Absent:

ADOPTED  
In City Council  
Order No. 17-1006800H  
Adopted 2017

Approved by Mayor  
Date: 2017

A TRUE COPY  
ATTEST:

Exhibit 1



PROJECT: [illegible]  
 DRAWING: [illegible]  
 DATE: [illegible]  
 ARCHITECT: [illegible]  
 1 of 1

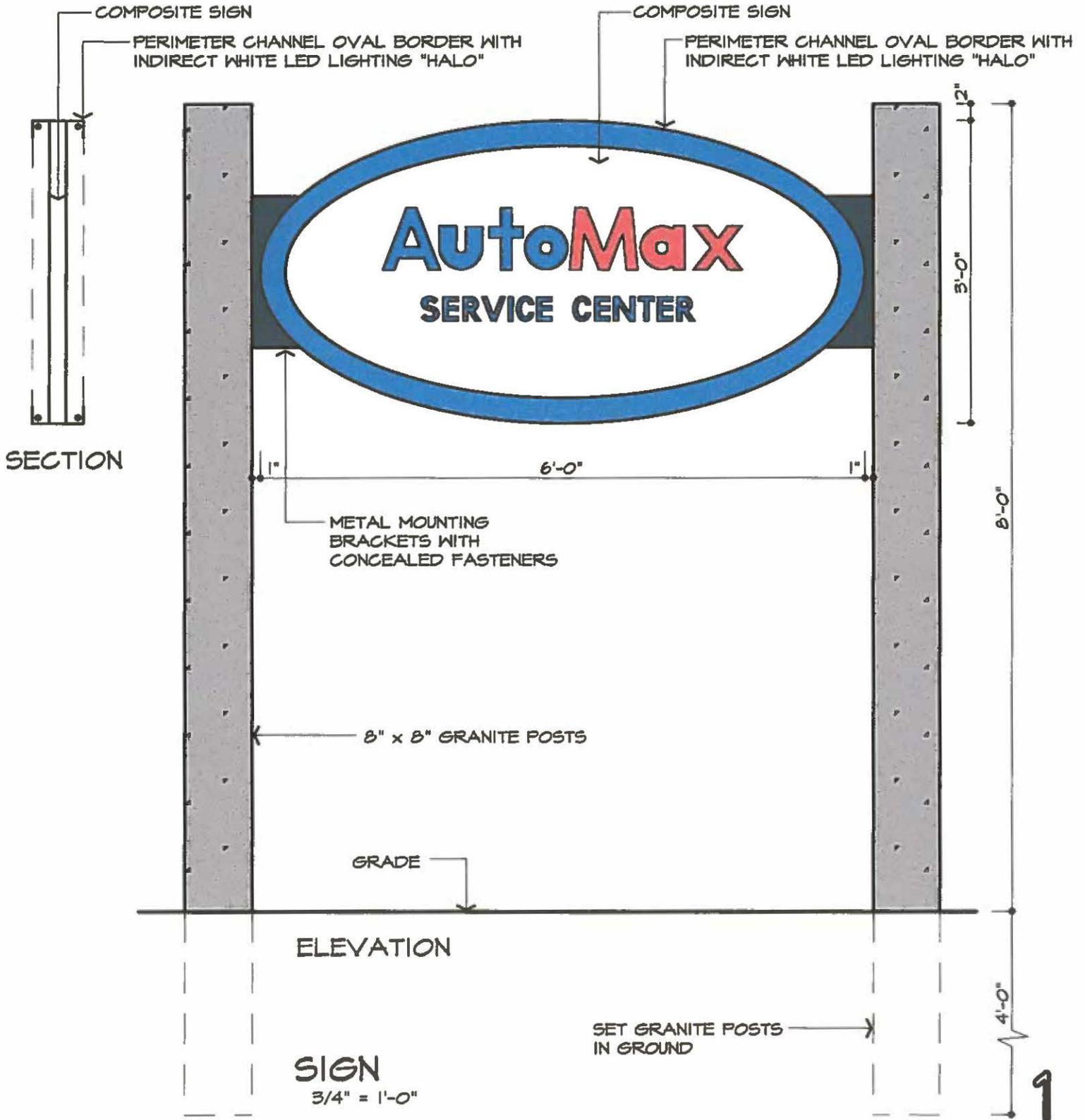
**HAYNES  
LIENECK  
AND SMITH INC**  
**ARCHITECTS**

Exhibit 2

ARCHITECTS PROJECT 1886-1

**FREESTANDING SIGN  
408 MAPLE STREET  
MARLBOROUGH, MASSACHUSETTS**

NOVEMBER 22, 2017



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# MIRICK O'CONNELL

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ATTORNEYS AT LAW

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 NOV 22 A 9:07

Arthur P. Bergeron  
Mirick O'Connell  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
abergeron@mirickoconnell.com  
t 508.860.1470  
f 508.463.1385

