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CITY OF MARLBOROUGH  
2024 MAY 16 PM 1:15

## CITY OF MARLBOROUGH

### City Council Agenda

Monday, May 20, 2024

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.marlbrough-ma.gov](http://www.marlbrough-ma.gov)).

1. Minutes, City Council Meeting, May 6, 2024.
2. PUBLIC HEARING on the Proposed Fiscal Year 2025 Operating Budget as submitted by Mayor Dumais in the amount of \$196,610,886.00 which represents a 4.69% increase over the Fiscal Year 2024 appropriation, Order No. 24-1009160.
3. PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 "Zoning" to create the Donald Lynch Boulevard District (DLB), Order No. 24-1009147.
4. Communication from the Mayor, re: Transfer Request in the amount of \$83,103.00 which moves funds from and to various accounts for the Department of Public Works and City Clerks' Office, in addition to Transfer Requests totaling \$644,060.00 from Free Cash to Open Space Stabilization (\$25,000.00) and Snow & Ice (\$619,060.00).
5. Communication from the Mayor, re: Transfer Request in the amount of \$165,000.00 from Free Cash to Labor Day Parade (\$50,000.00) and DPW Projects (\$115,000.00) to support the Labor Day Parade and new Dog Park.
6. Communication from the Mayor, re: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund, the Council on Aging Revolving Fund and the Water and Sewer Revolving Fund for Fiscal Year 2025.
7. Communication from the Mayor, re: Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" relative to the Part-Time Clerk within the Fire Department.
8. Communication from the Mayor, re: Appointment of Marylou Vanzini to the Council on Aging Board for a term of 4-years to expire on May 1, 2028.
9. Communication from the Mayor, re: Acceptance of the Hazard Mitigation Plan (2024).  
**(The Hazard Mitigation Plan is available for viewing in the City Clerk's Office and on the city website).**
10. Communication from City Solicitor Jason Grossfield, re: Proposed Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project pursuant to Special Permit Condition #6, Green District, Phase 2 (Simarano Drive).

**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.**

11. Communication from City Solicitor, Jason Grossfield, re: Request for Executive Session regarding the City of Marlborough v. Town of Northborough (Civil Action No. 1685CV01772) – Authorization of Settlement Agreement and Intermunicipal Agreement for Wastewater Treatment and Disposal with the Town of Northborough.
12. Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard, Order No. 24-1009099.
13. Communication from Assabet Superintendent-Director Ernest Houle, re: Proposed Establishment of Stabilization Fund by Assabet Regional Vocational Technical School District pursuant to MGL Chapter 71, §16 G1/2.
14. Communication from Attorney Mark Donahue on behalf of Calverde Naturals, LLC, re: Requests to extend time of commencement of construction to December 31, 2024 and commencement of retail sales operations to December 31, 2025 pursuant to the Special Permit granted on June 7, 2021, Order No. 21-1008214C.
15. Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on D'Angelo Drive, at a point approximately 568' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50' C1.2 midspan Pole #2-50 between Poles 2 and 3. A 25 kva transformer fused at 10 will be installed on the new midspan.
16. Application from Ghost Light Players, re: Request for local approval of a One-Day Beano (Bingo) License pursuant to MGL Chapter 10, §38 to be issued by the MA Lottery Commission.
17. Minutes of Boards, Commissions and Committees:
  - a) School Committee, April 30, 2024.
  - b) Cultural Council, March 6, 2024.
  - c) Historical Commission, March 21, 2024.
  - d) Planning Board, April 8, 2024.
18. CLAIMS:
  - a) Roger Clapp, Jr., 25 Hillcrest Road, pothole or other road defect.
  - b) Jason Parker, 4 St. Mary's Way, pothole or other road defect.
  - c) Wanusa Lobo Menezes, 578 Bigelow Street, pothole or other road defect.
  - d) Wanusa Lobo Menezes, 578 Bigelow Street, pothole or other road defect.

## REPORTS OF COMMITTEES:

From Urban Affairs Committee

19. **Order No. 24-1009099: Application for Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard.**

**Recommendation of the Urban Affairs Committee is to APPROVE.**

The chair opened the meeting at 8 PM and read thru the comments of Managers: Conservation, Board of Health and Fire Department had no comments. Police Chief Giorgi stated his initial concern re safety at the facility and potential for outside congestion were addressed in D8 language where the facility will be locked during the hours of operation and the waiting area will be inside the facility to minimize the potential for loitering outside. Building Commissioner Htwy stated he would defer to the City Solicitor for the determination of requested relief from dimensional requirements. City Engineer DiPersio asked that the dimensional requirements of 650-31(c) that are not met be documented in the decision. The chair stated the amended draft special permit language clarifies the dimensional waivers.

The chair read the April 11, 2024, legal opinion from Assistant Solicitor McManus that the City Council may grant a waiver of the zoning requirement prohibiting narcotic detoxification and/or maintenance facilities within 1,000 feet of a school as a reasonable accommodation under the American Disabilities Act, 42 U.S.C. § 12132. The chair reviewed the petitioner's draft decision on a special permit and noted the date of today's meeting would be added in Section 7 of the Findings of Facts and noted in the yellow highlighted language in Section 9 delineating the dimensional requirements. In the conditions, the new plans provided by petitioner should be included as exhibits and added as appropriate to either condition 2 or 5.

Councilor Doucette moved to recommend approval of the Decision on a Special Permit and its Conditions for Alta Behavioral Health LLC as amended; the chair seconded the motion and the vote carried 5-0.

**Councilors-at-Large**

Sean A. Navin  
Mark A. Oram  
Michael H. Ossing  
Kathleen D. Robey



**Ward Councilors**

Ward 1 – Mark A. Vital  
Ward 2 – David Doucette  
Ward 3 – Robert Preciado  
Ward 4 – Teona C. Brown  
Ward 5 – John J. Irish  
Ward 6 – A. Trey Fuccillo  
Ward 7 – Donald R. Landers, Sr.

RECEIVED  
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24 MAY 15 AM 10:50

**Council President**

Michael H. Ossing

**Council Vice-President**

Kathleen D. Robey

**CITY OF MARLBOROUGH  
CITY COUNCIL  
MEETING MINUTES  
MONDAY, MAY 6, 2024**

The regular meeting of the City Council was held on Monday, May 6, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, & Robey. Councilors Absent: Oram. Meeting adjourned at 8:34 PM.

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

ORDERED: That the Minutes of the City Council meeting, APRIL 22, 2024, **FILE**; adopted.

That the PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" relative to updating provisions regarding Medical and Adult Use Marijuana, Order No. 24-1009136, all were heard who wish to be heard, hearing closed at 8:12 PM; adopted.

**Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Ossing & Robey.**

**Councilors Absent: Oram.**

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

ORDERED: That the Proposed Ordinance Amendment to Chapter 125 by deleting §10(C) granting the Mayor authority to waive any two steps of the salary schedule and also deleting §18(A) (4) allowing the Mayor the authority to grant an additional week of vacation time effective at the time of employment for all non-union personnel referred to **PERSONNEL COMMITTEE & ADVERTISE**; adopted.

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 Chapter 125 ("Personnel"), Section 125-10, entitled "Starting minimum rate", by **deleting** Section 125-10(C) to read as follows:
  - C. Notwithstanding anything to the contrary in this chapter, for all other employees, in order to reflect an employee's prior experience or performance, the Mayor is authorized to waive any two steps on a salary schedule established under this chapter, at time of hiring or during employment, subject to available appropriation of funds. Any waiver of more than two steps shall require approval by the City Council.

II. By amending Chapter 125 (“Personnel”), Section 125-18, entitled “Vacations”, by **deleting** Section 125-18(A)(4) to read as follows:

- (4) Notwithstanding anything to the contrary in this chapter, for all other employees, in order to credit an employee’s experience in prior public or private employment, the Mayor is authorized to grant an increase of up to one (1) additional week of annual vacation time which may be made effective at any time of employment. Upon granting, said additional time shall accrue on a pro-rated basis per completed month in that calendar year, and thereafter shall be received annually. Any increase in annual vacation time above one (1) week shall require approval by the City Council.

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

ORDERED: Appointment of Christine Purple as Human Resources Director for a 3-year term to expire from date of Council confirmation, referred to **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$12,916.00 from the Department of Conservation and Recreation awarded to the Conservation Department to be used to support the construction of a pedestrian bridge over Millham Brook on the Panther Trail; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$22,500.00 awarded to the Department of Public Works for construction of new “Welcome” signs at the entrances of the city as part of the Fiscal Year 2024 state budget earmark funding; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, MAY 20, 2024**, as date for a **PUBLIC HEARING** on the Proposed Fiscal Year 2025 Operating Budget in the amount of \$196,610,886.00 which represents a 4.69% increase over the Fiscal Year 2024 appropriation, referred to the **FINANCE COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Proposed Ordinance Amendments to the City Code, Chapter 125 “Personnel” §5 “Preparation of Classification Descriptions” and to Chapter 125 “Personnel” §6 “Salary Schedule” for new and existing positions included in the FY 2025 budget (attached hereto) for the following positions Communications Director, Capital Projects Manager, DPW Commissioner, Assistant DPW Commissioner, City Engineer, Assistant Library Director & Reference Librarian Part-Time, be and is herewith referred to the **FINANCE COMMITTEE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Release of Restrictive Covenant, 66 Village Drive, in proper legal form, Order No. 24-1009137, **MOVED TO ITEM #15**; adopted.

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

ORDERED: That the Cost of Living (COLA) Base be increased from \$13,000.00 to \$14,000.00 pursuant to MGL Chapter 32 §103(j) on the recommendation of the Retirement Board, **APPROVED**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer license and associated waivers by TVI, Inc., d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a logbook for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety

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) School Committee, March 26, 2024 & April 9, 2024.
- b) Board of Assessors, March 3, 2023, April 21, 2023, April 28, 2023, June 27, 2023, September 7, 2023, November 30, 2023 & March 8, 2024.
- c) Commission on Disabilities, September 11, 2023.
- d) Council on Aging, February 20, 2024 & March 12, 2024.
- e) Planning Board, March 11, 2024.
- f) Traffic Commission, March 27, 2024.

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

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

- a) Michael Batista, 119 Berlin Road, residential mailbox claim (2b).
- b) Sujatha Krishnan, 159 Stearns Road, other property damage and/or personal injury.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee  
Monday, April 29, 2024  
Minutes and Report**

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

Voting Members: Chair Irish, Councilors Fuccillo, Oram, Vital; Brown arrived at 6:31 PM.

Voting Members: Chair Irish, Councilors Fuccillo, Oram, Vital and Brown.

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

Also Present: Mayor Dumais, Auditor Diane Smith, Building Commissioner Htway, Police Chief Giorgi and Officer LaRose, Fire Chief Breen, Acting DPW Commissioner Scott.

**Order No. 24-1009146: Communication from Mayor Dumais together with Transfer in the amount of \$2,784,983.00 from Free Cash to Capital Outlay to fund Capital Items for the Police Department, Fire Department, Inspectional Services and Department of Public Works.**

Reports of Committee Continued:

Chair Irish read the communication from Mayor Dumais requesting the use of free cash for items requested by the Police Fire, Inspectional Services and Public Works Departments, explaining the importance of the timely purchase of the items for cost savings and efficiency.

Individual managers joined the Mayor to answer Councilors' questions regarding each of the department requests:

Inspectional Services:	\$ 300,000.00 Records Imaging & Conversion Services
Police Department:	\$280,500.00 – Four (4) police cruisers \$35,983.00 – Taser replacements \$5,500.00 – Bulletproof Vest replacements
Fire Department:	\$100,000.00 – Fire Station Alerting System \$70,000.00 – Radio Box replacement
Public Works:	\$1,993,000.00 – Replacement of aging vehicles/equipment

The Finance Committee voted to recommend approval of the Transfer from Free Cash to Capital Outlay as requested in the amount of **\$2,784,983.00** as outlined in the letter from Mayor Dumais in his letter dated April 18, 2024. Vote 5-0.

