



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MAY 21, 2018

Regular meeting of the City Council held on Monday, May 21, 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 8:48 PM.

ORDERED: That the Announcement of Veteran of the Year, made by President of the Marlborough Veteran's Council, Richard Jenkins, along with Mayor Vigeant and Councilor Juaire, who presented John Rowe with the prestigious honor of Veteran of the Year, an award plaque & a proclamation read by Mayor Vigeant, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting May 7, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING for the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, Order No. 18-1007261, all were heard who wish to be heard, hearing closed at 8:11 PM; adopted.

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

ORDERED: That the following three bonds, be **ADVERTISED**; 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.; adopted.

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.

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 Year-end transfer requests with detailed narratives outlined below, refer to **FINANCE COMMITTEE**; 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									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	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										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		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 Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available 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			

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, refer to **FINANCE COMMITTEE**; 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, refer to **FINANCE COMMITTEE**; 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
\$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, refer to **FINANCE COMMITTEE**; 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 the request to increase the spending limit for the Council on Aging Revolving Fund for the remainder of FY 2018 not to exceed \$70,000.00, refer to **FINANCE COMMITTEE**; 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, refer to **FINANCE COMMITTEE**; 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, refer to **FINANCE COMMITTEE**; adopted.

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, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: \$100,000.00 Budget Earmark from the Commonwealth of Massachusetts for Park and Playground Improvements, refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that SLOCUMB LANE be accepted as a public way

from Station 0+00 at the sideline of STETSON DRIVE to Terminus,

and that its appurtenant headwall maintenance easement be accepted as a municipal easement,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, “‘CARISBROOKE II’ Acceptance Plan of Slocumb Lane and Headwall Maintenance Easement in Marlborough, Massachusetts,” Owner: Slocumb Realty, LLC, 120 Quarry Drive, Milford, MA 01757, Book 43031, Page 384; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Scale: 40 feet to an inch; Dated: September 26, 2017, last revised January 18, 2018; prepared by: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757, which plan is to be recorded herewith.

Title to the roadway shown as SLOCUMB LANE on said plan, and title to a headwall maintenance easement shown as HEADWALL MAINTENANCE EASEMENT on said plan, has been granted to the City of Marlborough in a quitclaim deed from Slocumb Realty LLC, a Massachusetts limited liability company having its usual place of business at 120 Quarry Drive, 2nd Floor, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

SLOCUMB LANE be accepted as a public way, and its appurtenant headwall maintenance easement be accepted as a municipal easement, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE & PLANNING BOARD**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Zoning Ordinance Amendments – City Code §650-32 Medical Marijuana Treatment Center; Adult Use Marijuana Retail; Marijuana Accessories Retail; and Medical and/or Adult Use Marijuana Cultivator, Independent Testing Laboratory, Product Manufacturer or Transporter, in proper legal form, **MOVED TO ITEM 29** and **FILE**; adopted.

Councilor Juairé recused.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, Acceptance of Grant of Public Walking Trail Easement concerning Fairfield (fka Talia), in proper legal form, **MOVED TO REPORTS OF COMMITTEE** and **FILE**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable recommendation of proposed Ordinance Zoning Amendments, §650-32, Marijuana Ordinances, **FILE**; adopted.

Councilor Juairé recused.

ORDERED: That the Communication from the Planning Board re: Negative recommendation of proposed Ordinance Zoning Amendment, §650-36, Commercial Village Housing Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i), **FILE**; adopted.

ORDERED: That the Communication from Colie O'Donnell re: Support of Proposed Farm Road Retirement Community Overlay District, **FILE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

1. In Section 650-5.B, insert the following new definition:

ANCILLARY RESIDENTIAL COMMUNITY

A single multifamily building containing up to thirty (30) dwelling units in a Retirement Community Overlay District that is incorporated as part of a retirement community or located on a lot adjacent to a retirement community.

