



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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**DECEMBER 18, 2017**

Regular meeting of the City Council held on Monday, December 18, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:54 PM.

President Clancy introduced and the Council welcomed the new Building Commissioner Jeffrey Cooke.

ORDERED: That the Minutes of the City Council meeting DECEMBER, 4, 2017, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, Halfway Café, 820 Boston Post Road East, for proposed new 90" x 96" x 15" double sided U.L. listed LED internally illuminated sign w/ 31" x 66" electronic message board, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

**MOTION made by Councilor Delano and seconded to carry over to the 2018-2019 Legislative Session-CARRIES**

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, Mobil, 656 Boston Post Road East, in which the four manual price panels will be removed and replaced with two LED price panels for regular and diesel prices, all were heard who wish to be heard, hearing closed at 8:10 PM.

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

**MOTION made by Councilor Delano and seconded to carry over to the 2018-2019 Legislative Session-CARRIES**

ORDERED: That by Order No. 16-1006760B the City Council of the City of Marlborough appropriated funds and approved the use of said funds to bind an offer by the City on a purchase and sales agreement for 28 Witherbee Street, and that by Order No.17-1006978-2 the City Council authorized the Mayor to negotiate and enter into said purchase and sales agreement, the performance of which is contingent upon a favorable vote of the City Council authorizing the City to acquire the parcel for the amount stated in said agreement and an appropriation of sufficient funds for said purchase, the Mayor, having thereby negotiated a purchase and sales agreement bound by an offer to purchase, the City Council hereby authorizes the City to acquire the parcel in the total amount of \$483,916.67 as provided in said purchase and sales agreement, and further makes an appropriation of the balance due on said purchase by approving the transfer request attached hereto in the amount of \$459,720.84, refer to **FINANCE COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE YEAR**; adopted.

ORDERED: That Library Project Land Acquisition transfer request in the amount of \$459,720.84 which moves funds from Undesignated to Land Acquisition to support the library renovation project and authorize negotiations to purchase 28 Witherbee Street, refer to **FINANCE COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE YEAR**; 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
\$9,029,104.00	\$459,720.84	10000	35900	Undesignated Fund	\$459,720.84	19300006	58120	Land Acquisition		\$0.00
	Reason:	Purchase and sale of 28 Witherbee Street								
	\$459,720.84	Total			\$459,720.84	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant acceptance from US Food & Drug Administration through the Association of Food & Drug Officials in the amount of \$3,000.00 to provide community outreach to local retail and food service establishments & implement quarterly trainings; 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 the fee simple interest in certain parcels of land located at 28 Witherbee Street and at 29 Witherbee Street, 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 fee simple interests in the land for the purposes 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 fee simple interest in the following described land, including all structures, trees and other vegetation thereon, together with any and all appurtenant easements and interests.

### **DESCRIPTION OF LAND TAKEN**

**1. Street address: 28 Witherbee Street, Marlborough, MA 01752**

Fee simple interest: Being approximately 16,117.2 square feet, more or less, of land at 28 Witherbee Street, Marlborough, MA, known and numbered as Map 69, Parcel 235 on the Assessors' Map of the City of Marlborough. For further description, see below owners' deed recorded with Middlesex South Registry of Deeds in Book 25364, Page 378.

OWNERS: Katherine A. Ribeiro (fka Katherine R. Ribeiro) and Paulo S. Ribeiro

**2. Street Address: 29 Witherbee Street, Marlborough, MA 01752**

Fee simple interest: Being approximately 8,698.93 square feet, more or less, of land at 29 Witherbee Street, Marlborough, MA, known and numbered as Map 69, Parcel 245 on the Assessors' Map of the City of Marlborough. For further description, see below owners' deed recorded with Middlesex South Registry of Deeds in Book 47304, Page 279.

OWNERS: Roy E. Hansen and Eileen Maguire

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. Owners have agreed to accept \$1.00 (one dollar) as adequate compensation and damages for this taking, have waived and released the City of Marlborough from all claims resulting from said taking, and have waived their right to appeal or contest said taking.

### **TABLE OF AWARDS**

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

**OWNERS****MARLBOROUGH  
ASSESSORS'  
MAP/PARCEL****AWARD**

Katherine A. Ribeiro (fka Katherine R. Ribeiro) and Paulo S. Ribeiro	69/235	\$1.00
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Roy E. Hansen and Eileen Maguire	69/245	\$1.00
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Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE YEAR**; adopted.