The Finance Committee voted to recommend a suspension of the rules for action on the Transfer on May 6, 2024. Vote 5-0.

The meeting adjourned at 7:53 PM.

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

**City Council Urban Affairs & Housing Committee  
Monday, April 29, 2024  
Minutes and Report**

This meeting convened at 7:24 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, [www.marlborough-ma.gov](http://www.marlborough-ma.gov).

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

Also present were Councilors Brown, Fuccillo, Irish, Oram, Ossing and Vital.

Others present are identified in the Order information.

**Order No. 24-1009099: Application for Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard.**

Present were Attorney Andrew J. Tine and Aristotle Nikolaou, Alta Behavioral LLC co-founder.



## Reports of Committee Continued:

The chair opened the meeting at 8 PM and read thru the comments of Managers: Conservation, Board of Health and Fire Department had no comments. Police Chief Giorgi stated his initial concern re safety at the facility and potential for outside congestion were addressed in D8 language where the facility will be locked during the hours of operation and the waiting area will be inside the facility to minimize the potential for loitering outside. Building Commissioner Htway stated he would defer to the City Solicitor for the determination of requested relief from dimensional requirements. City Engineer DiPersio asked that the dimensional requirements of 650-31(c) that are not met be documented in the decision. The chair stated the amended draft special permit language clarifies the dimensional waivers.

The chair read the April 11, 2024, legal opinion from Assistant Solicitor McManus that the City Council may grant a waiver of the zoning requirement prohibiting narcotic detoxification and/or maintenance facilities within 1,000 feet of a school as a reasonable accommodation under the American Disabilities Act, 42 U.S.C. § 12132. The chair reviewed the petitioner's draft decision on a special permit and noted the date of today's meeting would be added in Section 7 of the Findings of Facts and noted in the yellow highlighted language in Section 9 delineating the dimensional requirements. In the conditions, the new plans provided by petitioner should be included as exhibits and added as appropriate to either condition 2 or 5.

Attorney Tine requested earlier this evening, at 4:32 PM, that the special permit be changed from Alta Behavioral Health, LLC to Metanoia Recovery LLC which is owned by the same group. The request to change the name will be referred to the Legal Department as to its appropriateness at this late juncture in the special permit process.

Councilor Vital questioned where clients would smoke; the client indicated the property owner would designate a spot away from the building which would have a disposal container.

**Councilor Doucette moved to recommend approval of the Decision on a Special Permit and its Conditions for Alta Behavioral Health LLC as amended; the chair seconded the motion and the vote carried 5-0.**

The chair will ask to suspend the rules on May 6, 2024, to refer the decision and related documents to the Legal Department to be placed in proper legal form on the May 20, 2024, agenda.

**Order No. 23-1009035: Communication from ViewPoint Sign and Awning on behalf of Best Western Royal Plaza Hotel for replacement of freestanding EMC Sign at 181 Boston Post Road West.**

This item is under review by the Building Commissioner and Solicitor and remains in committee.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:49 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 \$2,784,983.00 (Two million seven hundred eighty-four thousand, nine hundred eighty-three dollars) from Free Cash to Capital Outlay to fund the Capital Improvements for the Police Department, Fire Department, Inspectional Services and Department of Public Works, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
		DEPT: Various				FISCAL YEAR: 2024			
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$6,614,143.45</u>	<u>\$2,784,983.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,993,000.00</u>	<u>19300006</u>	<u>58731</u>	<u>Capital Outlay-DPW Equipme</u>	<u>\$0.00</u>
	Reason:	<u>To fund various capital requests</u>						<u>DPW Equipment</u>	
					<u>\$321,983.00</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police Dept</u>	<u>\$0.00</u>
								<u>Cruisers, vests, tasers</u>	
					<u>\$300,000.00</u>	<u>19300006</u>	<u>57102</u>	<u>Capital Outlay-Building Dept</u>	<u>\$0.00</u>
	Reason:							<u>Records Imaging</u>	
					<u>\$170,000.00</u>	<u>19300006</u>	<u>58512</u>	<u>Capial Outlay-Fire Dept</u>	<u>\$58.40</u>
	Reason:							<u>Alerting System, Radio Box Replacement</u>	
		<u>\$2,784,983.00</u>	<u>Total</u>		<u>\$2,784,983.00</u>	<u>Total</u>			

**Suspension of the Rules requested – granted.**

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

ORDERED: That the Communication from Mayor Dumais, re: Revised Fiscal Year 2025 Proposed Operating Budget total in the amount of \$196,610,886.00 that includes additional monies to the Part-Time Administrative Assistant to the City Council, referred to the **FINANCE COMMITTEE**; adopted.

**Suspension of the Rules requested – granted.**

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

ORDERED: That the Application for a Special Permit from Alta Behavioral Health, LLC, to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM FOR THE MAY 20, 2024, COUNCIL MEETING**; adopted.

**Suspension of the Rules requested – granted.**

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

ORDERED: That the Revised Application for Site Plan Review from Procopio Companies, on behalf of Marlborough TOTG and JW Capital Partners, LLC, for a mix-use project at 57 Main Street in the Marlborough Village District, referred to the **URBAN AFFAIRS COMMITTEE, SITE PLAN REVIEW COMMITTEE & LEGAL DEPARTMENT**; adopted.

**Councilor Preciado Recused.**

**Suspension of the Rules requested – Motion by Councilor Landers to remove from the Public Services Committee, Order No. 24-1009149 – granted.**

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, **APPROVED**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$762,465.00 (Seven hundred sixty-two thousand, four hundred sixty-five dollars) from Economic Development to MEDC Funding for the FY 2025 Operating Budget of MEDC, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:		Major		FISCAL YEAR:		2024			
		FROM ACCOUNT:		TO ACCOUNT:					
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$1,923,893.90</u>	<u>\$762,465.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$762,465.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>
Reason:		<u>To allow the MEDC to continue it's work in promoting the economic development of the City for FY25</u>							
	<u>\$762,465.00</u>	Total			<u>\$762,465.00</u>	Total			

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

ORDERED: That the Transfer Request in the amount of \$150,000.00 (One hundred fifty thousand dollars) from Economic Development to MEDC Funding for the Economic Development Toolbox, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:		Mayor				FISCAL YEAR:		2024	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	Balance
<u>\$1,923,893.90</u>	<u>\$150,000.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$150,000.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>
Reason:		<u>To replenish the Economic Development Toolbox for FY25</u>							
	<u>\$150,000.00</u>	Total			<u>\$150,000.00</u>	Total			

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

ORDERED: That the City Council for the City of Marlborough having received a request on behalf of Robert H. LeDuc of 66 Village Drive (the "Requester") to release any rights that the City of Marlborough holds in a restrictive covenant set forth in a deed from First Colony Management Co., Inc. to John Hartley and Rose M. Hartley recorded on September 11, 1998 in the Middlesex South Registry of Deeds in Book 29086, Page 097, requiring that no deed for the Subject Unit (Unit 3 in Building 1 located at 66 Village Drive in the Villages at Marlborough East Condominium in Marlborough, Massachusetts) be recorded unless the Subject Unit is a "countable unit" under MGL c. 40B and is being conveyed pursuant to the so-called Local Initiative Program (LIP), and as the Subject Unit has not been a "countable unit" under MGL c. 40B or approved under LIP, the City Council hereby authorizes the following:

1. The Mayor is authorized to execute a release of restrictive covenant deed substantially in the form attached hereto;
2. All costs associating with recording all necessary documents referenced herein with the Registry of Deeds shall be the responsibility of the requester, and a copy of all recorded documents shall be contemporaneously filed by the requester with the City Solicitor.

**APPROVED**; adopted.

Motion by Councilor Doucette, 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 8:34 PM; adopted.



# IN CITY COUNCIL

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Marlborough, Mass., MAY 6, 2024

## ORDERED:

That there being no objection thereto set **MONDAY, MAY 20, 2024**, as date for a **PUBLIC HEARING** on the Proposed Fiscal Year 2025 Operating Budget in the amount of \$196,610,886.00 which represents a 4.69% increase over the Fiscal Year 2024 appropriation, be and is herewith referred to the **FINANCE COMMITTEE & ADVERTISE**.

ADOPTED

ORDER NO. 24-1009160



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 1

## ORDERED:

That the Proposed Zoning Amendment to Chapter 650 "Zoning" to create the Donald Lynch Boulevard District (DLB), be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 20, 2024.**

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. Section 650-7, entitled "Districts Enumerated," is hereby **amended** as follows:
  - (1) By deleting from the first sentence the number "14" and inserting in place thereof the number "15."
  - (2) By inserting at the end of the list of District types, the following:
 

Donald Lynch Boulevard District	DLB.
---------------------------------	------
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled "Table of Uses," by **inserting** the highlighted portions and text of Exhibit "A" attached to this order, inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "DLB", and beneath the new district abbreviation DLB column the text as shown on said Exhibit "A".
- III. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards, and Height of Structures," for the DLB, the text as shown in the highlighted portions of Exhibit "B" attached to this order.
- IV. Chapter 650, Article VI, entitled "Special Districts, Overlays and Special Requirements" is hereby amended by **inserting** a new Section 650-39A, entitled "Donald Lynch Boulevard District (DLB).", which shall read as follows:

### § 650-39A. Donald Lynch Boulevard District (DLB).

#### A. Purpose and objectives.

- (1) The purpose and objectives of the Donald Lynch Boulevard district are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare and the economic development objectives of the City.



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 2

**ORDERED:**

- (2) The vision for the Donald Lynch Boulevard District is to strengthen the vitality of the district by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
  - (3) The vision shall be achieved through the mix of uses defined by the Donald Lynch Boulevard district and the composition of each new investment, including the site design and building design, and the relationship of the investment to the surrounding context. Each new investment shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.
  - (4) The site design, building design, and design of the circulation system shall strengthen the walkability of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
  - (5) The site design, building design, and design of site infrastructure shall enhance the natural assets and sustainability of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.
- B. Site plan review.** Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, of the City Code.
- (1) Applicability.
    - (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
    - (b) Site plan review shall be conducted administratively, as provided in § 270-2, except for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.



## IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024  
PAGE 3

### ORDERED:

- (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.
- C. Special permit granting authority.** The City Council shall be the special permit granting authority within the Donald Lynch Boulevard District.
- D. Dimensional requirements.** The Donald Lynch Boulevard District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the Limited Industrial (LI) district, with the following exceptions which may be granted by special permit by the City Council:
- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
  - (2) Maximum building height in the Donald Lynch Boulevard District of up to 60 feet and elimination of the distance from a residential zone requirement in determining maximum height. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.
- E. Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.





# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 4

**ORDERED:**

- (1) General. In the Donald Lynch Boulevard District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) Parking locations. Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of a building that is dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
- (3) Parking requirements. Parking in the Donald Lynch Boulevard District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 5

## ORDERED:

**F. Design standards.** The following design standards apply to all developments within the Donald Lynch Boulevard District:

(1) Site layout

- (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
- (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.
- (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.

(2) Pedestrian and bicycle circulation

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to contribute to a system of pedestrian and bicycle circulation. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 6

## ORDERED:

### (3) Shared Outdoor Spaces

- (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.

