



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**JUNE 4, 2018**

Regular meeting of the City Council held on Monday, June 4, 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 8:31 PM.

ORDERED: That the Minutes of the City Council meeting May 21, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, Order No. 18-1007288, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance from Massachusetts Council on Aging (MCOA) to Council on Aging in the amount of \$3,500.00 to further foster Marlborough's efforts in becoming an Age Friendly Community, **APPROVED**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance from resident Irene Grassby to the Police Department in the amount of \$100.00, **APPROVED**; adopted.

ORDERED: That the Reappointment of Chief David Giorgi as Keeper of the Lockup for a term of one year, **APPROVED**; adopted.

ORDERED: That the Communication from the Planning Board re: Conditional Favorable recommendation of proposed Zoning Ordinance Amendment, §650-22, Retirement Community Overlay District, Order No. 18-1007198A, **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: Responding to residents' concerns about mosquitos in their area on the following dates May 31 & June 6, 13, 20, & 27, **FILE**; adopted.

ORDERED: That the Communication from Hank DeBardleben, 118 Broadmeadow Street, Unit E re: Concerns about environmental impacts relative to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E, **FILE**; adopted.

ORDERED: That the Communication from Gina DiMatteo, re: Additional signature of Levon Gulbankian, relative to protest in opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E, **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. 18-1007136E, **FILE**; adopted.

- |  |  |
|--|--|
| a. Asif Hansan, 241 Boston Post Road West      | m. Amy Crue, 65 Boston Post Road West      |
| b. Tony Cerqueira, 34 Marien Lane              | n. Alexis Barrile, 31 Tremont Street, #2   |
| c. Andrew Tsou, 124 Broadmeadow Street, Unit D | o. John Phillipo, 65 Boston Post Road West |
| Trustee, Willows of Marlborough Condominium    | Suite 200                                  |
| d. Clifford Drezek, Post Office Box 509        | p. Keith Burke, 151 Ewald Avenue           |
| e. William Gonzalez, Post Office Box 5688      | q. Evelyn Fontanez, 799 Farm Road, #13     |
| f. Joan Campbell, 118 D Broadmeadow Street     | r. Geovannie Figueroa, 38 Kane Drive       |
| g. Kevin Labadini, 355 Boston Post Road West,  | s. Keannah Figueroa, 38 Kane Drive         |
| Clean & Green Car Wash                         | t. Diane Mullahy, 799 Farm Road            |
| h. Matthew Evangelous, 128 South Bolton Street | u. Bette Ann Barberio, 805 Farm Road       |
| i. Sharon Bessette, 40 Mechanic Street, RMA    | v. Peo Nathan, 65 Boston Post Road West    |
| Management LLC                                 | w. Joe Trolla, 4 Lan Drive, Westford       |
| j. Kenneth Lacourse, 40 Mechanic Street        | Ryan Development LLC                       |
| k. Gary Lynde, 7 Ash Street                    | x. Ann Barberio, 805 Farm Road             |
| l. Lynn Faust, 40 Mechanic Street, Suite 300   | y. Robert Bakalyar, 799 Farm Road, #5      |

ORDERED: That the Minutes, Conservation Commission, April 19, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, April 10, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 23, 2018 & May 7, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, April 10, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, May 22, 2018 (Two Hearings), **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, April 3, 2018, **FILE**; adopted.

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

ORDERED: That the Minutes, Retirement Board, April 24, 2018, **FILE**; adopted.

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

- a. Dara Howorth, 136 Brewer Street, Northborough, pothole or other road defect.
- b. Richard Aldrich, 117 Bolton Street., other property damage and/or personal injury.
- c. Jeff & Marjorie Pechet, 23 Turner Ridge Road, other property damage and/or personal injury.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee**

**Tuesday May 29, 2018**

**In Council Chambers**

**Finance Committee Members Present:** Chairman Ossing; Councilors Robey, Oram, Irish (arrived part way through agenda item #1) and Dumais.

