



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JUNE 18, 2018

Regular meeting of the City Council held on Monday, June 18, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:18 PM.

ORDERED: That the City Scholarship Awards in the amount of \$1,500.00 each were presented to **FILE**; adopted.

Haylee Braga
Marlborough High School

Cameron Sheehy
St. John's High School

Julia Lambert
Marlborough High School

William Soto
Assabet Valley Regional Technical High School

Sarah Zagzoug
Marlborough High School

ORDERED: That the Minutes of the City Council meeting June 4, 2018, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Sandra Colligan, to demo existing house and build a new two story home at 21 Patten Drive, Order No. 18-1007244, all were heard who wish to be heard, hearing closed at 8:17 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the PUBLIC HEARING HEARING On the Application for Special Permit from Attorney Falk, on behalf of Jefferson Street Residences, 27 Jefferson LLC, to build an 11 unit 2 story, multifamily condominium building at 27 Jefferson Street, Order No. 18-1007245, all were heard who wish to be heard, hearing closed at 8:42 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the City Council of the City of Marlborough hereby rescinds previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$1,190,816.00 balance of the \$6,000,000.00 authorized to be borrowed to pay costs of financing upgrades and improvements to the Millham Water Treatment Plant, duly adopted by order of this Council and approved by the Mayor on June 9, 2014;

the \$3,528.00 balance of the \$1,835,000.00 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$17,900.00 balance of the \$5,030,000.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$115,719.00 balance of the \$3,043,833.00 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$4,412,381.00 balance of the \$7,500,000.00 authorized to be borrowed to pay costs of building renovations, duly adopted by order of this Council and approved by the Mayor on December 21, 2011;

the \$363,839.00 balance of the \$1,000,000.00 authorized to be borrowed to pay costs of municipal outdoor recreational facilities, duly adopted by order of this Council and approved by the Mayor on June 24, 2011;

the \$84,913.00 balance of the \$455,200.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$100.00 balance of the \$530,000.00 authorized to be borrowed to pay costs of purchasing approximately 55 acres off lower Stow Road for Open Space, duly adopted by order of this Council and approved by the Mayor on June 12, 1998;

the \$24,000.00 balance of the \$100,000.00 authorized to be borrowed to pay costs of Department of Public Works Departmental Equipment, duly adopted by order of this Council and approved by the Mayor on November 18, 1991;

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, June 18, 2018 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:

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 as follows:

By inserting in subsection B thereof the following definition:

COFFEE ROASTERY

A facility in which green **coffee** beans are roasted into roasted coffee products; provided, however, that emissions from coffee roasting operations, if vented to the outdoor air, are to be i) vented at least 10 feet above any outdoor area, including but not limited to a sidewalk, street, alley or parking lot, which is adjacent to the building where the facility is located, and ii) directed away to the extent possible from uses within 50 feet of the vent; and provided further that, in all cases, the Building Commissioner shall determine, upon plans submitted to the Building Department, the appropriate measures required to be taken and maintained by the facility in order to significantly reduce potential odor emissions and airborne pollutants, and such measures may be required as conditions for the issuance of any permit. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

- II. Section 650-17, entitled “Table of Uses,” is hereby amended as follows:

By regulating manufacturing uses so as to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I) and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Coffee Roastery		N	N	N	N	N	N	Y	Y	SP	Y	Y

SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That the Communication from the Planning Board, re: Acceptance of Slocumb Lane as a Public Way, **FILE AND MOVED TO REPORTS OF COMMITTEE;** adopted.

ORDERED: That the Communication from Chris White re: Vegetation Management Notice, **FILE;** adopted.