**G. Signage.** Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A master sign plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.
- (2) Sign Locations Permitted by Special Permit. A special permit under this section may authorize the following types of signs at specified locations.
  - a. I-290 Visibility Signage. In order to enhance visibility for uses within the DLB district from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or to be mounted on the roof of the building, or on one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The total number not to exceed one (1) sign for the entire district. A sign under this sub-section shall be subject to the following requirements:



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 7

ORDERED:

- i. Sign design shall conform with § 526-9C unless waived by the City Council;
  - ii. Message board signs are prohibited for special permit sign locations;
  - iii. No freestanding sign shall be located closer than five feet to any property line;
  - iv. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
  - v. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
- b. District Gateway Signage. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. The sign may be on one (1) freestanding pole, or a monument, ground, or pylon sign, that is coordinated for the entire district at the principal points of entry to the district. The total number not to exceed (3) signs for the entire district. A sign under this sub-section shall be subject to the following requirements:
- i. Additional secondary directional signs may also be approved by the City Council;
  - ii. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district;
  - iii. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district;
  - iv. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign;
  - v. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
  - vi. No freestanding sign shall be located closer than five feet to any property line;
  - vii. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces;



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

PAGE 8

## ORDERED:

- viii. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety; and
- ix. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

### H. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Donald Lynch Boulevard District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

### I. Site plan; special permit approval review criteria. An application for site plan approval or special permit approval in the Donald Lynch Boulevard District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection F;
- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view wherever reasonably practicable and where elevation permits;
- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design;



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

**ORDERED:**

PAGE 9

- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
- (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;
  - (b) Building elevations;
  - (c) Landscape plan;
  - (d) Lighting plan with photometrics; and
  - (e) Site and building signage plan.

**J. Standards for roadways and drainage.**

- (1) Roadways. Internal Donald Lynch Boulevard District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
  - (2) Stormwater management system. Developments proposed in the Donald Lynch Boulevard District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate low impact development techniques and green infrastructure such as bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.
- V. The Zoning Map described in § 650-8 is **amended** as shown in the accompanying Map (Exhibit C). The newly established Donald Lynch Boulevard District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Map 13, Parcels 2, 4, 4A, 5, 5A, 6, 7, 8, and

Map 25, Parcels 1, 4, 4A, 5, and



# IN CITY COUNCIL

Marlborough, Mass., APRIL 22, 2024

**ORDERED:**

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Map 26, Parcels 1, 1A, 7, 8, 9, 20, 21A, 21B, 22, 23, 24, 25, 26, 29, 30, 31, 32, and

Map 38, Parcels 1B, 1C, 2, 3, 4, 5, 6, 7, and

Map 39, Parcels 29A, and

Map 50, Parcels 1, 2, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 7, 7B, 8, 9, and

Map 51, Parcels 5, 6 and 7.

VI. The City Clerk is authorized to assign other numbering for the new section 650-39A as deemed appropriate for sequential ordering in the Zoning Ordinance.

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

ADOPTED

ORDER NO. 24-1009147  
X 23/24-1008861B



# City of Marlborough

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 MAY 16 AM 11:41

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

## RE: FY24 Year End Transfers

Dear Council President Ossing and Councilors,

Enclosed for your review and approval are the FY24 year-end transfer requests. There are two internal transfers, one from the Department of Public Works and the other from the City Clerk's Office. Separately, there are two transfers requesting the use of free cash for the annual wireless antennae payment received in FY23 and funding of the snow and ice deficit for FY24.

### Internal Transfers

#### Department of Public Works:

Transfer from various salary line items in the amount of \$82,000 to other various salary accounts and legal services.

#### City Clerk's Office:

Transfer from various accounts in the amount of \$1,103 to the advertising line item.

### Free Cash Transfers

Transfer from free cash in the amount of \$25,000 to Stabilization-Open Space for the purposes of the annual wireless antennae payment received in FY23.

Transfer from free cash in the amount of \$619,060 to Overtime-Snow & Ice, Snow Removal, and Operating Expenses in order to fund the FY24 snow and ice deficit.

Acting Commissioner Ted Scott, City Clerk Steve Kerrigan, Auditor Diane Smith and I will be at a future finance meeting to answer any questions you may have.

Sincerely,

**J. Christian Dumais**  
Mayor





*City of Marlborough*  
**Department of Public Works**

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

**THEODORE L. SCOTT, P.E.**  
**INTRIM COMMISSIONER**

**MEMORANDUM**

Date: May 15, 2024  
To: Mayor J. Christian Dumais  
From: Theodore L. Scott, P.E., DPW Interim Commissioner *TS*  
Copy: Diane Smith, City Auditor  
Re: DPW End-of-Year Transfer Request

---

Attached herewith are end-of-year budget transfer requests in the amount of \$82,000.00. The transfer takes funding from available salary accounts due to vacancies and moves it to fund the Houseworker salary account, the Engineering Overtime account, both treatment plants accounts for the cost of additional chemicals and the Legal Services account for the Northborough litigation.

THEODORE L. SCOTT, P.E.  
ASST. COMMISSIONER, OPERATIONS

CHRISTOPHER S. LAFRENIERE  
ASST. COMMISSIONER, UTILITIES

THOMAS DIPERSIO, JR. P.E., P.L.S.  
CITY ENGINEER


CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: DPW - Solid Waste and Recycling/Prop.& Bulding Maint. and Engineering

FISCAL YEAR: 2024

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:		
<u>\$20,400.00</u>	<u>\$18,000.00</u>	<u>14003001</u>	<u>50750</u>	<u>Equipment Operators</u>	<u>\$18,000.00</u>	<u>11920003</u>	<u>50560</u>	<u>Houseworker</u>	<u>\$18,437.45</u>	
	Reason:	<u>Excess due to vacancy</u>				<u>Increase due to new hires</u>				
<u>\$13,426.62</u>	<u>\$6,000.00</u>	<u>14003003</u>	<u>51240</u>	<u>Attendant</u>	<u>\$6,000.00</u>	<u>14001103</u>	<u>51310</u>	<u>Overtime-Regular</u>	<u>\$406.53</u>	
	Reason:	<u>Excess due to vacancy</u>				<u>Increased overtime</u>				
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
	Reason:	_____				_____				
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
	Reason:	_____				_____				
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
	Reason:	_____				_____				
	<u>\$24,000.00</u>	<u>Total</u>			<u>\$24,000.00</u>	<u>Total</u>				

Department Head signature:

  
\_\_\_\_\_

Auditor signature:

  
\_\_\_\_\_

Comptroller signature:

\_\_\_\_\_

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: DPW - Forstry, Parks and Cemetery/East and West Waste Water Treatment Plants

FISCAL YEAR: 2024

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:			Available Balance
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$42,082.33</u>	<u>\$40,000.00</u>	<u>14001501</u>	<u>50680</u>	<u>General Foreman</u>	<u>\$20,000.00</u>	<u>60081006</u>	<u>55950</u>	<u>East Waste Water</u>	<u>\$42,595.14</u>
	Reason:	<u>Excess due to vacancy</u>				<u>Increased chemical requirements</u>			
					<u>\$20,000.00</u>	<u>60085006</u>	<u>55980</u>	<u>West Waste Water</u>	<u>\$78,091.45</u>
	Reason:					<u>Increased chemical requirements</u>			
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								
		<u>\$40,000.00</u>	<u>Total</u>		<u>\$40,000.00</u>	<u>Total</u>			

Department Head signature: \_\_\_\_\_

Auditor signature: \_\_\_\_\_

Comptroller signature: \_\_\_\_\_


**CITY OF MARLBOROUGH  
BUDGET TRANSFERS –**

DEPT: DPW - DPW Admin./Sewer Service Fund

FISCAL YEAR: 2024

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:		
<u>\$19,926.87</u>	<u>\$18,000.00</u>	<u>14001001</u>	<u>50600</u>	<u>DPW Commissioner</u>	<u>\$18,000.00</u>	<u>60080004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$0.00</u>	
	Reason:	<u>Excess due to vacancy</u>				<u>Northborough Legal Fees</u>				
<hr/>	Reason:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
<hr/>	Reason:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
<hr/>	Reason:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
<hr/>	Reason:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
<hr/>	Reason:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	\$18,000.00	Total			\$18,000.00	Total				

Department Head signature:



Auditor signature:



Comptroller signature:

---



*City of Marlborough*  
*Office of the City Clerk*  
140 Main Street  
Marlborough, Massachusetts 01752  
Telephone (508) 460-3775 Facsimile (508) 460-3723

*Steven W. Kerrigan*  
City Clerk  
*Wilson Chu*  
Assistant City Clerk

May 10, 2023

Mayor J. Christian Dumais  
City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Dumais:

I have reviewed the Clerk's Office budget and have determined that additional money is needed in the Advertising line. Currently there is \$2,300.23 left in the account; however, with some outstanding invoices, and the anticipated advertising costs associated with proposed Ordinance changes pending before the Council and Planning Board, we will not have sufficient money to cover these costs for the remainder of the fiscal year.

I have identified \$1,103.00 from within the Clerk's Office budget that can be transferred to Advertising, and I believe that this will be a sufficient amount to cover the advertising expenses for the remainder of the fiscal year.

Should you or the Council have any questions or need additional information please let me know.

Sincerely,

Steven W. Kerrigan  
City Clerk

Enclosures


cc: Council President Michael Ossing

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: City Clerk/Election

FISCAL YEAR: 2024

Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance
		Org Code Object Account Description:	Org Code Object Account Description:	
<u>\$153.18</u>	<u>\$153.00</u>	11610003 51920 Sick Leave Buy Back	11610004 53150 Advertising	<u>\$2,300.23</u>
	Reason:	Surplus	Reason: Anticipated shortfall due to large advertisements	
<u>\$964.69</u>	<u>\$950.00</u>	11620003 51460 Constables at Poll	11610004 53150 Advertising	<u>\$2,300.23</u>
	Reason:	Surplus	Reason: Anticipated shortfall due to large advertisements	
	Reason:		Reason:	
	Reason:		Reason:	
	Reason:		Reason:	
	Reason:		Reason:	
\$1,103.00	Total		\$1,103.00 Total	

Department Head signature: 

Auditor signature: \_\_\_\_\_

Comptroller signature: \_\_\_\_\_

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:

DPW

FISCAL YEAR:

2024

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available  
Balance

\$3,829,160.45

\$619,060.00

10000

35900

Undesignated Fund

\$108,847.00

14001203

51390

Overtime-Snow & Ice

-\$108,846.89

Reason:

To fund the snow & ice deficit for FY24

\$142,213.00

14001206

52960

Snow Removal

-\$140,212.74

Reason:

\$368,000.00

14001206

57040

Operating Expenses

-\$367,910.31

Reason:

Reason:

Reason:

\$619,060.00

Total

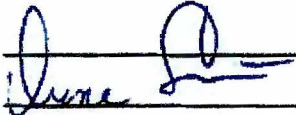
\$619,060.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SNOW & ICE BUDGET REPORT**  
AS OF 5/14/24

FOR 2024 99

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
<b>100 GENERAL FUND</b>							
<b>4000 DEPARTMENT OF PUBLIC WORKS</b>							
<b>0120 STREETS-SNOW &amp; ICE</b>							
14001203 51390 OVERTIME-SNOW &	125,000	0	125,000	233,846.89	.00	-108,846.89	187.1%
14001206 52960 SNOW REMOVAL	525,000	0	525,000	513,365.42	151,847.32	-140,212.74	126.7%
14001206 57040 OPERATING EXPENS	350,000	0	350,000	715,239.31	2,671.00	-367,910.31	205.1%
TOTAL STREETS-SNOW & ICE	1,000,000	0	1,000,000	1,462,451.62	154,518.32	-616,969.94	161.7%
TOTAL DEPARTMENT OF PUBLIC WORKS	1,000,000	0	1,000,000	1,462,451.62	154,518.32	-616,969.94	161.7%
TOTAL GENERAL FUND	1,000,000	0	1,000,000	1,462,451.62	154,518.32	-616,969.94	161.7%
TOTAL EXPENSES	1,000,000	0	1,000,000	1,462,451.62	154,518.32	-616,969.94	
GRAND TOTAL	1,000,000	0	1,000,000	1,462,451.62	154,518.32	-616,969.94	161.7%