November 22, 2017

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

Re: Proposed Eminent Domain Taking and Related Matters  
Orders #17-1007065-1, 2 & 3

Dear Councilor Clancy:

My firm represents Marlborough Hub LLC, which owns the currently vacant land (Assessors Map P2 Parcel 125 and \_\_\_\_\_) that abuts the land referred to in the proposed taking orders. I recently became aware of the above-referenced orders, through which it is proposed that the City take the land over, which my client has the legal right to pass and repass for the purpose of access to its property. My client had proposed a subdivision of this land at the Planning Board, but withdrew it in order to redesign it to deal with issues raised there. My client was about to file a revised subdivision plan when I heard about these orders.

To the extent that the proposed taking will restrict my client's right to use the land in question for access to its own property, the taking will have the effect of reducing the value of my client's land to zero, since my client will have no other access to its property for any use allowable under the zoning ordinance. I have advised my client that our firm cannot represent him in a dispute with the City of Marlborough, so I am assisting my client in finding legal representation regarding this matter. In the meantime, though, I thought the City Council should be aware of this issue before it votes on these orders.

Very truly yours,



Arthur P. Bergeron

APB/cm

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MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**DROHAN TOCCHIO & MORGAN, P.C.**

ATTORNEYS AT LAW  
175 DERBY STREET, SUITE 30  
HINGHAM, MASSACHUSETTS 02043  
Telephone: (781) 749-7200 ~ Facsimile (781) 740-4335  
[www.dtm-law.com](http://www.dtm-law.com)

2017 NOV 30 A 10:14

MARK S. BOURBEAU  
[mbourbeau@dtm-law.com](mailto:mbourbeau@dtm-law.com)

November 29, 2017

**Via FedEx**

Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: **Proposed Eminent Domain Taking and Related Matters Orders #17-1007065-1, 2 & 3**

Dear Councilor Clancy:

I and my firm have been asked by Matthew and Mark Evangelous to represent Marlborough Hub LLC, in the event of a taking by the City of Marlborough of the land set forth in the Proposed Taking Orders.

Please be advised that the proposed taking orders are deficient, in that they fail to recognize that Marlborough Hub LLC, owns fee rights in a portion of the property prospectively subject to the taking, and a right-of-way in the remainder of the subject property, by virtue of the "Derelict fee" statute, G.L. Ch. 183, Sec. 58, since Hub's property was conveyed with reference to a plan which includes the property prospectively subject to the taking as a "paper street." Under the provisions of the statute, Hub owns the fee to the middle of the way.

As a result, before the City can take the fee and right-of-way rights owned by Hub, it must give Hub proper notice, and follow all the pre-taking requirements in G.L. Ch. 79, including having an appraisal of the damages to Hub's property from the taking (effectively a partial taking of Hub's total property, for which it is entitled not only to the Fair Market Value of the taken land, but also the diminution in value of Hub's remainder property; see G.L. Ch. 79, Sec. 12. The City must also make a proper award of damages to Hub.

Since Hub has been actively seeking to develop its property with duplex residences, and has filed plans to that effect and appeared before the Planning Board, and since any zoning relief necessary is no more than the City has granted to others, it is patently obvious that any taking which removes Hub's rights in the "paper street," will eliminate most or all of the value in Hub's

property. If that takes place, Hub will certainly be seeking substantial damages of at least six figures.

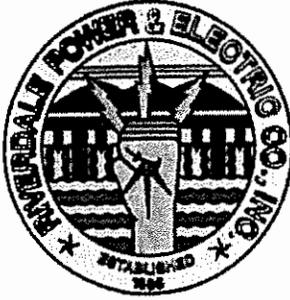
Please be assured, that should the City proceed with the proposed taking without following the required steps and awarding proper damages to Hub, that on behalf of Hub, this office will immediately challenge in the Middlesex Superior Court both the validity of the taking, and any insufficient award of damages.

Therefore, I respectfully suggest that the City not continue with the taking in accord with the above referenced orders. Please call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Bourbeau', with a long horizontal flourish extending to the right.

Mark S. Bourbeau, Esq.