2. Add to the Table of Use Regulations, Section 650-17, a category for “Ancillary Residential Community” under “Residential Uses”, as follows:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Ancillary Residential Community (§ 650-22)	N	N	N	N	N	N	N	N	N	SP	SP	N

3. Add to Section 650-22 the following new Subsection C(14) as follows:

(14) Ancillary Residential Community: An Ancillary Residential Community shall be subject to the following requirements:

- (a) An Ancillary Residential Community shall be permitted: (i) as part of a retirement community and authorized in conjunction with the granting of a special permit for the retirement community or an amended special permit for the retirement community; or (ii) as a principal use through a separate special permit for a lot adjacent to a retirement community, provided that the organization governing the adjacent retirement community provides written consent to the filing of such special permit application.
- (b) The Ancillary Residential Community's principal building shall face upon an existing street, or the street-facing side of the building shall be designed in a manner satisfactory to the City Council.
- (c) The Ancillary Residential Community's principal building shall have a maximum height of 2 1/2 stories.
- (d) The Ancillary Residential Community's principal building shall have a minimum front yard of 10 feet. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.
- (e) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room in a dwelling unit shall contain less than 120 square feet.
- (f) No part of any building in any Ancillary Residential Community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in the retirement community.
- (g) All site landscaping shall be designed so as to provide a clear sense of separation between the Ancillary Residential Community and the retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

- (h) The City Council may, as a condition of any special permit for an Ancillary Residential Community, require that the land area on which the Ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the Ancillary Residential Community will not be subdivided or its ownership further condominiumized, that the Ancillary Residential Community will remain as rental housing, and that ownership of the Ancillary Residential Community will remain consolidated.
- (i) The total number of units in an Ancillary Residential Community shall not exceed 30% of the combined total of retirement community and Ancillary Residential Community units.

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

ORDERED: That there being no objection thereto set **MONDAY JUNE 4, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, School Committee, April 24, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, March 28, 2018 (Amended) & April 18, 2018, **FILE**; adopted.

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

- a. Rosa Nguyen, 7 Uncatena Avenue, pothole or other road defect.
- b. Paul Valianti, 126 Edinboro Street, pothole or other road defect.
- c. Moteza Asgarzadeh, 8 Grant Street, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Wednesday May 8, 2018
In Council Chambers**

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

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy, Delano, Doucette, Juaire, Tunnera, and Landers.

The meeting convened at 6:00 PM.

1. **Order No. 18-1007261 - Mayor Fiscal Year 2019 Operating Budget for \$162,833,467.00.** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of the Fiscal Year 2019 (FYI 9) operating budget for \$162,833,467.00.

Attachment 1 contains the projected tax implications based on the Mayor's FYI 9 budget. The Mayor's FY19 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$151.75 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2018.

Attachment 2 contains the projections for the state and local revenues for FYI9 that were used in developing the tax implications.

For the FYI9 budget, the City Council approved order 18-1007236 (April 23, 2018) for the abbreviated budget format that approves a salary amount and expenditure amount for each departments budget.

Councilor Oram Abstained from participation in the Parks and Recreation Department budget discussions.

The Finance Committee voted 5 -0 to approved a FY19 budget of \$162,833,467.00. This represents a 3.99% increase from the FY18 budget or an increase of \$6,251,945.00.

The Finance Committee adjourned at 9:26 PM.

Reports of Committee Cont'd:

**Marlboro City Council Finance Committee
Monday May 14, 2018
In Council Chambers**

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

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy, Delano, and Juaire.

The meeting convened at 7:00 PM.