\*\* END OF REPORT - Generated by Diane Smith \*\*



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2024

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$3,829,160.45</u>	<u>\$25,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$25,000.00</u>	<u>83600</u>	<u>32918</u>	<u>Stabilization-Open Space</u>	<u>\$805,955.91</u>
	Reason:	<u>To transfer annual wireless antennae payments received by the City in fiscal year 2023 to Open Space Stabilization</u>							
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	\$25,000.00	Total			\$25,000.00	Total			

Department Head signature:



Auditor signature:

Comptroller signature:



AS OF 6/30/23

FOR 2023 13								
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED	

100 GENERAL FUND

0000

0000

10093 43600 WIRELESS RECEIPTS	-28,000	0	-28,000	-25,000.00	.00	-3,000.00	89.3%	
TOTAL	-28,000	0	-28,000	-25,000.00	.00	-3,000.00	89.3%	
TOTAL	-28,000	0	-28,000	-25,000.00	.00	-3,000.00	89.3%	
TOTAL GENERAL FUND	-28,000	0	-28,000	-25,000.00	.00	-3,000.00	89.3%	
TOTAL REVENUES	-28,000	0	-28,000	-25,000.00	.00	-3,000.00		
GRAND TOTAL	-28,000	0	-28,000	-25,000.00	.00	-3,000.00	89.3%	

\*\* END OF REPORT - Generated by Diane Smith \*\*



# City of Marlborough

*Office of the Mayor*

RECEIVED J. Christian Dumais, Mayor  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 140 Main Street  
 Marlborough, MA 01752  
 (508) 460-3770  
 2024 MAY 16 AM 11:41  
[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

## RE: Free Cash Transfers

Dear Council President Ossing and Councilors,

Enclosed for your review and approval are two transfers from Free Cash in the amount of \$165,000 to support the Labor Day Festival and the Marlborough Dog Park.

**Labor Day Festival (\$50,000):** I am requesting a \$50,000 transfer from Free Cash to the Marlborough Labor Day account to support the Marlborough Labor Day Festival. As mentioned in my inaugural speech, it was my intention to bring back the Labor Day Festival. We are in the early planning stages of the event and plan on formally announcing in the coming weeks after securing support from the City Council. This transfer allows us to not only maintain seed money for this inaugural event but shows an investment on the part of the city to other investors. After the transfer is approved, we will begin fundraising for the event. A rough/estimated cost breakdown is included with this request.

For context, I have also included the cost breakdown for the 2023 Labor Day Parade. The Labor Day Parade alone cost \$70,670 last year. The Labor Day Parade donation account currently has a balance of \$64. While my office will continue to solicit donations to support the parade, to rely on donations alone for the parade AND the festival for the first year is unrealistic. The seed money for the festival will allow us to ensure the event remains free of cost to both residents and vendors/participants. It is my goal to fundraise enough this year and build upon the seed money to sustain the event for future years. The Labor Day Parade and weekend is a treasured tradition for Marlborough, and it is in need of revitalization.

**Marlborough Dog Park: (\$115,000):** The Department of Public Works has done a tremendous job putting together an initial set of designs and cost estimates for the Marlborough Dog Park. The park is estimated to cost a total of \$300,000. We have \$150,000 in ARPA funds committed to the project and, through the work of State Representative Danielle Gregoire, have a \$35,000 state earmark in the FY25 state budget. We are requesting the remaining amount, \$115,000, as the city's share to complete the project. Construction on the Marlborough Dog Park will begin shortly after approval of funds from the City Council. A cost estimate for the park is included with this request.

These two requests will bring both an additional community event and community park for all Marlborough residents to enjoy at a small cost. I would like to point out that should the City Council grant this transfer request, **a little over \$3,000,000 will remain in free cash.** Marlborough is fortunate to be in a healthy financial position and offer these great community-

based projects at the same time when other communities must scale back or change them all together.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Christian Dumais". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

**J. Christian Dumais**  
*Mayor*

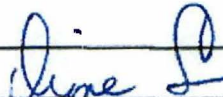
<b>Labor Day Festival Estimated Cost Breakdown</b>	
Advertising & Marketing	\$2,500.00
Labor Costs	\$2,000.00
Signs/Directional/Banners	\$1,500.00
Entertainment	\$5,000.00
Programming (bounce houses, rock wall, dunk tank, etc.)	\$15,000.00
Tents/Tables/Chairs	\$2,500.00
Misc. Equipment Rental	\$5,000.00
Volunteer Costs (shirts, lunch, etc.)	\$1,500.00
Insurance	TBD
<b>TOTAL</b>	<b>\$35,000.00</b>

<b>CY 2023 Labor Day Parade Expenses</b>	
Parade Director	\$2,000.00
Port-o-Potties	\$1,200.00
Float Rentals	\$6,500.00
Hotel Reservations for Performers/Groups	\$2,950.00
Shuttle Bus Rental	\$1,027.00
Printing	\$987.23
Volunteer Costs	\$758.77
Parade Performances	\$54,220.00
<b>TOTAL</b>	<b>\$70,670.00</b>

**CITY OF MARLBOROUGH  
BUDGET TRANSFERS --**

DEPT: **Mayor** FISCAL YEAR: **2024**

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$3,829,160.45	\$50,000.00	10000	35900	Undesignated Fund	\$50,000.00	29022401	53554	Labor Day Parade	\$64.51
		Reason: <u>To support the Labor Day Weekend Festival</u>							
		Reason:							
		Reason:							
		Reason:							
		Reason:							
	\$50,000.00	Total			\$50,000.00	Total			

Department Head signature: 

Auditor signature: \_\_\_\_\_

Comptroller signature: \_\_\_\_\_

AS OF 5/14/24

FOR 2024 13

	ORIGINAL APPROP	TRNFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
<b>100 GENERAL FUND</b>							
<b>6920 CELEBRATIONS</b>							
<b>0000</b>							
16920006 53652 LABOR DAY-PARADE	18,000	0	18,000	18,000.00	.00	.00	100.0%
TOTAL	18,000	0	18,000	18,000.00	.00	.00	100.0%
TOTAL CELEBRATIONS	18,000	0	18,000	18,000.00	.00	.00	100.0%
TOTAL GENERAL FUND	18,000	0	18,000	18,000.00	.00	.00	100.0%
TOTAL EXPENSES	18,000	0	18,000	18,000.00	.00	.00	
<b>290 SRF/OTHER SPECIAL REVENUE FUND</b>							
<b>4920 RECREATION DEPARTMENT</b>							
<b>0224 CELEBRATIONS GIFT FUND</b>							
29022401 53554 LABOR DAY PARADE	34,148	17,560	51,708	51,643.10	.00	64.51	99.9%
TOTAL CELEBRATIONS GIFT FUND	34,148	17,560	51,708	51,643.10	.00	64.51	99.9%
TOTAL RECREATION DEPARTMENT	34,148	17,560	51,708	51,643.10	.00	64.51	99.9%
TOTAL SRF/OTHER SPECIAL REVENUE FUND	34,148	17,560	51,708	51,643.10	.00	64.51	99.9%
TOTAL EXPENSES	34,148	17,560	51,708	51,643.10	.00	64.51	
GRAND TOTAL	52,148	17,560	69,708	69,643.10	.00	64.51	99.9%

\*\* END OF REPORT - Generated by Diane Smith \*\*



**CONSTRUCTION COST ESTIMATE**

DATE: 14-May-24	PROJECT: Ghiloni Park Dog Park
JOB NO:	0
PRELIM: 0%	0
FINAL:	0
FILE NO: 0	CONTRACT:
	ESTIMATOR: ASF
	CHECKED BY: TD

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
<b>BASE PROJECT</b>					
101.	0.4	AC	CLEARING AND GRUBBING	\$100,000.00	\$40,000.00
151.4	250	CY	GRAVEL SUBBASE	\$75.00	\$18,750.00
	150	CY	PAVEMENT MILLINGS	\$75.00	\$11,250.00
170.	625	SY	FINE GRADING AND COMPACTING - SUBGRADE AREA	\$20.00	\$12,500.00
645.06	1100	FT	5' CHAIN LINK FENCE (PIPE TOP RAIL) VINYL COATED (LINE POST OPTION)	\$92.00	\$101,200.00
650.06	24	FT	12'X5' CHAIN LINK GATE WITH GATE POSTS	\$400.00	\$9,600.00
650.066	3	FT	5'X4' BLACK VINYL CHAIN LINK, SINGLE SWING GATE	\$500.00	\$1,500.00
652.06	10	EA	5' CHAIN LINK FENCE END POST	\$125.00	\$1,250.00
748.	1	LS	MOBILIZATION	\$20,000.00	\$20,000.00
767.4	450	CY	WOOD CHIP MULCH	\$80.00	\$36,000.00
999.2	4	EA	PET WASTE STATION	\$800.00	\$3,200.00
999.3	4	EA	LITTER RECEPTACLES	\$1,000.00	\$4,000.00
999.4	2	EA	DOG LEASH POST	\$1,000.00	\$2,000.00
999.7	1	LS	EROSION CONTROLS AND TREE PROTECTION	\$10,000.00	\$10,000.00
<b>SUBTOTAL</b>					<b>\$271,250.00</b>
<b>10% CONTINGENCY</b>					<b>\$27,125.00</b>
<b>TOTAL BASE PROJECT</b>					<b>\$298,375.00</b>



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:

DPW

FISCAL YEAR:

2024

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available  
Balance

\$3,829,160.45

\$115,000.00

10000

35900

Undesignated Fund

\$115,000.00

19300006

58514

DPW Projects

\$3,585.14

Reason:

To supplement the Dog Park project

Reason:

Reason:

Reason:

Reason:

\$115,000.00

Total

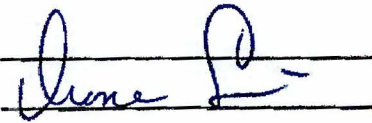
\$115,000.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

J. Christian Dumais, Mayor

*Office of the Mayor*

2024 MAY 16 AM 11:41

140 Main Street  
Marlborough, MA 01752

(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

## **RE: Reauthorization of Revolving Funds Spending Caps for FY25**

Dear Council President Ossing and Councilors,

Enclosed for your review and approval are four orders for the reauthorization of the spending caps for four (4) revolving funds. These funds are all being requested at the same caps as the prior year with the exception of the Public Safety Revolving Fund. That fund was increased to reflect the increased commitment the city will receive from Patriot Ambulance designated specifically for that account. They are requested for FY25 as follows:

Parks & Recreation Revolving Fund:	\$350,000.00
Council on Aging Revolving Fund:	\$150,000.00
Public Safety Revolving Fund:	\$143,520.00
Water & Sewer Revolving Fund:	\$500,000.00

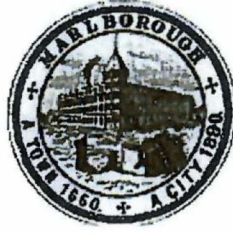
As you are aware, state law requires that revolving accounts be reauthorized prior to the start of the fiscal year. If reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2025.