ORDERED: That the Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

- | | |
|----------------------|---------------------|
| 1. Robert Folan | 7. Andrea Moura |
| 2. Daniela Cerqueira | 8. Elizabeth Callan |
| 3. Tony Cerqueira | 9. Gerusa Soares |
| 4. Eileen Rivera | 10. Ron Ayotte |
| 5. Kim Jones | 11. Barbara Kozay |
| 6. Linda Cook | |

ORDERED: That the Communication from various residents and business owners listed below re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

- | | | |
|------------------------|-------------------------|--------------------------|
| 1. Matt Hicks | 14. Susan Brown | 27. Gilberto Araujo |
| 2. Tui Clern | 15. Christine Weed | 28. Elicia Lemes |
| 3. Richard Ward | 16. Daniel Mauro | 29. Celeste Cantero |
| 4. C. Tagliaferri | 17. Weberton Figueiredo | 30. Marie Yerardi |
| 5. Daniel Mahoney | 18. Christe Leoleis | 31. Heather Duca |
| 6. Denise Liaus | 19. Dennis Mauro | 32. Mike Ormand |
| 7. Mike Monteiro | 20. Paul Crisafulli | 33. Levon Gulbankian |
| 8. Eva Rabelo | 21. Sandra Crisafulli | 34. Donald Gulbankian |
| 9. Nancy Nims | 22. Angelo Cruz | 35. Dennis DiRico |
| 10. Richard Robinson | 23. Eleanor Travers | 36. Gerald Dumais |
| 11. Robert Saragarian | 24. Dominic Mauro | 37. Charles Trombetta |
| 12. Barbara Saragarian | 25. Martha Mauro | 38. Anthony Trombetta |
| 13. Peter D'Aurora | 26. Lenice Araujo | 39. Charles P. Trombetta |

ORDERED: That the Communication from Charles Trombetta, Mike Monteiro, & Gina DiMatteo re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

ORDERED: That the Communication from Charles Trombetta re: Tabling of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

ORDERED: That the Communication from the Attorney Buckley re: Proposed changes to the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Avalon Marlborough II, a 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Site Plan Application from AvalonBay Communities, Inc., for a 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Vanasse Hanglen Brustlin, Inc., re: Notice of Project Change, Marlborough Hills, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Site Plan Application from Attorney Falk, on behalf of M & E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Leonard Solo re: Council Order. 18-1007198 Proposed Zoning Amendment, Article V1, Section 650-22, Retirement Community Overlay District at Crowley Drive, Order No. 18-1007198B, **FILE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JUNE 18, 2018 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:

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

1. Section 650-5, entitled Definitions; word usage is hereby amended to read:

RETIREMENT COMMUNITY – DETACHED AND TOWNHOMES

A community consisting of detached or attached (only alongside walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

RETIREMENT COMMUNITY – MULTIFAMILY

A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

1. Section 650-22.A, entitled “Purpose” is hereby amended to read:

Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.

2. Section 650-22.C, entitled “Permitted uses” is hereby amended to read: Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a Retirement Community - Detached and Townhomes, or a Retirement Community – Multifamily, as defined in § 650-5, consistent with the following provisions:

(i) Retirement Community – Detached and Townhomes (RCO-D/T)

- 1) No building in a RCO-D/T community shall be more than 2 1/2 stories in height.
- 2) Each building in a RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by air line distance between the nearest points of the buildings.
- 3) No dwelling in a RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
- 4) All dwelling units in a RCO-D/T community shall be detached from the others or attached only alongside walls in the so-called "townhouse" style.
- 5) The lot or lots on which a RCO-D/T community and any approved ancillary residential community are located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.
- 6) No part of any principal building in a RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- 7) Each dwelling unit in a RCO-D/T community shall have its own attached yard area.

- 8) Required off-street parking for each dwelling unit in a RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in a RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- 9) Maximum combined lot coverage in a RCO-D/T community and in any permitted ancillary residential community shall not exceed 40% of the total lot size.
- 10) Each lot or contiguous lots upon which a RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- 11) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 12) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

- 13) No unit in a RCO-D/T community shall have more than three bedrooms.