**Finance Committee Members Absent:** None

**Other Councilors in Attendance:** Councilor Clancy, Landers and Doucette.

**The meeting convened at 7:09 PM.**

1. **Order No.18-1007278 – Year End Transfers in the amount of \$1,274,225.00.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting year end transfers from within the existing budget in the amount of \$1,274,225.00 for the Comptroller, Collector, Police Department, and Department of Public Works (includes Public Facilities, Water and Sewer accounts). The Finance Committee took the following actions:

- \$2,000.00 in the Collector's Department – Finance Committee voted 4 – 0 (Councilor Irish absent) to approve the transfers.
- \$16,500.00 in the Police Department – Finance Committee voted 4 – 0 (Councilor Irish absent) to approve the transfers.
- \$540,125.00 in the Department of Public Works (includes Public Facilities, Water and Sewer accounts) – Finance Committee voted 4 – 0 (Councilor Irish absent) to approve the transfers.
- \$715,600.00 in the Comptroller Accounts – Finance Committee voted 5 - 0 to approve the transfers.

**The Finance Committee agreed to support suspending the rules at the June 4, 2018 City Council meeting to approve the year end transfers.**

2. **Order No. 18-1007279 - Snow and Ice Year End Transfers for \$1,588,000.00.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting a transfer of \$1,588,000.00 from the Undesignated Fund account to the following snow and ice accounts:

- \$281,300.00 to Overtime Snow and Ice
- \$538,800.00 to Snow Removal
- \$767,900.00 to Operating Expenses

**The Finance Committee voted 5 - 0 to approve the transfers.**

## Reports of Committee Cont'd:

3. **Order No. 18-1007280 – Transfer \$679,841.00 from the Economic Development Account to Fund the Marlboro Economic Development Corporation (MEDC) for FY19.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting the transfer of \$679,841.00 from the Economic Development account to fund MEDC for FY19. The funds are from the local options hotel tax that has a current balance of \$1,368,317.15. **The Finance Committee voted 4 - 1 (Councilor Oram opposed) to approve the transfer.**
4. **Order No. 18-1007281 – Transfer \$18,000.00 to Open Space Stabilization Account for FY17 Antenna Receipts.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting a transfer of \$18,000.00 from the Undesignated Fund account to the Open Space Stabilization. The source of the \$18,000.00 is from the FY17 wireless antennae receipts. **The Finance Committee voted 5 - 0 to approve the transfer.**
5. **Order No. 18-1007282 – Increase Council on Aging Revolving Fund Spending Limit for the Remainder of FY18.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting the spending limit for the Council on Aging Revolving Fund be increased from \$40,000.00 to \$70,000.00 for the remainder of FY18. The increase is required to support the additional programs being offered by the Senior Center. **The Finance Committee voted 5 - 0 to approve increase in the spending limit to \$70,000 for the remainder of FY18.**

**The Finance Committee agreed to support suspending the rules at the June 4, 2018 City Council meeting to approve the increase the spending limit for the Council on Aging Revolving Fund be increased from \$40,000.00 to \$70,000.00 for the remainder of FY18.**

6. **Order No. 18-1007283 – Fiscal Year 2019 Revolving Funds Spending Limits.** The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting the City Council approve the spending limits for three Revolving Funds for FY19.
  - Order #18-1007283-3 - That no more than \$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. **The Finance Committee voted 5 - 0 to approve the order.**
  - Order #18-1007283-1 - That no more than \$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. **The Finance Committee voted 5 - 0 to approve the order.**
  - Order #18-1007283-2 - That no more than \$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. **The Finance Committee voted 5 - 0 to approve the order.**

Reports of Committee Cont'd:

- 7. Order No. 18-1007284 – Grant for \$100,000.00 for Park Improvements.**  
The Finance Committee reviewed the Mayor's letter dated May 17, 2018 requesting the approval of a \$100,000.00 Legislative Earmark Grant for the installation of a splash park at Stevens Park. **The Finance Committee voted 5 - 0 to approve the Grant.**

The Finance Committee adjourned at 8:17 PM.

Councilor Delano reported the following out of Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: May 29, 2018

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

Convened: 5:32 PM – Adjourned: 7:04 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaira, Landers, Doucette, and Tunnera; and Councilors Clancy, Dumais, Ossing, and Robey; Donald Rider (City Solicitor, City of Marlborough); Brian Falk (Mirick O'Connell)