I have included year-end financial reports for each account and a draft order for reauthorization.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

**J. Christian Dumais**  
Mayor



**CITY OF MARLBOROUGH**

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

May 9, 2024

MEMORANDUM

**TO:** Mayor J. Christian Dumais

**FROM:** Diane Smith, City Auditor

*DS*

**RE:** Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2023	\$ 1,480.86
Funds received to date	142,038.87
Expenditures to date-	
Trippi's Initial Equipment	( 25,084.00)
Dedham Sportsmans Ammunition	( 10,633.20)
Hazardous Materials Training	( 15,151.29)
Tactical Wellness Screening	( 3,156.00)
Student Officer Training	( 3,200.00)
Hunt's Photo-Police Station cameras	(23,780.75)
Metrowest Drug Task Force	(11,163.90)
Axon Enterprise Cartridges	( 1,503.40)
Mass Fire Hazmat Training	( 4,610.00)
Taser Training	(16,869.80)
Safety & Survival Conference	( 800.00)
Fire Inspector Certification	( 1,575.00)
Fire Chief Association	( 2,934.89)
Fire Investigation Seminar	( 3,975.00)
Public Safety Seminar	( 3,933.73)
Atlantic Tactical	<u>( 1,436.41)</u>
Subtotal	(129,807.37)
Encumbrances	( 9,424.87)
Balance as of May 9, 2024	\$ <u>4,287.49</u>



*City of Marlborough*  
**Department of Public Works**

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

THEODORE L SCOTT P.E.  
 INTERIM COMMISSIONER

## MEMORANDUM

**Date:** May 14, 2024

**To:** Mayor J. Christian Dumais

**From:** Theodore L. Scott, Interim Commissioner of Public Works

**Re:** FY24 Parks and Recreation Revolving Account Report and Authorization Request  
 Account No. 26244401-52415

The Revenue and Expenditures for the Parks and Recreation Revolving Account are as follows:

### REVENUE

Balance as of July 1, 2023	\$824,910.29
Purchase Order(s)	
Encumbrance Carry Forward	\$89,440.99
Corrections	(\$4,495.31)
Revenue received between July 1, 2023 And May 14, 2024	<u>\$440,882.55</u>
<b>Subtotal</b>	<b>\$1,350,738.52</b>

### EXPENSE

Expenses incurred between July 1, 2023 And May 14, 2024	\$45,239.64
Expenses from prior fiscal year POs	\$101,022.92
Encumbrance Outstanding	<u>\$203,187.44</u>
<b>Subtotal</b>	<b>\$349,450.00</b>

**AVAILABLE BALANCE** **\$1,001,288.52**

We do not request a change to the \$350,000 spending limit for FY25.

### EXPENSE DETAIL TABLE

Expenditures		
FY24		
Vendor	Amount	Comments
HOME DEPOT CREDIT SERVICES	\$241.86	GHILONI PARK BARN RENOVATION
HOME DEPOT CREDIT SERVICES	\$580.41	GHILONI PARK BARN RENOVATION
HOME DEPOT CREDIT SERVICES	\$1,028.55	GHILONI PARK BARN RENOVATION
HOME DEPOT CREDIT SERVICES	\$219.02	GHILONI PARK BARN RENOVATION
CONCORD ELECTRIC SUPPLY LTD	\$701.93	GHILONI PARK BARN RENOVATION
CONCORD ELECTRIC SUPPLY LTD	\$885.47	GHILONI PARK BARN RENOVATION
CONCORD ELECTRIC SUPPLY LTD	\$1,348.40	GHILONI PARK BARN RENOVATION
THE EAGLE LEASING COMPANY	\$159.00	GHILONI PARK BARN RENOVATION
THE EAGLE LEASING COMPANY	\$159.00	GHILONI PARK BARN RENOVATION
1196501 ONTORIO INC.	\$32,700.00	GHILONI PARK DEK HOCKEY RINK D
STERLING MASONRY	\$7,216.00	KELLERHER PARK-STONE WALL
<b>Total</b>	<b>\$45,239.64</b>	

Expenditures		
FY23 Purchase Orders		
Vendor	Amount	Comments
O'BRIEN & SONS, INC.	\$2,720.80	WARD PARK PICKLE BALL EQUIPMEN
ARROW FENCE CO INC	\$31,702.00	KELLEHER FIELD FENCE ALONG FRE
ARROW FENCE CO INC	\$12,491.00	WARD PARK PICKLE BALL FENCE AN
SCOREBOARD ENTERPRISES	\$25,820.00	DEK HOCKEY SCOREBOARD AND CONT
O'BRIEN & SONS, INC.	\$5,856.50	KOREAN VETERANS PARK BASKETBAL
O'BRIEN & SONS, INC.	\$12,986.57	GHILONI PARK SOFTBALL BLEACHER
MAKI BUILDING CENTERS	\$9,446.05	BUILDING MATERIALS GHILONI PAR
<b>Total</b>	<b>\$101,022.92</b>	



*City of Marlborough*  
**Department of Public Works**

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

**THEODORE L SCOTT P.E.**  
**INTERIM COMMISSIONER**

## MEMORANDUM

**Date: May 14, 2024**

**To: Mayor J. Christian Dumais**

**From: Theodore L. Scott, Interim Commissioner of Public Works**

**Re: FY24 Water Infrastructure Revolving Account Report and Authorization Request  
 Account No. 26252601-53020**

The Revenue and Expenditures for the Water Infrastructure Revolving Account are as follows:

### REVENUE

Balance as of July 1, 2023	\$617,485.62
Purchase Order(s)	
Encumbrance Carry Forward	\$193,896.96
Corrections	<b>(\$27,600.00)</b>
Revenue received between July 1, 2023 And May 14, 2024	<u>\$386,900.00</u>
<b>Subtotal</b>	<b>\$1,170,682.58</b>

### EXPENSE

Expenses incurred between July 1, 2023 And May 14, 2024	\$4,607.05
Expenses from prior fiscal year POs	\$180,621.91
Encumbrance Outstanding	<u>\$105,468.00</u>
<b>Subtotal</b>	<b>\$290,696.96</b>

**AVAILABLE BALANCE** **\$879,985.62**

We do not request a change to the \$500,000 spending limit for FY25.

**EXPENSE DETAIL TABLE**

<b>Expenditures</b>		
<b>FY24</b>		
<b>Vendor</b>	<b>Amount</b>	<b>Comments</b>
WESTON & SAMPSON ENGINEERS, INC	\$4,607.05	Matheson Drive Sewer Pump Stat
<b>Total</b>	<b>\$4,607.05</b>	

<b>Expenditures</b>		
<b>FY23 Purchase Orders</b>		
<b>Vendor</b>	<b>Amount</b>	<b>Comments</b>
NATIONAL WATER MAIN CLEANING CO.	\$75,796.91	ED 2023-13 SEWER REHAB PROJECT
NATIONAL WATER MAIN CLEANING CO.	\$19,795.00	ED 2023-13 SEWER REHAB PROJECT
NATIONAL WATER MAIN CLEANING CO.	\$31,300.00	ED 2023-13 SEWER REHAB PROJECT
NATIONAL WATER MAIN CLEANING CO.	\$53,730.00	ED 2023-13 SEWER REHAB PROJECT
<b>Total</b>	<b>\$180,621.91</b>	



*City of Marlborough*  
*Council on Aging and Senior Center*

40 New Street  
 Marlborough, Massachusetts 01752  
 Telephone (508) 485-6492 Facsimile (508) 460-3726

*Patricia A. Pope*  
 EXECUTIVE DIRECTOR

May 10, 2023

Mayor J. Christian Dumais  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752

Re: Council on Aging/Senior Center Revolving Account Reauthorization

Dear Mayor Dumais,

The Program Funding Revolving Account for was authorized by the City Council in October 2015. The funds in this account have been used solely for programing and the associated costs at the Senior Center. We are fortunate to be able to offer a tremendous number of different types of programs at the Senior Center to engage as many older adults as possible.

The revenue generated in the Revolving Account represents fees associated with the programs run at the Senior Center. The expenditures represent payment for the instructors, bus trips, office supplies, entertainment along with program supplies and associated food costs.

The Senior Center receives tremendous support from the City for which we are extremely grateful. The spending limit on the Revolving Account of \$150,000.00 allows us to continue to meet our needs at the Center and expand the programing offered to our older adults.

Thank you for your consideration of reauthorizing this account.

Sincerely,

*Patricia A. Pope*  
 Patricia A. Pope  
 Executive Director





## CITY OF MARLBOROUGH

Council on Aging/ Senior Center

40 New Street

Marlborough, MA 01752

508.485.6492

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### MEMORANDUM

---

TO: Mayor J. Christian Dumais  
 FROM: Patricia A. Pope  
 DATE: May 10, 2024  
 RE: Council on Aging Revolving Account

---

Pursuant to the provisions of the City Council Order #15-1006306, the revolving account established by this order had income and expenses shown below:

Balance as of 7/1/23	\$	54,018.69
Total revenue generated (7/1/23 – 5/8/24)	\$	71,684.80
Funds expended (7/1/22 – 5/2/24)	\$	102,961.42
Funds transferred out (reimbursements)	\$	8,567.00
<b>Current Balance:</b>	\$	<b>14,175.07</b>

**Details:**

Revenue generated represents fees associated with programs, lunches and classes.

Expenditures represent payment for instructors, program costs, food costs, transportation costs, dues and office supplies.