(ii) Retirement Community – Multifamily (RCO-MF)

- 1) The total area of the tract or contiguous parcels to be developed as a RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial, and located east of Route 495, south of the Route 290/Route 85 Connector, and north of Lakeside Avenue (Route 20), and within a two-mile radius of UMass Memorial - Marlborough Hospital.
- 2) A RCO-MF may contain one (1) and two (2) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.
- 3) No building in a RCO-MF shall be more than 3 stories in height.
- 4) The total number of dwelling units in a RCO-MF shall be limited to 12 units per acre.
- 5) No part of any principal building in a RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.
- 6) Maximum combined lot coverage in a RCO-MF, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
- 7) The tract or contiguous parcels upon which a RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

- 8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 9) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- 10) A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF. Attached and detached garages shall count toward this parking requirement.
- 11) No dwelling unit in a RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.
- 12) No building in a RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

- 13) In a RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That the Communication from MA Water Resource Authority re: Wachusett Aqueduct Pumping Station (MWRA Contract No. 7157) Marlborough, MA, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Christopher White, to build a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, Francis Street and East Main Street, Utility Pole #11-50, refer to **WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, 10 Neil Street Utility Pole 1, refer to **WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition from Mass Electric and Verizon New England, Inc. to install new Pole #37-5, Stevens Street, for new electrical feed to the High School, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, License Board, April 25, 2018 & May 10, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 25, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, May 22, 2018, **FILE**; adopted.

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

- a. Bruce Gelb, 328 Cook Lane, other property damage and/or personal injury.
- b. Avidia Bank, Main Street, Hudson, other property damage and/or personal injury.

Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: June 8, 2017

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

Convened: 2:00 PM – Adjourned: 2:29 PM

Present: Chairman Landers; Public Services Committee Members Councilors Doucette and Irish; and Councilor Clancy; Dave Flewelling (Comcast); Tom DiPersio (City Engineer, City of Marlborough); Kelly Costello (Best Buy); Donald Rider (City Solicitor, City of Marlborough)

Order No. 18-1007288: Petition of Comcast to install new underground conduit to 46 Lizotte Drive. Dave Flewelling of Comcast explained the petition was to install 390 feet of three-inch PVC conduit on Lizotte Drive starting from the intersection with Williams Street. Comcast would also install a 24-inch by 36-inch vault over the existing conduit coming out from 46 Lizotte Drive. The top of the conduit would be two-feet below the ground surface and the installation would occur mostly in grass areas except for the driveway apron of the property owner so the project should take no more than five days. **Motion made by Councilor Doucette, seconded by the Chair, to approve the petition by Comcast. The motion carried 3-0. The Public Services Committee agreed to request a suspension of the rules at the June 18, 2018 City Council Meeting to allow action on Order No. 18-1007288.**

Order No. 18-1007246: Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 1966, 601 Donald Lynch Boulevard. The Best Buy Store, LP 1966, located at 601 Donald Lynch Boulevard closed the previous month and was unlikely to restart operations. **Motion made by Councilor Irish, seconded by the Chair, to place the application on file. The motion carried 3-0.**

Order No. 18-1007247: Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 820, 769 Donald Lynch Boulevard. Kelly Costello of Best Buy appeared before the Public Services Committee and explained they accept electronics such as phones, gaming systems, computers, and tablets from customers and issue them a store gift card to be used towards a future purchase. As part of their acceptance procedure, they keep copies of driver's licenses on file and record the serial numbers for all electronic devices, the serial number must be present and cannot be scratched off an item. If an item is not working, they will accept it to recycle at no charge to the consumer. **Motion made by Councilor Doucette, seconded by the Chair, to approve the application for renewal of a Junk Dealer's/Second Hand License. The**

Reports of Committee Cont'd:

Order No. 17-1007285: Communication from City Solicitor, Donald Rider, regarding Acceptance of Slocumb Lane as a public way. City Solicitor Donald Rider and City Engineer Tom DiPersio were present to answer questions regarding the acceptance of Slocumb Lane as a public way. Solicitor Rider stated the Planning Board had no reservations regarding the acceptance and recommended approval at their meeting held on June 4, 2018. Solicitor Rider previously provided the City Council a proposed order referencing the street as well as one easement for a headwall maintenance easement, an acceptance plan, and a Quitclaim Deed. Mr. DiPersio stated the Planning Board recommendation was based upon the favorable recommendation of the Engineering Department and supported its acceptance as a public way. **Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Slocumb Lane as a public way. The motion carried 3-0.**

Motion made by Councilor Doucette, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 2:29 PM.