ORDERED: It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in pending litigation concerning a land use request involving a property off Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Communication from the Planning Board re: their decision of the Proposed Zoning Amendment-Section 650-59.C (11) as it pertains to Powers & Procedures of Special Granting Authority, Order No. 17-1007030, refer to **URBAN AFFAIRS COMMITTEE AND CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

ORDERED: That the Applicant, Apex Sign Request, Half Axe Co., 21 Apex Drive, request for flat wall signage pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Communication from Public Employee Retirement Administration Commission (PERAC) re: FY19 Appropriation, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 13, & 27, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Building Committee, August 30, & October 12, 2017, **FILE**; adopted.

ORDERED: That the Minutes, License Board, October 25, 2017, **FILE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday December 11, 2017  
In Council Chambers**

## Reports of Committee Cont'd:

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

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilors Clancy, Juare and Landers.

The meeting convened at 7:00 PM.

1. **Order #17-1007095 – Transfer \$282,100.00 From Cable PEG Funds to IT Equipment:** The Finance Committee reviewed the Mayor's letter dated November 21, 2017 requesting the approval of a transfer of \$282,100.00 from the Cable PEG (Public, Education & Government) fund to the IT Equipment account for investments in the information technology infrastructure. **The Finance Committee voted 5 - 0 to approve the transfer.**
2. **Order #17-1007096 – Transfer \$40,000.00 from Undesignated Fund to Fire Station Study:** The Finance Committee reviewed the Mayor's letter dated November 21, 2017 requesting the approval of a transfer of \$40,000.00 from the Undesignated Fund to the Capital Outlay account for the Fire Station Study on the west side of the City. **The Finance Committee voted 5 - 0 to approve the transfer.**
3. **Order #17-1007110 – Transfer \$245,300.00 from Undesignated Fund for Library Project Land Acquisition -** The Finance Committee reviewed the Mayor's letter dated November 30, 2017 requesting the approval of a transfer of \$245,300.00 from the Undesignated Fund to purchase the property at 29 Witherbee Street as part of the land acquisition for the Library Renovation Project. **The Finance Committee voted 5 - 0 to approve the transfer.**

**The Finance Committee agreed to support suspending the rules at the December 18, 2017 City Council meeting to approve all three transfers.**

**The Finance Committee adjourned at 8:01 PM.**

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

**Suspension of the Rules requested - granted**

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

An act authorizing the city of Marlborough to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises.

## Reports of Committee Cont'd:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Marlborough may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the said licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority of the said city shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked, or no longer in use at the location of original issuance, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the said city and the said licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the said licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

SECTION 2. This act shall take effect upon its passage.

**IN LEGISLATIVE & LEGAL AFFAIRS COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION;** adopted.

Councilor Robey noted that Order No. 17-1006949C, as follows: That the Marlborough City Council review the merits of a Zoning Moratorium for recreational marijuana establishments in the City of Marlborough for a period of eighteen months to ensure that the City's current zoning ordinance offers appropriate zoning protections to neighborhoods in all sections of the City; and, moreover, until the Massachusetts Legislature completes its review of the ballot initiative that led to the legalization of marijuana in the Commonwealth, was not acted upon by the Legislative and Legal Committee within 90 days of the public hearing, therefore is now null and void.

**Suspension of the Rules requested by Councilor Robey as a representative on the School Building Committee, to orally report out the following as it pertains to the Richer Elementary School Project - granted**

The minutes of Oct. 12<sup>th</sup> of the School Building Committee are included in this agenda. I wanted to give you an update on what has happened since that meeting. To remind everyone, the committee had contracted with Lamoureux Pagano & Associates as an architectural firm to do the Schematic Design Phase of the project. When the project team went to present to MSBA, it was suggested that a model school could fit on the site and we were asked to look at using a model school instead of the site specific design with an estimated construction cost of \$55.8M and total project cost of \$67.5M. The Model School program seeks to adapt and re-use the design of successful, recently built schools and thus shorten and streamline the design process to reduce fees and give an opportunity for districts to see a school built from the model.

## Reports of Committee Cont'd:

On Oct. 12<sup>th</sup>, the committee approved a motion to have MSBA allow us to explore the model schools of 4 firms as well as hear from LPA on why their preferred design should remain. The committee met on Dec. 4<sup>th</sup> and interviewed the teams from Mount Vernon Group and Flansburgh Architects, the 2 firms who responded to our request. We also had a presentation from LPA. After that meeting, it was decided to visit the Athol Elementary School in Athol that was designed by the Mount Vernon Group based on their MSBA Model Elementary School built in New Bedford, the Lincoln Elementary School. Several members of the committee, including myself, went on a tour of the school.