# CITY OF MARLBOROUGH



## G/L ACCOUNT DETAIL

Org: 26254101 Object: 57072  
PROGRAM FUNDING 262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS
2024	11	36	05/02/2024	API	1	20242978	W CE24066	3,294.00	Y	550866CE24066		BLOOM'S BUS LINES	4/18/24 T
2024	10	590	04/25/2024	API	1		W CE24065	21.00	Y	550500CE24065		CATHERINE MISCHEN	APRIL 9,
2024	10	590	04/25/2024	API	1		W CE24065	10.00	Y	550567CE24065		LYNETTE INGA	MARCH 18
2024	10	278	04/11/2024	API	1		W CE24062	122.00	Y	550313CE24062		MARILYN TAYLOR	REFUND:TR
2024	10	133	04/04/2024	API	1		W CE24060	420.00	Y	550008CE24060		CARDEN, INC.	3/25/24 L
2024	09	661	03/28/2024	API	1		W CE24059	160.89	Y	549891CE24059		MOTION PICTURE LI	
2024	09	658	03/28/2024	API	1		W CE24059	336.00	Y	549890CE24059		CARDEN, INC.	3/22/24 L
2024	09	481	03/21/2024	API	1		W CE24057	330.00	Y	549591CE24057		CARDEN, INC.	3/15/24 L
2024	09	481	03/21/2024	API	1		W CE24057	2,399.04	Y	549591CE24057		CARDEN, INC.	3/14/24 S
2024	09	478	03/21/2024	API	1		W CE24057	30.00	Y	549658CE24057		MAX WILLS	3/13/24 R
2024	09	478	03/21/2024	API	1		W CE24057	30.00	Y	549647CE24057		LINDA KUTKA	3/13/24 R
2024	09	478	03/21/2024	API	1		W CE24057	200.00	Y	549646CE24057		FREDERICKA TANNER	FEBRUARY
2024	09	478	03/21/2024	API	1		W CE24057	338.00	Y	549591CE24057		CARDEN, INC.	3/8/24 LU
2024	09	478	03/21/2024	API	1		W CE24057	406.00	Y	549591CE24057		CARDEN, INC.	3/11/24 L
2024	09	478	03/21/2024	API	1		W CE24057	546.00	Y	549591CE24057		CARDEN, INC.	3/4/24 LU
2024	09	105	03/07/2024	API	1		W CE24054	300.00	Y	549293CE24054		DAWN GEORGE	FEBRUARY
2024	09	105	03/07/2024	API	1		W CE24054	560.00	Y	549277CE24054		KATHLEEN HIRSH	2/29/24 C
2024	09	105	03/07/2024	API	1		W CE24054	420.00	Y	549287CE24054		LATHA RADHAKRISHN	FEBRUARY
2024	09	105	03/07/2024	API	1		W CE24054	2,025.00	Y	549283CE24054		CAITLIN BORSINI	2/2/24 -
2024	09	105	03/07/2024	API	1		W CE24054	264.00	Y	549258CE24054		CARDEN, INC.	3/1/24 LU
2024	09	105	03/07/2024	API	1		W CE24054	462.00	Y	549258CE24054		CARDEN, INC.	2/26/24 L
2024	09	105	03/07/2024	API	1		W CE24054	312.00	Y	549258CE24054		CARDEN, INC.	2/23/24 L
2024	09	105	03/07/2024	API	1		W CE24054	715.00	Y	549267CE24054		HELEN J. MORIN	FEBRUARY
2024	09	105	03/07/2024	API	1		W CE24054	50.00	Y	549291CE24054		CHERYL KEIGWIN	3/4/24 EP
2024	09	105	03/07/2024	API	1		W CE24054	980.00	Y	549290CE24054		JENNIFER L. VAZQ	FEBRUARY
2024	09	105	03/07/2024	API	1		W CE24054	56.00	Y	549288CE24054		MARY CONNELL	3/1/24-4/
2024	09	105	03/07/2024	API	1		W CE24054	379.08	Y	549278CE24054		AMAZON.COM SERVIC	
2024	08	584	02/29/2024	API	1		W CE24053	234.00	Y	549123CE24053		CARDEN, INC.	2/16/24 L
2024	08	584	02/29/2024	API	1		W CE24053	142.00	Y	549078CE24053		MARLBORO HOUSE OF	2/20/24 L
2024	08	584	02/29/2024	API	1		W CE24053	150.00	Y	549176CE24053		FREDERICKA TANNER	JANUARY 2
2024	08	415	02/22/2024	API	1		W CE24051	200.00	Y	548906CE24051		WOMEN OF NOTE	2/14/24 B
2024	08	415	02/22/2024	API	1		W CE24051	80.00	Y	548909CE24051		STEVE MCGRATH	2/15/24 S
2024	08	415	02/22/2024	API	1		W CE24051	540.00	Y	548889CE24051		CARDEN, INC.	2/12/24 L
2024	08	415	02/22/2024	API	1		W CE24051	1,443.24	Y	548889CE24051		CARDEN, INC.	2/14/24 V
2024	08	301	02/15/2024	API	1		W CE24050	315.00	Y	548901CE24051		XAVUS SOLUTIONS	
2024	08	301	02/15/2024	API	1		W CE24050	585.00	Y	548749CE24050		HELEN J. MORIN	JANUARY 2
2024	08	128	02/08/2024	API	1		W CE24048	493.62	Y	548725CE24050		CARDEN, INC.	
2024	08	128	02/08/2024	API	1		W CE24048	396.00	Y	548378CE24048		CARDEN, INC.	1/19/24 L
2024	08	128	02/08/2024	API	1		W CE24048	142.00	Y	548327CE24048		MARLBORO HOUSE OF	1/31/24 L
2024	08	128	02/08/2024	API	1		W CE24048	1,120.00	Y	548420CE24048		JENNIFER L. VAZQ	JANUARY 2
2024	08	128	02/08/2024	API	1		W CE24048	350.00	Y	548378CE24048		CARDEN, INC.	2/5/24 LU
2024	08	128	02/08/2024	API	1		W CE24048	300.00	Y	548378CE24048		CARDEN, INC.	2/2/24 LU
2024	08	128	02/08/2024	API	1		W CE24048	630.00	Y	548405CE24048		KATHLEEN HIRSH	1/31/24 C
2024	08	128	02/08/2024	API	1		W CE24048	2,250.00	Y	548411CE24048		CAITLIN BORSINI	1/3/24 -
2024	08	128	02/08/2024	API	1		W CE24048	50.00	Y	548421CE24048		CHERYL KEIGWIN	2/5/24 EP
2024	08	23	02/01/2024	API	1		W CE24047	62.54	Y	548407CE24048		AMAZON.COM SERVIC	
2024	08	23	02/01/2024	API	1		W CE24047	300.00	Y	548294CE24047		LATHA RADHAKRISHN	JANUARY 2
2024	08	23	02/01/2024	API	1		W CE24047	240.00	Y	548296CE24047		DAWN GEORGE	JANUARY 2
2024	08	23	02/01/2024	API	1		W CE24047	36.00	Y	548314CE24047		JAMES ABSHIRE	REIMBURSE
2024	08	23	02/01/2024	API	1		W CE24047	390.00	Y	548236CE24047		CARDEN, INC.	1/26/24 L
2024	08	23	02/01/2024	API	1		W CE24047	364.00	Y	548236CE24047		CARDEN, INC.	1/29/24 L

# CITY OF MARLBOROUGH



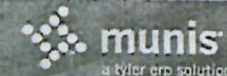
## G/L ACCOUNT DETAIL

Org: 26254101 Object: 57072  
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS
2024	08	23	02/01/2024	API	1		W CE24047	147.07	Y	548278CE24047		AMAZON.COM SERVIC	
2024	08	21	02/01/2024	API	1		W CE24047	800.00	Y	548288CE24047		YESENIA M. MEDINA	
2024	07	702	01/31/2024	GEN	1		JANFUEL	151.74	Y	0			
2024	07	469	01/25/2024	API	1		W CE24045	308.00	Y	548063CE24045		CARDEN, INC.	JAN24 FUE
2024	07	469	01/25/2024	API	1		W CE24045	848.00	Y	548063CE24045		CARDEN, INC.	1/12/24 L
2024	07	469	01/25/2024	API	1		W CE24045	633.50	Y	548092CE24045		PERFORMANCE FOODS	2024 NEW
2024	07	469	01/25/2024	API	1		W CE24045	175.00	Y	548065CE24045		L. PAUL GIARDINA	1/17/24 R
2024	07	469	01/25/2024	API	1		W CE24045	179.76	Y	548108CE24045		JENNIFER GEARY	12/7/23 L
2024	07	469	01/25/2024	API	1		W CE24045	179.76	Y	548108CE24045		JENNIFER GEARY	12/20/23
2024	07	469	01/25/2024	API	1		W CE24045	271.78	Y	548108CE24045		JENNIFER GEARY	1/11/24 L
2024	07	469	01/25/2024	API	1		W CE24045	412.46	Y	548099CE24045		AMAZON.COM SERVIC	
2024	07	469	01/25/2024	API	1		W CE24045	286.00	Y	548063CE24045		CARDEN, INC.	1/22/24 L
2024	07	317	01/18/2024	API	1		W CE24044	80.00	Y	548063CE24045		CARDEN, INC.	2024 NEW
2024	07	317	01/18/2024	API	1		W CE24044	345.00	Y	547754CE24044		CARDEN, INC.	1/5/24 LU
2024	07	177	01/11/2024	API	1		W CE24042	374.87	Y	547782CE24044		AMAZON.COM SERVIC	
2024	07	177	01/11/2024	API	1		W CE24042	200.00	Y	547638CE24042		FREDERICKA TANNER	DECEMBER
2024	07	177	01/11/2024	API	1		W CE24042	480.00	Y	547645CE24042		LATHA RADHAKRISHN	DECEMBER
2024	07	177	01/11/2024	API	1		W CE24042	240.00	Y	547649CE24042		DAWN GEORGE	DECEMBER
2024	07	177	01/11/2024	API	1		W CE24042	1,950.00	Y	547639CE24042		CAITLIN BORSINI	12/1/23 -
2024	07	177	01/11/2024	API	1		W CE24042	1,260.00	Y	547647CE24042		JENNIFER L. VAZQ	DECEMBER
2024	07	177	01/11/2024	API	1		W CE24042	715.00	Y	547619CE24042		HELEN J. MORIN	DECEMBER
2024	07	61	01/04/2024	API	1		W CE24041	560.00	Y	547627CE24042		KATHLEEN HIRSH	12/31/23
2024	06	541	12/28/2023	API	1		W CE24039	700.00	Y	547397CE24041		JENNIFER L. VAZQ	NOVEMBER
2024	06	541	12/28/2023	API	1		W CE24039	31.99	Y	547215CE24039		AMAZON.COM SERVIC	
2024	06	541	12/28/2023	API	1		W CE24039	132.00	Y	547183CE24039		MARLBORO HOUSE OF	12/20/23
2024	06	541	12/28/2023	API	1		W CE24039	389.70	Y	547201CE24039		CARDEN, INC.	12/18/23
2024	06	541	12/28/2023	API	1		W CE24039	599.60	Y	547201CE24039		CARDEN, INC.	12/15/23
2024	06	478	12/21/2023	API	1		W CE24038	50.00	Y	547221CE24039		CHERYL KEIGWIN	12/18/23
2024	06	478	12/21/2023	API	1		W CE24038	200.00	Y	547164CE24038		MATTHEW R. BRODEU	
2024	06	478	12/21/2023	API	1		W CE24038	350.00	Y	547134CE24038		BEMIS FARMS NURSE	
2024	06	478	12/21/2023	API	1		W CE24038	150.00	Y	547173CE24038		ROBIN G. WHITMAN	NOV 7, 28
2024	06	478	12/21/2023	API	1		W CE24038	1,890.00	Y	547105CE24038		CARDEN, INC.	12/13/23
2024	06	285	12/14/2023	API	1		W CE24036	389.74	Y	547105CE24038		CARDEN, INC.	12/11/23
2024	06	285	12/14/2023	API	1		W CE24036	780.00	Y	546954CE24036		HELEN J. MORIN	NOVEMBER
2024	06	144	12/07/2023	API	1		W CE24035	233.82	Y	546939CE24036		CARDEN, INC.	12/8/23 L
2024	06	144	12/07/2023	API	1		W CE24035	240.00	Y	546775CE24035		DAWN GEORGE	NOVEMBER
2024	06	144	12/07/2023	API	1		W CE24035	454.65	Y	546709CE24035		CARDEN, INC.	11/20/202
2024	06	144	12/07/2023	API	1		W CE24035	395.67	Y	546709CE24035		CARDEN, INC.	11/27/23
2024	06	144	12/07/2023	API	1		W CE24035	360.00	Y	546768CE24035		LATHA RADHAKRISHN	NOVEMBER
2024	06	143	12/07/2023	API	1		W CE24035	212.74	Y	546641CE24035		MARLBORO HOUSE OF	11/28/23
2024	06	143	12/07/2023	API	1		W CE24035	80.85	Y	546753CE24035		AMAZON.COM SERVIC	
2024	06	143	12/07/2023	API	1		W CE24035	99.95	Y	546753CE24035		AMAZON.COM SERVIC	
2024	06	143	12/07/2023	API	1		W CE24035	200.00	Y	546759CE24035		FREDERICKA TANNER	NOVEMBER
2024	06	143	12/07/2023	API	1		W CE24035	337.74	Y	546709CE24035		CARDEN, INC.	12/1/23 L
2024	06	143	12/07/2023	API	1		W CE24035	337.74	Y	546709CE24035		CARDEN, INC.	12/4/23 L
2024	06	143	12/07/2023	API	1		W CE24035	490.00	Y	546751CE24035		KATHLEEN HIRSH	11/30/23
2024	06	143	12/07/2023	API	1		W CE24035	2,375.00	Y	546762CE24035		CAITLIN BORSINI	11/1/23-1
2024	05	606	11/30/2023	API	1		W CE24033	246.80	Y	546665CE24035		MONNICK SUPPLY CO	
2024	05	606	11/30/2023	API	1		W CE24033	230.79	Y	546541CE24033		CARDEN, INC.	11/17/23
2024	05	606	11/30/2023	API	1		W CE24033	241.82	Y	546579CE24033		JENNIFER GEARY	9/13/23 L
2024	05	606	11/30/2023	API	1		W CE24033	329.56	Y	546579CE24033		JENNIFER GEARY	9/28/23 L

