



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JANUARY 9, 2017

Regular meeting of the City Council held on Monday, JANUARY 9, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:10 PM.

ORDERED:

ORGANIZATIONAL MEETING

Councilor Clancy called the meeting to order at 8:00 PM. The City Council President called for the Election of the City Council President Pro-Tem for the Year 2017. Councilor Delano nominated Councilor Elder as President Pro-Tem. Councilor Juairé seconded the motion for nomination of Councilor Elder as President Pro-Tem. President Clancy closed nominations for President Pro-Tem as there were no further nominations. Councilor Elder received eleven votes for President Pro-Tem. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

Councilor Elder called for the Election of the City Council President of the Marlborough City Council for the Year 2017. Councilor Ossing nominated Councilor Clancy as President. Councilor Landers seconded the motion for nomination of Councilor Clancy as President. President Pro-Tem Elder closed nominations for President as there were no further nominations. Councilor Clancy received eleven votes for President. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

Councilor Clancy called for the Election of the City Council Vice-President of the Marlborough City Council for the Year 2017. Councilor Juairé nominated Councilor Delano as Vice-President. Councilor Elder seconded the motion for nomination of Councilor Delano as Vice-President. President Clancy closed nominations for City Council Vice President as there were no further nominations. Councilor Delano received eleven votes for Vice-President. Yea – Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, Oram, & Robey.

President Clancy declared that the next meeting of the City Council will be Monday, January 23, 2017 and Committee assignments will remain the same unless otherwise noted. Motion made by Councilor Clancy and seconded by Councilor Ossing that the City Council accept the Rules from Year 2016 and carry over to Year 2017, **APPROVED**; adopted.

ORDERED: That the Minutes of the City Council meeting December 19, 2016, **FILE AS AMENDED**; adopted.

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:

A new Section 650-63, entitled “TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS,” is hereby added, as follows:

650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Cessation.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary cessation on the use of land or structures for housing projects by special permit. In no case shall the City accept an application for special permit for a housing project. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council. During the temporary cessation period, the City shall undertake a planning process to address the potential impacts of housing projects in the City, and shall consider amending its Zoning Ordinance to address the impact of said housing projects.

President Clancy asked the City Council to stand in favor of the referral and advertisement as indicated below. Motion moved 8-3.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 6, 2017.**

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Formula Grant in the amount of \$67,030.00 awarded to the Council on Aging to provide classes, transportation, administrative support as well as additional enrichment opportunities for our seniors; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Marlborough EMPG 2017 Grant in the amount of \$9,460.00 awarded to Emergency Management to purchase two video recording cameras for two police cruisers; adopted.

ORDERED: THAT PURSUANT to § 15A of chapter 40 of the General Laws of Massachusetts, the City Council of the City of Marlborough hereby transfers the below-described portions of land of the City of Marlborough, being less than the entire land or parcels of land described therein and being no longer required for the purposes for which said portions of land were acquired, from general municipal purposes (Map 104, Parcel 46), the purpose of relocating South Street (Map 93, Parcel 54), the purpose of widening Maple Street at or near South Street (Map 93, Parcel 56), the purpose of the erecting a new fire station (Map 82, Parcels 138 and 135A), and the purposes of laying out a new City Highway location (Map 93, Parcel 49), to the purposes of a grant of easements,

AND WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the hereinafter described easements, as shown on a set of plans thereof, be accepted as municipal easements:

DESCRIPTION

1. In, on, under, through and across a portion of the land located at 506 Maple Street, Marlborough, MA, which land is also known and numbered as Map 104, Parcel 46 on the Assessors' Map of the City of Marlborough, being a 108 ± S.F. permanent easement for a guy pole, grading, and driveway tie-in purposes identified as PUE-28 on sheets 10 and 15 of a set of plans; and a 759 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-72 on sheet 15 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
2. In, on, under, through and across a portion of the land located at the corner of South Street and Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 54 on the Assessors' Map of the City of Marlborough, being a 282 ± S.F. permanent easement for a sidewalk and signal equipment purposes identified as E-36 on sheet 18 of a set of plans; and a 737 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-75 on sheets 11 and 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;