The Committee met again on December 11<sup>th</sup> to make a decision on keeping LPA and moving forward or choosing to negotiate with one of the model school firms. Based on some assumptions on costs provided at the interview and a positive reaction on the tour, the Committee rated the Mount Vernon Group as the number one choice and voted to allow the mayor to negotiate a schematic design fee with them. As a committee, we hope that by using the Mount Vernon Group's model school design, we are able to achieve savings, but they could fall anywhere from \$0 to \$6 million. We will have a better project cost estimate in a couple of months.

With the streamlining from the model school program, we should run ahead of schedule for building the school, but again, we will have a better idea on the project schedule once Mount Vernon Group is on board. Last week, the city and MVG met to negotiate and are close to an agreement.

The committee did want the council to know they are taking serious the responsibility to bring forward a school that not only meets the educational needs of the city but also takes into consideration the cost to the taxpayers of the project.

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

**Suspension of the Rules requested – granted**

That the Housing Study Report compiled by RKG Associates, Inc., **IN URBAN AFFAIRS COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

**Suspension of the Rules requested - granted**

At a regular meeting of the Marlborough City Council held on Monday, NOVEMBER 27, 2017 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was ORDERED ADVERTISED as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY INSERTING A NEW CHAPTER 421 AS FOLLOWS:

35) Lodging Houses and Boardinghouses     \$100     Building Commissioner and his designee.....(Chapter 421)

Reports of Committee Cont'd:

AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY INSERTING A NEW CHAPTER 421, AS FOLLOWS:

**CHAPTER 421: Lodging Houses and Boarding Houses**

**§ 421-1 Authority and Scope**

The following ordinance concerning lodging houses and boardinghouses has been adopted by the City Council pursuant to the provisions of Massachusetts General Laws ("M.G.L.") Chapter 140, as amended. Any and all licenses issued by the Licensing Board shall be governed by, and subject to the Licensee's compliance with all applicable federal, state and local laws, regulations and by-laws, including but not limited to the M.G.L., regulations of the Licensing Board, the ordinances of the City of Marlborough, all applicable building, fire prevention, zoning, health and sanitary codes, and any conditions the Licensing Board imposes on specific licenses. Where there is conflict between these ordinances and a condition on the license, the condition shall govern unless it is inconsistent with the law.

**§ 421-2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Boarder, lodger, boardinghouse, lodging house, boarding unit, lodging unit** shall have the same definitions as provided in § 650-5 of the City Code; consistent therewith, where the words lodging house are used, they shall also mean boardinghouse.

**Licensee** shall mean that person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.

**§ 421-3 Application for a New or Renewed License**

Prior to a new or renewed license being issued, Licensees and first-time applicants for a lodging house license shall request advisory reports from the Police Department, Fire Department, Collector, Board of Health, and Building Department, which advisory reports Licensees or first-time applicants shall furnish to the Licensing Board. The Licensing Board may deny an application for renewal of a license where there is cause for doing so. The Licensee's, or first-time applicant's, failure to comply with any federal, state or local law, regulation, or ordinance may be cause for denial of the application. This includes, but is not limited to, the ordinances of the City of Marlborough, state and local health regulations, the state Building Code, and the state Fire Code.



## Reports of Committee Cont'd:

**§ 421-4 New or Newly Renovated Facilities and Existing Licensed Facilities:**

- A. New and renovated lodging houses must comply with all applicable State and Local Codes, Rules and Regulations in effect at time of construction.
- B. Consistent with and as may be permitted by Building Code, Fire Code, and Health Code, respective City officials may establish more flexible standards than certain provisions of this ordinance, applicable to existing facilities previously licensed as lodging houses, so long as they conform with applicable code requirements in effect at the time of construction or rehabilitation.

**§ 421-5 Responsibilities of Licensee:**

The Licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of this ordinance and all other pertinent laws, regulations and ordinances. The appointment of an agent shall in no way relieve the Licensee from responsibility for full compliance with the law.

**§ 421-6 Agent(s)**

- A. If the Licensee, because of health, other employment, non-residence on the premises of the lodging house, frequent or extended absences from the lodging house or other reason, is unable to exercise proper supervision of the lodging house, he/she shall designate one or more agent(s) to carry out all or part of his/her responsibilities.
- B. If, for any reason, an agent ceases to exercise his/her responsibilities, the Licensee shall at once notify the Licensing Board, Board of Health, Building Department, Fire Department and Police Department and take immediate steps to provide proper interim supervision and obtain a suitable replacement.
- C. The agent(s) shall be available on a 24-hour basis and must post his/her telephone numbers (including cell phone number) and beeper number, as applicable, in a location accessible to lodgers.