Suspension of the Rules requested – granted.

ORDERED: That the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, **APPROVED**; adopted.

ORDERED: That the DPW transfer request in the amount of \$1,588,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal & Operating Expenses in the amounts of \$281,300.00, \$538,800.00 & \$767,900.00 respectively to fund FY18 deficit, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$8,284,083.16	\$1,588,000.00	10000	35900	Undesignated Fund	\$281,300.00	14001203	51390	Overtime-Snow & Ice		-\$281,228.80
	Reason:	To fund the snow & ice deficit for FY18								
					\$538,800.00	14001206	52960	Snow Removal		-\$538,539.76
	Reason:									
					\$767,900.00	14001206	57040	Operating Expenses		-\$767,738.88
	\$1,588,000.00	Total			\$1,588,000.00	Total				

ORDERED: That the MEDC transfer request in the amount of \$679,841.00 which moves funds from Economic Development to MEDC funding to fully fund their FY19 operations, **APPROVED**; adopted.
Councilor Oram opposed.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,368,317.15	\$679,841.00	27000099	42440	Economic Development	\$679,841.00	11740006	53950	MEDC Funding		\$0.00
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY19								
	\$679,841.00	Total			\$679,841.00	Total				

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Stabilization-Open Space to move revenues from wireless antenna receipts from FY17, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$8,284,083.16	\$18,000.00	10000	35900	Undesignated Fund	\$18,000.00	83600	32918	Stabilization-Open Space		\$1,035,628.06
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2017 to Open Space Stabilization								
	\$18,000.00	Total			\$18,000.00	Total				

ORDERED: That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: That no more than forty thousand dollars (\$40,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant from the Commonwealth Massachusetts to the City of Marlborough in the amount of \$100,000.00 through a Budget Earmark for Park and Playground Improvements, to fund the purchase and installation of a splash pad for Stevens Park; adopted.

ORDERED: That the Multifamily Development Review Criteria and Design Guidelines, **APPROVES AND BE PLACED ON THE CITY WEBSITE**; adopted.

ORDERED: 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 amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by extending the Marlborough Village District shown on the City of Marlborough Massachusetts Zoning Map by including in said Marlborough Village District the area labeled "Proposed Zoning Amendment" on the map entitled "Marlborough Village District Zoning Amendment" described as follows, which area is currently located in the Residence B District:

Beginning at the 'RB' & 'MVD' Zoning District line at the southwest corner of property located at 9 McEnelly Street, listed as Lot 36 on Assessors Map 70, said point also located at the east side of the McEnelly Street stairway right-of way, thence

Northerly along said McEnelly Street stairway right-of-way 46 FT, thence

Westerly 8FT across said stairway right-of-way to the 'RB' & 'MVD' Zoning District line. Said point also being the southeast property corner of 20 McEnelly Street (Lot 76 on Assessors Map 70) and northeast property corner of 163-165 Main Street (Lot 77 on Assessors Map 70), thence

Southerly 45FT along the westerly side of said stairway right-of way to a point, thence

Easterly 7FT across said right-of-way to the point of beginning.

The above described area consists of 376 square feet.

APPROVED; adopted.

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

ORDERED:

STREET CONSTRUCTION BOND

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 11- Nay: 0

Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing, & Robey

ORDERED:

SEWER CONSTRUCTION BOND

That the sum of \$1,800,000 (one million eight hundred thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 11- Nay: 0

Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing, & Robey

ORDERED:

WATER MAIN CONSTRUCTION BOND

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 10- Nay: 1

Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey

Nay – Oram

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:18 PM.