1. Order No. 18-1007262 – FY18 Capital Project Requests - Bond for \$5,450,000.00 and Undesignated Fund Transfers for \$3,957,138.00: The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of three bonds totaling \$5,450,000.00 for Capital Projects and a transfer of \$3,957,138.00 from the Undesignated Fund Account to purchase Department Equipment. The Finance Committee took the following actions:

- **Order No. 18-1007262-1: Street Construction.** The Finance Committee voted 5 - 0 to approve the \$3,500,000.00 bond for street construction.
- **Order No. 18-1007262-2: Sewer Construction.** The Finance Committee voted 5 - 0 to approve the \$1,800,000.00 bond for sewer construction. The Comptroller will provide a revised bond order to correct the written dollar amount.
- **Order No. 18-1007262-3: Water Main Construction.** The Finance Committee voted 4 – 1 (Councilor Oram opposed) to approve the \$150,000.00 bond for water main construction.
- **Order No. 18-1007262-4: Transfer \$3,957,138.00 from Undesignated Funds to Purchase Capital Equipment for the Department of Public Works (DPW), Public Facilities, Fire Department, Police Department, City Clerk and Council on Aging:**

The Finance Committee took the following actions:

- The Finance Committee voted 5 - 0 to approve the \$2,491,508.00 for DPW and Public Facilities Equipment.
- The Finance Committee voted 5 - 0 to approve the \$1,239,000.00 for Fire Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$206,500.00 for Police Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$5,130.00 for City Clerk Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$15,000.00 for Council on Aging Department Equipment.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to advertise the three bonds.

Reports of Committee Cont'd:

- 2. Order #18-1007263 – Transfer \$355,519.00 from PEG (Public, Educational and Government) Fees to Marlboro Cable Trust Fund:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting a transfer of \$355,519.00 from the PEG Fund Account to the Marlboro Cable Trust Fund Account to fund the remainder of the FY19 budget for WMCT in Marlboro.

The Finance Committee voted 5 - 0 to approve the transfer.

Note that Councilor Ossing discussed the disclosure that was filed with the City Clerk's office per MGL c. 268A section 23(b)(3) on May 4, 2018.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to approve the transfer.

- 3. Order #18-1007266 – Grant for \$300,000.00 for Ghiloni Park Improvements:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of a resolution to accept a \$300,000.00 Grant from the Land and Water Conservation Fund for improvements at Ghiloni Park. The Finance Committee noted and the Mayor acknowledged that the project will not move forward until the Mayor submits the final design and requested funding to the City Council for approval.

The Finance Committee voted 5 - 0 to approve the resolution accepting the Grant.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to approve the resolution accepting the Grant for \$300,000.00.

The Finance Committee adjourned at 8:50 PM.

Councilor Robey reported the following out of Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee
Tuesday, May 15, 2018, 5:30 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey and Councilor Delano. Also present were Councilors Clancy, Juare, Ossing and Assistant City Solicitor Cynthia Panagore Griffin.

Order No. 18-1007223: Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Proposed Order to Accept Grant of Public Walking Trail Easement from Fairfield Marlborough Limited Partnership.

Reports of Committee Cont'd:

The letter from Assistant City Solicitor Panagore Griffin included a proposed order to accept the public walking trail easement from Fairfield Marlborough Limited Partnership. The easement is granted per the Comprehensive Permit issued by the ZBA to the Gutierrez Company, the landowner prior to Fairfield. The easement will be accepted as a municipal easement for passive recreational pedestrian use from dawn to dusk. The trail begins at crosswalk over Ames Street at driveway entrance of Talia continuing thru the Talia apartment complex and connecting to trail to north on land now known as Apex Center. Directional signage and rules and regulations concerning usage may be posted by either party at their expense.

It was moved and seconded to accept the Grant of Public Walking Trail Easement from Fairfield Marlborough Limited Partnership. The motion carried 2-0.

The committee agreed to ask for a suspension of the rules to vote on this at the May 21st Council meeting to help Fairfield meet a deadline.

The Legislative & Legal Affairs Committee adjourned at 5:40 PM.

Councilor Delano reported the following out of Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: May 15, 2018

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

Convened: 5:45 PM – Adjourned: 7:09 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Doucette, and Tunnera; and Councilors Clancy, Oram, Ossing, and Robey

Absent: Urban Affairs Committee Member Councilor Landers

Order No. 18-1007137 (X17-1006983A): Communication from Attorney Falk on behalf of David Skarin, regarding Proposed Zoning Amendment, Rail Trail Overlay District, 19 Ash Street.