**§ 421-7 City Inspections**

- A. City inspections of licensed lodging houses shall be made on an annual basis by authorized inspectional departments to determine compliance with applicable state and local laws, regulations and codes, and upon request pursuant to §25 of M.G.L. c. 140, as amended.
- B. Annual inspections shall be made on week-days during normal City business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the Licensee and within the structure containing the licensed premises, including rented and unrented units and other occupied and non-occupied space.

## Reports of Committee Cont'd:

- C. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.
- D. City officials shall, pursuant to an inspection under this ordinance or any other regulation or law, refer all violations of this ordinance and any other ordinance, regulation or law, whether federal, state, or local, which said officials are authorized to enforce, to the Licensing Board. All referrals to the Licensing Board shall also be mailed by first class mail to the Licensee and to the Licensee's agent, if any.

**§ 421-8 Minimum Standards**

- A. These regulations are minimum standards intended for the maintenance and enforcement required for the protection of health, safety and welfare of all persons concerned. If there is any conflict with state or local law, the stricter provision shall apply.
- B. All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and with the requirements of these regulations, whenever they are in addition to or more stringent than the requirements of Article II of said code.
- C. Licensees must have inspections performed by a licensed pest control operator (PCO) every 6 months (unless ordered to do so more frequently by the Health Department). PCO inspection reports must be kept on file for review. Inspections must include, but not be limited to, bed bugs, insects, and rodents. The licensee must take appropriate action to address any findings by the PCO. Licensees that can demonstrate long-term occupancy by a majority of the residents (greater than one year continued occupancy) may request a waiver of this inspection requirement. Waivers will be applied for and approved by the Director of Public Health.
- D. The Licensee and his/her agent(s) shall comply with Chapter 406, Littering, of the City Code, and all other state or local regulations and laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and agent(s) include, but are not limited to, the following:
  - (1) Storing garbage and trash in watertight, rodent-proof receptacles with tight-fitting covers;
  - (2) Providing to lodgers as many receptacles as are sufficient to contain accumulation of all garbage and trash before collection for disposal;
  - (3) Locating garbage and trash containers in an area where objectionable odors will not enter any boarding or lodging unit;
  - (4) Removal of dumpster waste as frequently as necessary to prevent overflow, windblown trash and garbage, rodent infestation, and odors.

## Reports of Committee Cont'd:

**§ 421-9 Supervision**

Licensees and their agent(s) shall:

- (1) Exercise due care in the selection of lodgers;
- (2) Inspect all common areas at least daily and all occupied rooms at least monthly and at every change of lodger to ensure that all such areas are in a clean and orderly condition and in compliance with Licensee's electrical use policy and regulations pertaining to obstruction of egress, cooking in rooms, and other health and safety hazards;
- (3) Post a schedule of inspections, for the purposes of notifying lodgers, at least forty-eight hours prior to said inspections. Posting of the schedule for inspections shall not apply in the case of an emergency;
- (4) Ensure that lodgers dispose of trash and garbage properly, and that lodgers store food items in a sanitary manner;
- (5) Ensure cleanliness of rooming units and common areas, if any;
- (6) Ensure an unobstructed path of egress from entry door to fire escape, particularly in exit rooms, stairs and hallways;
- (7) Ensure compliance by lodgers with Licensee's electrical use policy, and prohibit the use of candles and other items that requires burning to be used (incense, odor oils, etc.);
- (8) Prohibit the use of portable heaters;
- (9) Take whatever steps are necessary to prevent lodger(s) from repeatedly violating Licensee's rules or the requirements of this ordinance, or any other law or regulation, up to and including eviction; and
- (10) Comply with any other provisions or requirements as may be required by any department or board of the City of Marlborough.

**§ 421-10 Automatic Fire Alarm System, Sprinkler Systems, Carbon Monoxide Protection**

- A. All lodging houses shall be equipped with automatic smoke or heat detectors, an automatic sprinkler system, carbon monoxide alarms, carbon monoxide detectors and combination smoke/carbon detectors. The design, installation, and performance of said systems, alarms and detectors shall be in accordance with the state Building Code, the state Fire Code, NFPA and all applicable laws and regulations.
- B. The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety and welfare of the lodgers. Installation of, or modification to, any automatic fire protection system shall require a permit from the Fire Department.
- C. Fire protection systems shall not be disconnected or otherwise rendered unserviceable, for purposes including but not limited to repair and maintenance, without first notifying the Fire Department.
- D. As part of the annual Fire Department inspection, all lodging houses must submit to Fire Department annual Fire Alarm and Sprinkler System tests.