**Order No. 17/18-1006979B - Communication from Metropolitan Area Planning Council (MAPC) regarding 1.) Multifamily Design Review Guidelines; 2.) Multifamily Development Review Criteria; 3.) Background information on TDR; 4.) MA Subsidized Housing Inventory for Marlborough; and 5.) Housing Needs Assessment related to the Housing Study Report.** The Urban Affairs Committee met with Mark Racicot and Josh Fiala of the Metropolitan Area Planning Council (MAPC) on February 13<sup>th</sup>, March 27<sup>th</sup>, and May 15<sup>th</sup> for review and discussion of the document created by MAPC titled "City of Marlborough Multifamily Development Review Criteria and Design Guidelines". The Urban Affairs Committee also met on May 29<sup>th</sup> (Mr. Racicot and Mr. Fiala were unable to attend) for a final review of the document which was dated May 25, 2018. The document was designed to assist developers and the City of Marlborough in defining appropriate design criteria and municipal review of multifamily developments proposed within the City. It provides City officials a guideline to evaluate proposed projects and their impact on areas such as schools, emergency services, affordable housing, the environment and energy needs. During this final review, Councilors requested language be included in the document with regards to uses not allowed in certain zoning districts that may require zoning changes or overlay districts which may or may not be forthcoming. At the request of Councilor Robey, the committee agreed to remove reference to fees for outside consultants as outlined in MGL Chapter 44, Section 53G. **Motion made and seconded to approve the "Multifamily Development Review Criteria and Design Guidelines" as amended. The motion carried 5-0.**

Reports of Committee Cont'd:

**Order No. 18-1007195 - Proposed Zoning Map Amendment, Expansion of the Marlborough Village District.** Chairman Delano explained the proposed zoning map amendment was a minor change because the stairs coming down from McEnelly Street are not included in the Marlborough Village District (MVD) and for the proposed project on Main Street to occur, the stairs must be added to the MVD. The Planning Board gave a favorable recommendation for the proposed zoning amendment in a letter dated April 24, 2018. Attorney Brian Falk of Mirick O'Connell represents Vincenza Sambataro, the owner of 163-175 Main Street, and explained there is a site plan approval pending before the City Council as well as the Site Plan Review Committee. While considering their different options for the project, it was discovered the back portion of the stairs was zoned Residence B (RB) and not MVD and expansion into the City owned stair area would provide additional units and square footage for the retail space along Main Street. **Motion made and seconded to approve the Proposed Zoning Map Amendment for the Expansion of the Marlborough Village District. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:04 PM.**

**Suspension of the Rules requested – granted.**

**ORDERED:** That the Year-end transfer requests with detailed narratives outlined below,  
**APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Collector					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$14,148.76	\$2,000.00	11440001	50042	City Collector - Payroll	\$2,000.00	11440004	53999	Other Services		\$5,888.55
	Reason:	Surplus in Collectors payroll budget				Reason:	Funds needed to cover cost estimates			
	\$2,000.00	Total			\$2,000.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$480,000.00	\$42,000.00	17110006	59967	2017 Multi Purpose	\$42,000.00	13800006	59967	2017 Multi Purpose		\$160,000.00
	Reason:	Reclassify Bond Payments after sale in June 2017				Reason:	Reclassify Bond Payments after sale in June 2017			
\$155,000.00	\$2,000.00	60071106	59967	2017 Multi Purpose	\$2,000.00	60075106	58967	2017 Multi Purpose		\$47,495.00
	Reason:	Reclassify Bond Payments after sale in June 2017				Reason:	Reclassify Bond Payments after sale in June 2017			
\$395,000.00	\$23,100.00	17520006	59254	Short Term Int - City	\$20,000.00	13860006	59254	Short Term Int - School		\$82,500.00
	Reason:	Reclassify short term interest				Reason:	Reclassify short term interest			
					\$3,100.00	13850006	59952	2004 Multi Purpose Int		\$0.00
	Reason:					Reason:	Correct calculation error in FY 18 budget			
	\$67,100.00	Total			\$67,100.00	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:	Comptroller					FISCAL YEAR:	2018		
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,588,165.81	\$250,000.00	11980006	51750	Health Insurance - City	\$200,000.00	13100003	51751	Health Ins. - School	\$1,500,754.28
Reason:	Surplus in City Health Insurance				Reason:	Funds needed to cover cost estimates			
					\$50,000.00	13100003	51753	Medicare Ins. - School	\$97,874.26
Reason:					Reason:	Funds needed to cover cost estimates			
	\$250,000.00	Total			\$250,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:	POLICE					FY:			
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$192,761.52	\$16,500.00	12100003	51440	Educational Incentive	\$6,000.00	12100005	54220	Office Supplies/Expenses	\$4,287.18
Reason:	Vacant positions					Software upgrade and maintenance contract			
					\$8,000.00	12100006	51975	Initial Equipment	\$333.35
Reason:						Initial equipment for new officer & 5 body armor vests			
					\$2,500.00	12100006	52010	Translation Services	\$220.00
Reason:						Translation services needed in more arrests & investigations			
	\$16,500.00	Total			\$16,500.00	Total			



