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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JUN 23 PM 1:30

CITY OF MARLBOROUGH
City Council Agenda

Monday, June 27, 2022
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, June 6, 2022.
2. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to relocate Pole 13-5, eight (8) feet to the right on Cedar Hill Street, Order No. 22-1008623.
 - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Cedar Hill Street.
3. Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – June 2022 Update.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$190,000.00 from the Massachusetts Department of Conservation & Recreation awarded to the IT Department to be used for the procurement of new online permitting software.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$446,879.24 from the Commonwealth of Massachusetts, Winter Recovery Assistance Program (WRAP) awarded to the Department of Public Works to be used for road and sidewalk repairs throughout the year.
6. Communication from City Clerk Steven Kerrigan, re: Proposed Amendment to Chapter 125 “Personnel” §6 “Salary Schedule” to amend the stipends for the Board of Registrars and Assistant Registrar.
7. Communication from City Clerk Steven Kerrigan, re: Vote to authorize use of Electronic Poll Books for elections pursuant to MGL Chapter 54 §33I.
8. Petition from Massachusetts Electric and Verizon New England, to install new Pole 3 and anchor, needed for height clearance on Allen Court.
9. Minutes of Boards, Commissions and Committees:
 - a) School Committee, May 10, 2022 & May 24, 2022.
 - b) Conservation Commission, April 21, 2022 & May 5, 2022.
 - c) Historical Commission, March 17, 2022 & April 21, 2022.
 - d) Library Trustees, May 3, 2022.
 - e) Planning Board, May 9, 2022.
 - f) Zoning Board of Appeals, April 26, 2022 & May 10, 2022.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

10. CLAIMS:

- a) Yvette Diaz, 51 Christie Way, #51E, pothole or other road defect.
- b) Downtown Marlboro LLC, 11 Court Street, other property damage and/or personal injury.
- c) Michael Murdock, 149A Elm Street, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

11. **Order No. 22-1008604A-D: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Park and Recreation Revolving Fund, the Council on Aging Revolving Fund and the Water & Sewer Revolving Fund for FY 2023.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Dumais, seconded by Chair, the committee recommends the reauthorization of the revolving fund as requested. Vote 4-0 (Oram absent).

12. **Order No. 22-1008611: Grant Acceptance in the amount of \$219,982.00 from Community Compact Cabinet's Municipal Fiber Program awarded to Information Technology to be used to replace BANA copper network lines used for radio communications.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee recommends approval of the grant with condition that the required matching funds be sourced from other than PEG funds. Vote 4-0 (Oram absent).

From City Council

13. **Order No. 22-1008628 Proposed Ordinance Amendment to Chapter 125 "Personnel" relative to nonunion employee titles in the Mayor's Office.**

This matter was Ordered advertised and to be placed on the June 27, 2022, City Council agenda. Legal Advertisement was published on Friday, June 17, 2022, advertising requirement has been met.

Councilors-at-Large

- Mark A. Oram
- Michael H. Ossing
- Samantha Perlman
- Kathleen D. Robey



Ward Councilors

- Ward 1 – Laura J. Wagner
- Ward 2 – David Doucette
- Ward 3 – J. Christian Dumais
- Ward 4 – Teona C. Brown
- Ward 5 – John J. Irish
- Ward 6 – Sean A. Navin
- Ward 7 – Donald R. Landers, Sr.

RECEIVED
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2022 JUN 15 4:45

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, JUNE 6, 2022**

The regular meeting of the City Council was held on Monday, June 6, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:36 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, May 23, 2022, **FILE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: Whereas Steven W. Kerrigan having received eleven (11) votes for the position of City Clerk, and six (6) votes being necessary for election, Steven W. Kerrigan be and is herewith **REELECTED** as City Clerk of the City of Marlborough effective immediately for a three (3) year term to expire on May 20, 2025; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$6,300.00 which moves funds Veterans Benefits to Executive Secretary to cover the vacation and sick leave payout for an employee, **APPROVED**; adopted.

**CITY OF MARLBOROUGH
BUDGET TRANSFERS -**

	DEPT:	Mayor		FISCAL YEAR:	2022				
		FROM ACCOUNT:		TO ACCOUNT:					
Available					Available				
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$125,971.89</u>	<u>\$6,300.00</u>	<u>1543006</u>	<u>57710</u>	<u>Veterans Benefits</u>	<u>\$6,300.00</u>	<u>1121002</u>	<u>50590</u>	<u>Executive Secretary</u>	<u>\$4,479.97</u>
	Reason:	<u>Numbers are down</u>			<u>Vacation and Sick Leave payout</u>				
	<u>\$6,300.00</u>	Total			<u>\$6,300.00</u>	Total			

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Zoning Map Amendment for parcels of land located on Jefferson Street and a small portion of Lincoln Street, in proper legal form, Order No. 21/22-1008475E, **MOVED TO ITEM 21**; adopted.

Councilor Dumais Recused.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Petition of New Cingular Wireless, PCS, LLC, (d/b/a AT&T) for grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, in proper legal form, Order No. 22-1008558C, **MOVED TO ITEM 18**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Special Permit from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, in proper legal form, Order No. 22-1008570B, **MOVED TO ITEM 19**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Police Chief David Giorgi, re: Detail Police Officers pursuant to Special Permit condition number 14 for Vedi Naturals, LLC d/b/a Kosa, 505 Boston Post Road West, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 §39 "Neighborhood Business District", **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY JUNE 27, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to relocate Pole 13-5, eight (8) feet to the right on Cedar Hill Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 101, §12A, the City Council hereby **GRANTS FEMARA, Inc.**, for a three-day period, from August 26 through 28, 2022, inclusive, and consistent with the charitable purpose of FEMARA, Inc., a license to conduct under their control a temporary or transient business at their convention being held at the Best Western Royal Plaza Hotel & Trade Center in which transient vendors participating in such sale shall not be subject to the provisions of §§3 to 12 inclusive; adopted.

Motion by Councilor Oram, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in June 2022, **FILE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Planning Board, April 25, 2022.
- b) Traffic Commission, March 30, 2022.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
June 1, 2022
Minutes and Report**

This meeting convened at 7:00 PM and was held in the City Council Chamber and open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and was available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting Members: Chair Irish, Councilors Dumais, Perlman, and Brown; Oram absent.

Non-Voting Members: Councilors Ossing, Navin, Wagner, Doucette, Landers, and Robey.

Others Present: Mayor Vigeant and city managers were present to address the following Orders.

Order No. 22-1008604A-D: Communication from the Mayor re: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Park and Recreation Revolving Fund, the COA Revolving Fund and the Water & Sewer Revolving Fund for FY 2023.

On a motion by Councilor Dumais, seconded by Chair, the committee recommends the reauthorization of the revolving fund as requested.

Vote 4-0 (Oram absent).

Order No. 22-1008605: Communication from the Mayor re: Transfer Request in the amount of \$1,735,807.00 which moves funds from and to various accounts as outlined to cover expenses for several departments for the remainder of Fiscal Year 2022.

On a motion by Councilor Perlman, seconded by Chair, the committee recommends approval of the year-end transfers under a suspension of the rules. Vote 4-0 (Oram absent).

Order No. 22-1008611: Communication from the Mayor re: Grant Acceptance in the amount of \$219,982.00 from Community Compact Cabinet's Municipal Fiber Program awarded to Information Technology to be used to replace BANA copper network lines used for radio communications.

On a motion by Councilor Perlman, seconded by Chair, the committee recommends approval of the grant with condition that the required matching funds be sourced from other than PEG funds.

Vote 4-0 (Oram absent).

Reports of Committee Continued:

Order No. 22-1008606: Communication from the Mayor re: Transfer Request in the amount of \$1,000,000. from Undesignated Fund to Library Building Renovations to cover unanticipated cost overruns. Commission Divoll advised that the \$1M transfer is more than the cost of estimated repairs, that the repairs to the historical Terra Cotta main entrance will preserve the intent of the project, that there is no danger of personal injury from falling debris, and that no other surprises have been found.

On a motion by Councilor Perlman, seconded by Chair, the committee recommends approval of the transfer under a suspension of the rules. Vote 4-0 (Oram absent).

Motion made and seconded to adjourn; the meeting adjourned at 7:31 PM.

Councilor Robey reported the following out of the Urban Committee:

**City Council Urban Affairs Committee
June 1, 2022
Minutes and Report**

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Other Councilors present were Brown, Irish, Ossing and Perlman.

Attorney Falk addressed the zoning petition on behalf of Alta Marlborough, LLC (Wood Partners) 91 Hartwell Avenue, Lexington, MA 02421.

Order No. 22-1008571: Proposed Zoning Amendment to Chapter 650 §39, Neighborhood Business District to authorize City Council by special permit to vary dimensional, parking, design and landscaping requirements applicable to a mixed-use development in the Neighborhood Business District upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of section 650-39, et seq. This authority continues subsequent to occupancy.

The chair stated the Council held its Public Hearing on May 9th with no comments, questions, or opposition from the public. The Planning Board held its Public Hearing on May 23rd and has sent a favorable recommendation that the chair read into the record. It was stated that similar language can be found in other parts of the code; and, if approved, the language would be in effect only for mixed use development in the Neighborhood District through a special permit granted by the council.

Councilor Doucette moved to approve the proposed zoning amendment to Chapter 650 §39 as submitted; the motion was seconded and carried 5-0.

The chair stated that the solicitor has offered to send a late communication with the order in proper form for the June 6 council meeting; the chair will report this zoning petition out of committee and ask for a suspension to accept the communication and to vote on this matter. This will allow for discussion of the special permit at the June 8th Urban Affairs meeting with this amendment and the zoning map changes both finalized.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 6:38 pm.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,735,807.00 which moves funds from and to various accounts as outlined to cover expenses for several departments for the remainder of Fiscal Year 2022, **APPROVED**; adopted.

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$11,233,713.00	\$1,523,205.00	10000	35900	Undesignated Fund	\$320,205.00	14001203	51390	Overtime-Snow & Ice	-\$320,203.39
	Reason:	To fund the snow & ice deficit for FY22							
					\$509,500.00	14001206	52960	Snow Removal	-\$508,853.57
	Reason:								
					\$693,500.00	14001206	57040	Operating Expenses	-\$692,737.21
	\$1,523,205.00	Total			\$1,523,205.00	Total			

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$44,303	\$7,500.00	60081006	55950	East Waste Water Treat Plant	\$15,000.00	60086006	52935	Solid Waste Disposal	\$7,335.00
	Reason:	Excess due to less chemicals purchased				Due to increased sludge volume in March & April			
\$29,542	\$7,500.00	60085006	55980	West Waste Water Treat Plant					
	Reason:	Excess due to less chemicals purchased							
\$40,016	\$24,000.00	14001504	53140	Contract Services	\$50,000.00	11920006	52200	Natural Gas	\$20,905.00
	Reason:	Excess due to use of Parks Maintenance Revolving				Cover natural gas expense thru end of Fiscal Year			
\$72,052	\$26,000.00	14001506	54640	Park Maintenance					
	Reason:	Excess due to use of Parks Maintenance Revolving							
	\$65,000.00	Total			\$65,000.00	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various		FISCAL YEAR: 2022							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$135,298.63	\$101,352.00	15430006	57710	Veteran's Benefits	\$1,770.00	11330001	50015	Finance Director/Treas	\$15,847.95
	Reason:	Number of veterans down from last year			Reason:	To fund through year end			
\$28,215.38	\$17,000.00	11510001	50172	Asst City Solicitor	\$550.00	11330002	50520	Principal Clerk	\$7,660.02
	Reason:	Prior vacancy			Reason:	To fund through year end			
\$28,215.38	\$1,000.00	11510001	50175	Paralegal	\$580.00	11520001	50530	HR Director	\$14,858.96
	Reason:	Prior vacancy			Reason:	To fund through year end			
					\$692.00	11920001	50690	Foreman	\$10,369.15
					Reason:	To fund through year end			
					\$240.00	12100001	50140	Police Chief	\$29,443.74
					Reason:	To fund through year end			
					\$370.00	14920001	50110	Recreation Director	\$13,160.68
					Reason:	To fund through year end			
					\$145.00	15120001	50220	Sealer of Weights	\$2,149.93
					Reason:	To fund through year end			
					\$480.00	15430001	50080	Veterans Director	\$10,071.60
					Reason:	To fund through year end			
					\$17,000.00	61090001	50740	Equipment Operators	\$97,112.53
					Reason:	To fund through year end			
					\$738.00	61090002	50520	Principal Clerk	\$7,466.95
					Reason:	To fund through year end			
					\$710.00	14001002	50520	Principal Clerk	\$15,382.43
					Reason:	To fund through year end			
					\$533.00	14001002	50550	Head Clerk	\$8,698.97
					Reason:	To fund through year end			
					\$1,465.00	14001303	50740	Equipment Operators	\$133,200.59
					Reason:	To fund through year end			
					\$217.00	60080001	50580	Asst Chemist	\$8,898.24
					Reason:	To fund through year end			
					\$2,755.00	11920001	50680	General Foreman	\$11,967.97
					Reason:	To fund through year end			
					\$124.00	11920001	50292	Bldg Maint Craftsman	\$26,197.46
					Reason:	To fund through year end			
					\$283.00	13032001	50690	Foreman	\$11,756.05
					Reason:	To fund through year end			
					\$14,000.00	11550006	53420	Telephone-City	\$0.00
					Reason:	To fund through year end			
					\$14,000.00	11550006	53421	Telephone-School	\$1,467.92
					Reason:	To fund through year end			
					\$5,700.00	11440004	53999	Other Services	\$448.11
					Reason:	To fund through year end			
					\$57,000.00	11510004	53110	Legal Services	\$10,309.11
					Reason:	To fund through year end			
\$119,352.00					\$119,352.00				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,233,713.00</u>	<u>\$28,250.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$28,250.00</u>	<u>83600</u>	<u>32918</u>	<u>Stabilization-Open Space</u>	<u>\$519,077.10</u>
Reason:		<u>To transfer annual wireless antennae payments received by the City in fiscal year 2021 to Open Space Stabilization</u>							
	<u>\$28,250.00</u>	Total			<u>\$28,250.00</u>	Total			

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,000,000.00 from the Undesignated Fund to Library Building Renovations to cover unanticipated cost overruns, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		DPW/Facilities				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,233,713.00</u>	<u>\$1,000,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,000,000.00</u>	<u>30052301</u>	<u>58255</u>	<u>Library Bldg Renovations</u>	<u>\$2,106,061.33</u>
Reason:		<u>To fund overruns on the Library project</u>							
	<u>\$1,000,000.00</u>	Total			<u>\$1,000,000.00</u>	Total			

Suspension of the Rules requested – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the Communication from City Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 §39 “Neighborhood Business District”, in proper legal form, Order No. 22-1008571A, **FILE**; adopted.

Councilor Dumais Recused.

Suspension of the Rules requested – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Chapter 650, Zoning, Section 650-39 entitled “Neighborhood Business District (NB),” is hereby amended by inserting a new subsection F as follows:

F. The City Council may, by special permit, elect to vary the dimensional, parking, design, and landscaping requirements applicable to a mixed-use development in the Neighborhood Business District upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (650-39, et seq.). This authority continues subsequent to occupancy.

II. The effective date of these amendments shall be the date of passage.

Councilor Dumais Recused.

APPROVED; adopted.

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

Suspension of the Rules requested – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the Communication from the Mayor, re: Proposed Easement for National Grid relative to the installation of equipment for the redundant pumping station, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

Suspension of the Rules requested to allow the City Engineer to speak– granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED That pursuant to MGL Chapter 40, § 3, the City of Marlborough grant permanent utility easements, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “NGRID”), as described in the documents concerning, respectively, a Grant of Easement to Massachusetts Electric Company for installation of electrical service to the backup water supply pump station that is located next to the existing Cedar Hill station off D’Angelo Drive, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Certification from Ward 7 Councilor Donald R. Landers, Sr., as required under MGL Chapter 39 §23D (“Mullin Rule”), regarding the Application for Special Permit of Alta Marlborough, LLC (Wood Partners), to build a mixed-use project in the Neighborhood Business District consisting of 10,074 square feet of ground floor retail and commercial space, 276 dwelling units in addition to an on-site parking garage with 448 spaces to be located at the corner of Lincoln and Mechanic Streets, Order No 22-1008572, **FILE**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Proposed Amendment to the Code of the City of Marlborough relative to nonunion employee titles, **FILE**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, June 6, 2022, the following proposed amendments to the Code of the City of Marlborough, having been read was **ORDERED ADVERTISED** and **PLACED ON THE JUNE 27, 2022, CITY COUNCIL AGENDA** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED, AS FOLLOWS:

- I. By amending Section 125-3(F), by deleting the words “Mayor’s executive aide” in the first sentence and replacing them with the words: “Chief of Staff to the Mayor”;
- II. By amending Section 125-3(F), by deleting the word “aide” in the second sentence and replacing it with the words: “Chief of Staff to the Mayor”;
- III. By amending the City Code in its entirety, including Section 125-6, by deleting the words “Executive Aide to the Mayor” in each instance that they appear and replacing them with the words: “Chief of Staff to the Mayor”; and
- IV. By amending the City Code in its entirety, including Section 125-6, by deleting the words “Executive Secretary to the Mayor” in each instance that they appear and replacing them with the words: “Executive Administrator to the Mayor”.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Proposed Tax Increment Financing (TIF) Agreement with Solmetex, LLC and LPCH 1000 Nickerson L.P., who will be occupying 65,000 square feet in a building located at 1000 Nickerson Drive, Map 88, Parcel 29 and Parcel 36 (including portions thereof), **FILE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," §6 "SALARY SCHEDULE" AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

<u>Position</u>	<u>Rate</u>
Sealer of Weights and Measures	Not to Exceed \$25 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) in the current salary schedule.

APPROVED; adopted.

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED That the Reappointment of Joseph Bisol to the Council on Aging Board for a 4-year term to expire on May 4, 2026, **APPROVED;** adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED That the Appointment of Zella Haesche to the Council on Aging Board for a 4-year term to expire on May 4, 2026, **APPROVED;** adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED That the Petition from Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

1. The new Pole P4 shall be located at least 5 feet from the edge of the driveway to #61 Amory Road.
2. National Grid and their contractor shall walk the job area with a representative of DPW/Engineering prior to the start of work to review and approve of the final location of the new pole.
3. Pump Station Project Managers.
4. Any necessary easements are to be obtained from affected property owners.
5. A street opening permit must be applied for by the proposed contractor performing the work.
6. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
7. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
8. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.

9. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
10. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
11. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
12. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
13. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
14. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED That the Communication from Assistant City Solicitor Jeremy McManus, re: Petition of New Cingular Wireless, PCS, LLC, (d/b/a AT&T) for grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, in proper legal form, Order No. 22-1008558C, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of New Cingular Wireless PCS LLC ("AT&T") dated February 23, 2022, filed with the City Clerk on March 18, 2022, to grant a location on an existing utility pole located in the public right of way adjacent to 241 Forest Street in Marlborough, which pole is designated as National Grid pole #25-2, in order for AT&T to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility") all as depicted on plans submitted with AT&T's petition and in a photo simulation submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon AT&T, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. AT&T shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of AT&T, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to AT&T for its Small Cell Facility.

3. AT&T shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. AT&T shall not install its Small Cell Facility on double poles. If National Grid pole #25-2 becomes a double pole in the future, AT&T shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #25-2 becomes a double pole; provided, however, that if AT&T is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, AT&T shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.
5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of AT&T in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) AT&T installs the rod immediately adjacent to National Grid pole #25-2 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) AT&T restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #25-2 facing away from the roadway.
8. Any future modification of the Small Cell Facility by AT&T shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #25-2 shall result in AT&T moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.

11. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #25-2 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #25-2, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. AT&T shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Each year on July 1st, AT&T shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
13. Each year on July 1st, AT&T shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
14. If the Small Cell Facility is no longer in use, it shall be removed by AT&T, at its expense, within 60 days. If the Small Cell Facility is not removed by AT&T within 60 days of it no longer being in use, AT&T shall pay a fine of \$100.00 per day until such installation is removed by AT&T.
15. Failure by AT&T to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of AT&T's petition granted herein.

APPROVED; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED That the Communication from Assistant City Solicitor Jeremy McManus, re: Special Permit from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, in proper legal form, Order No. 22-1008570B, **FILE;** adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:
ORDERED

**DECISION ON A SPECIAL PERMIT
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 22-1008570C**

Application of:

Cellco Partnership d/b/a Verizon Wireless
118 Flanders Road
Westborough, MA 01581
Order No. 22-1008570C

Locus:

739-769 Donald Lynch Boulevard, Marlborough, MA
Assessor's Map 50, Parcel 7B

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Cellco Partnership d/b/a Verizon Wireless (the "Applicant") to allow for the construction of a new Wireless Communications Facility stealth monopole tower with accessory ground equipment including a diesel-fueled stand-by power generator pursuant to the submitted plans, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation and FCC Licensee having a local business address of 118 Flanders Road, Westborough, MA 01581 with correspondences being sent via Applicant's Agent c/o Gehring & Associates, LLC, P. O. Box 98, West Mystic, CT 06388.
2. The Applicant is a lessee of a portion of the property located at 739-769 Donald Lynch Boulevard, Marlborough, MA (Assessor's Map 50, Parcel 7B), Marlborough, Massachusetts (the "Site").
3. On April 6, 2022, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the "Application") for a Special Permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the "Zoning Ordinance"), Section 650-25 entitled Wireless Communications Facilities.
4. In accordance with Article V, Section 650-18(A)(20) and Section 650-25 of the Zoning Ordinance, the Applicant proposes the installation of a new Wireless Communications Facility stealth monopole tower with accessory ground equipment including a diesel-fueled stand-by power generator (the "Use") at the Site, as shown in the plans submitted with the Application and referenced in paragraph 5 below.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and plans entitled "Wireless Telecommunications Installation With New 80' RF-Transparent Monopole" by Chappell Engineering Associates, LLC, with the last revision date of March 18, 2022, including Title Sheet (T01), Property Plan (C01), Site Plan (C02), Equipment Area Plan (A01), Southeast Site Elevation and Southwest Site Elevation (A02), and Site Details (A03) (collectively the "Plans"), as **ATTACHMENT A**.

6. Pursuant to the Application, the Applicant is licensed by the FCC to provide personal wireless services in the City of Marlborough and surrounding areas and currently has a problem with significant gaps in coverage and capacity issues with coverage that could be alleviated by installing a new site on the subject location as shown on the submitted RF Report and plans.
7. The Site is located in the Limited Industrial (LI) Zoning District which allows a Special Permit to be issued for a Wireless Communication Facility (“WCF”).
8. Pursuant to the Rules and Regulations of the City Council of the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters and the planning boards of all surrounding towns entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on May 9, 2022. The public hearing was held in the City Council Chamber, at the Marlborough City Hall, 140 Main Street. The public hearing was closed on May 9, 2022.
10. The Applicant presented testimony at the public hearing wherein all Twelve (12) Tabs of the contents of the submitted Application Binders were reviewed and the submitted materials and substantial evidence was recapped and reviewed as follows:
 - Tab 1 - City of Marlborough required application forms.
 - Tab 2 - Statement in Support of Application wherein all the Zoning Ordinance provisions pertaining to wireless facilities and special permits are analyzed line-by-line in addition to an Alternate Site Analysis justifying the choice of the subject property for the proposed installation of the Use.
 - Tab 3 - Landowner Authorization - demonstrating Applicant’s leasehold interest in the property with permission to file the submitted application.
 - Tab 4 - Assessor’s Field Card, Tax Map and Deed, for reference.
 - Tab 5 - Copies of Applicant’s twelve (12) FCC Licenses authorizing broadcasts from Marlborough and the surrounding areas.
 - Tab 6 - Radio Frequency Engineer’s RF Report describing why the site is needed, complete with coverage maps showing the significant capacity and coverage problems the subject site is designed to rectify.
 - Tab 7 - Confirmation of RF Emissions compliance pursuant to applicable FCC regulations wherein it is predicted the Use will give off less than six percent (6%) of the maximum allowed for such facilities on the ground adjacent to the facility.
 - Tab 8 - FAA clearance to build the proposed stealth pole as it will not be an obstruction or hazard to air navigation.
 - Tab 9 - An Acoustical Report demonstrating compliance with all applicable noise regulations.
 - Tab 10 - Statement from a licensed Real Estate Appraiser concluding that construction of the Use will have no deleterious impact on surrounding property values.
 - Tab 11 - Photosimulations created by performing a balloon float on March 23, 2022. An exhibit was passed out to the Councilors showing the proposed pole painted different colors so that the Council could choose.

Tab 12 - Site Plans and Elevation Drawings by Chappell Engineering, with last revision date March 18, 2022, showing the proposed facility which will occupy four (4) parking spaces adjacent to the existing building which currently hosts the EMS and DSW stores, next door to Best Buy.

11. At the Public Hearing, there were no members of the public speaking in opposition to the Use.
12. No written comments in favor or in opposition were received regarding the Use.
13. Only one member of the public had any questions or comments, which pertained to the stand-by generator's fuel source (diesel) and how the paint on the proposed pole would be adhered (Applicant said answer would be provided to committee).

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS:**

- A. The Applicant has complied with the Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds the proposed Use of the Site is in harmony with the intent and general purpose of the Zoning Ordinance of the City of Marlborough when subject to appropriate terms and conditions as provided in this Decision. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the proposed Use is consistent with the purposes of Section 650-25 governing WCFs in the City. There are no other existing communications towers or tall buildings in the vicinity of the subject property that could accommodate the Applicant's antennas thereby justifying the need to construct this new proposed facility constituting the Use.
- D. The proposed WCF and location are consistent with both the applicable review standards in Section 650-25(D) and the development requirements in Section 650-25(E).
- E. The City Council recognizes the Applicant is a federal licensee afforded certain protection under federal telecommunications law, to the extent provided by law.
- F. The City Council confirms the Applicant has demonstrated the need to construct the proposed facility to solve certain wireless coverage and capacity issues that currently exist in its network in the vicinity as enumerated in the submitted RF report.
- G. The City Council finds that the proposed Use, which will enhance wireless telecommunications, is good for business and good for the public safety and convenience where much of the population now owns and relies on wireless connectivity and a majority of 911 calls are now made on wireless telephones.
- H. The City Council finds that there are adequate, ample, in-fact surplus, parking spaces on the host parcel so the Applicant's use of four (4) parking spaces for its development of the Use will have de minimis and negligible overall impact on the parking situation on site.

- I. The City Council finds the proposed Use, which consists of an unmanned and unoccupied facility, will have no impact on traffic and pedestrian safety in the area.
- J. The City Council finds the proposed Use will not be contrary to the public health, safety, convenience and welfare and will not be offensive or detrimental given its modest height which is in-fact lower than the average height of all the surrounding towers the Use will connect with.
- K. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance **GRANTS** to the Applicant a Special Permit for construction of the Use, a new stealth pole Personal Wireless Communications Facility as shown on the submitted Plans, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 4. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
 5. All work performed on the Site shall comply with this Decision. No other building or construction or activity (including but not limited to any other communications device, WCF, tower, etc.) shall occur without further modification of this Special Permit. This condition shall be interpreted consistent with federal law governing WCF's.
 6. The proposed stealth monopole shall be painted the color Delorean Gray as discussed and approved by Committee and ratified by the full Council.

7. Routine testing of the stand-by generator shall only occur during weekdays between 10:00 AM and 2:00 PM.
8. No signage or advertising of any sort shall be permitted on the proposed stealth pole.
9. There shall be no climbing pegs which would allow unauthorized individuals to climb the proposed pole.
10. The Applicant shall work with the Fire Department or its designee to provide space for the attachment of a public safety antenna on the top of the proposed tower along with ground space inside the compound for its municipal radio equipment should the City pursue attaching an antenna to the proposed site to improve public safety communications. The Applicant shall provide this space rent-free, but the City shall be responsible for the costs of the antenna, equipment, installation, and maintenance of said antenna and equipment. The Applicant and City shall work cooperatively to execute an agreement covering the terms of this installation as provided herein.
11. The Applicant shall comply with all applicable conditions for WCFs on private property as set forth in Section 650-25(F), each of which shall constitute conditions of this special permit, except that the Applicant does not need to provide annual certifications of compliance with FAA and FCC rules and regulations pursuant to Sections 650-25(F)(1) and 650-25(F)(2) to the extent that those annual certifications do not exist.
12. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council Office, the Building Department and the City Solicitor's Office.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED That the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. National Grid and their contractor shall coordinate the work with the DPW/Engineering Pump Station Project Managers.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.

5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the Communication from City Solicitor Jason Grossfield, re: Proposed Zoning Map Amendment for parcels of land located on Jefferson Street and a small portion of Lincoln Street, in proper legal form, Order No. 21/22-1008475E, **FILE**; adopted.

Councilor Dumais Recused.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. The Zoning Map established by Chapter 650, Zoning, Article III Establishment of Districts, Section 650-8 "Boundaries Established; Zoning Map" is hereby amended as follows:

- a. The zoning map amendments set forth herein shall be as shown on the map attached herewith entitled "Proposed Zoning Change Commercial Automotive to NB & RB" (Revised: 5/27/22).
- b. The land shown on said attached map as "CA to NB" shall be included in the Neighborhood Business (NB) District. Said land includes the following:

City Assessor Map 56, Parcels 147, 148, 150, 151, 152, and land within the railtrail corridor including the former rail spur; and

- c. The land shown on said attached map as "CA to RB" shall be included in the Residence B (RB) District. Said land includes the following:

City Assessor Map 56, Parcels 153, 154, 155, 156, 157, and 158.

II. The effective date of these amendments shall be the date of passage.

Councilor Dumais Recused.

APPROVED; adopted.

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:36 PM; adopted.

IN CITY COUNCIL



Marlborough, Mass., _____ JUNE 6, 2022 _____

ORDERED:

That there being no objection thereto set **MONDAY JUNE 27, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to relocate Pole 13-5, eight (8) feet to the right on Cedar Hill Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008623

Steven Kerrigan

From: Thomas DiPersio
Date: June 23, 2022 at 12:52:28 PM EDT
To: City Council
Subject: Order# 22-1008623

Regarding Order 22-1008623: Petition of Massachusetts Electric and Verizon to relocate pole 13-5, eight (8) feet to the right on Cedar Hill Street, I have no objections to the petition. A road opening permit from the Engineering office is required, and the the attached standard conditions shall also apply.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS
City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov

STANDARD CONDITIONS FOR UTILITY PETITIONS

1. Any necessary easements are to be obtained from affected property owners.
2. A street opening permit must be applied for by the proposed contractor performing the work.
3. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
4. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
5. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
6. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
7. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
8. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
9. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
10. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
11. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.



RECEIVED
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CITY OF MARLBOROUGH

2022 JUN 21 PM 4:55

Marlborough City Council
Laura J. Wagner
Michael H. Ossing
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

June 15, 2022

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – June 2022 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the first quarter 2022 savings from the approved fixed price contract with Inspire that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period. The contract with Inspire runs through the January 2024 meter reads.

Colonial Power has compiled the first quarter 2022 data and the City residents saved over \$1,097,423 in their electricity bill compared to the National Grid Basic Service rate. Refer to the table in Attachment 1 and the graph in Attachment 2.

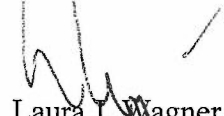
As a reminder, the City contract with Inspire is 100% National Wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

Looking ahead to the second quarter 2022, the City rate is lower than the National Grid Summer Basic Service rate of 0.11491 \$/kWh. This is significant as the City residents will continue to see savings over the National Grid Basic Service rate and the requirements in order 19-1007578B will be satisfied by “on a yearly average be lower than the National Grid Basic Service rates during the same time period.”

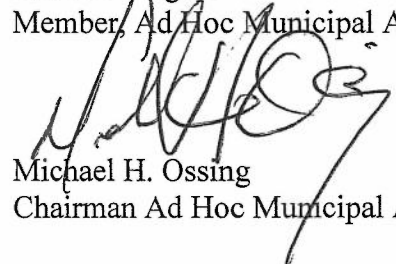
This information will be updated periodically and forwarded to the Councilors in accordance with Order 19-1007578B.

As Councilors, you can take pride in your decision to support Municipal Aggregation as we are saving our residents money on their electricity bills. Since November 2019, City residents have saved over \$4,983,000 on their electric bills with Inspire.

Sincerely,



Laura J. Wagner
Member, Ad Hoc Municipal Aggregation Committee



Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: Table showing Residential Savings with Inspire

Attachment 2: 1st quarter 2022 status report – Graph illustrating Marlboro aggregation savings

Attachment 1

Table Showing Residential Savings with Inspire

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Nov - .13957 Dec - .13957	Nov - .09690 Dec - .09690	\$550,815	\$693,006
First Quarter 2020	Jan - Mar .13957	Jan - Mar .09690	\$812,433	\$1,034,746
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr - Jun .09690	\$250,320	\$196,841
Third Quarter 2020	Jul - Sept .09898	Jul - .09690 Aug - .09390 Sept - .09390	\$78,989	(-\$148,635)*
Fourth Quarter 2020	Oct - .09898 Nov - .12388 Dec - .12388	Oct - Dec .09390	\$482,513	\$564,251
First Quarter 2021	Jan - Mar .12388	Jan - Mar .09390	\$624,406	\$762,385
Second Quarter 2021	Apr - .12388 May - .09707 Jun - .09707	Apr - Jun .09390	\$187,524	\$129,725
Third Quarter 2021	Jul - Sept .09707	Jul - Sept .09390	\$64,772	(-\$60,874)*
Fourth Quarter 2021	Oct - .09707 Nov - .14821 Dec - .14821	Oct - Dec .09390	\$834,511	\$1,442,793
First Quarter 2022	Jan - Mar .14821	Jan - Mar .09390	\$1,097,423	\$1,784,746
Second Quarter 2022	Apr - .14821 May - .11491 Jun - .11491	Apr - Jun .09390	TBD	TBD

- *National Grid sets different rate for commercial/industrial users that are not associated with the National Grid residential fixed Basic Service rate.
- Total residential savings from Inspire (November 2019 to December 2021) – over \$4,983,000.
- Total program savings (all rate classes) since inception in 2007 is \$10,336,000.

Prepared June 2022

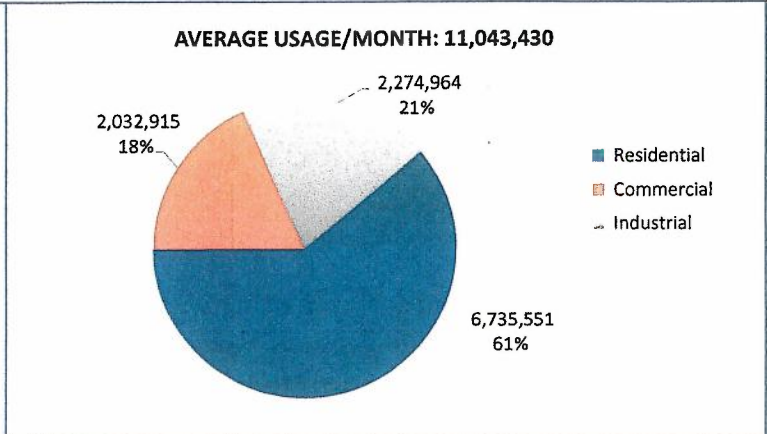
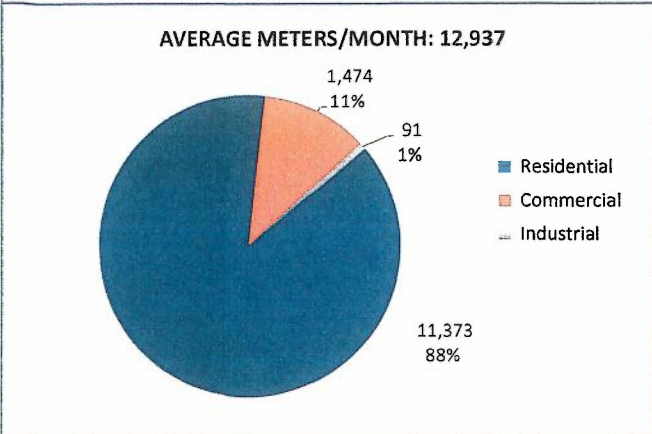
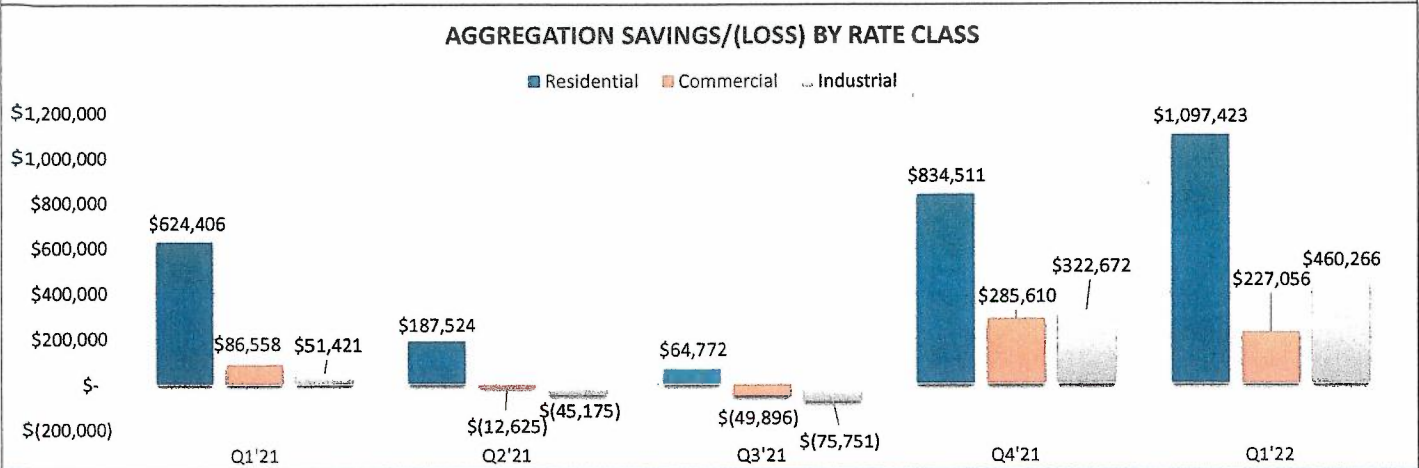
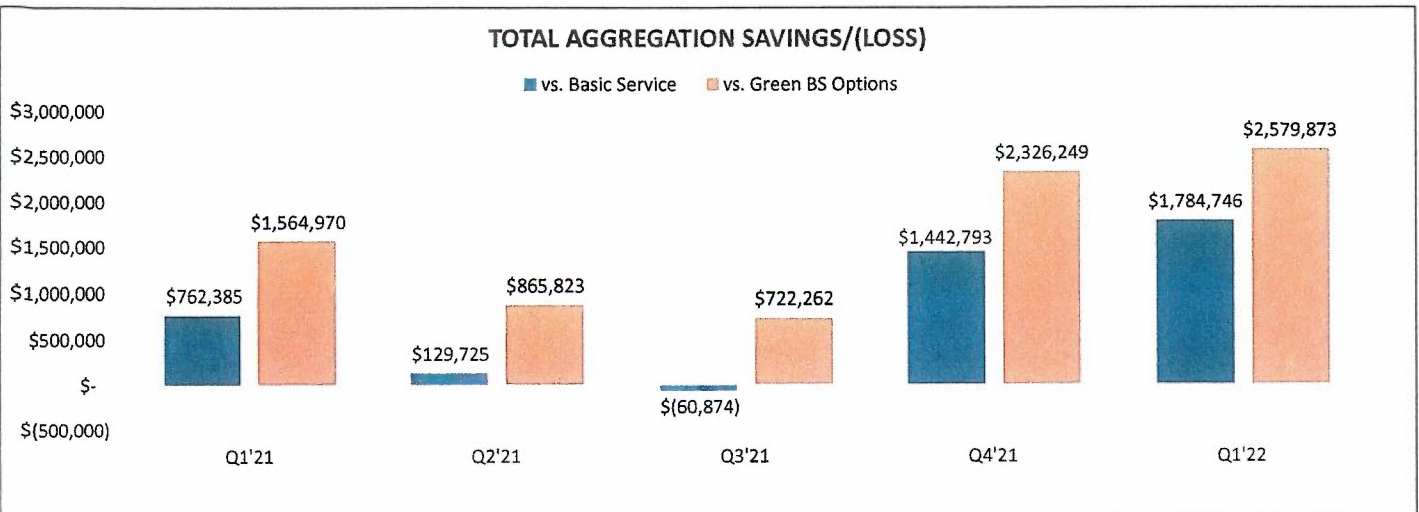
This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the City of Marlborough's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 12,900 customers in the City. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

PROGRAM RATES		
Term	November 2019 - August 2020	August 2020 - January 2024
Competitive Supplier	Inspire	Inspire
Standard (default)	\$0.09690 / kWh 100% National Wind RECs	\$0.09390 / kWh 100% National Wind RECs
Optional	N/A	N/A

COMPARISON TO NATIONAL GRID RATES

[Click here for NGRID GreenUp Info](#)

The City's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JUN 23 AM 11:44

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

June 23, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Grant acceptance for the IT Department for online permitting software

Honorable President Ossing and Councilors,

Enclosed is for your review and approval is a grant acceptance in the amount of \$190,000.00 for the procurement of new online permitting software.

The online permitting software has been implemented for the building department, Board of Health and Licensing, with plans to incorporate, street closure permits, dog licenses, Fire and Police permitting as well. The City of Newton recently implemented the same product and while speaking to Newton Mayor Fuller, she indicated the foot traffic in their building department had dropped 90% due to the online permitting process.

The planning, testing and integration of permitting software with our GIS and finance systems has been a large commitment, and I want to thank all our employees who have been involved in the process. Commissioner Tin Htway, Sr. System Analyst John Burke, City Auditor Diane Smith and Finance Director Patrick Jones have been integral in implementing the much-needed upgrade, and this would be an impossible task without everyone's input.

I would also like to take the opportunity to thank Representative Danielle Gregoire for securing the funding for this endeavor.

The grant paperwork was received recently, and we would like to pay the vendor and ask that this approval be expedited if possible.

Please let me or IT Director Mark Gibbs know if you have any questions.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Marlborough Public Schools
Information Technology

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3763
mgibbs@marlborough-ma.gov



June 23, 2022

City Council President Mike Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Notice of Grant Award

Dear President Ossing and Council Members,

I am pleased to inform the Council that the City has been awarded a \$190,000 grant from the State to convert our permitting system to online permitting along with online payments. The City Council has approved a \$212,687 workorder for the start of this project and \$133,322 of that project is reimbursable. The remainder of the grant will be used for consulting services along with the addition of Fire Department permitting and Dog license online processing.

Sincerely,

Mark Gibbs
IT Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: IT Dept. DATE: 6/23/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Mark Gibbs

NAME OF GRANT: Legislative Earmark

GRANTOR: Commonwealth of MA-Dept. of Conservation & Rec

GRANT AMOUNT: \$190,000.00

GRANT PERIOD: FY22

SCOPE OF GRANT/
ITEMS FUNDED Automation of online permitting for numerous departments

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



City of Marlborough
Marlborough Public Schools
Information Technology

140 MAIN STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. (508) 460-3763
 mgibbs@marlborough-ma.gov



June 14, 2022

Scope of Services

With the assistance from the Commonwealth of Massachusetts, the City of Marlborough will implement the OpenGov *Citizen Services* online permitting suite to automate the intake and internal approval processes for all permits, business licenses, inspections, fee calculations, online payments, digital forms, and electronic signatures, while also providing a user-friendly interface and comprehensive “storefront” for public applicants.

Project Scope:

- OpenGov will provision the City of Marlborough’s OpenGov environment and verify that the City has access to all purchased modules.
- OpenGov will provide access to OpenGov University online training courses intended to teach users on the basics of the Reporting & Transparency Platform.
- OpenGov will upload any applicable datasets to the OpenGov Platform.
- OpenGov will present configured Open Town Hall site and theme. OpenGov will train City of Marlborough users on Open Town Hall functionality.
- OpenGov will review configured OpenGov reports. OpenGov will train City of Marlborough on report:
 - Configuration
 - Update/Maintenance
 - Publishing internally and externally
- OpenGov will review configured Dashboards and will train City of Marlborough on Dashboard:
 - Configuration
 - Update/Maintenance
 - Publishing internally and externally.
- OpenGov will train City of Marlborough on Platform maintenance:
 - Users
 - Uploading data

- Cloud based Permit, Licensing, Code Enforcement software for 6 Service Areas to include:
 - 73 Record Type(s) forms, document templates, fee schedules, workflows to be built by OpenGov
 - CIT System Training
 - Configuration Training
 - Internal user Training
 - Migrations and Integrations
- OpenGov will provision a CIT environment and FTP site. City of Marlborough system administrator will be added to the environment following contract signing and creation.
- During the CIT System Configuration, OpenGov will provide system training designed for system administrators, which will include:
 - How to create and customize the public portal in CIT
 - How to create and customize CIT record types (forms, document templates, fee schedules, workflows)
 - How to set up inspections in CIT
 - How to create datasets in CIT
 - The basic functions of any integrations or other customizations included in the SOW
 - How to export a dataset from the app
- OpenGov will configure up to 73 standard record type drafts of the City of Marlborough's record types in the CIT system. Along with City of Marlborough input OpenGov will be responsible for building:
 - City of Marlborough Application Forms
 - City of Marlborough Workflow
 - Output Documents
 - Adding in City of Marlborough Fees
 - OpenGov will hold working sessions between the OpenGov and City of Marlborough for the purpose of validating, reviewing, and iterating upon draft record types of configurations.
- OpenGov will provide 3, 60-minute configuration training sessions to enable City of Marlborough to own configuration of their remaining Record Types. These sessions will focus on:
 - Hands-on training for building, configuring, and maintaining Record Types in CIT.
 - Best practice recommendations on Record Type:
 - Building
 - Configuring
 - Maintenance
- At the end of configuration training sessions, City of Marlborough will be responsible for maintenance and configuration of all Record Types.
- OpenGov will scope, format, and script data from City of Marlborough's Accela export to the CIT suite.

- OpenGov will import documents attached to either migrated permits or locations provided through a Master Address Table (MAT) integration.
- OpenGov will import the City of Marlborough's location information from your Master Address Table (MAT) file (CSV) into CIT.
- OpenGov will integrate the CIT suite with the City of Marlborough's ArcGIS Server. City of Marlborough is responsible for providing a publicly accessible secure ESRI.

Issued May 2004



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME : VC6000192111
CONTRACTOR VENDOR/CUSTOMER CODE: City of Marlborough

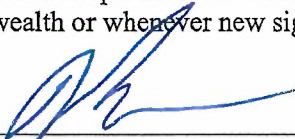
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Mark Gibbs	IT Director

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



Signature

Date: 6/15/22

Title: IT DIRECTOR Telephone: 508-472-9906
Fax: Email: MGIBBS@MARLBOROUGH-MA.GOV

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

Issued May 2004

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME : VC6000192111
CONTRACTOR VENDOR/CUSTOMER CODE: City of Marlborough


PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

X 

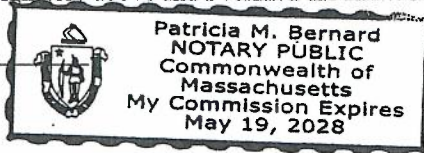
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Patricia M. Bernard (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

_____, 20____

My commission expires on:



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20_____

AFFIX CORPORATE SEAL



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions and Contractor Certifications](#), the [Commonwealth Terms and Conditions for Human and Social Services](#) or the [Commonwealth IT Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Dept of Conservation and Recreation MMARS Department Code: DCR	
Legal Address: (W-9, W-4): 140 Main Street Marlborough 01752		Business Mailing Address: 251 Causeway St Suite 600 Boston MA 02114	
Contract Manager: Mark Gibbs, IT Director	Phone: 508-460-3763	Billing Address (if different):	
E-Mail:	Fax:	Contract Manager: Cheryl Brooks	Phone: 617-626-1256
Contractor Vendor Code: VC 6000192111		E-Mail: cheryl.brooks@mass.gov	Fax: 617-626-1449
Vendor Code Address ID (e.g. "AD001"): AD 001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): 2CTDCR8900ARPAMRLBRO	
		RFR/Procurement or Other ID Number: Legislative Exemption	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). \$ <u>190,000</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FY22 ARPA Earmark: provided further, that not less than \$190,000 shall be expended for the city of Marlborough for the procurement of OpenGov online permitting software			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>6/30, 20 22</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: <u>6/15/22</u> (Signature and Date Must Be Captured At Time of Signature)		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Captured At Time of Signature)	
Print Name: <u>MARK GIBBS</u>		Print Name: _____	
Print Title: <u>IT DIRECTOR</u>		Print Title: _____	



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JUN 23 AM 11:44

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

June 23, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Grant acceptance for the DPW for the Winter Recovery Assistance Program

Honorable President Ossing and Councilors,

Enclosed for your review and approval is a grant acceptance in the amount of \$446,879.24 for the Winter Recovery Assistance Program (WRAP).

WRAP is a reimbursement-based program and will be used for road and sidewalk repairs throughout the year.

I would like to take this opportunity to thank Governor Baker and Lt. Governor Polito for recognizing the need and allocating this vital funding.

Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Department of Public Works DATE: 28-Apr-22

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Sean Divoll

NAME OF GRANT: WRAP---Winter Recovery Assistance Program

GRANTOR: MassDot

GRANT AMOUNT: \$446,879.24

GRANT PERIOD: deadline for spending is June 30, 2023

SCOPE OF GRANT/
ITEMS FUNDED WRAP provides funding to cities for improvements to their transportation networks
in response to this past winter's harsh weather

IS A POSITION BEING
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 25-Jul-22

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

MEMORANDUM

Date: June 22, 2022
To: Mayor Vigeant
From: Thomas DiPersio, Jr., City Engineer
Copy: Sean Divoll, Commissioner of Public Works
Re: WRAP Grant

This is to inform you that the City of Marlborough has received a Winter Recovery Assistance Program (WRAP) Grant from the Commonwealth of Massachusetts, in the amount of \$446,879.24. WRAP provides supplemental funding for cities and towns to improve their transportation networks in response to harsh winter weather. The program is administered by MassDOT, and funding is distributed via a formula based on each municipality's share of locally owned road mileage.

This funding will be useful for street repair and resurfacing projects throughout the City. I respectfully recommend that a request be sent to the City Council to accept the grant. Please contact me with any questions.

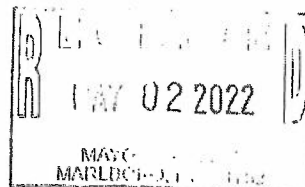


Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO

massDOT
Massachusetts Department of Transportation

April 28, 2022

Arthur Vigeant
Mayor
140 Main Street
Marlborough, MA 01752



cc: S. Droll, P. Junck
T. DiPasio
D. Smith
K. Holmi

Dear Arthur Vigeant:

We are happy to announce \$100,000,000 in statewide funding for the Winter Recovery Assistance Program, also known as WRAP. WRAP provides supplemental funding to cities and towns for improvements to their transportation networks in response to this past winter's harsh weather. Program funding is allocated using a formula based on a municipality's share of local roadway mileage. Marlborough's WRAP funding apportionment is \$446,879.24 based on its locally owned mileage of 133.99806411.

WRAP is a reimbursement-based program, and municipalities must enter into an agreement with MassDOT before incurring any costs. Funding must be spent on eligible expenses in order to be reimbursed by MassDOT, and municipalities must submit online project reports with each reimbursement request. Please only begin WRAP work after receiving a Notice to Proceed from MassDOT. To initiate the contracting process, email WRAPReporting@dot.state.ma.us with the contact information (including email address) of your municipality's authorized signatory. The spending deadline for WRAP funding is **June 30, 2023**.

Additional program details including contracting, eligible costs, project reporting, and key deadlines are available online at www.mass.gov/winter-recovery-assistance-program-wrap. Thank you for your commitment to improving the Commonwealth's transportation infrastructure.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



MASSDOT STANDARD CONTRACT FORM

This form is issued and published by the Massachusetts Department of Transportation (MassDOT or Department). Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract.

CONTRACTOR LEGAL NAME: (and d/b/a): CITY OF MARLBOROUGH	DEPARTMENT NAME: Massachusetts Department of Transportation MMARS Department Code: DOT
Legal Address: (W-9, W-4,T&C): 140 Main Street, Marlborough, MA 01752	Business Mailing Address: 10 Park Plaza, Boston MA 02116
Contract Manager: Sean M. Divoll, P.E., Commissioner	Billing Address (if different):
E-Mail: mayor@marlborough-ma.gov	Contract Manager: Cassandra Gascon
Phone: (508) 460-3770 Fax: n/a	E-Mail: Cassandra.Gascon@dot.state.ma.us
Contractor Vendor Code: VC6000192112	Phone: (857) 368-4636 Fax: n/a
Vendor Code Address ID (e.g. "AD001"): AD001. (Note: The Address Id Must be set up for EFT payments.)	MMARS Doc ID(s): 118267
	RFR/Procurement or Other ID Number: Chapter 42, Section 2E, Acts of 2022.

<u> </u> NEW CONTRACT	<u> </u> CONTRACT AMENDMENT
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification, scope and budget)	Enter Current Contract End Date <i>Prior</i> to Amendment: , 20 Enter Amendment Amount: \$. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification and updated scope and budget)

The Standard Contract Form Instructions, Contractor Certifications and the MassDOT Terms and Conditions documents are incorporated by reference into this Contract and are legally binding **MassDOT TERMS AND CONDITIONS** MassDOT IT TERMS AND CONDITIONS

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for MassDOT/Commonwealth owed debts under 815 CMR 9.00.
 Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or *new* Total if Contract is being amended). \$ _____.


PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: agree to standard 45 day cycle statutory/legal or Ready Payments (**G.L. c. 29, § 23A**); only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.)
 Winter Recovery Assistance Program (WRAP) is for (1) rehabilitation, reconstruction, resurfacing or preservation of roadways and appurtenances; (2) repair or replacement of traffic control devices, signage, guardrails and storm grates or (3) road striping or painting. Funds distributed based on road mileage.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
 ___ 1. may be incurred as of the Effective Date (latest signature date below) and **no** obligations have been incurred **prior** to the Effective Date.
 2. may be incurred as of July 1, 2022, a date **LATER** than the Effective Date below and **no** obligations have been incurred **prior** to the Effective Date.
 ___ 3. were incurred as of _____, 20____, a date **PRIOR** to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth and MassDOT from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of **June 30, 2023**, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the MassDOT Terms and Conditions <https://www.mass.gov/doc/massdot-terms-and-conditions-0/download> or IT Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in **801 CMR 21.07**, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
 X:  Date: 6/12/22
 (Signature and Date Must Be Handwritten At Time of Signature or conform to the MassDOT Electronic Signature Policy, as in effect from time to time)
 Print Name: Arthur G. Vigeant
 Print Title: Mayor

AUTHORIZING SIGNATURE FOR MassDOT:
 X: _____ Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature, or conform to the MassDOT Electronic Signature Policy, as in effect from time to time)
 Print Name: _____
 Print Title: _____

Issued May
2004



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME : CITY OF MARLBOROUGH
CONTRACTOR VENDOR/CUSTOMER CODE: VC6000192112

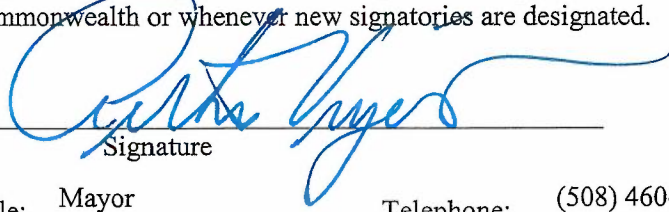
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
ARTHUR G. VIGEANT	MAYOR

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



Signature

Date: 6/7/22

Title: Mayor Telephone: (508) 460-3770

Fax: Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

Issued May 2004



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME : CITY OF MARLBOROUGH CONTRACTOR VENDOR/CUSTOMER CODE: VC6000192112

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures. It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Arthur G. Vigeant

Title: Mayor

X [Handwritten signature of Arthur G. Vigeant]

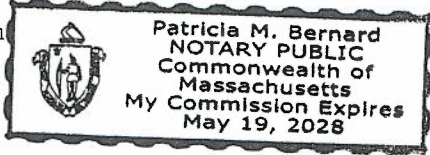
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Patricia M. Bernard (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

June 7, 20 22

My commission expires on



AFFIX NOTARY SEAL

I, (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

, 20

AFFIX CORPORATE SEAL



City of Marlborough
Office of the City Clerk

140 Main Street
 Marlborough, Massachusetts 01752
 Telephone (508) 460-3775 Facsimile (508) 460-3723

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2022 JUN 23 AM 11:05

Steven W. Kerrigan
 City Clerk

Wilson Chu
 Assistant City Clerk

June 23, 2022

Council President Michael Ossing
 Marlborough City Council
 City Hall
 140 Main Street
 Marlborough, MA 01752

Honorable President Ossing and Councilors,

Enclosed for your consideration is an amendment to Chapter 125 "Personnel" §6 "Salary Schedule". This amendment would change the stipend that is paid to the members of the Board of Registrars, and the Assistant Registrar (Assistant City Clerk).

The current stipends received by the members of the Board of Registrars, and Assistant Registrar have not changed since 1989. Currently, the Chair receives \$781.00 and the other two (2) members each receive \$470.00 annually. In addition, the Assistant Registrar (Assistant City Clerk) currently receives \$483.25 annually.

Due to the continual changes in election laws, I feel that the Assistant Registrar (Assistant City Clerk) is not being properly compensated for the work being performed throughout the year. The proposal I am submitting would set the stipends for all members of the Board of Registrars at \$500.00 per member annually. The Chair has no additional responsibilities, and I feel that changing the annual stipends to an equal amount for all members is the best course of action. Additionally, I am proposing to increase the annual stipend for the Assistant Registrar (Assistant City Clerk) to \$750.00 annually due to the added responsibilities that have come with this position due to the changes in the election laws. In preparing my FY 2023 budget, I allocated sufficient funds for the proposed changes so there is no additional money required.

Sincerely,

Steven W. Kerrigan
 City Clerk

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

<u>Position</u>	<u>Rate</u>
Registrar of Voters, Chair	\$500.00
Registrar of Voters	\$500.00
Assistant Registrar of Voters	\$750.00

II. This ordinance shall supersede and replace any existing rate for said position(s) in the current salary schedule.

ADOPTED
In City Council
Order No. 22-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough Office of the City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JUN 23 AM 11:25

Steven W. Kerrigan
City Clerk

Wilson Chu
Assistant City Clerk

140 Main Street
Marlborough, Massachusetts 01752
Telephone (508) 460-3775 Facsimile (508) 460-3723

June 23, 2022

Council President Michael Ossing
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Honorable President Ossing and Councilors,

Pursuant to Massachusetts General Law Chapter 54, §33I a vote of the City Council is required a minimum of 60-days prior to using Electronic Poll Books at elections.

On April 25, 2022, the Council approved the request for a transfer to purchase Electronic Poll Books, and we are anticipating delivery very soon. Once the equipment is received, we will begin training all of our election workers on the new equipment. These new Electronic Poll Books will allow voters to be checked in at the precincts much faster and more efficient.

Thank you for your attention to this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JUN 16 A 9:18

April 27, 2022

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID and VERIZON NEW ENGLAND, INC. request permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Allen Ct

Install new pole 3 and anchor. Needed for Height Clearance.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID and VERIZON NEW ENGLAND, INC.**

Plan No. **30568291** Dated: **4/20/2022**

Also, for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Robert Leonida
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: Albert Bessette
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

April 27, 2022

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: **that MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **27th day of April**

All construction under this order shall be in accordance with the following conditions: -

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order

Plan No. **30568291** Dated: **4/20/2022**

There may be attached to said poles by **MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID and VERIZON NEW ENGLAND, INC.** such wires, cables and fixtures as needed in their business and all said wires and cables shall be placed at a height of not less than twenty feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order: --

Allen Ct

Install new pole 3 and anchor. Needed for height clearance.

Also, for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____

Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, at _____ o'clock, _____ M. at _____ a public hearing was held on the petition of the **MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID and VERIZON NEW ENGLAND, INC.** for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

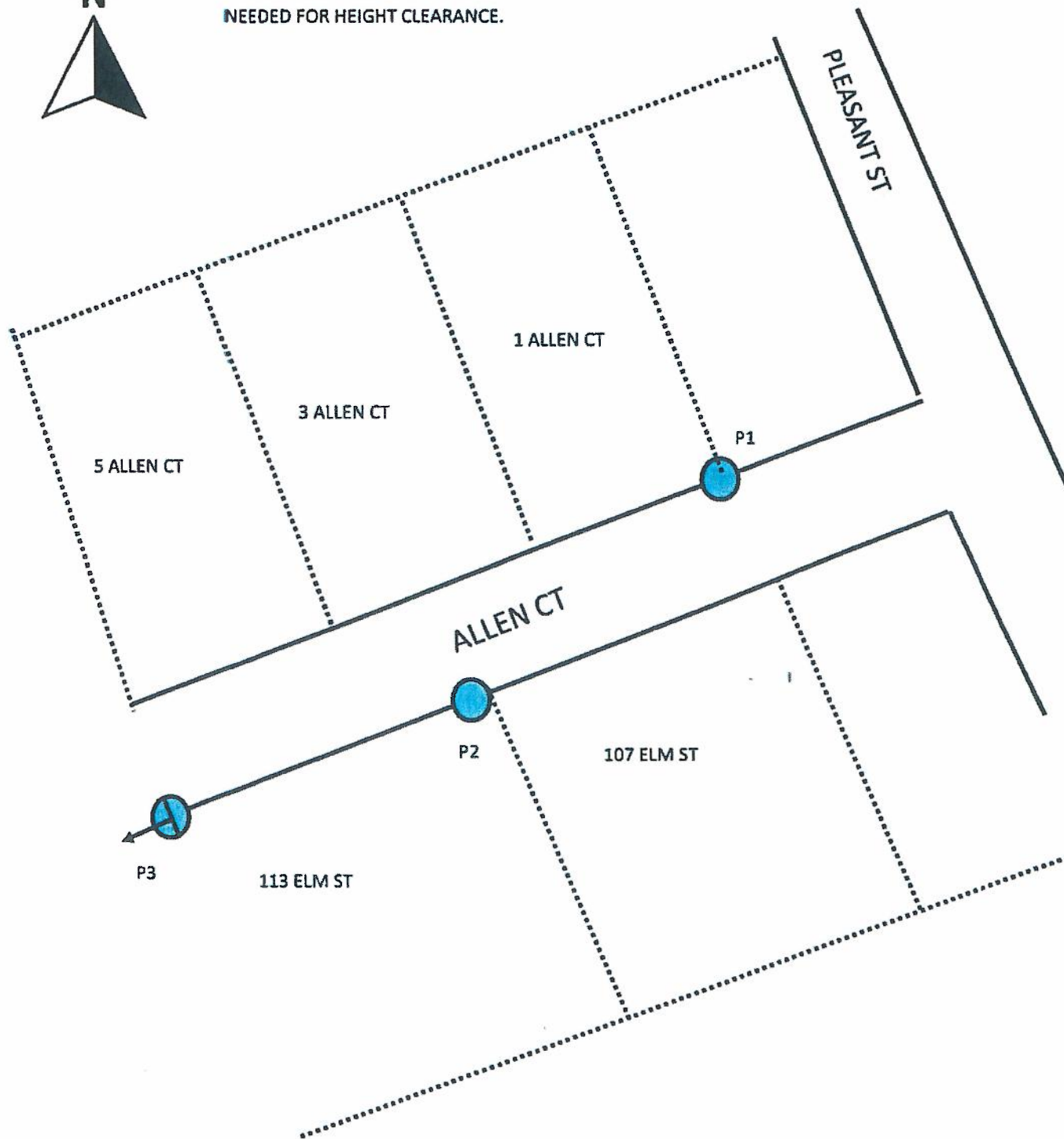
I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough Massachusetts, on the _____ day of _____ recorded with the records of location orders of said City, Book _____, Page _____.




This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk



INSTALL NEW POLE 3 AND ANCHOR,
NEEDED FOR HEIGHT CLEARANCE.



LEGEND		POLE 3 PETITION	DATE: 4/20/22
	EXISTING J/O POLE		DESIGNER: D.LARSON
	PROPOSED J/O POLE	ALLEN CT	MARLBOROUGH, MA
	GUY WIRE	nationalgrid	
		WR-30568291	



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JUN -7 A 9:39

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

May 10, 2022

1. Vice Chair Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Daniel Caruso, Katherine Hennessy, Earl Geary, and Denise Ryan. Also present were Director of Finance and Operations, Douglas Dias and the Assistant Superintendent of Teaching and Learning, Mary Murphy. Additionally, MEA Representative Eileen Barry and Student Advisory Representative Hattie Parker were present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Mrs. Murphy filled in for Superintendent Bergeron in his absence. This portion of the minutes will be written as if Mr. Bergeron was speaking since it was his written report that was read.
Superintendent Bergeron and the School Committee thanked MPS employees last week during the annual faculty and staff appreciation week.
The Superintendent thanked Framingham State University for inviting him, Kalliope Pantazopoulos, and Ron Sanborn to speak to graduating education students. The district currently has a partnership with FSU student teachers and hopes to convince some students to apply to MPS.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

Superintendent Bergeron explained that he and Mr. Dias answered questions from the City Council at the finance subcommittee hearing on May 2nd. The video will be available soon on the WMCT TV website.

Superintendent Bergeron congratulated Mary Murphy on her appointment as Superintendent.

Superintendent Bergeron welcomed Rupal Patel as the new Jaworek Elementary School Principal. He has worked with Mrs. Patel for more than eight years and shared a brief biography about her.

Rupal Patel spoke about her new title and accomplishment.

Mrs. Hennessy, Mrs. Ryan, and Mrs. Bodin-Hettinger congratulated Mrs. Patel and shared some brief sentiments.

Mrs. Murphy and Superintendent Bergeron will be creating a transition plan to help with the transition of power. In addition, a workshop for the School Committee and Mrs. Murphy will be scheduled for the future.

A. Assistant Superintendent of Teaching & Learning

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, reported on MCAS Standards Panel and Massachusetts Council for the Social Studies Award. Mrs. Murphy shared that Zechariah Tan, a MHS Physics teacher, was selected to serve on the High School Introductory Physics Standard Setting Panel for the MCAS.

Mrs. Murphy mentioned that at their annual Awards for Teaching Social Studies program on May 14, the Massachusetts Council for the Social Studies will recognize nine Marlborough educators. The educators and their respective awards were listed in Mrs. Murphy's report.

7. Acceptance of Minutes:

A. Minutes of the April 12, 2022 School Committee Meeting

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to accept these minutes.

Motion passed 4-0-1 (Hennessy).

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

B. Minutes of the April 26, 2022 School Committee Meeting

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to accept these minutes.

Motion passed 4-0-1 (Hennessy).

8. Public Participation:

Kelly Maccioli, who lives at 58 Ridge Road in Marlborough, is a mother of three children attending Jaworek Elementary School. She spoke about her oldest son's experiences at the school.

Kevin Maccioli, who lives at 58 Ridge Road in Marlborough, followed his wife's statements with an emphasis on the School Committee's roles and responsibilities. He communicated four requests to the committee.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

9. Action Items/Reports

A. Superintendent of Schools Formal Announcement

Mrs. Bodin-Hettinger announced that Mrs. Murphy would officially be appointed the new Superintendent of the Marlborough Public Schools on July 1, 2022 pending contract negotiations.

B. Assabet Valley of Collaborative Capital Reserve Plan Revision

Mr. Dias read the recommendation for the School Committee to review the attached revision of the Capital Reserve Plan and take a vote at the May 24, 2022 meeting.

Mrs. Hennessy voiced her concerns about this recommendation.

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

C. Acceptance of Donations and Gifts

Bose Corporation. MPS received \$119,400.00 from Bose Corporation.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 5-0-0.

Shutterfly. Richer School received \$959.93 and Kane School received \$1,106.55 from Shutterfly.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 5-0-0.

Nina Bradley. Nina Bradley, an MHS student, donated \$100.00 to the MHS cooking classes.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 5-0-0.

Box Tops for Education. Whitcomb School received \$18.30 and Kane School received \$7.40 from Box Tops for Education.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 5-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy thanked the School Committee and the administration for moving forward with the policies in her absence.

11. Members' Forum:

Mrs. Bodin-Hettinger will sign the warrant.

Hattie Parker shared her feelings about MHS as she finishes her days as a senior.

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Marlborough Public Schools

*School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509*

12. Adjournment:

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to adjourn at 8:09 p.m.
Motion passed 5-0-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Heidi Matthews", with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved May 26, 2022

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JUN 15 AM 9:38

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

May 24, 2022

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Katherine Hennessy, Earl Geary, Heidi Matthews, and Denise Ryan. Also present were Superintendent Bergeron, Director of Finance and Operations, Douglas Dias, the Assistant Superintendent of Teaching and Learning, Mary Murphy, and the Assistant Superintendent of Student Services and Equity, Jody O'Brien. Additionally, MEA Representative Eileen Barry and Student Advisory Representative Hattie Parker were present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

3. **Presentation:**

- A. **MHS Student Advisory Committee**

MHS Student Advisory Committee members presented on various topics.

Sarah Garner, the freshman class representative, highlighted the rebuilding process of the music department. She discussed marching band, the collaboration with eighth grade students, and the return of concerts. Sarah thanked those involved in helping students return to music.

Adham Hussein spoke on behalf of Risha Khanderia, the sophomore class representative, about student athletes' mental health. It was noted that low enrollment can increase stress and burnout rates for participating athletes. Adham explained that Risha spoke with Mr. Rogers and Ms. Wayman, MHS guidance counselors, about this issue and possible support and solutions.

Jessica Rosenzweig, the junior class representative, spoke about the student advisory schedule. She suggested moving the schedule for SAC representative presentations to help members better prepare for these meetings.

Committee members discussed potential schedule changes.

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

Adham Hussein, the senior class representative, suggested the renovation of the MHS weight room and fitness center. Adham shared his personal sentiments and the benefits of these spaces. He proposed specific changes and mentioned other schools with more advanced and updated facilities.

Committee members and Adham discussed potentially having someone who is not a coach staff the weight room.

Hattie Parker spoke about advertising these health and fitness spaces to students.

4. Committee Discussion/Directives: None.

5. Communications: None.

6. Superintendent's Report:

Superintendent Bergeron spent most of his time writing and preparing his self-evaluation for the committee; he attached this to his report. Updates to his entry plan and yearly goals are in red. He looks forward to receiving feedback from the committee.

Superintendent Bergeron attached a report of donations, gifts, and grants given to the School Department and expressed gratitude to the parties that supported the district. The revised copy was sent out this morning to correct an error.

The Superintendent gave a shout out to Meg DeFazio at Jaworek School for helping with the Memorial Day recognition with students, staff, and veterans.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported on the HVAC projects and school facility summer projects. He stated that HVAC upgrades for Kane and Jaworek are still being designed and estimated.

Mr. Dias outlined the multiple school facilities projects compiled by Custodial Supervisor Andy White and Facilities General Foreman Dan Jackson. Mr. Dias expressed his gratitude for the commitment of the Facilities Department to the school buildings.

Mrs. Hennessy and Mr. Dias discussed specific details of certain projects on the list.

www.mps-edu.org



Marlborough Public Schools

*School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509*

B. Assistant Superintendent of Student Services & Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, reported that in preparation for the next Tiered Focus Monitoring on-site review in 2022-2023 school year, the district has completed a self-assessment of special education and civil rights areas. Mrs. O'Brien expanded upon this review and shared the next steps. She also highlighted that the district is reviewing their Bullying Prevention and Intervention Plan.

7. Acceptance of Minutes:

A. Minutes of the May 10, 2022 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes.

Motion passed 6-0-0.

8. Public Participation:

Kevin Maccioli, who lives at 58 Ridge Road, returned to further address bullying. He thanked Mr. Caruso for taking time to discuss this issue today with him and his wife. Mr. Maccioli expressed his concern for the lack of updates to the Bullying Prevention and Intervention Plan. He also expressed concern about communication issues during bullying incidents.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

9. Action Items/Reports

A. FY22 Operating Budget Transfers

Mr. Dias outlined various budget transfers in the attached document. He mentioned a correction to a mistake on the transfer document.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the budget transfers.

Motion passed 6-0-0.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that there will be a Policy Sub-Committee meeting on June 16th.

Mrs. Matthews shared that the Negotiations Sub-Committee is in the process of negotiating with cafeteria workers.

11. Members' Forum:

Mrs. Matthews stated that the job for Assistant Superintendent of Teaching and Learning was posted and closes at the end of the week. She highlighted the need to discuss this transition publicly, especially as summer programming, federal grants, and other responsibilities approach.

School committee members discussed this transition.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to appoint Mrs. Matthews on the subcommittee with Mrs. Murphy, Superintendent Bergeron, and other individuals that will recommend an Assistant Superintendent of Teaching and Learning to the School Committee.

Motion passed 6-0-0.

Mrs. Bodin-Hettinger stated that June 5th is the deadline for members to complete the Superintendent's Evaluation.

Mrs. Matthews has reviewed the warrant and will sign it.

Mrs. Bodin-Hettinger shared her sentiments on the Memorial Day program at Jaworek Elementary School.

Mrs. Hennessy shared her excitement about upcoming events, such as the graduation walk.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

12. Executive Session:

A. Contract negotiations with incoming Superintendent of Schools

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to enter Executive Session to discuss contract negotiations with the incoming Superintendent of Schools.

Roll call vote:

Earl Geary – Yes

Katherine Hennessy – Yes

Denise Ryan – Yes

Michelle Bodin-Hettinger – Yes

Chair Vigeant – Yes

Dan Caruso – Yes

Heidi Matthews - Yes

The School Committee entered Executive Session at 8:38 pm and will adjourn from there.

13. Adjournment:

The School Committee meeting adjourned at 9:27pm from Executive Session.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved June 14, 2022

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**Marlborough
CONSERVATION COMMISSION**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Minutes

2022 JUN -1 P 3:32

April 21, 2022 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

This meeting was not recorded on video due to technical difficulties, only recorded by these minutes.

Present: Edward Clancy-Chairman, John Skarin, Allan White, David Williams, Karin Paquin and William Dunbar. Priscilla Ryder - Conservation Officer was also present.

Absent: Dennis Demers

Approval of Minutes: The minutes of April 7, 2022, were reviewed and on a motion by Mr. White second by Chairman, to approve, the Commission voted unanimously 6-0.

Request for Determination of Applicability

283 – 325 Lincoln St. - ALTA Marlborough LLC

Phil Cordero of Allen and Major was present representing the applicant ALTA Marlborough LLC. He explained that they are planning to develop the property between the Rail Trail and Mechanic St. along Lincoln St. There is a small wet drainage area that was discovered on the rear of this property that appears to collect street drainage from Jefferson St., Chestnut St, Mechanic St., and Manning St. He has looked at the permitting plans for the rail trail and there are no wetlands identified there. As part of their due diligence the prospective owners wanted to be sure this is considered a drainage, as they assume, and not a wetland. The wetland consultants from Allan and Major have investigated the site and concluded that it is drainage since it is not coming from a wetland area and enters back into a drainage system. Mr. Clancy noted that the area has flooded in the past and he'd be concerned about that. Ms. Ryder noted that she has walked the site with the City Engineer and the consultants, it is an open channel fed by several pipes that then returns to a pipe. It is predominately Japanese knotweed under story with Norway and red maples as the over story. The channel is lined with stone and appears man made. She confirmed that based on her observation the area does provide flood storage which would need to be provided, but as far as being a wetland, it doesn't meet the states wetland criteria since it appears to be drainage and doesn't originate from any wetlands upstream. Several Commission members noted that this area has always been wet when the train station was there and seems to collect water then discharges underground somewhere. After reviewing some photos provided and looking at the plans the Commission decided to do a site visit to review the site before making a decision. A site visit was set for Tuesday April 26 at 5:00 PM. The hearing was continued to the May 5, 2022, meeting.

Notice of Intent (amend)

322 Hayes Memorial Dr. (Lot L) - Marlborough/Northborough Land Realty Trust (amend Order of Conditions 212-1229)

Will Park & Jesse O'Donnell from SMMA, and Israel Lopez from the Gutierrez Co. were present. Mr. Park explained that they are redesigning the building and layout of the project so are seeking an amended Order of Conditions to accommodate these changes. The design changes the plans from a warehouse building to a light manufacturing GMP & office building. Changes to the parking, landscaping, sewer alignment and have included the recently established 30' buffer

zone. Mr. O'Donnell explained the changes to the graded slopes and some additional retaining walls to be added to keep the project outside the 30' no disturbed wetland buffer zone. The stormwater design stays almost the same, however some test pits showed the soils to be less permeable, so the volume has been increased by 20% to accommodate. He explained that the erosion control process would be the same and include stump grindings to be used on site. The sewer realignment will be a challenge as it is 20' deep. The Commission discussed this construction and various level platforms which will be included for fall protection. The construction sequencing was discussed in light of the problems encountered at 149 Hayes Memorial Dr. Ms. Paquin wanted confirmation that the retaining wall would not impact the 30' buffer zone and was assured it would not. Mr. Dunbar asked about snow storage which he was told would be shown on a revised plan. It was explained that there would be space behind the building for a backup generator depending on the tenants needs. After some discussion it was agreed that a construction sequencing plan would be provided along with the snow storage plan and more details on the sewer line connection to the manhole near the wetland and maintenance access. The hearing was continued to the May 5th meeting to allow time for this information to be provided.

Notice of Intent (continued from 4/7/2022)

74 & 82 Paquin Dr. – Scott Ferrecchia

At the applicant's request, prior to this meeting, this hearing was continued to the May 5th, 2022, meeting.

Notice of Intent (continued from 4/7/2022)

630 and 686 Forest St. – Yellow Brick, LLC

At the applicant's request, prior to this meeting, this hearing was continued to the May 5, 2022 meeting.

Violation Updates:

- 541 Pleasant St.- The homeowner had indicated he'd be present, but he did not show. The Commission noted that several members had walked the site to review the wetland line. Ms. Ryder noted she had discussed this case with the city solicitor noting that the applicant had not yet complied with the violation notice issued and it was suggested that the Commission had two options: 1. Require restoration of everything that was removed; 2. Require he file a Notice of Intent with a plan for restoration and any other work he is proposing. The Commission asked Ms. Ryder to have the owner appear at the next meeting on May 5th. Failure to appear will result in additional daily fines until a resolution to move forward is completed and the site is restored.
- 96 Crowley Dr - Ms. Ryder noted that she had issued a violation notice to this project after the first rain event on April 8th which discharged muddy water into the wetland below Crowley Dr. which flows to Ft. Meadow Reservoir. She has met on site with the project team since issuing this notice and will be revisiting the site after the rain predicted on Tuesday April 26th to determine if they have been able to control the site. Several members indicated they will join this walk.

Discussion/Project Updates:

- Mowing of Felton Conservation Land – annual license (continued) - this item was continued Ms. Ryder was asked to reach to other people who mow fields to see if there is interest.

- 689 Pleasant St. – Open Space Development – Beauchemin Estates – provide comments to Planning Board. The Commission reviewed the revised subdivision plans which have incorporated comments the Commission previously provided. The Commission was satisfied that this revised lay out better protected the wetland and left a more ecologically intact open space and wildlife corridor which should serve to protect the value and function of the wetland and save many trees which will be so important to mitigate climate change by providing shade and healthy soils to cool the area. Ms. Ryder will draft and send a letter to the Planning Board indicating same.

Correspondence

The following correspondence was reviewed and accepted and placed on file.

- 874-876 Boston Post Rd. – letter follow up on violation
- Memo from Priscilla Ryder, dated April 14, 2022, RE: List of accomplishments FY 2021 and Goals for 2022

Other Business

- **Shoreline stabilization** - Mr. Dunbar noted that he has reviewed the Lake Boon Shoreline Stabilization guidelines that Stow has and suggested it be revised and updated so it can be used to educate residence around Ft. Meadow as well. It was agreed this was a good idea and the document will be updated and reviewed at a future meeting.

Next Conservation Commission meetings: May 5th and May 19th, 2022

Adjournment - There being no further business on a motion by Mr. Skarin second by Chairman, the meeting was adjourned with a unanimous vote of 6-0 at 8:49 PM.

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability office

CONSERVATION COMMISSION

Minutes

May 5, 2022(Thursday)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JUN -7 P 3:32

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

Present: Edward Clancy-Chairman, John Skarin; Allan White, David Williams, Karin Paquin, William Dunbar and Dennis Demers. Priscilla Ryder - Conservation Officer was also present.

Absent: none

Approval of Minutes: The minutes of April 21, 2022, were reviewed and on a motion by Mr. White second by Chairman, to approve, the commission voted unanimously 7-0.

Violations:

Letter to Alexandre Sampaio – RE: Follow up on Wetland Violation – 541 Pleasant St. –

Mr. Sampaio was present, and he apologized for not appearing at the last meeting there was a mix up. He explained that would like to just replant trees and not do the full plan as previously discussed. Ms. Ryder noted that she and Mr. White, Mr. Dunbar and Ms. Paquin had inspected the site and found the existing wetland flags which appear to be accurate. The tree clearing violation was extensive and did impact a wetland area in the back. Ms. Ryder explained that per the legal office the commission has two options, to require the owner to restore what was disturbed to correct the violation, or file for a permit with a plan showing what was disturbed, what additional work is to be done and include a restoration plan for the area cleared within the 30-buffer zone. The Commission members noted that it has been 2 years since Mr. Sampaio initially cleared the buffer zone and wetland area and the Commission has been patient in trying to work with him to restore the area. They noted that during the site walk they found shoots from tree stumps that had been cut down, which should have been allowed to resprout and were disappointed because these new sprouts could have replaced trees that otherwise would need to be planted. After extensive discussion the commission determined that Mr. Sampaio needed to provide a plan to the commission which includes counting the number of stumps that are 5" in diameter or larger that were originally removed two years go. Then based on that number, provide a reasonable planting plan to replace and restore this area. Ms. Ryder was asked to provide the Buffer zone Guidelines from Weston as a good example of trees that can be planted etc. Once a plan is provided the Commission will review and determine whether the planting plan is reasonable and will restore the area. The Commission will look forward to seeing a plan at the May 19 or June 2nd meeting. Mr. Sampaio thanks the commission for their consideration and will return with this information.

Public hearings:

Notice of Intent (continued from 4/21/2022)

74 & 82 Paquin Dr. – Scott Ferrecchia

Mr. Robert Parente P.E. and Mr. Scott Ferrecchia owner, were both present. Mr. Parente explained that based on the site visit he has revised the plans and pulled the wall away from the water and shortened the wall. He has also removed any work for 74 Paquin Dr. so the permit should only pertain to 82 Paquin Dr. He showed a picture of the water level that afternoon which is below the stakes. Ms. Ryder noted that as discussed in the field the wall as shown will be located where the existing slope used to be and no filling of the land under water is now proposed. It was agreed that this new plan was acceptable and met the requirements that have been discussed. There being no further discussion the hearing was closed. Ms. Ryder was asked to draft a set of conditions for review at the next meeting on May 19, 2022.

Request for Determination of Applicability

55 Clinton St. – Carlos Costa

Proposes to resurface the existing driveway, add a new deck, and establish a lawn in the side yard near wetlands. The applicant did not show for this hearing, so the meeting was continued to the May 19th meeting and Ms. Ryder was asked to reach out to applicant to be sure he will attend.

Request for Determination of Applicability (continued from 4/21/2022)

283 – 325 Lincoln St. - ALTA Marlborough LLC

Phil Cordero from Allen and Major was present to represent the Applicant Wood Partners. He noted that the Commission held a site visit one week ago to check out the site. Ms. Ryder noted that several commission members attended and reviewed the area noting that the channel appears man-made lined with stone, the banks are covered with the invasive Japanese Knotweed and there is a tree cover of mixed tree types. As shown on the GIS maps and as observed in the field, this area is collecting drainage water from several areas, it is held here then continues to drain into the city drainage system. Chairman Clancy noted that this area has been degraded for many years as part of the old train yard, and it has always had drainage and water issues. Flooding of the area has occurred when the pipes have not been maintained so that needs to be part of any future design. Mr. Dunbar noted that there is a drainpipe under the building, and he wanted to be sure that was known. Mr. Cordero noted that it is on the plan. After some discussion it was determined that based on the site visit, this area does not function or meet the wetland criteria and is only to be considered a drainage area. However, the commission wanted to be sure the City Engineer is aware of the flooding and drainage issues of this area to be sure they are incorporated into any future designs. There being no further discussion the hearing was closed. On a motion by Mr. White, second by Chairman Clancy to issue a negative determination noting there are no wetlands on the site, the Commission voted unanimously 7-0 to approve the motion.

Notice of Intent

192 Robin Hill St. - Hillside School

Chris Anderson of Hannagan Engineering was present representing Hillside School. He explained that the school would like to install, and elementary school building where had been located before it burned in 2020. This would be a day program only. The design includes a driveway, building, raingarden, detention basin and parking. The wetlands were delineated last fall and this spring by Caron Env. The plan respects the 30' wetland buffer zone. Ms. Ryder noted that she has checked the delineation and several flags were missing but none that would affect the design. She noted several areas where some flags could be eliminated to enlarge the wetland. She will provide these changes to Mr. Anderson. The Commission asked about snow storage, maintenance of the rain garden which should be included in the stormwater operation and maintenance plan to be provided. The Commission asked about the sizing of the basins and other mitigation measures. The Commission asked Mr. Anderson to adjust the wetland line on the plans and include any changes he's waiting for from the City Engineer and provide this at the next meeting on May 19th. The hearing was continued to May 19th and the Commission asked Ms. Ryder to draft a set of conditions for review then as well.

Notice of Intent – Amend (continued from 4/21/2022)

322 Hayes Memorial Dr. (Lot L) - Marlborough/Northborough Land Realty Trust (amend Order of Conditions 212-1229)

Mr. William Park and Mr. Jesse O'Donnell from SMMA, Mr. Dan Dedinsky and Israel Lopez from Gutierrez Co. were present. Mr. O'Donnell & Mr. Park explained that they have made some changes to the plans based on comments from the last meeting and he went over the changes as shown, including snow storage, O&M plan, details on the sewer construction and pump bypass system and how this will be connected, how dewatering will be done, and access path for future maintenance needed. Mr. Dedinsky explained the erosion control and construction sequencing to be done, temporary basins to be used, invasive plant removal, wash stations. He noted that he has been providing the weekly reports for 149 Hayes Memorial Dr. and has learned many lessons from that site, which should allow this site to run much more smoothly. There was discussion about the sewer pipe and how the old one would be abandoned. When there was no further discussion, the hearing was closed. Ms. Ryder was asked to draft a set of amended conditions for the next meeting for review.

Notice of Intent (continued from 4/21/2022)

630 and 686 Forest St. – Yellow Brick, LLC

Mr. David Cowell from Hancock Engineering was present and representing the owner Steve Turner. He explained the changes made to the plan-based on <https://tinyurl.com/yxfj6gpdn> the last meeting including storage locations, catch basin protections, erosion controls. He noted that the project is proceeding, and the downstream headwall has been placed and stabilized with rip rap. Pumping around the project has worked well and continues to be adequate. He had provided a summary of the downstream impacts which occurred when the project was started and noted that a significant amount of sediments are visible downstream, with the thickest 18" just below the headwall. Ms. Ryder and Ms. Paquin had walked the site and noted that the sediment can be traced down to the first stone wall and they suggested that the silt within the stream channel from the headwall to the stonewall be removed. It is very fine silt and is easily resuspended and should be removed to improve downstream water quality and stream health. Mr. Cowell noted that this would be removed by hand with shovels and buckets. The Commission asked that this be done as soon as possible before the vegetation gets too thick. Mr. Cowell will convey and see that this is done soon. The cleared slope still needs to be planted, Mr. Cowell will provide a planting plan for this area at the next meeting, which should be the last item required for this project. The Commission agreed and continued the hearing to the May 19th meeting. Ms. Ryder was asked to draft a set of conditions for review at that meeting as well.

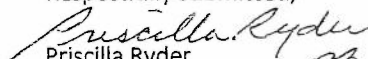
Project Updates/Correspondence/Other Business - The following correspondence was reviewed, and the Commission unanimously voted to accept and place on file.

- 212-1229 2022 Wetland Restoration Monitoring Report Parcel L Hayes Memorial Dr.
- Letter to Rick Borden – RE: Wetland violation-Martin Angelo Dr. from 100 Campus Dr. garage - Marlborough, dated 4/20/2022
- Letter to Jim Orlando – RE: Stormwater & wetland violation notice – fine \$300 – 96 Crowley Dr.

Next Conservation Commission meetings: May 19th and June 2nd, 2022

Adjournment - There being no further business on a motion by Mr. White second by Mr. Clancy, the meeting was adjourned with a unanimous vote of 7-0 at 9:33 PM.

Respectfully submitted,


 Priscilla Ryder
 Conservation/Sustainability office

Marlborough Historical Commission Meeting Minutes

March 17, 2022

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CITY OF MARLBOROUGH

2022 JUN 15 A 7 36

Location: City Hall 140 Main Street Council Committee Meeting Room

Present: Sarah Hough, Melanie Whapham, Andrea Bergeron, Bob Fagone

Absent: Brendan Downey and Pamela Wilderman

(Smart board in the City Hall did not function to allow the meeting to be recorded digitally)

1. Motion to approve January Minutes: Bergeron, Fagone (second)

Approve: Whapham, Fagone, Bergeron

Abstain: Hough

Minutes for February will come from Brendan Downey who is not here.

2. Communication

- a. Panther trail

Pricilla Ryder is the Conservation Commission Officer for Marlborough. She has a program in place called the Panther Trail that is 26.2 miles around the city. There is a small portion by the Sudbury Reservoir (Farm Rd. / Framingham Rd.) At the turn of the century, Marlborough was used as a filtering bed for drinking water filtering into Sudbury to service Boston. The Boston Water Works built a little dam to allow for water to come into or exit the filter beds. It's a small dam that nobody knows is there. It is off the road and cannot be seen from the road. It is still manicured by DCR. See: www.wikipedia.org "Marlborough Filter Brooks." Would the Historical Commission be interested in assisting the Conservation Commission to create a park on the site? No action items at this point, but continued contact with the Conservation Commission to continue collaboration.

- b. Mayor put out a call for sign makers

Call for proposals for sign making. One response from an interested sign maker. Bob Fagone will see if the sign maker can use the prototype that was done for the Rice Homestead. We can still reach out to the HS to see if the new shop instructor could be interested in helping.

- c. Inquiry from the Mayor's Office

Question about what the date is for the cut off for housing markers. Bob Fagone informed Mayor Vigeant that we have been using 1930 for our cut off date.

- d. 580 Farm Rd.

Will take this up in April for sign consideration. Bob Fagone will circulate the research that was shared by the owner. MHC will need to take up whether or not to approve a sign for this house

and we may need to discuss the year that should be on the sign. There may be some issues with putting "circa" on the signage, instead of an exact date. MHC will have to address these issues on a case by case basis.

3. Website

Information has been added. Chandra Lothian's book has been added. Historical Society link. Nat Bowen has been helping us with the website. He is the GIS administrator for the DPW. MHC should consider scheduling a meeting that will bookend the workday so that Nat may be able to attend and share information with us.

4. Historical Commission Office and Files- resides at the DPW. 135 Neil Street.
Engineering Dept. 2nd fl.

Motion to Adjourn 7:55pm: Bergeron, Fagone (second)

Unanimous approval

Marlborough Historical Commission Meeting Minutes

April 21, 2022

RECEIVED
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CITY OF MARLBOROUGH

2022 JUN 15 A 7 36

Location: City Hall 140 Main Street Council Committee Meeting Room

Board Attendees: Robert Fagone, Brendan Downey, Sarah Hough,

Absent: Andrea Bell Bergeron, Melanie Whapham, Pamela Wilderman.

Meeting called to order 7:03 PM

1. Motion to approve February minutes.

Downey AYE

Fagone AYE

Hough AYE

The motion passed.

2. Correspondence & Communications.

- a. Conservation commission (Dunbar) asked if we were thinking about participating in the 250 Anniversary celebration. We will be able to participate.
- b. Metrowest Daily news historic marker interview request. Sarah will follow up with the reporter.
- c. The Point at Marlborough sale required an Estoppel certificate which was provided by the chair.
- d. Mayor Vigeant is interested pursuing a walk around lake Williams. The MHC would be on tap to provide historical markers for the path. Providing this support should be a future initiative of the Marlborough Historical Commission.

3. Historical house marker source discussion.

- a. Ted Parker responded and supplied a sample for the commission to review.
- b. The Maynard historical commission recommended Sign Logic in Hudson
- c. Sarah spoke to Gemini Sign in on Maple Street and will follow up to get pricing based on specs.

4. Historical house marker inquiries.

- a. 16 Auburn Street - Elyse Heise asked about getting a marker from the MHC. She was proactive in asking if adding an addition would cause the marker to be revoked. The chair mentioned that it was unlikely as most historic homes have been renovated multiple times during their history.
- b. Follow up on 580 Farm Rd. (Joseph & Molly Arnold House) on the question about the dates of the home. MACRIS states c. 1800. Associate MHC member Chandra Lothian did some additional research on the property. Based on marriage record it

would be acceptable to use 1786. This date would be in line with the similar Uriah Brigham house on South St and the Caleb and Jonas Brigham houses on Elm.

- i. Motion to accept the name and add the property to the list of MHC approved structures for a historic marker.

Downey AYE

Fagone AYE

Hough AYE

The motion passed.

5. Board transition actions.

- a. The outgoing chair has indicated that the Vice chair will run the board until there is an office vote at the next meeting.
- b. Historical Commission Files are located at the DPW building on Neil St. The files mostly consist of the original research of the Ann Forbes 1995 historical survey including original forms and photos. There are additional documents, meeting minutes and older misc. materials pertaining to the Marlborough Historical Commission. There are also electronic records on the desktop computer. Bob will provide login/pw.

6. On the Motion to adjourn meeting at 7:42 PM, the Commission voted as follows:

Downey AYE

Fagone AYE

Hough AYE

The motion passed. Meeting adjourned.

Marlborough Public Library Board of Trustees

Meeting Minutes

May 3, 2022

Meeting held at the Walker Building

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CITY OF MARLBOROUGH
2022 JUN 10 A 9 52

The meeting was called to order by Fred Haas at 7:09 p.m.

Board members attending:

- Tom Abel
- Karen Bento
- Nena Bloomquist
- Bill Brewin
- Fred Haas
- Rustin Kyle
- Janice Merk

Also attending: Margaret Cardello, Library Director

Documents reviewed/referenced:

1. Agenda
2. Minutes from April 5, 2022 meeting
3. Trust Fund/State Aid Reports for April 2022
4. Director's Report
5. MPL Foundation Capital Campaign Summary *(as of April 27, 2022)*

Proceedings:

1. **Minutes:** A motion (Merk, Kyle) to approve the minutes from the April 5, 2022 meeting was passed.
2. **Trust Fund Reports:** A motion (Merk, Bloomquist) to approve the Trust Fund for April 2022 reports was passed.

3. **Schedule Adjustment:** A motion (Bloomquist, Merk) to begin the meeting with Old Business first was passed.

4. **Director's Report:**

- Margaret updated the Trustees about the construction project. The installation of steel will begin the week of May 9 and will continue to run through mid-June. This milestone is a big one since the steel will form the shape of the new building.
- Trees that needed to be taken down due to safety concerns were removed, free of charge, by the City's trucks.
- On April 27, staff from the Melrose Public Library toured the Walker facility. Their project is one year behind ours, and they wanted to see how we laid out our temporary space. It felt great to help them, to answer their questions, and to share resources with them.
- Margaret submitted the FY23 budget narrative to the Mayor's office. The entire budget packet was submitted to the City Council on April 25. Margaret answered the Finance Committee's questions during the May 2 meeting about (but not limited to) E-rate Funding, Federal Funding, and how things are going at the Walker Building.
- Staff continue to offer popular craft kit programs where patrons pick up craft materials that have been put together in bags and then they virtually put them together. Other upcoming programs will feature virtual collaborations with other libraries such as Discover India and spring gardening programs.
- *No Wrong Way to Parent*, a virtual teen program which gives teens the opportunity to explore various careers and to ask guests questions, recently featured a social worker and forest ranger.
- Staff are working on various summer reading programs for all age groups. They will be following a hybrid model (virtual and in-person). Some in-person programs will be held outside under the gazebo, and some will be held inside in the children's programming room. Data that is collected this summer, gauging the public's comfort level with in-person programming, will help inform fall events.
- At the April Foundation meeting, discussions about the donor wall at the new library began, and will continue at the next meeting on May 10. One of the architects, Drayton Fair, will attend and offer his recommendations.

- The library participated in the Rotary's 2022 Philippine book drive. Four huge boxes of books were donated.

5. Marlborough Public Library Foundation:

- Janice Merk reported that she and Bill Keyles had a very productive meeting with Mayor Vigeant. They gave him an update of the Foundation's progress, and asked him to point them in the direction of larger organizations capable of making significant donations.
- The Foundation has made a big milestone with their fundraising efforts. They have hit the halfway mark and have raised one million dollars.
- Currently, there are approximately 50-60 naming opportunities available, for donations under \$1,000.
- Nena Bloomquist explained that the MPL website continues to be updated, including the use of DonorPerfect fundraising software.

6. Old Business:

- Essay winner, Owen Mahoney, was awarded this year's MPL Trustees Scholarship. Owen will attend Wheaton College in the fall.

7. New Business: N/A

- 8. Adjournment:** A motion (Abel, Brewin) to adjourn was passed and the meeting adjourned at 7:35 p.m.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

**RECEIVED
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CITY OF MARLBOROUGH**

1A

2022 JUN -8 A 8:51

May 9, 2022

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio. Sean Fay arrived at 7:05 PM, Phil Hodge arrived at 7:06 PM.

1. Draft Meeting Minutes

A. April 25, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the April 25, 2022, meeting minutes. Yea: Fowler, LaVenture, Russ, and Fenby. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

2. Chair's Business

A. Open Meeting Law Guidance

i. Correspondence from Assistant City Solicitor, Jeremy McManus, Legal Department

Mr. LaVenture read the May 3, 2022, correspondence from Jeremy McManus into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture the Board voted accept and file the correspondence and to defer discussion regarding Open Meeting Law until later in the meeting. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

B. Public Hearing Date set for May 23, 2022- Referred from City Council, Order #22-1008571: Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District. – No discussion took place.

3. Approval Not Required

A. 401 & 405 Maple Street Map: 93 Parcel: 52

Map: 93 Parcel: 51

Applicant: Fazza Properties, LLC (708 Boston Post Road, Sudbury, MA 01776)

Deed Reference: Book: 79591 Page: 128

Book: 79591 Page: 135

Surveyor: Norman G. Hill, P.L.S., Land Planning, Inc. (214 Worcester St., N. Grafton, MA 01536)

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the May 5, 2022, correspondence from Mr. DiPersio into the record.

ii. 2 Lot Combination ANR Plan Dated: April 14, 2022

On a motion Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept, file, and endorse the above referenced 2 Lot Combination ANR Plan dated April 14, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

4. Public Hearings

A. Colchester Drive, Definitive Subdivision Plan

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13th Floor, Boston, MA 02110)

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Speaking in Opposition to of Project:

- Patricia Cutone (11 Dirardo Drive) spoke in opposition because of proximity, draining and foliage.
- Colin Daley 4 (Old Charter Road) spoke in opposition because of traffic.
- Robert Colombo (39 Fowler Street) spoke in opposition because of traffic.
- John Cutone (11 Dirado Drive) spoke in opposition because of blasting, ground water and the potential of his property taxes increasing.
- Susan Mohran (158 Stevens Street) spoke in opposition because of privacy, drainage, increase in accidents, blasting, wildlife, current sewage back up issues, environmental impact and traffic. Ms. Mohran explained she was previously denied a building permit because of traffic concerns.
- Maratina Colombo (39 Fowler Street) spoke in opposition because of traffic and environmental concerns.
- Susan Mellace (23 Dirado Drive) spoke in opposition because of blasting, the proximity of the infiltration basin to her home and flooding concerns.
- Roger Barnum (172 Stevens Street) spoke in opposition because of traffic, specifically during the construction period and questioned the current gas line capabilities.

Dr. Fenby closed this portion of the Public Hearing.

Questions and Comments from the Planning Board:

Mr. Russ explained he would like to see the infiltration basins be as natural as possible, with screening around them and putting a restriction on some trees within the housing area.

Mr. Fay confirmed with the Mr. Lavoie and Mr. Carney they are not requesting any waivers and the plan is in full compliance with the Planning Board rules and regulations. He expressed concerns on the screening around the infiltration basins, blasting, communication with the neighbors and drainage on the property.

Mr. Fay asked about timing on the Arborist letter. Mr. Carney explained the report should be done within the next 2-4 week.

Dr. Fenby closed the Public Hearing.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to adjourn the meeting for two minutes. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

B. Beauchemin Estates, Preliminary Open Space Concept Plan

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

iv. Plan set

Dated: 02/10/22, Revised Date: 05/02/22

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from the Board members.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Presentation:

Daniel Koravos went over the plan set and explained the parcel is approximately 5.4 acres with an existing house and wetland that runs through the center of the property. The proposed open space development is a 7-lot subdivision with an open space area on the Pleasant Street. Mr. Koravos went over the process of filing for the special permit, and explained they submitted a conventional plan and an open space concept development plan to demonstrate the ability to fit the same number of lots on both plans. He went over the conventional, open space and the existing conditions plans and explained the proposed sites would be serviced by municipal water and sewer. He believes all the properties would require filing a notice of intent due to its proximity to the wetland. He explained during the final design of the open space concept plan he wants to speak with the Conservation Commission about alternative options to the detention basin.

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the May 5, 2022, correspondence from Mr. DiPersio into the record.
Mr. DiPersio pointed out an error within the letter which reads "meets the minimum area of 33%" which should read 30%. The Plan displays 33%.
- ii. Correspondence from Priscilla Ryder, Conservation/Sustainability Officer, Conservation Commission
Mr. LaVenture read the May 4, 2022, correspondence from Priscilla Ryder into the record.
- iii. Correspondence from Daniel Koravos
Mr. LaVenture read the May 2, 2022, correspondence from Daniel Koravos into the record.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file all the correspondence.
Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Speaking in Favor of the Project or having questions:

- Christine Devona (705 Pleasant St) expressed concerns on existing drainage issues on her property, tree removal along the proposed roadway, the ability to connect to the new sewer line and fencing to maintain her privacy.
- Leonard Solo (37 Avebury Ln #18) asked about the proximity to the condo association and the removal of trees.
- Christine Devona (705 Pleasant St) asked about the estimated values and size of the proposed homes.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Project:

- Christine Devona (705 Pleasant St) spoke in opposition.
- Paula Guz (669 Pleasant St) spoke in opposition because of privacy, wildlife, traffic, increase in accidents and noise concerns.
- Dr. Fenby closed this portion of the Public Hearing.

Questions and Comments from the Planning Board:

Mr. Fay explained to Mr. Koravos he must provide a list of draft findings to the Board for their review prior to the 90-day clock expiration with adequate time for review.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

So the public could have a better understanding, Mr. DiPersio when over the definition of an open space development and explained the purpose of the plans that were presented and what the applicants next steps are in the process.

Dr. Fenby closed the Public Hearing.

5. Subdivision Progress Reports (None)
6. Preliminary/Open Space/Limited Development Subdivision (None)
7. Definitive Subdivision Submissions (None)
8. Signs (None)
9. Correspondence (None)

10. Unfinished Business

A. Working Group Discussion – Update

Mr. LaVenture updated the Board on checklists and concluded the checklist would be combined and consolidated and will be presented at the May 23, 2022, meeting for the Board's comment. He explained flowcharts would be discussed at the next working group meeting.

i. Rules and Regulations – updated/formatted forms

The Planning Board Administrator reviewed the formatting and minor editing changes that were made to the forms and appendices, which consisted of pagination and uniform changes throughout the documents.

On a motion by Mr. Fay, seconded by Mr. Russ the Board voted to include the revised forms in the new rules and regulations based on the fact that they are better formatted and look consistent. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Mr. LaVenture discussed the future of amending the rules and regulations and keeping them update to date and revising them as things arise.

Mr. Fay suggested separating the flow charts to make them easier to follow.

11. Calendar Updates – No discussion took place.

- A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022, vote by June 27, 2022, meeting.

12. Public Notices of other Cities & Towns (None)

The Board decided to discuss Open Meeting Law at the May 23, 2022, meeting.

Mr. LaVenture endorse the 401 & 405 Maple Street ANR Plan.

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Respectfully submitted,


George LaVenture/Clerk

/kmm



City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

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Minutes
April 26, 2022

Variance Request
Zoning Board of Appeals Case # 1488-2022

Applicant: Lourival Santos

Date of Appeal: March 1, 2022

Location of Subject Property: 16 Clinton St.

Petition: To construct a new single-family dwelling at 16 Clinton St. located in Zoning District Residence B (RB). The proposal does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Required minimum side setback is 15 ft. vs. the proposed sides of 13.77 ft. and 13.75 ft. plus or minus.

Meeting date: April 5, 2022

Roll call of members present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, Thomas Golden and Paul Giunta. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant: Lourival Santos
- Representative: Atty. David Scimone, Esq. of Hornung & Scimone P.C., 5 Commonwealth Rd. 4th floor, Natick, MA 01760
- Abutter: Harold Dunn – 24 Clinton St. Marlborough, MA 01752 (speaking in favor of the petition)

It was noted to the audience that the Board is hearing a variance request. The audience was made aware that the public meeting was being recorded.

Atty. Scimone started the presentation at the opening of the public hearing. Mr. Santos, applicant arrived at 8:00 PM.

It should be noted that the Building Commissioner's denial letter dated Feb. 2, 2022 stated in part, "The proposed cantilevers for the second-floor framing, shown on the architectural plans were not included on the plot plan. These proposed cantilevers with the building wall lines are to be within the building setback and are not considered an allowable projection as per §650-40F(5)"

The shape of the lot is long and narrow, containing 6,470 sq. ft. with 55.8 ft. of frontage. Mr. Santos bought this lot from the City of Marlborough, with hopes that a variance would be granted again as with the “old” 2013 ZBA case.

Mr. Santos purchased 16 Clinton St. On July 26, 2017. He feels his proposal before the Board this evening is similar to what was granted in 2013. Instead of a 3 ft. deviation on one side, the applicant is proposed a 1 ½ ft. on each side yard setbacks.

The vote of 3-2 to deny the variance request.

On April 27, 2022, the day after the hearing date of April 26th. Atty. Scimone asked if the Board would rescind their denial vote to a “withdraw without prejudice”. After the secretary, Susan Brown, spoke with the city’s legal department, it was determined that as long as the decision was not filed with the city clerk’s office and the decision has not gone out to abutters, the Board could rescind their denial vote to a “withdraw without prejudice”.

At the Board’s May 10, 2022 meeting, the Board voted 4-0 to rescind their denial vote and allowed the applicant to “withdraw without prejudice”.

See ZBA Case #1488-2022 for further details.

Variance Request

Zoning Board of Appeals Case # 1489-2022

Applicant: Gabriele Luzzi

Date of Appeal: March 4, 2022

Location of Subject Property: 60 Harvard St.

Petition: To provide a new 18 ft. x 18 ft. parking area located at 60 Harvard St. Map 82 Parel 11, Zoning District Residence B (RB) does not comply with Chapter 650, Article 41, Table of Lot Area, Yards and Height of Structures” of the City Code of Marlborough. The existing Lot Coverage to this legal pre-existing, non-conforming two family is 34.64% vs. the proposed 37.98% an increase of 3.34%.

Meeting date: April 26, 2022

Members present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, Thomas Golden and Paul Giunta. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant: Gabriele Luzzi, 60 Harvard St., Marlborough, MA 01752
- Representative – Atty. Christopher Flood, Law Offices of Flood & Favata PC, 14 Winthrop St. Marlborough, MA 01752

Mr. Luzzi, applicant and his representative Atty. Flood were present.

Description of lot:

- This is a pre-existing non-conforming two-family structure
- House was construct in 1855
- As you face the house, along the right side there is a gravel driveway where 2 cars can park one in front of the other.
- The applicant would like to create an additional 2 spaces side by side on the left front portion of the lot.
- Existing Lot Coverage is 34.64% vs. the proposed 37.98%. A deviation of 3.34.%
- Shape – almost square shaped, similar to other lots in the area.
- Topography – slopes up on the west side of the property
- Contains 5,416 sq. ft. in area with 69.45 ft. of frontage

The stated hardships were:

- The topography of the lot slope uphill towards the rear. Cannot create additional parking spaces to the rear of the lot.
- The two-family structure needs additional parking for his tenants. Some of his tenants will park downtown or he would rent a spot for them on a neighboring lot.
- Difficult to keep cars off the street during winter snow ban.
- Adding two additional parking spaces will not be a detriment to the public good.
- Applicant is willing to create additional green space in another area on his lot to replace the greenery he will be removing for the parking spaces.
- It would be to the public's benefit to keep cars off the street.
- He had a photo of the area where the additional parking will be located. (Photo in board's file)

Ralph Loftin asked about rules for off street parking for single and 2 family structures. Tin Htway stated there are no rules/codes for the number of spaces for single- and two-family structures.

Robert Levine, Board Member, ask if a permit is necessary for another curb opening. Harvard St. has a sidewalk but no curbing. Answer: It was determined that if a variance was granted the applicant will go to the Engineering Dept. to see if a permit is needed for a second opening. It was also noted that this issue of a second opening was not addressed in the denial letter issued by the building department.

Ralph Loftin, Chairman, explained to the applicant that there are 3 factors the Board must consider before a variance can be granted. First, the property should be unique from others in the area in terms of shape, topography, or soil conditions; second, the hardship experienced by the applicant must arise from these unique features of the property; third, whether the variance can be granted without detriment to the public good. The Board must view the hardship as interfering with or preventing the use of the property as zoned if not relieved by the requested variance.

There were no questions from the audience.

Speaking in favor of the petition:

- 2 e-mails were read into the file: Christian Pinto, 261 Church St. Marlborough, MA, and Klaus Rangel, 79 Harvard St. Marlborough, MA

Speaking in opposition – None

Ralph Loftin explained to the applicant they may “withdraw without prejudice” or continue with a vote by the Board.

A motion was made by Robert Levine and seconded by Thomas Pope to close the public portion of the hearing. By a vote of 5-0 the public hearing was closed.

A motion was made by Robert Levine and seconded by Thomas Golden to grant the variance for a Lot Coverage deviation of 3.34%. By a vote of 5-0 the variance was granted with conditions.

A motion was made by Thomas Golden and seconded by Robert Levine to close the public hearing. By a vote of 5-0 the public hearing was closed.

There being no other business before the Board, a motion to adjourn was made by Thomas Pope and seconded by Robert Levine. By a vote of 5-0 the meeting was adjourned.

See ZBA Case # 1489-2022 for further details.

Respectfully submitted,



Susan Brown

Secretary – Zoning Board of Appeals



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Zoning Board of Appeals
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Minutes
May 10, 2022

Variance Request
Zoning Board of Appeals Case # 1490-2022

Applicant: Robert Gauthier

Date of Appeal: March 16, 2022

Location of Subject Property: 65 Oakcrest Ave. (Map 44 Parcel 51A)

Petition: To construct a new 5 ft. x 7 ft. front portico at 65 Oakcrest Ave. Map 44 Parcel 51A, Zoning District A-2. The property is a lawful pre-existing non-conforming lot. The minimum required front yard setback is 30 ft. Existing front yard setback is 30.1 ft. vs. the proposed 25.4 ft., a 4.6 ft. deviation.

Meeting date: May 10, 2022

Board members present: Ralph Loftin-Chairman, Robert Levine, Thomas Golden and Paul Giunta.

Absent: Thomas Pope.

Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicants: Robert and Aura Gauthier

It was noted to the audience that the Board is hearing a variance request. The audience was made aware that the public meeting was being recorded.

Robert and Aura Gauthier, the applicants, represented themselves.

The Board Chair informed the applicants that only four Board members were present this evening. To receive a favorable decision, the vote would have to be 4-0. Also, the Chair informed the applicants that at any time during the Board's discussion of the case, the applicants can ask to "withdraw without prejudice".

Hardships as stated by the applicants:

- To add protection for themselves from the weather.
- The north facing front entrance endures weather conditions that result in wood rot to the front doorway. The portico will provide protection to the entrance way from rain and snow conditions.
- As stated by the applicant: "As we are getting older, it would be nice to have this added protection and with wider steps and landing, it will be an easier wheelchair accessibility."

Questions from the audience – none.

Speaking in **favor** of the petition:

- Michael Ossing – 43 Varley Rd. Marlborough, MA – Stated the petition would not be a detriment of the public good and that he was in favor of the petition.
- Kathleen Lachapelle – 73 Oakcrest St. Marlborough, MA – was present and submitted a letter of support to the petition.

Speaking in opposition – none.

A motion was made by Robert Levine and seconded by Thomas Golden to close the public portion of the hearing. By a vote of 4-0 the public portion of the hearing was closed.

Discussion – The Chairman explained to the applicant that there are 3 factors the Board must consider before a variance can be granted. First, the property must be unique from others in the area in terms of shape, topography, or soil conditions; second, the hardship experienced by the applicant must arise from these unique features of the property; third, whether the variance can be granted without detriment to the public good. The Board must view the hardship as interfering with or preventing the use of the property as zoned if not relieved by the requested variance.

The Board felt the lot in question is not unique to the neighborhood in that there are several others in the area with similar shape and size.

The Board felt the applicants' stated hardships did not arise from the features of the property, thus did not meet the Hardship requirements according to Mass General Law Chapter 40A §10.

The Chairman did reiterate that the Board can proceed with a vote, or the applicants can ask to "withdraw without prejudice." After further discussion the applicants decided to withdraw their application.

On a motion by Paul Giunta and seconded by Robert Levine to grant the applicant's request to "withdraw without prejudice" by a vote of 4-0 the request was granted.

On a motion by Robert Levine and seconded by Thomas Golden to close the public hearing, by a vote of 4-0, the public hearing was closed.

Variance Request

Zoning Board of Appeals Case # 1491-2022

Applicant: Ken's Foods

Date of Appeal: April 14, 2022

Location of Subject Property: 1 D'Angelo Dr. (Map 116 Parcel 8)

Petition: Variance Request: The applicant proposes improvements to the property including additional impervious surface and addition to the existing structures. The property is located in Zoning District Industrial (I). Maximum Lot Coverage in Chapter 650, Article 41 is 60%. The plans show existing lot coverage of 60.1%, which would be essentially in compliance. The proposed 62.6% coverage, and not considered legal pre-existing non-conforming, requires a variance for the proposed deviation of 2.5%.

Meeting date: May 10, 2022

Board members present: Ralph Loftin-Chairman, Robert Levine, Thomas Golden and Paul Giunta.

Absent: Thomas Pope. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant’s Representative: William Pezzoni, Attorney – Day Pitney LLP One Federal Street, 29th Floor, Boston RE: 1 D’Angelo Drive, Parcel ID #116-8 proposed addition and renovation.
- Elizabeth Mainini – of Guerriere & Halnon, Inc.
- Shayne Mark – Ken’s Foods facility manager

Ken’s Foods, applicant was represented by Atty. Pezzoni and Elizabeth Mainini of Guerriere & Halnon, Inc.

The Applicant has undertaken an expansion and modification of its internal operations, which includes expansion of the existing building, and external site modifications to comply with vehicle circulation, parking and loading regulations of the City of Marlborough. This facility houses Kens Corporate offices and is a key manufacturing facility for the Kens product line and production needs. The facility has been at this location since 1984.

During the design for the planned expansion, it was determined by the Building Commissioner that the proposal does not comply with Chapter 650, Article 41 “Table of Lot area, Yards and Height of Structures” of the City Code of Marlborough, specifically as it relates to “maximum allowable lot coverage” which, for the Industrial Zoning District, is 60%. The existing Lot coverage is 60.1% and the proposed lot coverage is 62.6%. Kens is seeking a variance from the ZBA for this minimal increase in lot coverage. This increase is driven by the renovations necessary for product and health standards within the current facility, as well as complying with required City of Marlborough parking and vehicle circulation regulations.

The **hardships** as stated by applicant:

- The lot configuration, including wetlands and riverfront area imposes a number of constraints.
- Kens spent more than a year analyzing the Marlborough facility and identified the changes needed to bring the facility into current regulatory and inter-company health compliance related to public health and food safety. This analysis also looked at how to better accommodate material flow and worker safety within the facility as noted below:
 - A larger ingredient cooler, as more and more of the raw ingredients used in production must be stored at 40 degrees or lower.
 - Maintaining public health and food safety protocols required reworking internal operations, but, due to existing space constraints and equipment needs, a section of the building and loading docks must be expanded, as shown on the site plans on the west side of the building.
 - These changes in turn necessitated reconfiguring the Parking and Loading Dock to maintain adequate truck parking and circulation and employee parking as regulated by zoning. Because of the location of the property, its infrastructure, landscaping, hardscape and the location of the existing structures thereon, the Site’s shape, topography and geological makeup, including the location and constraints of the wetlands, protected resources (riverfront) on a large amount of the Site and the abutting rail lines, the

Applicant is requesting this variance in order to preserve its ability to meet its required public health and food safety protocols and maintain its current operation at the Site.

- The requested relief specifically addresses and affects the uniqueness of this property and no other properties within the Industrial Zoning District.
- Due to circumstances relating to soil conditions, topography or shape of land or structures: This criteria is met because of the shape of the lot, existing infrastructure on the Site and the restrictive impacts of the associated wetlands and river front resource areas at the Site.
- Affecting such land or structures but not generally the zoning district in which they are located: The lot in question is located in Zoning District Industrial. The minor deviation in lot coverage will not be noticeable to abutters.
- Extent of the wetlands and river front resource areas, existing infrastructure and adjacent rail lines are specific to this Site and not generally the zoning district.
- Literal enforcement of this chapter would involve substantial hardship to the appellant or petitioner: The Petitioner has already made a considerable investment in the Site and to accommodate ever changing public health and food safety protocols, the intended modifications and the present proposal is the most effective and financially prudent option. Otherwise, without this relief, Kens would have to limit its operation at the Site and plan future growth in other communities.
- Desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter: This proposal clearly meets this criteria, as it is a minimal increase in impervious coverage, the public will not be affected by the expanded coverage, and the wetlands and riverfront area on this Site will be protected.

Speaking in favor: Two letters of support by Mayor Vigeant and Michael Ossing, President of the City Council, Mr. Ossing was present at the meeting. (Letters in Board's file)

No one spoke in opposition to the petition.

A motion was made by Robert Levine, seconded by Paul Giunta to close the public portion of the hearing. By a vote of 4-0 the public portion of the hearing was closed.

The Board discussed the proposal and the nature of the hardships imposed by the site configuration. There was general agreement among the Board members that the requirements for a variance had been met. A motion was made by Robert Levine seconded by Thomas Golden to approve the application for a lot coverage variance of 2.5%. By a vote of 4-0, the variance was approved.

A motion was made by Thomas Golden, seconded by Robert Levine to close the public hearing. By a vote of 4-0 the public hearing was closed.

A motion was made by Robert Levine, seconded by Paul Giunta to adjourn. By a vote of 4-0 the meeting was adjourned.

Decision:

The present proposal is the most effective and financially prudent option to meet public health and food safety protocols. Without this relief, Kens would have to limit its operation at the Site and plan future growth in other communities. Chapter 40A Section 10: Desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose

of this chapter. This proposal is a minimal increase in impervious coverage, the public is not affected by the expanded coverage, and the wetlands, the riverfront area and adjacent rail lines on this Site will be protected. Thus, a variance is granted as follows, the existing Lot coverage is 60.1% and the proposed Lot coverage is 62.6% a deviation of 2.5%.

Conditions:

1. Approved plans: Variance Request Ken's Foods Site Plan Modification, 1 D'Angelo Dr. Marlborough, MA Proposed Layout, Page 1 of 3 dated April 12, 2022, Page 2 of 3 dated March 5, 2022 and Page 3 of 3 dated April 12, 2022.
2. Prior to construction, the applicant will receive the proper reviews and permits thru the city.
3. No Building Permits can be issued until such time as the applicant presents to the Building Inspector evidence that said variance with its restrictions has been filed with the Registry of Deeds or Land Court as applicable.

Respectfully submitted.



Susan Brown

Secretary – Zoning Board of Appeals