The Urban Affairs Committee met with Attorney Arthur Bergeron and his client David Skarin on their request for a proposed zoning amendment to create a Rail Trail Overlay District. Chairman Delano read from a Planning Board letter, dated April 24, 2018, in which they made a favorable recommendation to the City Council for the proposed zoning amendment with the following additional recommendations:

- Retail and restaurant use be allowed only along Lincoln Street.
- The property at 19 Ash Street be restricted to residential use only.
- The “Fossile Property” should be included in the Assabet River Rail Trail Overlay District.

Reports of Committee Cont'd:

Mr. Bergeron and his client had no objections to the first two recommendations of the Planning Board however the third recommendation would require they restart the process for a proposed zoning amendment. Chairman Delano explained the Fossile Property will be part of a rezoning request by the Mayor in the next several months and the Urban Affairs Committee agreed that it should not be included in this zoning proposal for that reason.

The following changes were agreed upon to the Proposed Zoning Amendment for the Rail Trail Overlay District:

- C. Eligible Uses, Dimensional Controls:
 - (1) a. and b. – Language shall be added to these two sections that these uses shall apply only to parcels with frontage on Lincoln Street.
 - It shall be stated that the property at 19 Ash Street be restricted to Residential Use Only.

Mr. Bergeron would make the requested changes to the proposed zoning amendment for **§650-37 – Rail Trail Overlay District** in collaboration with the City Solicitor.

The Urban Affairs Committee agreed to request a Suspension of the Rules at the May 21, 2018 City Council Meeting.

Motion made by Councilor Juairé, seconded by the Chair, to approve the proposed Rail Trail Overlay District as amended. The motion carried 4-0.

Motion made and seconded to adjourn. The motion carried 4-0. The meeting adjourned at 7:09 PM.

Suspension of the Rules requested – granted.

ORDERED: That the FY19 Budget in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018, **APPROVED**; adopted.

Attachment 1 contains the projected tax implications based on the Mayor's FYI 9 budget. The Mayor's FY19 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$151.75 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2018.

Attachment 2 contains the projections for the state and local revenues for FYI9 that were used in developing the tax implications.

For the FYI9 budget, the City Council approved order 18-1007236 (April 23, 2018) for the abbreviated budget format that approves a salary amount and expenditure amount for each departments budget.

Councilor Oram Abstained from participation in the Parks and Recreation Department budget discussions.

Suspension of the Rules requested – granted.

ORDERED: That the WMCT transfer request in the amount of \$355,519.00 which moves funds from PEG Fees to Marlborough Cable Trust to fund the remainder of WMCT'S FY19 Budget, **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	
\$362,461.56	\$355,519.00	27000099	47750	PEG fees	\$355,519.00	89000	25581	Marlboro Cable Trust			\$0.00	
	Reason:	To fund WMCT for FY19 operations										
	\$355,519.00	Total			\$355,519.00	Total						

Councilor Ossing filed a disclosure statement in conjunction with this order per MGL c. 268a section 23(b)(3) on May 4, 2018.

Suspension of the Rules requested – granted.

ORDERED:

A RESOLUTION

TO APPLY FOR AND ACCEPT GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE GHILONI PARK RENOVATION PROJECT

WHEREAS, Ghiloni Park is a much-used recreational facility in the city and is in need of upgrades to continue to better serve the residence of Marlborough and

WHEREAS, 66 acres of the Ghiloni Park is dedicated to recreation purposes under M.G.L. c. 45, § 14 and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Ghiloni park includes a softball field, several soccer fields, basketball courts, a beach volleyball court, playgrounds, a skate park, a jogging track, a fitness station, walking paths, and a nature trail; and

WHEREAS, the main focus of the Master Plan is to renovate the park and in the first phase of renovation add and improve parking and improve the walking trail to make it more accessible; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund grant program; and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,146,915 (One million one hundred forty-six thousand, nine hundred fifteen dollars), and the City Council has voted on April 6, 2015 to authorize the bond funding in the amount of up to \$ 3,095,000 (three million ninety-five thousand) for municipal outdoor recreational facilities.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to accept a LWCF grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the LWCF grant to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

APPROVED; adopted.