		CITY OF MARLBOROUGH									
		BUDGET TRANSFERS --									
	DEPT:	Comptroller					FISCAL YEAR:		2018		
		FROM ACCOUNT:					TO ACCOUNT:				
Available											Available
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$3,245,924.59	\$398,500.00	27000	33086	Fund Bal-Parks & Fields Capital		\$398,500.00	19910009	49715	Transfer-Meal Local Option		\$0.00
	Reason:	Local options meals tax funding FY18 bond payments associated with parks & fields as per the recap									
	\$398,500.00	Total				\$398,500.00	Total				

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2018			
		FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Available Balance	
\$44,088	\$17,880	11920003	50560	Custodian	\$17,880	11920006	53999	Other Services		\$11,264	
	Reason:	previously vacant positions					Council Chamber upgrades				
\$44,088	\$5,620	11920003	50560	Custodian	\$5,620	13032001	50292	Craftsman		1,113.00	
	Reason:	previously vacant position					contractual increases				
\$244,808	\$100,000	13032006	52120	Electricity/School	\$400,000	11920006	52120	Electricity/City		1,308.58	
	Reason:	excess funds available					Net Metering credit less than anticipated				
\$271,577	\$200,000	13032006	52200	Natural Gas/School							
	Reason:	excess funds available									
\$100,000	\$100,000	60080004	53110	Legal Services							
	Reason:	excess funds available									
	\$423,500	Total			\$423,500	Total					

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Department of Public Works/Public Facilities					FISCAL YEAR:		2018	
		FROM ACCOUNT:							TO ACCOUNT:	
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$121,517	\$20,000	14001503	50740	Equipment Operators	\$20,000	14001506	52500	Repair/Maintenance		\$47
	Reason:	vacant positions					Repairs to Toro mower			
\$91,455	\$14,000	61090001	50740	Equipment Operator	\$14,000	14001505	54610	General Materials		\$6,412
	Reason:	previously vacant position					Tree replacement throughout the city			
\$2,125	\$2,125	60081003	51920	SLBB	\$2,125	60080001	50580	Asst Chemist		\$4,486
	Reason:	Excess available due to retirement					Step increases			
\$60,460	\$20,000	60081001	50850	Sewage Treatment Plant Op	\$20,000	61090006	55740	Water Meters		\$46,890
	Reason:	previously vacant position					Purchase of water meters			
\$19,963	\$9,000	61090001	50680	General foreman	\$9,000	61090006	55740	Water Meters		\$46,890
	Reason:	Previously vacant position					Purchase of water meters			
\$54,225	\$51,500	60081001	50750	Equipment Operator	\$26,000	60081006	55950	East Waste Water Treat		\$2,507
	Reason:	previously vacant position					Increase in chemicals for plant			
					\$25,500	60085006	55980	West Waste Water Treat		\$1,944
	Reason:						Increase in chemicals for plant			
	\$116,625	Total			\$116,625	Total				

**Yea: 11-Nay: 0**

**Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.**

**Suspension of the Rules requested – granted.**

ORDERED: That no more than seventy thousand dollars (\$70,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2018, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

ORDERED: That the following FY18 Capital Bond request, **TABLED UNTIL JUNE 18, 2018 CITY COUNCIL MEETING**; adopted.

#### **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.

ORDERED: That the following FY18 Capital Bond request, **TABLED UNTIL JUNE 18, 2018 CITY COUNCIL MEETING**; adopted.

#### **SEWER CONSTRUCTION BOND**

That the sum of \$1,800,000 (one million eight hundred 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.

ORDERED: That the following FY18 Capital Bond request, **TABLED UNTIL JUNE 18, 2018 CITY COUNCIL MEETING**.