3. In, on, under, through and across a portion of the land located at 361 Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 56 on the Assessors' Map of the City of Marlborough, being a 666 ± S.F. permanent easement for sidewalk purposes identified as E-37 on sheets 11 and 18 of a set of plans; and a 1,725 ± S.F. temporary easement for grading purposes identified as TE-76 on sheet 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
4. In, on, under, through and across a portion of the land located at 215 Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 138 on the Assessors' Map of the City of Marlborough, being a 434 ± S.F. permanent easement for signal cabinet and conduit purposes identified as E-38 on sheets 11, 12, 21, and 22 of a set of plans; a 1,353 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-78 on sheets 21 and 22 of a set of plans; and a 361 ± S.F. temporary easement for grading purposes identified as TE-81 on sheets 21 and 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
5. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 135A on the Assessors' Map of the City of Marlborough, being a 755 ± S.F. temporary easement for grading purposes identified as TE-38 on sheet 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;
6. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 49 on the Assessors' Map of the City of Marlborough, being a 1,337 ± S.F. permanent easement for a signal cabinet and conduit purposes identified as E-10 on sheets 10,11, 16, and 17 of a set of plans; and a 1,539 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-17 on sheets 16 and 17 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016;

Said set of plans relating to the proposed Route 85 (Maple Street) Reconstruction Project and being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 8/23/2016, as further revised, to be recorded at the Middlesex County South Registry of Deeds.

Title to the above described easements as shown on said set of plans has been granted to the City of Marlborough in a Grant of Easements from the City of Marlborough, said Grant of Easements to be recorded in the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The easements described herein be accepted as municipal easements in the City of Marlborough.

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

(Grant of Easement is available in the City Clerk's Office for viewing.)

ORDERED: That the following Order of Taking by Eminent Domain-Rt-85/Maple St. Reconstruction Project (The 37-page City Council Order and correlating maps are available in the Clerk's Office), refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Mayor Vigeant filed a disclosure of Invocation of Rule of Necessity. Disclosure is available in the City Clerk's office for viewing.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-East Main St. Reconstruction, Order No. 16-1006732, **MOVED TO ITEM 21**; adopted.

ORDERED: That the Communication from the Planning Board regarding their approval of Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance. Order No. 16-1006702B, **MOVED TO ITEM 20**; adopted.

ORDERED: That the Communication from Attorney Eriksen re: Revised color renderings for proposed Friendly's restaurant, Order No. 16/17-1006632D, **APPROVE RENDERINGS AS AMENDED**; adopted.

Councilor Tunnera opposed.

ORDERED: That the Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln St. until on or before March, 14, 2017, Order No. 16-10066735A, **APPROVED**; adopted.

ORDERED: That the Minutes, Assabet Valley Technical High School, November 15, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, October 20 & November 17, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, October 25, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, December 6, 2016, **FILE**; adopted.

- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Patricia Hafer, 108 Andrews Rd., other property damage.
 - b. Kevin Paquin, 167 Farrington Lane, other property damage.
 - c. Meaghan Deraad, 264 W. Hill Rd., other property damage.
 - d. Paul Bates, 100 Goodale St., other property damage.

Reports of Committees:

There were NO Reports of Committees.

ORDERED: At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries for the Assistant City Solicitor, Recreation Director, Executive Director of the Council on Aging and DPW Assistant, changing the title of the Senior Clerk (non-union) to Administrative Assistant, changing the Position of the Financial Assistant (non-union) to DPW Financial Assistant and all positions on the Step 7 Schedule shall work a 40-hour week. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE.**

TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

ORDERED: At a regular meeting of the Marlborough City Council on JANUARY 9, 2017, the following proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Order revising salaries in its entirety. **ITEM WAS ADVERTISED ON JANUARY 5, 2017 PER NARRATIVE ABOVE.**

TABLED UNTIL THE JANUARY 23, 2017 CITY COUNCIL MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN MET FOR THE JANUARY 9, 2017 MEETING, FOLLOWING THE ADVERTISEMENT DATE OF JANUARY 5, 2017; adopted.

ORDERED: That the City of Marlborough accepts Section 53F ¾ of Chapter 44 of the Massachusetts General Laws, as amended, as follows:

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

And further, that said PEG Access and Cable Related Fund shall begin operation in the fiscal year which begins on July 1, 2017.

Councilor Ossing filed a disclosure statement.

APPROVED; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that Order No. 92-4412, adopted on February 24, 1992, which established the Watershed Protection and Acquisition Fund, is hereby repealed, **APPROVED;** adopted.