Suspension of the Rules requested – granted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the perpetual walking trail easement shown on a plan entitled "Public Access Route Talia", dated November 28, 2017, be accepted as a municipal easement for passive recreational pedestrian use, as hereinafter described:

DESCRIPTION

The perpetual walking trail easement of up to six (6) feet in width in the location approximately shown as "Pedestrian Route" on the plan entitled "Public Access Route Talia", dated November 28, 2017 and attached here as Exhibit A to the deed of easement entitled "Public Walking Trail Easement", dated January 10, 2018, by and through which deed of easement said perpetual walking trail easement is granted by Fairfield Marlborough Limited Partnership to the City of Marlborough, said deed of easement and Exhibit A thereto to be recorded with the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The perpetual walking trail easement of up to six (6) feet in width in the location approximately shown as "Pedestrian Route" on the plan entitled "Public Access Route Talia", dated November 28, 2017 and attached as Exhibit "A" to the deed of easement entitled "Public Walking Trail Easement", dated January 10, 2018, from Fairfield Marlborough Limited Partnership to the City of Marlborough, said deed of easement and Exhibit A thereto to be recorded with the Middlesex County South Registry of Deeds, be accepted as a municipal easement for passive recreational pedestrian use in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the MCDA transfer request in the amount of \$400,000.00 which moves funds from Open Space Stabilization to the Marlborough Community Development Authority to convey 19 properties to the City of Marlborough, including a large parcel on Winter Street abutting Stevens Park, **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
\$1,035,628.06	\$400,000.00	83600	32918	Open Space Stabilization	\$400,000.00	24518102	50114	MCDA		\$0.00
	Reason:							Real estate transfer with Community Development Authority		
	\$400,000.00	Total			\$400,000.00	Total				

Councilor Delano opposed.

ORDERED: That the transfer request for Marlborough Economic Development Corporation (MEDC) Land Acquisition in the amount of \$1,075,000.00 which moves funds from Undesignated to MEDC to satisfy a Purchase and Sales Agreement, **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	\$1,075,000.00	10000	35900	Undesignated Fund	\$1,075,000.00	11740006	53950	MEDC Funding		\$0.00
	Reason:							Land acquisition per Fossile purchase & sale		
								agreement		
	\$1,075,000.00	Total			\$1,075,000.00	Total				

ORDERED: That the Communication from the Mayor re: City of Marlborough Management Letter for FY2017, **FILE**; adopted.

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, **TABLED UNTIL NEXT MEETING AND REQUEST THE MAYOR TO CLARIFY IF THE TAX PERTAINS TO EXCISE OR SALES**; adopted.

Councilor Juairé recused.

ORDERED: That pursuant to § 14 of Chapter 40 of the General Laws of Massachusetts, the City, acting by and through the City Council of the City of Marlborough, does hereby accept title, by deed or deeds of conveyance, from the Marlborough Community Development Authority to the fee simple interest in certain parcels of below-described land, said deed or deeds to be recorded herewith at the Middlesex County South Registry of Deeds:

That certain parcel containing about 91,476 square feet, or 2.1 acres, more or less, located on Winter Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 68, Parcel 52, and recorded at the South Middlesex County Registry of Deeds at Book 18454, Page 26;

That certain parcel containing about 35,076 square feet, or 0.81 acres, more or less, located on Newton Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 452, and recorded at the South Middlesex County Registry of Deeds at Book 12444, Page 415, but not including the buildings and structures thereon;

That certain parcel containing about 1,977.0 square feet, or 0.05 acres, more or less, also known as 0 Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 455, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 553;