#### **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.

**ORDERED:** That the following Transfer Request which moves money from Undesignated Funds to various Capital Outlay accounts as outlined in the spreadsheet below, **APPROVED;** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS –									
	DEPT:	Various				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	\$3,957,138.00	10000	35900	Undesignated Fund	\$1,239,000.00	19300006	58512	Capital Outlay-Fire	\$2,604.75
	Reason:	To fund equipment requests							
					\$2,491,508.00	19300006	58731	Capital Outlay-DPW	\$9,622.19
					\$206,500.00	19300006	58593	Capital Outlay-Police	\$19,291.32
	Reason:								
					\$5,130.00	19300006	56300	Capital Outlay-Voting Equipme	\$0.00
	Reason:								
					\$15,000.00	19300006	52451	Capital Outlay-COA	\$0.00
	Reason:								
	\$3,957,138.00	Total			\$3,957,138.00	Total			

**Yea: 11-Nay: 0**

**Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.**

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY ADDING A NEW SECTION 650-36, ENTITLED “ASSABET RIVER RAIL TRAIL OVERLAY DISTRICT,” AS FOLLOWS:

**ARTICLE VI**

**§ 650-36 – ASSABET RIVER RAIL TRAIL OVERLAY DISTRICT**

**A. Purpose and Objectives.**

- (1) The Assabet River Rail Trail Overlay District (herein, the “ARRTOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the ARRTOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting pedestrian and bicycle friendly development complementary to the Assabet River Rail Trail.
- (2) For the purposes of this section, the ARRTOD shall be superimposed on the other districts existing at the time of the adoption of this Section. The ARRTOD consists of (i) the Assabet River Rail Trail property, and (ii) the parcels identified in Exhibit A annexed hereto and incorporated by reference herein.

**B. Authority of Permit Granting Authority.**

- (1) The City Council shall be the Permit Granting Authority for Special Permit Approval in the ARRTOD. In all instances, a development which proceeds under the ARRTOD is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code.
- (2) The City Council may, by special permit in accordance with Section 650-59, permit a “Rail Trail Development,” defined in Subsection C herein, on any lot or combination of lots located in the ARRTOD (a “Development Parcel”), provided that the Rail Trail Development complements the Assabet River Rail Trail by improving the appearance of the Development Parcel as seen from the Assabet River Rail Trail; encourages the use of the Assabet River Rail Trail; and provides certain public amenities (including, but not limited to, landscaping, trash receptacles, public safety enhancements, or other benefits) that enhance the Assabet River Rail Trail, either at the Development Parcel or, in the discretion of the City Council, at other locations along the Assabet River Rail Trail.

C. Eligible Uses, Dimensional Controls.

- (1) A Rail Trail Development shall include any use allowed in the underlying zoning district, either as of right or by special permit, in addition to the following uses:
  - a. Retail sales and services, up to 5,000 square feet of gross floor area per such establishment, provided that the Rail Trail Development has frontage along Lincoln Street.
  - b. Restaurant, café with or without table service (including outside seating and service) without drive-thru, up to 5,000 square feet of gross floor area per such establishment, provided that the Rail Trail Development has frontage along Lincoln Street.
  - c. Residential uses, with such density as deemed appropriate by the City Council.
- (2) A Rail Trail Development may include multiple uses, which may be commingled into a single structure or structures or may be located in multiple separate structures on one building lot.
- (3) A Rail Trail Development shall be subject to the dimensional, parking and landscaping requirements of the underlying zoning district and for the use or combination of uses of the Rail Trail Development; provided, however, that the City Council may elect to vary dimensional, lot coverage, and parking requirements by Special Permit if, in the City Council's opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This variance authority shall continue subsequent to initial occupancy.

**EXHIBIT A**

The newly established Assabet River Rail Trail Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land:

1. The Assabet River Rail property, from the Marlborough-Hudson municipal boundary line to the intersection of Highland and Lincoln Streets.
2. Assessors Map 43, Parcel 29 (19 Ash Street) (Residential use only).
3. Assessors Map 56, Parcel 125 (269 Mechanic Street) (Residential use only).
4. Assessors Map 56, Parcel 96 (3-7 Longley Street) (Residential use only).
5. Assessors Map 56, Parcel 85 (297 Lincoln Street).
6. Assessors Map 69, Parcel 345 (283 Lincoln Street).
7. Assessors Map 69, Parcels 340 (305 Lincoln Street), 341 (297 Lincoln Street), 342 (301 Lincoln Street) and 343 (293 Lincoln Street).

**NOT APPROVED**; adopted.

**Councilor Oram, Dumais, Robey and Irish opposed.**

ORDERED: That the City of Marlborough hereby accepts section 3 of c. 64N of the Massachusetts General Laws, as amended, to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent, said excise to be deposited into the General Fund, **APPROVED**; adopted.

**Councilor Juairé recused.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:31 PM.