ORDERED: That the Communication from the Planning Board regarding their approval of Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance. Order No. 16-1006702B, **FILE;** adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FROM THE MARLBOROUGH ZONING BOARD OF APPEALS A SUBMISSION PROPOSING CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended in subsection C, entitled “Procedure,” by deleting sub-subsection (3) in its entirety and inserting in place thereof the following:-- An appeal from a decision of the Building Commissioner and a petition for a variance shall be filed with the City Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the appeal or petition from the City Clerk and shall render a decision within 100 days from the date of filing.
2. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended in subsection C, entitled “Procedure,” by deleting the preamble in sub-subsection (4) in its entirety and inserting in place thereof the following:-- If the Board of Appeals shall fail to act within 100 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements: .

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

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Order of Taking by Eminent Domain-East Main St. Reconstruction, Order No. 16-1006732, **FILE**; adopted.

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 portions of land located on East Main Street and located on land at the intersection of East Main Street and Brown Street, and at the intersection of East Main Street and Sawin Street (hereinafter, collectively, "East Main Street"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to East Main Street, 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 easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. Street address: East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and driveway reconstruction:
Being an approximately 232 S.F portion of the property located on East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 323 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-28 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: B.B. Realty Corp.
262 Main Street
P.O. Box 5
Marlborough, MA 01752

2. Street Address: 48 East Main Street, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, pedestrian walk reconstruction: Being a 703 S.F. portion of the property located at 48 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 322 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-29 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: U.S. Bank National Association, Trustee
425 Walnut Street
Cincinnati, OH 45202

3. Street Address: 56 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and driveway reconstruction: Being a 643 S.F. portion of the property located at 56 East Main Street, Marlborough, MA, known and numbered as Map 70, Parcel 324 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-27 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

4. Street Address: 60 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading and sidewalk reconstruction: Being a 1,210 S.F. portion of the property located at 60 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 125 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-26 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: William W. George, Trustee, Carlisle Realty Trust
P.O. Box 436
Marlborough, MA 01752

5. Street Address: 59 East Main Street, Marlborough, MA 01752

Permanent easement for aerial utility purposes: Being a 568 S.F. portion of the property located at 59 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 133 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-6 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Michael Triaforos, Trustee
59 East Main Street Realty Trust
49 East Main Street
Marlborough, MA 01752

6. Street Address: 79 East Main Street, Marlborough, MA 01752

Permanent easement for aerial utility purposes: Being a 335 S.F., more or less, portion of the property located at 79 East Main Street, known and numbered as Map 57, Parcel 182 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-4 on Sheet 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Todd Uminsky, Trustee
79 East Main Street Realty Trust
Marlborough, MA 01752

7. **Street Address: 83-A East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 209 S.F., more or less, portion of the property located at 83-A East Main Street, known and numbered as Map 57, Parcel 184 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-3 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Glayton DaCruz, Trustee
DaCruz Realty Trust
Marlborough, MA 01752

8. **Street Address: 87 East Main Street, Marlborough, MA 01752**

Permanent easement for aerial utility purposes: Being a 411 S.F., more or less, portion of the property located at 87 East Main Street, known and numbered as Map 57, Parcel 185 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-2 on Sheets 3 and 4 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Fred R. Angier, Jr.
87 East Main Street
Marlborough, MA 01752

9. **Street Address: 95 East Main Street, Marlborough, MA 01752**

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 593 S.F. portion of the property located at 95 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 186 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-5 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: David P. DeCenzo
95 Oakbridge Drive
Pueblo, CO 81001

10. Street Address: 99 East Main Street, Marlborough, MA 01752

Temporary easement for purposes of grading, driveway reconstruction, and restoration and reconstruction of stonewall: Being a 314 S.F. portion of the property located at 99 East Main Street, Marlborough, MA, known and numbered as Map 57, Parcel 187 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-2 on Sheet 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNER: Jeanne Bengiovanni
99 East Main Street
Marlborough, MA 01752

11. Street Address: 114 East Main Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 298 S.F., more or less, portion of the property located at 114 East Main Street, known and numbered as Map 57, Parcel 194 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-1 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: Cumberland Farms, Inc.
777 Dedham Street
Canton, MA 02021