CITY OF MARLBOROUGH



G/L ACCOUNT DETAIL

Org: 26254101 Object: 57072  
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS	
2024	05	606	11/30/2023	API	1		W CE24033	143.38	Y	546579CE24033		JENNIFER GEARY	10/20/23	
2024	05	606	11/30/2023	API	1		W CE24033	110.21	Y	546579CE24033		JENNIFER GEARY	10/25/23	
2024	05	398	11/22/2023	API	1		W CE24032	150.00	Y	546348CE24032		ROBIN G. WHITMAN	OCTOBER 1	
2024	05	398	11/22/2023	API	1		W CE24032	167.88	Y	546293CE24032		CARDEN, INC.	11/3/23 L	
2024	05	398	11/22/2023	API	1		W CE24032	402.69	Y	546293CE24032		CARDEN, INC.	11/13/23	
2024	05	398	11/22/2023	API	1		W CE24032	2,303.04	Y	546293CE24032		CARDEN, INC.	11/15/23	
2024	05	398	11/22/2023	API	1		W CE24032	520.00	Y	546315CE24032		MARTHA CONVERS	SEPT & OC	
2024	05	398	11/22/2023	API	1		W CE24032	4,212.00	Y	546345CE24032		BLOOM'S BUS LINES	10/26/23	
2024	05	398	11/22/2023	API	1		W CE24032	306.00	Y	546256CE24032		ASSABET VALLEY RE	11/20/23	
2024	05	398	11/22/2023	API	1		W CE24032	250.00	Y	546328CE24032		MARY KING	11/15/23	
2024	05	398	11/22/2023	API	1		W CE24032	211.72	Y	546260CE24032		MARLBORO HOUSE OF	11/14/23	
2024	05	297	11/16/2023	API	1		W CE24030	25.17	Y	546327CE24032		AMAZON.COM SERVIC		
2024	05	297	11/16/2023	API	1		W CE24030	300.00	Y	546135CE24030		DAVID POLANSKY	11/8/23 C	
2024	05	297	11/16/2023	API	1		W CE24030	809.55	Y	546159CE24030		CARDEN, INC.	11/8/23 V	
2024	05	297	11/16/2023	API	1		W CE24030	389.70	Y	546159CE24030		CARDEN, INC.	11/6/23 L	
2024	05	297	11/16/2023	API	1		W CE24030	50.00	Y	546207CE24030		CHERYL KEIGWIN	11/6/23 E	
2024	05	294	11/16/2023	API	1		W CE24030	271.17	Y	546191CE24030		AMAZON.COM SERVIC		
2024	05	137	11/09/2023	API	1		W CE24030	35.03	Y	546142CE24030		W.B. MASON CO., I		
2024	05	137	11/09/2023	API	1		W CE24029	2,300.00	Y	545925CE24029		CAITLIN BORSINI	10/2/23 -	
2024	05	137	11/09/2023	API	1		W CE24029	246.81	Y	545871CE24029		CARDEN, INC.	10/30/23	
2024	05	137	11/09/2023	API	1		W CE24029	1,840.00	Y	545871CE24029		CARDEN, INC.	10/31/23	
2024	05	137	11/09/2023	API	1		W CE24029	560.00	Y	545908CE24029		KATHLEEN HIRSH	10/31/23	
2024	05	137	11/09/2023	API	1		W CE24029	200.00	Y	545916CE24029		DENNIS COATES	10/31/23	
2024	05	137	11/09/2023	API	1		W CE24029	154.00	Y	545803CE24029		ENGRAVEABLES, INC	TRISH POP	
2024	05	137	11/09/2023	API	1		W CE24029	715.00	Y	545892CE24029		HELEN J. MORIN	SEPTEMBER	
2024	05	137	11/09/2023	API	1		W CE24029	780.00	Y	545892CE24029		HELEN J. MORIN	OCTOBER 2	
2024	05	137	11/09/2023	API	1		W CE24029	840.00	Y	545935CE24029		JENNIFER L. VAZQ	OCTOBER 2	
2024	05	137	11/09/2023	API	1		W CE24029	420.00	Y	545931CE24029		LATHA RADHAKRISHN	SEPTEMBER	
2024	05	137	11/09/2023	API	1		W CE24029	480.00	Y	545931CE24029		LATHA RADHAKRISHN	OCTOBER 2	
2024	05	20	11/01/2023	API	1		W CE24027	200.00	Y	545921CE24029		FREDERICKA TANNER	OCTOBER 2	
2024	05	20	11/01/2023	API	1		W CE24027	82.00	Y	545665CE24027		MARLBORO HOUSE OF	10/24/202	
2024	05	20	11/01/2023	API	1		W CE24027	371.69	Y	545703CE24027		CARDEN, INC.	10/23/23	
2024	05	20	11/01/2023	API	1		W CE24027	350.03	Y	545718CE24027		PERFORMANCE FOODS		
2024	05	20	11/01/2023	API	1		W CE24027	240.00	Y	545736CE24027		DAWN GEORGE	SEPTEMBER	
2024	04	814	10/31/2023	GEN	1		OCT FUEL	251.79	Y	545703CE24027		CARDEN, INC.	10/27/23	
2024	04	457	10/19/2023	API	1		W CE24024	84.49	Y	0			OCT FUEL	
2024	04	457	10/19/2023	API	1		W CE24024	200.00	Y	545353CE24024		FREDERICKA TANNER	SEPTEMBER	
2024	04	457	10/19/2023	API	1		W CE24024	233.82	Y	545299CE24024		CARDEN, INC.	10/13/23	
2024	04	457	10/19/2023	API	1		W CE24024	419.70	Y	545299CE24024		CARDEN, INC.	10/16/23	
2024	04	457	10/19/2023	API	1		W CE24024	73.50	Y	545239CE24024		MINUTEMAN PRESS O		
2024	04	64	10/05/2023	API	1		W CE24021	142.00	Y	544632CE24021		MARLBORO HOUSE OF	9/26/23 L	
2024	04	64	10/05/2023	API	1		W CE24021	585.00	Y	544678CE24021		CARDEN, INC.	9/25/23 L	
2024	04	52	10/05/2023	API	1		W CE24021	2,375.00	Y	544742CE24021		CAITLIN BORSINI	9/1/23 -	
2024	04	52	10/05/2023	API	1		W CE24021	240.00	Y	544752CE24021		DAWN GEORGE	SEPTEMBER	
2024	04	52	10/05/2023	API	1		W CE24021	560.00	Y	544726CE24021		KATHLEEN HIRSH	SEPTEMBER	
2024	04	52	10/05/2023	API	1		W CE24021	50.00	Y	544750CE24021		CHERYL KEIGWIN	10/2/23 E	
2024	04	52	10/05/2023	API	1		W CE24021	980.00	Y	544748CE24021		JENNIFER L. VAZQ	SEPTEMBER	
2024	03	693	09/28/2023	API	1		W CE24020	272.79	Y	544678CE24021		CARDEN, INC.	10/2/23 L	
2024	03	693	09/28/2023	API	1		W CE24020	162.00	Y	544547CE24020		MARLBORO HOUSE OF	9/20/23 L	
2024	03	693	09/28/2023	API	1		W CE24020	298.77	Y	544587CE24020		CARDEN, INC.	SENIOR CE	
2024	03	693	09/28/2023	API	1		W CE24020	699.50	Y	544587CE24020		CARDEN, INC.	9/22/23 L	

CITY OF MARLBOROUGH



G/L ACCOUNT DETAIL

Org: 26254101 Object: 57072 PROGRAM FUNDING 262 -00-00-5410-00-0-0000-6-57072

Table with columns: YEAR, PER, JOURNAL, EFF DATE, SRC, T, PO/REF2, REFERENCE, AMOUNT, P, CHECK NO, WARRANT, VDR NAME/ITEM DESC, COMMENTS. Contains 100+ rows of financial transaction data.

**CITY OF MARLBOROUGH**



**G/L ACCOUNT DETAIL**

Org: 26254101 Object: 57072  
 PROGRAM FUNDING 262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM	DESC	COMMENTS
2024	01	476	07/27/2023	API	1		W CE24006	335.76	Y	542956	CE24006	CARDEN, INC.		7/17/23 L
2024	01	292	07/20/2023	API	1		W CE24004	1,055.22	Y	542822	CE24004	PERFORMANCE FOODS		
2024	01	292	07/20/2023	API	1		W CE24004	54.56	Y	542822	CE24004	PERFORMANCE FOODS		
2024	01	162	07/13/2023	API	1		W CE24002	239.80	Y	542677	CE24002	CARDEN, INC.		7/10/23 L
2024	01	162	07/13/2023	API	1		W CE24002	191.84	Y	542677	CE24002	CARDEN, INC.		7/7/23 LU
2024	01	162	07/13/2023	API	1		W CE24002	50.00	Y	542711	CE24002	CHERYL KEIGWIN		7/3/23 EP

Total Amount: 102,961.42

\*\* END OF REPORT - Generated by Patricia Pope \*\*

ORDERED:

That no more than three hundred fifty thousand dollars (\$350,000) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2025, unless otherwise authorized by City Council and Mayor be and is herewith **APPROVED**.

ADOPTED

In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:

ORDERED:

That no more than one hundred fifty thousand dollars (\$150,000) shall be expended from the Council on Aging Revolving Fund during fiscal year 2025, unless otherwise authorized by City Council and Mayor be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:



ORDERED:

That no more than one hundred forty-three thousand five hundred twenty dollars (\$143,520) shall be expended from the Public Safety Revolving Fund during fiscal year 2025, unless otherwise authorized by City Council and Mayor be and is herewith **APPROVED**.

ADOPTED

In City Council

Order No. 24-

Adopted

Approved by Mayor

J. Christian Dumais

Date:

A TRUE COPY

ATTEST:

ORDERED:

That no more than five hundred thousand dollars (\$500,000) shall be expended from the Water and Sewer Revolving Fund during fiscal year 2025, unless otherwise authorized by City Council and Mayor be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 MAY 16 AM 11:41

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770  
[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

**RE: Job Description and Salary Ordinance Update for Part-Time Clerk within the Marlborough Fire Department**

Dear Council President Ossing and Councilors,

Enclosed for your review and approval is the job description ordinance and salary order for the Part-Time Clerk at the Marlborough Fire Department. The history and current status of position was explained by Chief Breen during the Finance Committee's budget hearings. It was brought to our attention that the job description and salary ordinance has yet to be approved by the City Council.

As Chief Breen mentioned at the Finance Committee's budget hearing, he has 7-8 candidates who have interviewed for the position and plans on making a hiring decision upon the City Council's approval of these items.

Enclosed for your review and approval is the job description, job description order, and salary ordinance.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

**J. Christian Dumais**  
Mayor

ORDERED:

That pursuant to City Code Chapter 125 (Personnel), Section 125-5 (Preparation of Classification Descriptions), the job description for the position of Fire Department Clerk (attached hereto), BE AND IS HEREWITH APPROVED.

ADOPTED  
In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:

# CITY OF MARLBOROUGH

## FIRE DEPARTMENT

### CLERK

#### DEFINITION

Perform highly responsible clerical work associated with Fire Department activities within its Administration, specifically the Fire Prevention Bureau.

#### ESSENTIAL JOB FUNCTIONS

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

- Processes fire, ambulance, fire prevention reports to include review for accuracy, computer input, and internal and external distribution, as required.
- Administers databases and files pertaining to certificate and fitness programs, box test, and inspection program.
- Issues permits as directed by Fire Prevention officials. Accounts for and reconciles permit fees.
- Provides support to the Department's administrative staff, with duties including typing correspondence, reports, memoranda; transcribing of meeting minutes; and receiving and screening routine incoming telephone calls.
- Maintains and retrieves statistical information of department for reporting purposes.
- Responds to inquiries from the public, other fire agencies, the courts, lawyers, etc. as directed by Department administrative staff. Processes requests for documents, reports, records from various sources in accordance with department rules and regulations.
- Maintains confidentiality and security of department information and records.
- Works as a member of a team, or individually, sometimes under adverse or stressful conditions.
- Performs other duties as assigned.