Reports of Committee Cont'd:

**§ 421-11      Penalty**

- A. Refusal, neglect or failure to comply with any section of this ordinance shall be cause for a fine imposed pursuant to and in conformity with Chapter 315 of the City Code, and/or to the penalties imposed by M.G.L. c. 140 § 22, *et seq.*, as amended, where applicable, and/or such other provisions of law including but not limited to the state Sanitary Code, Fire Code, and Building Code, ordinances of the City of Marlborough and other regulations and fines applicable to the particular violation.
- B. The Licensee's refusal, neglect or failure to comply with any federal, state or local law, regulation, or ordinance including, but not limited to, this ordinance and any other ordinance of the City of Marlborough, the state Sanitary Code, Fire Code, and Building Code, and any other local codes and regulations may be cause for denial, suspension or revocation of a license by the Licensing Board, and/or a fine as above.

**IN URBAN AFFAIRS COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

**Suspension of the Rules requested - granted**

At a regular meeting of the Marlborough City Council held on Monday, NOVEMBER 27, 2017 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was ORDERED ADVERTISED as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT ARTICLE IV, SECTION 328-4 OF THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

Delete from Article IV, §328-4 of the Code of the City of Marlborough, entitled Fee Schedule for Other City Departments, the fee amount of "\$50.00" respecting Lodging Houses (M.G.L. c. 140, § 34) and insert in place thereof the fee amount of "\$500 for first 20 lodging units" and "\$50 per additional lodging unit over 20".

**IN URBAN AFFAIRS COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

Councilor Tunnera orally reported the following out of the Personnel Committee:

**Suspension of the Rules requested - granted**

That the Appointment of William Dunbar to the Conservation Commission for a three-year term, replacing longtime member Lawrence Roy who has stepped down, **IN PERSONNEL COMMITTEE CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

**Suspension of the Rules requested - granted**

That the Appointment of Joseph Bisol to the Council on Aging for a term of four years, **IN PERSONNEL COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

Councilor Oram orally reported the following out of the Wireless Communications Committee:

**Suspension of the Rules requested - granted**

That the Petition of AT & T to deploy one small cell site which will be mounted on existing utility pole at 319 East Main Street, **IN WIRELESS COMMUNICATIONS & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

**Suspension of the Rules requested - granted**

That the Petition of AT & T to deploy a small cell site which will be mounted on existing utility pole at 28 Concord Rd, **IN WIRELESS COMMUNICATIONS & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

Councilor Elder orally reported the following out of the Operations & Oversight Committee:

**Suspension of the Rules requested - granted**

That the Mayor hire a full time and permanent Code Enforcement Officer for the City of Marlborough within 90 days of approval of this Order, **IN OPERATIONS & OVERSIGHT COMMITTEE & CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the IT transfer request in the amount of \$282,100.00 which moves funds from PEG account to IT Equipment account to improve the IT Department's information technology infrastructure, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	IT					FISCAL YEAR:	2018		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$320,856.97	\$282,100.00	27000099	47750	Receipts Reserved-PEG Funds	\$282,100.00	19300006	58618	IT Equipment		\$0.00
	Reason:	Use PEG funds for upcoming projects and various equipment purchases								
	\$282,100.00	Total			\$282,100.00	Total				

**Suspension of the Rules requested - granted**

**ORDERED:** That the Fire Station Study transfer request in the amount of \$40,000.00 which moves funds from Undesignated to Capital Outlay to conduct a Fire Station study, **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
\$11,229,104.00	\$40,000.00	10000	35900	Undesignated Fund	\$40,000.00	19300006	52695	Fire Station Site Study		\$0.00
	Reason:	Mitigation funds received from Apex permit to fund a fire station site study								
	\$40,000.00	Total			\$40,000.00	Total				

**ORDERED:** That the Communication from Mayor re: Library Project transfer request in the amount of \$245,300.00 which moves funds from Undesignated to Land Acquisition to support the library renovation project, **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
\$11,229,104.00	\$245,300.00	10000	35900	Undesignated Fund	\$245,300.00	19300006	58120	Land Acquisition		\$0.00
	Reason:	Purchase and sale of 29 Witherbee Street								
	\$245,300.00	Total			\$245,300.00	Total				

ORDERED: That the Marlborough City Council hereby accepts Section 17C of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

- (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.
- (b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

And further, that the Marlborough City Council hereby accepts Section 18B of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

- (a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.
- (b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17.

**APPROVED;** adopted.

ORDERED: That the Appointment of Councilor Michael Ossing to the Council on Aging Board for a four-year term, **APPROVED;** adopted.

**Councilor Ossing abstained.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:54 PM.