That certain parcel containing about 2,014.0 square feet, or 0.046 acres, more or less, also known as 0 Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 461, and recorded at the South Middlesex County Registry of Deeds at Book 13427, Page 726;

That certain parcel containing about 640.0 square feet, or 0.15 acres, more or less, on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 477A, and recorded at the South Middlesex County Registry of Deeds at Book 12537,192;

That certain parcel containing about 23,522.4 square feet, or 0.54 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 25, and recorded at the South Middlesex County Registry of Deeds at Book 12506, Page 480;

That certain parcel containing about 2,801.0 square feet, or 0.06 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 29A, and recorded at the South Middlesex County Registry of Deeds at Book 12558, Page 546;

That certain parcel containing about 2,625.0 square feet, or 0.06 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 30, and recorded at the South Middlesex County Registry of Deeds at Book 12697, Page 152;

That certain parcel containing about 435.6 square feet, or 0.01 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 30A, and recorded at the South Middlesex County Registry of Deeds at Book 12450, Page 321;

That certain parcel containing about 12,557.0 square feet, or 0.29 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 31, and recorded at the South Middlesex County Registry of Deeds at Book 12450, Page 321;

That certain parcel containing about 443.0 square feet, or 0.01 acres, more or less, located off of Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 33A, and recorded at the South Middlesex County Registry of Deeds at Book 12965, Page 119;

That certain parcel containing about 1,543.0 square feet, or 0.035 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 34, and recorded at the South Middlesex County Registry of Deeds at Book 12532, Page 584;

That certain parcel containing about 252.0 square feet, or 0.006 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 77A, and recorded at the South Middlesex County Registry of Deeds at Book 12910, Page 555;

That certain parcel containing about 26,775.0 square feet, or 0.615 acres, more or less, being a portion of Florence Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 128, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 553, but not including the buildings and structures thereon;

That certain parcel containing about 35,709.2 square feet, or 0.82 acres, more or less, located on and across Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 131, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551, but not including the buildings and structures thereon;

That certain parcel containing about 2,808.0 square feet, or 0.06 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 131A, and recorded at the South Middlesex County Registry of Deeds at Book 12558, Page 553;

That certain parcel containing about 348.0 square feet, or 0.117 acres, more or less, located off Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 135A, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551;

That certain parcel containing about 7,835.0 square feet, or 0.18 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 141, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551; and

That certain parcel containing about 436.0 square feet, or 0.01 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 142, and recorded at the South Middlesex County Registry of Deeds at Book 923, Page 170.

Yea: 10-Nay: 1

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

Nay: Delano.

ORDERED: Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain parcels of land located in various places in Marlborough, Massachusetts, as more particularly described herein, be taken by eminent domain as general corporate property, confirming and making clear the title of the City of Marlborough to said parcels of land and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the permanent easement interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

For each of the below parcels of land, the fee simple interest is hereby taken, by eminent domain, from owner the Marlborough Community Development Authority (hereinafter, "Owner" or the "CDA"), **exclusive of the structures or buildings located thereon**. The ownership of said parcels and each of them are supposed to be as stated herein, but said fee simple interest and each of them are hereby taken whether the ownership is as stated herein or otherwise. The CDA has agreed to accept \$1.00 (one dollar) as adequate compensation and damages for this taking, having waived and released the City of Marlborough from all claims resulting from said taking, and having waived its right to appeal or contest said taking.