## RIVERDALE POWER & ELECTRIC CO., INC.

*Established 1988*

130 Riverdale Street, Northbridge, MA 01534  
Tel: (508)234-8715 FAX: (508)234-9595

City of Marlborough  
Lisa M. Thomas  
City Clerk  
140 Main Street  
Marlborough, MA 01752

November 6, 2017

**RE: FERC Project No. P-9100  
Riverdale Mills Hydroelectric Project**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2017 NOV 22 A 11:58

Dear Mrs. Thomas:

As an applicable property owner, Indian Tribe, or agency, you should have received a copy of the Final License Application, as distributed April 16, 2017, for the relicensing of the Riverdale Hydroelectric Project (FERC Project No. P-9100).

A notice was also published in the Worcester Telegram and Gazette on May 4<sup>th</sup> and 5<sup>th</sup>, 2017 providing notice of the filing with the FERC. This letter is being sent by certified mail to confirm that you have been notified.

If you have any comments or questions related to the relicensing of this project, you may contact Nicholas Palso of the Federal Energy Regulatory Commission, Office of Energy Projects at (202) 502-9934, or Mr. James M. Knott, Jr. of Riverdale Mills Corporation by mail or telephone:

PO Box 920, 130 Riverdale Street  
Northbridge, MA 01534  
(508) 234-8715

Sincerely,

James M. Knott  
Riverdale Power and Electric Company, Inc.

**PAUL J. BEATTIE**  
**ATTORNEY**  
**120 QUARRY DRIVE – 2<sup>ND</sup> FLOOR**  
**MILFORD, MASSACHUSETTS 01757**  
**(508) 881-1600**  
**(508) 478-4041 (FAX)**  
**pbeattie1@fafard.org**

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 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

2017 NOV 27 A 11: 33

November 22, 2017

Lisa M. Thomas – City Clerk  
 City of Marlborough  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752

CERTIFIED MAIL

Re: Black Horse Subdivision (Slocumb Lane), Marlborough, Massachusetts

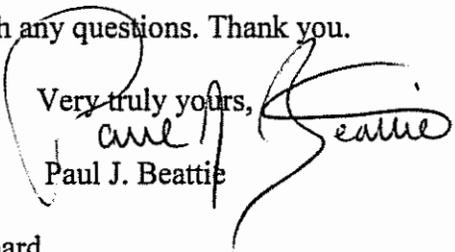
Dear Ms. Thomas:

Please be advised I represent Slocumb Realty, LLC

Reference is made to the City of Marlborough's Subdivision Rules and Regulations Subsections I(1), I(2) and I(3). At the Planning Board Meeting held on November 13, 2017 the Planning Board acknowledged that the one year time period for holding 10% of the total costs to complete the required improvements had elapsed, and that an inspection had been made by the City Engineer for the Commissioner of Public Works which had found the improvements acceptable.

For the above reasons, my client respectfully requests that the Planning Board recommend to the City Council that said way should be laid out as a public way, and that any monies held by the Planning Board for the maintenance of said way be returned forthwith to my client.

Please contact me with any questions. Thank you.

Very truly yours,  
  
 Paul J. Beattie

cc: Barbara L. Fenby, Chair, Planning Board  
 John L. Ghiloni, Commissioner of Public Works  
 Thomas DiPersio, Jr., PE, City Engineer  
 Donald V. Rider, Jr., Esq., City Solicitor

(bondrelease)

## CITY OF MARLBOROUGH BOARD OF ASSESSORS

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MEETING MINUTES: September 27, 2017

2017 NOV 29 A 11: 05

1. CALL TO ORDER: 10:30 am  
MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, David Manzello  
Also in attendance: Head Clerk Paula Murphy, City Councilor Edward Clancy, Fort Meadow Association Inc Board Members: Paul Goldman, Mike Segal, Erin Buonomo and Lee Thomson
2. MOTION TO ACCEPT: minutes of the June 21, 2017 meeting: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
3. DISCUSS AND VOTE: Justification for Residential Tax Classification on Clubhouse, 58 First Rd:  
Members of Fort Meadow Association and Councilor Clancy presented information to justify residential tax status for the clubhouse. Board of Assessors discussed changing Land Use Code from 396 (com rate) to 106 (res rate) going forward.  
Motion to grant: Mr. Arruda, second Ms. Silverstein  
Vote:3-0
4. DISCUSS AND VOTE: Settlement on 2016, 2017 ATB cases: 121 Northboro Rd East  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
5. MOTION TO CONCLUDE- Mr. Arruda, second Ms. Silverstein  
Meeting Adjourned – 2:25 pm

 11-29-17