12. Street Address: 19 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 148 S.F. portion of the property located at 19 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 318 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-20 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: Thomas J. Parks & Cheryl Greska
19 Brown Street
Marlborough, MA 01752

13. Street Address: 21 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, installment of fence, removal of trees: Being a 795 S.F. portion of the property located at 21 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 319 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-18 on Sheet 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: David E. Grant & Tina L. Grant
21 Brown Street
Marlborough, MA 01752

14. Street Address: 38 Brown Street, Marlborough, MA 01752

Temporary easement for purposes of grading, construction of retaining wall, reconstruction of pedestrian walk: Being a 335 S.F. portion of the property located at 38 Brown Street, Marlborough, MA, known and numbered as Map 70, Parcel 321 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-35 on Sheets 4 and 5 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the second anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to East Main Street.

OWNERS: James C. Thomas & Lauren B. Thomas
31 Ash Street
Hopkinton, MA 01748

15. Street Address: 15 Sawin Street, Marlborough, MA 01752

Permanent easement for purposes of new utility pole installation and aerial utility: Being a 67 S.F., more or less, portion of the property located at 15 Sawin Street, known and numbered as Map 70, Parcel 373 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-5 on Sheets 3 of 6 of a set of plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County."

OWNER: 15 Sawin Street LLC
15 Sawin Street
Marlborough, MA 01752

Said plans, dated July 28, 2016, entitled "Right-Of-Way Plans, East Main Street, in the City of Marlborough, Middlesex County" to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
B.B. Realty Corp. 262 Main Street P.O. Box 5 Marlborough, MA	70/323	232 S.F.	\$40.00
U.S. Bank National Association, Trustee 425 Walnut Street Cincinnati, OH 45202	70/322	703. S.F.	\$366.00
William W. George, Trustee, 70/324 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		643 S.F.	\$390.00
William W. George, Trustee, 57/125 Carlisle Realty Trust P.O. Box 436 Marlborough, MA 01752		1,210 S.F.	\$2,130.00
Michael Triaforos, Trustee 57/133 59 East Main Street Realty Trust 49 East Main Street Marlborough, MA 01752		568 S.F.	\$630.00
Todd Uminsky, Trustee 57/182 79 East Main Street Realty Trust Marlborough, MA 01752		335 S.F.	\$630.00

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (OF TAKING OF EASEMENT)</u>	<u>AWARD</u>
Glayton DaCruz, Trustee DaCruz Realty Trust 26 Hilldale Road Ashland, MA 01721	57/184	209 S.F.	\$627.00
Fred R. Angier, Jr. 87 East Main Street Marlborough, MA 01752	57/185	411 S.F.	\$567.00
David P. DeCenzo 95 Oakbridge Drive Pueblo, CO 81001	57/186	593 S.F.	\$335.00
Jeanne Bengiovanni 99 East Main Street Marlborough, MA 01752	57/187	314 S.F.	\$545.00
Cumberland Farms, Inc. 777 Dedham Street Canton, MA 02021	57/194	298 S.F.	\$1,043.00
Thomas J. Parks & Cheryl Greska 19 Brown Street Marlborough, MA 01752	70/318	148 S.F.	\$161.00
David E. Grant & Tina L. Grant 21 Brown Street Marlborough, MA 01752	70/319	795 S.F.	\$863.00
James C. Thomas & Lauren B. Thomas 31 Ash Street Hopkinton, MA 01748	70/321	335 S.F.	\$335.00
15 Sawin Street LLC 15 Sawin Street Marlborough, MA 01752 (Land Court Book 1362, Page 007, Certificate No. 243066)	70/373	67 S.F.	\$117.00

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointments of the following individuals to the Council on Aging with staggered terms; Leslie Biggar to three-year term expiring in May 2019, Rose Marie Elwood, Jeanne McGeough and Pat Gallier to two-year terms expiring May 2018, **APPROVED**; adopted.

ORDERED: That the Cultural Council Appointments as follows: Stephan D'Alessandro and Jessica Bowen to the Cultural Council for a term of three years and Reappointment of Melissa Vera for a term of three years which expired in August 2016, **APPROVED**; adopted.

ORDERED: That the Reappointment of Auditor, Diane Smith, for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Chief Procurement Officer, Beverly Sleeper, for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Lisa Thomas as City Clerk for a term of three years to expire on February 28, 2020, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 PM.