DESCRIPTION OF LAND TAKEN

(continued)

Assessors' Map & Parcel No.	Owner's Book/Page (Middlesex County South Registry of Deeds)	Address or Street Location	Area (S.F. ± /Acres±)
68-52	18454/26	Winter Street	91,476.0/2.1
69-452	12444/415	Newton Street	35,076.0/0.81
69-455	13494/553	0 Main Street	1,977.0/0.05
69-461	13427/726	0 Main Street	2,014.0/0.046
69-477A	12357/192	Main Street	640.0/0.15
70-25	12506/480	Main Street	23,522.4/0.54
70-29A	12558/546	Main Street	2,801.0/0.06
70-30	12697/152	Main Street	2,625.0/0.06
70-30A	12450/321	Main Street	435.6/0.01
70-31	12450/321	Main Street	12,557.0/0.29
70-33A	12965/119	off Main Street	443.0/0.01
70-34	12532/584	Main Street	1,543.0/0.035
70-77A	12910/555	Main Street	252.0/0.006
70-128	13494/553	a portion of Florence Street	26,775.0/0.615
70-131	13494/551	on and across Weed Street	35,709.2/0.82
70-131A	12558/553	a portion of Weed Street	2,608.0/0.06
70-135A	12558/553	off Weed Street	348.0/0.117
70-141	12558/553	a portion of Weed Street	7,835.0/0.18
70-142	923/170	a portion of Weed Street	436.0/0.01

AWARD OF DAMAGES

The City Council hereby makes the award for damages to the owner of record, the Marlborough Community Development Authority, in the amount of \$1.00.

Yea: 10-Nay: 1

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

Nay: Delano.

ORDERED:

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

1. Section 650-17, entitled “Table of Uses,” is hereby amended by inserting a new section for the use entitled “Adult use marijuana retail; marijuana accessories retail” as follows:

Adult use marijuana retail;	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
marijuana accessories retail (46)	N	N	N	N	N	N	SP	N	SP	N	N

2. Section 650-17, entitled “Table of Uses,” is hereby amended by inserting a new section for the uses entitled “Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter” as follows:

Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter (47)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	N	N	SP	SP	N

3. Section 650-18, entitled “Conditions for Uses”, is hereby amended by adding to said section a new paragraph (46), as follows:

(46) Adult use marijuana retail; marijuana accessories retail:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
- (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council (the “Special Permit Granting Authority”).

4. Section 650-18, entitled “Conditions for Uses,” is hereby amended by adding to said section a new paragraph (47), as follows:
 - (47) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter:
 - (a) Shall only be located within those portions of the I and LI Districts located west of Interstate Highway Route 495;
 - (b) Shall be limited in number to one (1) of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;
 - (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council (the “Special Permit Granting Authority”);
 - (d) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and
 - (e) No outside storage or display of marijuana, related supplies, equipment, or educational materials is permitted.
5. The title of Section 650-32, “MEDICAL MARIJUANA TREATMENT CENTER”, is hereby stricken and inserted in place thereof shall be the following new title for Section 650-32:

“MEDICAL MARIJUANA TREATMENT CENTER; ADULT USE MARIJUANA RETAIL; MARIJUANA ACCESSORIES RETAIL; AND MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER ”.
6. Paragraph A. of Section 650-32 is hereby amending by inserting at the beginning thereof the following words:

“MEDICAL MARIJUANA TREATMENT CENTERS”
7. Section 650-32 is hereby amended by inserting after Paragraph A. therein the following new paragraphs A1. and A2.:

- A1. ADULT USE MARIJUANA RETAIL; MARIJUANA ACCESSORIES RETAIL. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 935 CMR 500.000, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of adult use marijuana retail business establishments and marijuana accessories business establishments within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
 - A2. MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 105 CMR 725.000, 935 CMR 500.000, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of cultivators, independent testing laboratories, product manufacturers, or transporters, for the purposes of medical marijuana or adult use marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
- 8. Paragraph B. of Section 650-32 is hereby amended by striking therefrom the first paragraph in its entirety, and by inserting in place thereof the following new paragraph:
 - B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Section 650-32 of the Code of the City of Marlborough entitled “Medical Marijuana Treatment Centers”, Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 105 CMR 725.000, M.G.L. c. 94G and 935 CMR 500.002, all as amended, and unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:
 - 9. Paragraph B. of Section 650-32 is hereby amended by inserting, in alphabetical order within the current definitions of said Paragraph B., the following new definitions:

ADULT USE MARIJUANA, including the words MARIJUANA and CANNABIS as those words pertain to adult use marijuana, means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 96G, § 1, as amended; provided that Adult Use Marijuana, Marijuana or Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

ADULT USE MARIJUANA RETAIL means an entity licensed and registered under 935 CMR 500.050, as amended, as a Marijuana Retailer to purchase from a craft marijuana cooperative, marijuana cultivator, independent testing laboratory, product manufacturer or transporter and to sell or otherwise transfer the marijuana to consumers and to Marijuana Establishments.

MARIJUANA ACCESSORIES means equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, injecting, inhaling or otherwise introducing marijuana or cannabis into the body.

MARIJUANA ACCESSORIES RETAIL means a retail business open to the public where an entity sells marijuana or cannabis accessories to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR means an entity licensed and registered under 105 CMR 725.100 and/or 935 CMR 500.000, as amended, to cultivate, process and package marijuana, to deliver to Medical Marijuana Treatment Centers and/or to other Marijuana Establishments, but not to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA INDEPENDENT TESTING LABORATORY means a laboratory that is licensed by the Cannabis Control Commission and is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission, (ii) independent financially from any Medical Marijuana Treatment Center or any licensee or Marijuana Establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with 105 CMR 725.031 and M.G.L. c. 94C, § 34 and/or 935 CMR 500.160 and M.G.L. c. 94G, § 34.

MEDICAL AND/OR ADULT USE MARIJUANA PRODUCT MANUFACTURER means an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and/or to Medical Marijuana Treatment Centers, but not to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA TRANSPORTER “marijuana transporter” means an entity, not otherwise licensed by the Cannabis Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments and/or to Medical Marijuana Treatment Centers, not for sale to consumers.

MARIJUANA ESTABLISHMENT means a licensed marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licenses marijuana-related business, except a Medical Marijuana Treatment Center.

10. Paragraph C. of Section 650-32 is hereby amended by striking from the first paragraph the words “Medical marijuana treatment center”, and by inserting in place thereof the following words:

“a Medical Marijuana Treatment Center, adult use marijuana retail business, marijuana accessories business, or medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter,”

11. Paragraph C.15.b. of Section 650-32, entitled “Medical Marijuana Treatment Centers”, is hereby amended by inserting at the end of said paragraph, after the words “pick-up/drop-off area”, the following words:

“for clients, customers and products;”

12. Section 650-32 is hereby amended by inserting, after Paragraph F., a new paragraph F.1. as follows:

F1. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:

- a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
- b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in this paragraph F.1. is measured in a straight line from the nearest point of the building in which the school or daycare center in question is located to the nearest point of the building within which the proposed adult use marijuana retail business, marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.

13. Paragraph G. of Section 650-32 is hereby amended by inserting at the end of said paragraph, after the words “Medical Marijuana Treatment Center”, the following words:

“(except for the administration of marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary), an adult use marijuana retail business, a marijuana accessories retail business, and to a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter.”

14. Section 650-32 is hereby amended by inserting therein a new paragraph H. as follows:

H. The number of Special Permits issued to adult use marijuana retail business establishments shall not exceed the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Licensing Board pursuant to M.G.L. c. 138, § 15.

15. Section 650-32 is hereby amended by inserting therein a new paragraph I. as follows:

I. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be an allowable home occupation use or an allowable accessory use.

16. Section 650-32 is hereby amended by inserting therein a new paragraph J. as follows:

J. Social consumption establishments and mixed-use establishments for the consumption of adult use marijuana and/or of medical marijuana are prohibited.

17. Section 650-32 is hereby amended by inserting therein a new paragraph K. as follows:

K. Direct delivery to a consumer or client from a marijuana cultivator or product manufacturer is prohibited.

18. The effective date of these amendments shall be the date of their passage.

Councilor Juair recused.

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

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM.