



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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AUGUST 27, 2018

Regular meeting of the City Council held on Monday, August 27, 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 10:38 PM.

Council President Clancy introduced Harald Scheid, Jonathon Frank & Nate Cramer from Regional Resource Group, Inc.

ORDERED: That the Minutes of the City Council meeting July 23, 2018, **FILE**; adopted.

ORDERED: That the 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, Order No. 18-1007323, all were heard who wish to be heard, hearing closed at 8:03 PM.

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

ORDERED: That the 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, Order No. 18-1007321, all were heard who wish to be heard, hearing closed at 8:12 PM; adopted.

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

ORDERED: That the 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, Order No. 18-1007322, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Christopher White, re: Building a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, Order No. 18-1007320, all were heard who wish to be heard, hearing closed at 8:25 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit for 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, Order No. 18-1007314, all were heard who wish to be heard, hearing closed at 9:06 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron re: Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, Order No. 18-1007318, all were heard who wish to be heard, hearing closed at 10:04 PM; adopted.

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

- Councilor At Large Juaire submitted a communication pertinent to his former recusal of medical and adult marijuana businesses including Special Permits.
- Pat Ganley submitted a communication in opposition to the proposed Medical Marijuana Treatment Center & Adult Use Marijuana Retail Establishment by Garden Remedies, Inc. to be located at 416 Boston Post Road East.
- James Spinelli submitted a communication in opposition to the proposed Medical Marijuana Treatment Center & Adult Use Marijuana Retail Establishment by Garden Remedies, Inc. to be located at 416 Boston Post Road East.

ORDERED: That the Walker Building Elevator transfer request in the varying amount of \$700,000.00 or \$100,000.00 which moves funds from Economic Development to Capital Outlay to either replace or repair the existing elevator at the Walker Building, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Public Facilities					FISCAL YEAR:	2019		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$901,679.51	\$100,000.00	27000	33085	Economic Development	\$100,000.00	19300006	58467	Capital Outlay-Public Fac		\$0.00
	Reason:	Repair elevator at Walker Building								
	\$100,000.00	Total			\$100,000.00	Total				

OR

BUDGET TRANSFERS --									
	DEPT:	Public Facilities				FISCAL YEAR:	2019		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$901,679.51	\$700,000.00	27000	33085	Economic Development	\$700,000.00	19300006	58467	Capital Outlay-Public Fac	\$0.00
	Reason:	Replace elevator at Walker Building							
	\$700,000.00	Total			\$700,000.00	Total			

ORDERED: That the IT transfer request in the amount of \$254,000.00 which moves funds from Receipts Reserved-PEG funds to IT Equipment to fund upcoming projects and various equipment purchases, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:	IT				FISCAL YEAR:	2019		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$407,303.52	\$254,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$254,000.00	19300006	58618	IT Equipment	\$0.00
	Reason:	Use PEG funds for upcoming projects and various equipment purchases							
	\$254,000.00	Total			\$254,000.00	Total			

ORDERED: That the DPW transfer request in the amount of \$66,988.35 which moves funds from Reserve for Salaries account to various DPW payroll accounts for laborers in the Department of Public Works to fund the recently ratified Memorandum of Agreement between the City of Marlborough and the Marlborough Public Works Equipment Operators Association for FY19-21, refer to **FINANCE COMMITTEE**; adopted.

	CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2019			
Available Balance		FROM ACCOUNT:					TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		
\$990,000.00	\$66,988.35	11990006	57820	Reserve for Salaries		\$16,796.98	14001303	50740	Equipment Operators		\$732,756.31
	Reason:	Recalculate amounts for contract obligations				Reason:	Contractual Obligation				
						\$18,303.05	14001503	50740	Equipment Operators		\$800,971.41
	Reason:					Reason:	Contractual Obligation				
						\$12,354.53	61090001	50740	Equipment Operators		\$677,287.70
	Reason:					Reason:	Contractual Obligation				
						\$3,606.63	14001403	50745	Motor Equipment Repairman		\$152,588.73
	Reason:					Reason:	Contractual Obligation				
						\$1,202.21	60085001	50750	Equipment Operators		\$50,863.25
	Reason:					Reason:	Contractual Obligation				
						\$1,202.21	60081001	50750	Equipment Operators		\$50,979.09
	Reason:					Reason:	Contractual Obligation				
						\$184.95	14001303	51920	Sick Leave Buy Back		\$18,970.00
	Reason:					Reason:	Contractual Obligation				
						\$256.22	14001503	51920	Sick Leave Buyback		\$25,250.00
	Reason:					Reason:	Contractual Obligation				
						\$46.24	60085003	51920	Sick Leave Buyback		\$3,781.00
	Reason:					Reason:	Contractual Obligation				
						\$46.24	61090003	51920	Sick Leave Buyback		\$7,260.00
	Reason:					Reason:	Contractual Obligation				
						\$276.51	14001303	51430	Longevity		\$31,000.00
	Reason:					Reason:	Contractual Obligation				
						\$36.07	14001403	51430	Longevity		\$6,115.00
	Reason:					Reason:	Contractual Obligation				
						\$216.40	14001503	51430	Longevity		\$30,789.00
	Reason:					Reason:	Contractual Obligation				
						\$12.02	60085003	51430	Longevity		\$4,452.00
	Reason:					Reason:	Contractual Obligation				
						\$48.09	61090003	51430	Longevity		\$10,283.00
	Reason:					Reason:	Contractual Obligation				
						\$250.00	60085003	51940	Longevity		\$4,452.00
	Reason:					Reason:	Contractual Obligation				
						\$3,500.00	14001303	51940	Clothing Allowance		\$720.00
	Reason:					Reason:	Contractual Obligation				
						\$1,650.00	14001403	51940	Clothing Allowance		\$990.00
	Reason:					Reason:	Contractual Obligation				
						\$4,000.00	14001503	51940	Clothing Allowance		\$2,493.76
	Reason:					Reason:	Contractual Obligation				
						\$250.00	60081003	51940	Clothing Allowance		\$510.00
	Reason:					Reason:	Contractual Obligation				
						\$2,750.00	61090003	51940	Clothing Allowance		\$4,270.01
	Reason:					Reason:	Contractual Obligation				
	\$66,988.35	Total				\$66,988.35	Total				

ORDERED; Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security grant awarded to the Police Department in the amount of \$99,805.00 to offset personnel costs in the Public Safety Dispatch Center; adopted.

ORDERED; Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts Department of Mental Health grant awarded to the Police Department in the amount of \$49,225.22 to offset costs to maintain training compliance in the Public Safety Dispatching Center; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts Department of Mental Health grant awarded to the Police Department in the amount of \$45,000.00 which will fund the Police Department's Jail Diversion Program that is operated in conjunction with Advocates, Inc. for FY19; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Energy and Environmental Affairs grant awarded to DPW in the amount of \$31,000.00 which will be used to hire a consultant to assist the City in identifying risks or vulnerabilities to changing weather patterns; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union grant awarded to the Police Department in the amount of \$7,500.00 to support Department programs and fund additional traffic enforcement equipment; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union grant awarded to the Fire Department in the amount of \$7,500.00 which will be used by the Fire Department to purchase additional information technology upgrades; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Solar Wolf Energy grant awarded to the Police Department in the amount of \$2,000.00 to establish a Police Department honor guard; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Solar Wolf Energy grant awarded to the Fire Department in the amount of \$2,000.00 to purchase decals and challenge coins to be used to build department morale; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Target's Heroes and Helpers Program grant awarded to the Police Department in the amount of \$1,500.00 to fund Target's annual Heroes and Helpers program; adopted.

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.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING § 551-1, ENTITLED “STREET NAMES,” OF CHAPTER 551 AS FOLLOWS:

- I. Chapter 551 is hereby amended by deleting the title of § 551-1 in its entirety and inserting in place thereof the following title:

Names of public streets, highways, places, buildings, spaces and other public assets.
- II. Chapter 551 is hereby amended by inserting into § 551-1 the following new paragraph:
 - C. The Board of Library Trustees, having care, custody, management and supervision of the Marlborough Public Library pursuant to § 11 of chapter 78 of the Massachusetts General Laws and § 28 of Division 3 of the Charter of the City of Marlborough may name public assets located in and at the Marlborough Public Library, including internal and external spaces, furnishings, collections, equipment or fixtures, under such terms and conditions as may be specified in a naming policy adopted by the Board of Library Trustees for said public assets which are not otherwise governed by paragraphs A. and B. herein. Said authority of the Board of Library Trustees is in addition to, and not in lieu of, such powers and authorities of the Board of Library Trustees as may be provided by statute, regulation, ordinance or law.

Refer to **VETERANS AFFAIRS COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$7,100.00 which moves funds from Reserve for Salaries to HR Assistant and Electrician line items to fund a Salary Ordinance Amendment to increase the salary of the HR Assistant position and create a new Public Facilities Manager of Communications Technology, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
		DEPT:	Comptroller					FISCAL YEAR:		2019		
			FROM ACCOUNT:					TO ACCOUNT:				
Available												Available
Balance	Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		Balance
\$990,000.00	\$7,100.00	11990006	57820	Reserve for Salaries			\$3,410.00	11520001	50532	HR Assistant		\$46,734.00
	Reason:	Cover change in Salary Schedule					Reason:	Change in Salary Schedule				
							\$3,690.00	13032001	50385	Electrician		\$109,804.15
	Reason:						Reason:	Change in Salary Schedule				
	\$7,100.00	Total					\$7,100.00	Total				

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 inserting into Chapter 125, Section 6, Salary Schedule the following:								
Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Human Resources Assistant	October 1, 2018	\$53,079.34	\$54,140.93	\$55,223.75	\$56,328.23	\$57,454.79	\$58,603.89	\$59,775.96
Manager of Communications Technology	October 1, 2018	\$60,389.89	\$61,597.68	\$62,829.64	\$64,086.23	\$65,367.95	\$66,675.31	\$68,008.82

ORDERED: That by Order No.17-1006760A the City Council of the City of Marlborough authorized the Mayor to negotiate and enter into a purchase and sales agreement for the purchase of 49 West Main Street, and by Order No. 16-1006760B the City Council appropriated funds and approved the use of said funds to bind an offer by the City on a purchase and sales agreement for 49 West Main Street, the performance of which agreement is contingent upon (1) a favorable vote of the City Council authorizing the City to acquire said parcel for the amount stated therein and (2) an appropriation of sufficient funds for said purchase, the Mayor, having thus negotiated a purchase and sales agreement bound by an offer to purchase, the City Council hereby (1) authorizes the City to acquire 49 West Main Street in the total amount of \$381,504.00 as provided in said purchase and sales agreement and (2) by two-thirds vote appropriates from Account No. 19300006-58595 (City Hall Equipment) the balance due on said purchase in the amount of \$362,504.00.

Further, the City Council hereby authorizes the Mayor to accept a deed pursuant to M.G.L. c. 40, § 3 for said property located at 49 West Main Street.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointment of Monica Lucey to the Marlborough Cultural Council for a term to expire three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the State Primary Election Call, **FILE**; adopted.

The City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in Primaries, to assemble in their respective polling places, as designated by the City Council as follows:

WARD ONE: Precinct 1 and 2 Francis J. Kane School, 520 Farm Road

WARD TWO: Precinct 1 and 2 Francis J. Kane School, 520 Farm Road

WARD THREE: Precinct 1 Senior Center, 40 New Street

WARD THREE: Precinct 2 Raymond J. Richer School, 80 Foley Road

WARD FOUR: Precinct 1 and 2 Senior Center, 40 New Street

WARD FIVE: Precinct 1 and 2 Senior Center, 40 New Street

WARD SIX: Precinct 1 and 2 1LT Charles W. Whitcomb School, 25 Union Street

WARD SEVEN: Precinct 1 and 2 Hildreth School, 85 Sawin Street

On Tuesday, September 4, 2018 then and there, for the purpose of casting their votes in the State Primary for the candidates of political parties for the following offices:

SENATOR IN CONGRESS FOR THIS COMMONWEALTH

GOVERNOR FOR THIS COMMONWEALTH

LIEUTENANT GOVERNOR FOR THIS COMMONWEALTH

ATTORNEY GENERAL FOR THIS COMMONWEALTH

SECRETARY OF STATE FOR THIS COMMONWEALTH

TREASURER AND RECEIVER GENERAL FOR THIS COMMONWEALTH

AUDITOR FOR THIS COMMONWEALTH

REPRESENTATIVE IN CONGRESS THIRD DISTRICT

COUNCILOR THIRD DISTRICT

SENATOR IN GENERAL COURT MIDDLESEX & WORCESTER DISTRICT

REPRESENTATIVE IN GENERAL COURT FOURTH MIDDLESEX DISTRICT

REPRESENTATIVE IN GENERAL COURT THIRTEENTH MIDDLESEX DISTRICT

DISTRICT ATTORNEY NORTHERN DISTRICT

CLERK OF COURT MIDDLESEX COUNTY

REGISTER OF DEEDS MIDDLESEX SOUTHERN DISTRICT

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

Edward J. Clancy
City Council President

ORDERED: That having authorized the Mayor, pursuant to Order No. 17-1007003A-1, to convey to BSL Marlborough Development LLC ("Benchmark") the City's fee interest in a so-called Sewer Parcel concerning propeliy located at 421 Bolton Street in Marlborough;

And having by that Order made that conveyance subject to, among other things, Benchmark' s conveyance to the City of approximately 10 acres at the site, which acreage comprises the "Donated Land" described in condition no. 8 of the special permit granted to Benchmark in Order No. 17-1006816E;

NOW, THEREFORE, the City Council of the City of Marlborough hereby accepts Benchmark' s executed and recorded deed of the Donated Land to the City for all municipal purposes. A copy of Benchmark ' s executed deed, as recorded, is attached hereto.

Refer to **LEGISLTAIVE AND LEGAL AFFIRS COMMITTEE**; adopted.

ORDERED: That the following Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Apex Center – Revised Open Space Plan & Revised Open Space Covenant and Restriction, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**.

OPEN SPACE COVENANT AND RESTRICTION

This OPEN SPACE COVENANT AND RESTRICTION (hereinafter, the “Covenant”) is entered into this ____ day of _____ 2018 by Walker Realty LLC, a Massachusetts limited liability corporation with a usual address of 4 Lan Drive, Westford, MA 01886 and Marlboro Hospitality, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, their respective successors as fee owners of the hereinafter described Restricted Land (hereinafter, collectively, the “Covenantee Party”) with the City of Marlborough, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (hereinafter, the “Benefitted Party”).

Reference is made to the following facts which set forth the background to this Covenant:

- A. The Covenantee Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled “Subdivision Plan of Land in Marlborough, Massachusetts” prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the “Property”), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the “HRMUOD”).
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded with the Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenantee Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the “Restricted Land”) at the Property (hereinafter, the “Covenant Requirement”).
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenantee Party desires to restrict 638,500 square feet or 14.6 acres of land, more or less, more particularly described on the plan entitled “Open Space Exhibit, For: Apex Center, 240 Boston Post Road W, Marlborough, MA,” dated 3/21/8 and designated as Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

NOW THEREFORE for good and valuable consideration, which is acknowledged, the undersigned hereby COVENANTS with the City of Marlborough, acting by and through its Mayor, duly authorized by the Marlborough City Council, as follows:

I. COVENANTING PARTY:

Walker Realty LLC, a Massachusetts limited liability corporation, and Marlborough Hospitality LLC, are the fee owners of the Restricted Land.

II. PURPOSES:

The purposes of this Open Space Covenant and Restriction (hereinafter, this "Covenant") are for the perpetual conservation and preservation of open space, passive recreation, to assure that the Restricted Land will be retained, in perpetuity, in its natural, scenic, wetlands and wooded condition.

III. PROHIBITED AND PERMITTED ACTS AND USES:

A. Prohibited Acts and Uses: Subject to the exceptions set forth hereinafter, the Covenanting Party will not perform or permit the following acts and uses which are expressly prohibited on, above, and below the Restricted Land:

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, brush limbs or similar materials and snow;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 310 and Book 70162, Page 318, and to the sewer easement, recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 327;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
 8. Hunting, trapping and fishing;
 9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
 10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.
- B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:
1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
 2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
 3. Drainage from adjoining land;
 4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the aforementioned public walking trail easements recorded with the Middlesex County South Registry of Deeds;
 5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;

6. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;
7. The placing of fences and benches that do not interfere with the purposes of this Covenant;
8. Trapping to control nuisance wildlife species pursuant to M.G.L. c. 131, § 80A;
9. The maintenance, removal or replacement of utilities, underground structures, good drainage, soil conservation or to other permissible uses of the Restricted Land;
10. On the aforementioned public walking trails only, the use of the Restricted Land by the public for passive recreational activities such as walking, snowshoeing, biking, cross-country skiing, nature study, bird watching, and the like;
11. The repair, maintenance, and reconstruction of the walking trails and the sewer easement, and appurtenances thereto, in conformance with the recorded walking trail easements and sewer easement, recorded at the Middlesex County South Registry of Deeds as provided herein, including but not limited to upgrading the surface of the walking trails, and as reasonably necessary such fences, bridges, gates, and stonewalls, if any, as may be located on the Restricted Land; and
12. Motorized vehicles necessary for public safety (e.g., fire, police, ambulance and other government officials) in carrying out their lawful duties or as necessary in furtherance of any use permitted under this Section III (B).

IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

The Benefitted Party, its agents and assigns, may enter upon the Restricted Land at reasonable times and with reasonable advanced written notice to monitor the Covenanting Party's compliance with this Covenant and to otherwise enforce the terms thereof, provided, however, that the Benefitted Party shall provide reasonable notice of entry to the Covenanting Party.

V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.
- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledge by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.
- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.

- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth.
- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.
- J. This Covenant shall be and is binding upon the grantee's or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.
- K. The Marlborough City Council shall be the Benefitted Party under this Covenant until the City Council transfers, if at all, said status as Benefitted Party to the Conservation Commission of the City of Marlborough, after which the Conservation Commission shall be the Benefitted Party under this Covenant until the City Council transfers said status as Benefitted Party under this Covenant, if at all, to itself or to another department, board or commission of the City of Marlborough.
- L. If any provision of this Covenant shall to any extent be held invalid, the remainder shall not be affected.

M. The Covenanting Party and the Benefitted Party intend that the covenants and restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Middlesex County South Registry of Deeds, after all signatures have been affixed hereto. This document and any exhibits thereto shall be recorded in a timely manner by the Benefitting Party, at its sole expense, upon execution by all parties.

Witness our hands and seals this ____ day of _____, 2018.

FOR THE COVENANTING PARTY:

WALKER REALTY LLC

Robert Walker, Manager

MARLBOROUGH HOSPITALITY LLC

Robert Walker, Manager

FOR THE BENEFITTED PARTY:

THE CITY OF MARLBOROUGH

By and through its duly authorized Mayor:

Arthur G. Vigeant, Mayor
In his official capacity

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Robert A. Walker, Manager, proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was _____ (source of identification) to be the person whose name is signed on the preceding/attached document in his official capacity as the Mayor of the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

ORDERED: That the Communication from Planning Board chairperson, Barbara Fenby re: Favorable Recommendation to the City Council on Proposed Zoning Amendment, Article VI, Section 650-22, Retirement Community Overlay District, Order No. 18-1007198E, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the request to extend time limitations on the Application for Special Permit to demolish existing house and build a two-story home at 21 Patten Drive until 10:00 PM on October 30, 2018, Order No. 18-1007244B, **FILE AS THE URBAN AFFAIRS COMMITTEE HAS ALREADY APPROVED THIS EXTENSION**; adopted.

ORDERED: That the request to extend time limitations on the Application for Special Permit to build a two story, 11 unit two story, multifamily condominium at 27 Jefferson Street, until 10:00 PM on October 30, 2018, Order No. 18-1007245A, **APPROVED**; adopted.

Councilor Dumais recused.

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

ORDERED: That the Communication from Brenda Bracken, 287 Stow Rd., in support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136O, **FILE**; adopted.

ORDERED: That the Communication from various residents and business owners re: in Opposition of the Proposed Zoning Amendment as it pertains to the Ancillary Residential Community Requirements. Order No. 18-1007287A, **FILE & REFER TO LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Central Massachusetts Mosquito Control Project re: Residents' concerns about mosquitos in the area on following dates: August 1, 8, 15, 22 & 29, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, September 21, 2017, May 24, 2018 and June 21, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, June 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, License Board, June 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, June 26, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 7, 2018 & June 21, 2018, **FILE**; adopted.

ORDERED: That the Minutes Planning Board, June 18, 2018, **FILE**; adopted.

ORDERED: That the Minutes Board of Health, July 16, 2018, **FILE**; adopted.

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

- a. Wolvey Dos Santos, 83A East Main Street, pothole or other road defect claim.
- b. Joseph Uglexich, 29 Old Mill Road, pothole or other road defect claim.
- c. Homar Cabrera, 51 Patricia Drive, other property damage and/or personal injury.
- d. James Peltekis, 144 Woodridge Road, other property damage and/or personal injury.
- e. Jan Smits, 2111 Bay Drive, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Irish and Dumais.

Finance Committee Members Absent: Councilor Oram

Other Councilors in Attendance: Councilor Clancy.

The meeting convened at 7:00 PM.

1. **Order No. 18-1007310 – Rescind 9 Bonds Totaling \$6,213,196.00.** The Finance Committee reviewed the Mayor’s letter dated June 14, 2018 requesting 9 bonds totaling \$6,213,196.00 be rescinded either because the projects are complete or because they are no longer available to be bonded due to regulations. **The Finance Committee voted 4 - 0 to approve the order to rescind the nine bonds.**
2. **Order No. 18-1007330 – Transfer \$102,950.00 from Principal Assessor to Professional and Technical Services.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting a transfer of \$102,950.00 from the Principal Assessor’s account to the Assessors Professional and Technical Services account. The transfer will fund a new contract with Regional Resource Group (RRG) to provide dedicated full-time coverage in the Assessor’s office between two RRG employees. **The Finance Committee voted 4 - 0 to approve the transfer.**
3. **Order No. 18-1007332 – Transfer \$26,290.00 from the Reserve for Salaries Account to Fund the DPW Foreman Contract for Fiscal Years 2019, 2020 and 2021.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting the transfer of \$26,920.00 from the Reserve for Salaries account to fund the DPW Foreman contract for FY19, 20 and 21. **The Finance Committee voted 4 – 0 to approve the transfer request to fund the DPW Foreman contract for FY19.**
4. **Order No. 18-1007331 – Transfer \$70,905.00 from Reserve for Salaries to Fund Non-Union Personnel for FY19.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting a transfer of \$70,905.00 from the Reserve for Salaries Account to fund a 2% increase for Non-Union personnel for FY19. **The Finance Committee voted 4 - 0 to approve the transfers.**

Reports of Committee Cont'd:

- **The Finance Committee agreed to support Suspending the Rules at the August 27, 2018 City Council meeting to approve both the DPW Foreman contract transfers and the Non-Union Personnel increases for FY19**
5. **Review FINANCE COMMITTEE FY18 Activities.** The Finance Committee reviewed the information provided by the Finance Chair that summarized the Finance Committee activities in FY18 along with the year-end summary of the department transfers for FY18 in accordance with Order No.17-1006856A. This item was filed in Committee as no formal action was required.

The Finance Committee adjourned at 7:29 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: August 8, 2018

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

Convened: 5:33 PM – Adjourned: 7:42 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Landers, and Tunnera; Councilors Clancy, Irish; Ossing, and Robey; and Donald Rider (City Solicitor, City of Marlborough).

Absent: Councilor Doucette

Order No. 18-1007311: Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries. The Urban Affairs Committee met for a discussion of a proposed zoning amendment to allow Coffee Roasteries within the City. President Clancy made recommendations for changes to the proposed zoning. In doing research regarding coffee roasteries, it was discovered they can create unpleasant odors. The initial zoning proposal allowed coffee roasteries in various districts, primarily in Business, Commercial Automotive, Limited Industrial, Industrial, and Marlborough Village District. Considering this recent research, he suggested to eliminate the Commercial Automotive zone and allow by Special Permit in the Business, Limited Industrial, Industrial, and Main Street Village zones. Those changes would allow the City Council to have some leverage to revoke a Special Permit if there were issues with a site. Chairman Delano supported the recommended changes and requested a motion to amend the proposed zoning to allow Coffee Roasteries by Special Permit in the Business, Limited Industrial, Industrial, and Marlborough Village District zones and not allow them in the Commercial Automotive zone. **Motion made by Councilor Juairé, seconded by the Chair, to approve as amended. The motion carried 4-0 (Councilor Doucette absent).**

Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:42 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: August 21, 2018

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

Convened: 5:30 PM – Adjourned: 6:13 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaira, Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; and Meredith Harris (Executive Director, Marlborough Economic Development Corporation (MEDC))

Order No. 18-1007336: Communication from the Mayor regarding Applications for 43D Priority Development Sites. The Urban Affairs Committee met for a discussion of designating several Marlborough properties on Lincoln Street as 43D Priority Development Sites. Chairman Delano explained the City sent an application to the State for the properties on Lincoln Street which helps with access to grants and incentives. He proceeded to read a letter from the Mayor, dated July 19, 2018, which appeared on the July 23, 2018 City Council agenda detailing the request. President Clancy noted on Part III: Property Owner's Permission of the Chapter 43D Application signed off by G. Herbert Johnson for Map 69, Parcel 345's inclusion was inadvertent and should not have been in this application. Chairman Delano requested the minor correction be made to the application as the State is amenable to such corrections by the City. Meredith Harris, Executive Director of MEDC, explained advantages of the Chapter 43D program and its positive impact on Mass Works Infrastructure Grant Applications. **Motion made by Councilor Doucette, seconded by the Chair, to approve. The motion carried 5-0.**

Motion made by Councilor Juaira, seconded by the Chair, to request a Suspension of the Rules at the August 27, 2018 City Council meeting to vote on the Applications for 43D Priority Development Sites. The motion carried 5-0.

Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 6:13 PM.

Suspension of the Rules requested – granted.

ORDERED: That the Department of Public Works transfer request in the amount of \$26,290.00 which moves funds from Reserve for Salaries to various foreman payroll accounts as noted in the attached spreadsheets to fund the recently ratified agreement with DPW Foreman, Local 888 for FYI 9-FY21, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Comptroller					FISCAL YEAR:	2019	
		FROM ACCOUNT:					TO ACCOUNT:		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$26,290.00	11990006	57820	Reserve for Salaries	\$6,165.00	14001301	50690	Foreman	\$222,176.64
	Reason:	Recalculate amounts for contract obligations			Reason:	Contractual Obligation			
					\$205.00	14001303	51430	Longevity	\$31,000.00
	Reason:				Reason:	Contractual Obligation			
					\$120.00	14001303	51920	Sick Leave Buyback	\$18,970.00
	Reason:				Reason:	Contractual Obligation			
					\$1,545.00	14001401	50690	Foreman	\$74,027.88
	Reason:				Reason:	Contractual Obligation			
					\$35.00	14001403	51430	Longevity	\$6,115.00
	Reason:				Reason:	Contractual Obligation			
					\$6,165.00	14001501	50690	Foreman	\$296,111.55
	Reason:				Reason:	Contractual Obligation			
					\$235.00	14001503	51430	Longevity	\$30,789.00
	Reason:				Reason:	Contractual Obligation			
					\$180.00	14001503	51920	Sick Leave Buyback	\$25,250.00
	Reason:				Reason:	Contractual Obligation			

						\$1,545.00	61090001	50780	Chief Pump Station Oper.	\$74,027.88
	Reason:					Reason:	Contractual Obligation			
						\$3,085.00	61090001	50690	Foreman	\$299,076.65
	Reason:					Reason:	Contractual Obligation			
						\$145.00	61090003	51430	Longevity	\$10,283.00
	Reason:					Reason:	Contractual Obligation			
						\$65.00	61090003	51920	Sick Leave Buyback	\$7,260.00
	Reason:					Reason:	Contractual Obligation			
						\$600.00	14001303	51940	Clothing Allowance	\$18,720.00
	Reason:					Reason:	Contractual Obligation			
						\$900.00	14001303	51980	License Allowance	\$0.00
	Reason:					Reason:	Contractual Obligation			
						\$200.00	14001403	51940	Clothing Allowance	\$5,085.00
	Reason:					Reason:	Contractual Obligation			
						\$300.00	14001403	51980	License Allowance	\$0.00
	Reason:					Reason:	Contractual Obligation			
						\$300.00	14001403	51970	Tools Allowance	\$0.00
	Reason:					Reason:	Contractual Obligation			
						\$800.00	14001503	51940	Clothing Allowance	\$20,700.00
	Reason:					Reason:	Contractual Obligation			
						\$1,200.00	14001503	51980	License Allowance	\$0.00
	Reason:					Reason:	Contractual Obligation			
						\$1,000.00	61090003	51940	Clothing Allowance	\$17,280.00
	Reason:					Reason:	Contractual Obligation			
						\$1,500.00	61090003	51980	License Allowance	\$0.00
	Reason:					Reason:	Contractual Obligation			
	\$26,290.00	Total				\$26,290.00	Total			

Suspension of the Rules requested – granted.

ORDERED: That the Non-Union Personnel transfer request in the amount of \$70, 905.00 which moves funds from Reserve for Salaries to various Salary accounts as noted on the attached spreadsheets to fund a 2% cost of living increase, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Comptroller					FISCAL YEAR:	2019	
		FROM ACCOUNT:					TO ACCOUNT:		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$70,905.00	11990006	57820	Reserve for Salaries	\$1,410.00	11110002	50350	Council Secretary	\$70,050.00
	Reason:	Recalculate amounts for contract obligations			Reason:	Contractual Obligation			
					\$2,200.00	11110003	50070	City Councilors	\$110,000.00
	Reason:				Reason:	Contractual Obligation			
					\$75.00	11110003	51430	Longevity	\$3,510.00
	Reason:				Reason:	Contractual Obligation			
					\$55.00	11110003	51920	Sick Leave Buyback	\$2,700.00
	Reason:				Reason:	Contractual Obligation			
					\$2,000.00	11210001	50010	Mayor	\$100,000.00
	Reason:				Reason:	Contractual Obligation			
					\$1,405.00	11210001	50321	Executive Aide	\$70,050.00
	Reason:				Reason:	Contractual Obligation			
					\$1,085.00	11210002	50590	Executive Secretary	\$54,080.00
	Reason:				Reason:	Contractual Obligation			
					\$385.00	1492003	50999	Program Coordinator	\$19,150.00
	Reason:				Reason:	Contractual Obligation			

								\$2,510.00	11330001	50015	Comptroller		\$125,230.00
	Reason:								Reason:	Contractual Obligation			
								\$180.00	11330002	50588	Temporary Clerical		\$8,460.00
	Reason:								Reason:	Contractual Obligation			
								\$2,060.00	11350001	50020	Auditor		\$102,950.00
	Reason:								Reason:	Contractual Obligation			
								\$1,770.00	11350001	50174	Chief Procurement		\$88,090.00
	Reason:								Reason:	Contractual Obligation			
								\$1,685.00	11440001	50042	Collector		\$84,100.00
	Reason:								Reason:	Contractual Obligation			
								\$2,400.00	11510001	50030	Solicitor		\$119,920.00
	Reason:								Reason:	Contractual Obligation			
								\$2,025.00	11510001	50172	Assistant Solicitor		\$100,990.00
	Reason:								Reason:	Contractual Obligation			
								\$930.00	11510001	50175	Paralegal		\$46,340.00
	Reason:								Reason:	Contractual Obligation			
								\$2,020.00	11520001	50530	HR Director		\$100,820.00
	Reason:								Reason:	Contractual Obligation			
								\$1,110.00	11520001	50532	HR Assistant		\$55,230.00
	Reason:								Reason:	Contractual Obligation			
								\$930.00	11520001	50775	Administrative Assistant		\$46,340.00
	Reason:								Reason:	Contractual Obligation			
								\$1,145.00	11550001	50014	IS Director		\$57,060.00
	Reason:								Reason:	Contractual Obligation			

							\$1,870.00	11610001	50050	City Clerk		\$93,400.00
	Reason:									Contractual Obligation		
							\$1,255.00	11610002	50290	Assistant City Clerk		\$62,560.00
	Reason:									Contractual Obligation		
							\$285.00	11920002	50520	Facilities Partime Clerk		\$13,990.00
	Reason:									Contractual Obligation		
							\$3,295.00	12100001	50140	Police Chief		\$164,600.00
	Reason:									Contractual Obligation		
							\$230.00	12100004	50566	Parking Officer		\$11,410.00
	Reason:									Contractual Obligation		
							\$3,175.00	12200001	50130	Fire Chief		\$158,580.00
	Reason:									Contractual Obligation		
							\$5,310.00	12200001	50330	Assistant Chief		\$265,200.00
	Reason:									Contractual Obligation		
							\$1,910.00	12410001	50090	Building Commisioner		\$95,210.00
	Reason:									Contractual Obligation		
							\$1,475.00	12410001	50095	Assistant Bldg. Comm.		\$73,550.00
	Reason:									Contractual Obligation		
							\$1,550.00	12410001	50109	Environmental Officer		\$77,265.00
	Reason:									Contractual Obligation		
							\$2,490.00	14001001	50600	DPW Commissioner		\$124,317.00
	Reason:									Contractual Obligation		
							\$145.00	14001003	51920	Sick Leave Buy Back		\$6,930.00
	Reason:									Contractual Obligation		
							\$175.00	14001003	51430	Longevity		\$8,441.00
	Reason:									Contractual Obligation		
							\$2,060.00	60080001	50630	Assistant Comm.		\$102,939.00
	Reason:									Contractual Obligation		

[illegible]

Suspension of the Rules requested – granted.

ORDERED: That the attached application to the Massachusetts Permit Regulatory Office to designate as Chapter 43D Priority Development Sites several properties on Lincoln Street in Marlborough, **APPROVED**; adopted.

Councilor Dumais recused.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:38 PM.