#### SUPERVISION RECEIVED

Works under the direct supervision of the Fire Chief or his/her designee. The employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently. The supervisor provides additional, specific instruction for new, difficult, or unusual assignments, including suggested work methods. The employee refers unusual situations to the supervisor for advice and further instructions.

#### ACCOUNTABILITY

The nature of the work means that errors in administrative work are not easily detected. Consequences of errors, including inaccurate information, could impact other departments and result in monetary loss, legal repercussions, interruption of service and poor internal or external customer service.

#### JUDGMENT

The work involves numerous standardized practices, procedures, or general instructions that govern the work and, in some cases, may require additional interpretation. Judgment is needed to locate, select, and apply the most pertinent practice, procedure, regulation, or guideline.

#### COMPLEXITY

The work consists of a variety of duties which generally follow standardized practices, procedures, regulations, or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

**NATURE AND PURPOSE OF CONTACTS**

Relationships are primarily with co-workers, contractors, and the public, involving frequent explanation, discussion or interpretation of practices, procedures, regulations, or guidelines in order to render service, plan or coordinate work efforts, or resolve problems. Other regular contacts are with service recipients and employees of outside organizations.

**CONFIDENTIALITY**

Employee has access at the departmental level to a variety of highly sensitive and confidential information.

**WORK ENVIRONMENT**

The work is performed in an office environment. Noise or physical surroundings may be distracting.

**EDUCATION AND EXPERIENCE**

Minimum high school diploma or equivalent. Associate degree, preferred, with at least four (4) years of office/clerical experience with regular interaction with the public or any equivalent combination of education and experience.

**KNOWLEDGE, ABILITY AND SKILLS**

**Knowledge:** Knowledge of Fire Department operations and/or fire prevention activities desirable. Practical knowledge of the customer service best practices and general computer applications. The ability to multitask is essential within a busy office environment.

**Ability:** Ability to work in groups with other employees and with the public. Ability to communicate effectively in written and oral form. Ability to be organized and pay attention to details. Ability to operate standard office equipment and computer software and database administration. Ability to work effectively with the public, contractors, lawyers, and federal, state, and local officials; ability to accomplish complex tasks, meet deadlines, and work independently.

**Skills:** Excellent oral and written communication skills. Strong interpersonal skills. Strong problem-solving skills.

**PHYSICAL, MOTOR AND VISUAL SKILLS**

**Physical Skills:** The work involves physical skills typical of an office environment, including sitting, standing, walking, and stooping. May be required to use hands to operate objects, tools, or controls, and reach with arms to pick up objects, such as files, boxes of papers, office supplies, and office equipment weighing up to thirty (30) pounds.

**Motor Skills:** Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, personal computers, handheld technology, and other office equipment.

**Visual Skills:** Visual demands require routinely reading documents for general understanding and analytical purposes and frequent computer usage.

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:

Position: Fire Department Clerk (Part-Time)  
(Effective July 1, 2024)

Position	Rate
Fire Department Clerk (Part-Time)	Not to Exceed \$18.50 per hour.

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

ADOPTED  
In City Council  
Order No. 24-XXX  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 MAY 16 AM 11:41

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

## **RE: Appointment of Marylou Vanzini to the Council-on-Aging**

Dear Council President Ossing and Councilors,

I am pleased to submit for your approval the appointment of Marylou Vanzini to the Council-on-Aging for a term of four (4) years to expire on May 1, 2028.

Marylou was born and raised in Marlborough, attended Marlborough Public Schools, and graduated from Marlborough High School. She is an active attendee of the Marlborough Senior Center at programs, exercise classes, and luncheons. Marylou's extensive community involvement over the years includes founding the Marlborough Girls Club, founding the Citizen Scholarship Foundation, member of the Marlborough Council of Children, and serving 12 years on the Marlborough School Committee. I am confident that Marylou will make an exceptional addition to the Marlborough Council-on-Aging. I have attached her resume for your review.

Marylou takes the place of Jim Confrey, whose term has expired and will not be returning to the Council. I would like to take this opportunity to thank Jim for his service to the Council and the city.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

**J. Christian Dumais**  
Mayor





# MARYLOU VANZINI

## CONTACT

PHONE:

EMAIL:

## HOBBIES

Gardening  
Reading  
Volunteering

## EDUCATION

---

### **Cambridge School of Retailing Boston**

1959-1961

Dean's list

### **Marlborough High School**

1955-1959

National Honor Society

## WORK EXPERIENCE

---

### **SADD**

1979-2004

Executive in charge of finances

### **Office for Children**

1974-1976

Community Representative

### **First Equity Association, Newton MA**

1968-1973

Vice President of Management & Marketing For  
Department Manager Jordan Marsh

## COMMITMENT TO YOUTH

---

- Cofounder of Marlborough Girls Club
- Started Marlborough High School All Nighter
- Founder of Citizen Scholarship Foundation
- Member of Marlborough Council of Children
- Marlborough School Committee Member for 12 years



# City of Marlborough

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 MAY 16 AM 11:41

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770  
[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

May 15, 2024

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

**RE: Acceptance of 2024 Hazard Mitigation Plan**

Dear Council President Ossing and Councilors,

Enclosed for your review and approval is the 2024 Hazard Mitigation Plan. In addition to good practice, this plan is required to be updated every five years in order for the city to meet its eligibility for grant funding. The plan aims to identify actions that can be taken to reduce the dangers to life and property from natural hazard events. It is a collaborative process led by Emergency Manager Fred Flynn and involves multiple departments such as the Department of Public Works, Conservation, and other state and federal agencies. FEMA has reviewed and approved the plan, with the last step in the process being City Council approval.

Language specific to the passage of the plan has been included with this letter, as well as a copy of the plan itself. I want to thank Emergency Management Director Fred Flynn and all departments involved for their hard work and the successful completion of this plan.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

**J. Christian Dumais**  
Mayor



## City of Marlborough Emergency Management

215 MAPLE ST.

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 624-6984 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610

4/26/2024

Mayor Dumais,

Please find the attached Hazard Mitigation Plan for the City of Marlborough that was reviewed by FEMA. FEMA notified the City that the plan meets their requirements and the final step needed for approval of the plan by FEMA is for the City Council to adopt the plan. This process happens every five years and involves many city employees from multiple departments attending the review meetings. This plan should project the potential hazards that that can affect the community as well as documenting the known issues that were in the previous plan. Federal funding to mitigate the issues is available for some projects if they are noted in the plan through the BRIC grant (Building Resilient Infrastructure and Communities). This grant program is based on the premise that it costs less to fix the anticipated problem than funding a disaster caused by the same, and a FEMA-approved plan is required to have access to those grant funds.

This plan has previously been advertised and had a public hearing at the City Council for input from other officials and the public, with MEMA and FEMA completing their reviews this is now ready for adoption by the City Council. I request that this be scheduled for the next City Council meeting to complete this process. A one-page Certificate of Adoption, which meets FEMA's requirements for municipal adoption of the plan, is attached.

Thank you,

Frederick F. Flynn  
Emergency Management Director

ORDERED:

**CERTIFICATE OF ADOPTION**

A RESOLUTION ADOPTING THE  
*CITY OF MARLBOROUGH HAZARD MITIGATION PLAN 2024 UPDATE*

WHEREAS, the City of Marlborough established a Hazard Mitigation Planning Team, coordinated by the Emergency Management Director, to prepare the *City of Marlborough Hazard Mitigation Plan 2024 Update*; and

WHEREAS, the *City of Marlborough Hazard Mitigation Plan 2024 Update* contains several potential future projects to mitigate potential impacts from natural hazards in the City of Marlborough, and

WHEREAS, duly-noticed public meetings were held by the PLANNING BOARD ON FEBRUARY 13, 2023, and by the City Council on May 22, 2023, and

WHEREAS, the City of Marlborough authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan, and

NOW, THEREFORE BE IT RESOLVED that the Marlborough CITY COUNCIL adopts the *City of Marlborough Hazard Mitigation Plan 2024 Update*, in accordance with MGL c. 40, s. 4 or the charter and ordinances of the City of Marlborough.

ADOPTED  
In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough

## Legal Department

140 MAIN STREET  
 MARLBOROUGH, MASSACHUSETTS 01752  
 TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610  
 LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2024 MAY 14 AM 11:15

**JASON D. GROSSFIELD**  
 CITY SOLICITOR  
**JEREMY P. MCMANUS**  
 ASSISTANT CITY SOLICITOR  
**BEATRIZ R. ALVES**  
 PARALEGAL

May 14, 2024

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

Re: Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project  
 Special Permit Condition #6 – Green District, Phase 2 (Simarano Drive)

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed order authorizing a Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project ("RA"), with the Commonwealth Massachusetts Executive Office of Housing and Livable Communities ("EOHLC") and CRP/PR Lodge Owner LLC. This item is in proper legal form.

Condition No. 6 (Affordable Units) of the special permit decision of the City Council (Order No. 19-1007762) for the above-referenced multifamily project requires that ten percent (10%) of dwelling units be made available as affordable rental units, in accordance with EOHLC requirements. The City Council previously authorized the RA for Phase 1 of the Green District. Entering into the RA is an EOHLC requirement for the units to remain affordable in perpetuity and eligible to be added to the subsidized housing inventory for Marlborough. The RA is based on EOHLC's model form and has been reviewed by EOHLC and the developer.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield  
 City Solicitor

Enclosure

cc: J. Christian Dumais, Mayor  
 Tin Htway, Building Commissioner  
 Chad Carter, Exec. Dir, CDA

**ORDERED:**

That the City Council of the City of Marlborough hereby authorizes the Mayor, on behalf of the City of Marlborough, to enter into and execute a Local Initiative Program (LIP) Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project (Local Action Units), in substantially the form attached hereto, with the Commonwealth Massachusetts Executive Office of Housing and Livable Communities and CRP/PR Lodge Owner LLC. Said Regulatory Agreement is relative to the second phase of the "Green District" residential development on Simarano Drive, as required by Condition No. 6 (Affordable Units) of the special permit decision of the City Council (Order No. 19-1007762).

**ADOPTED**

In City Council

Order No. 24-

Adopted

Approved by Mayor

J. Christian Dumais

Date:

A TRUE COPY

ATTEST:

LOCAL INITIATIVE PROGRAM

**REGULATORY AGREEMENT  
AND  
DECLARATION OF RESTRICTIVE COVENANTS  
FOR  
RENTAL PROJECT  
Local Action Units**

This Regulatory Agreement and Declaration of Restrictive Covenants (the "Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and among the Commonwealth of Massachusetts, acting by and through the Executive Office of Housing and Livable Communities ("EOHLC") pursuant to G.L. c.23B §1 as amended by Chapter 7 of the Acts of 2023, the city of Marlborough ("the Municipality"), and CRP/PR Lodge Owner LLC, a Delaware/limited liability company, having an address at 1001 Penn Ave NW Ste. 220 Washington, DC, 20004 (having a mailing address of 11 Unquowa Road, Fairfield, CT 06824), and its successors and assigns ("Developer").

WITNESSETH:

WHEREAS, pursuant to G.L. c. 40B, §§ 20-23 (the "Act") and the final report of the Special Legislative Commission Relative to Low- and Moderate-Income Housing Provisions issued in April 1989, regulations have been promulgated at 760 CMR 56.00 (the "Regulations") which establish the Local Initiative Program ("LIP") and *Comprehensive Permit Guidelines: M.G.L. Chapter 40B Comprehensive Permit Projects - Subsidized Housing Inventory* have been issued thereunder (the "Guidelines");

WHEREAS, the Developer intends to construct a rental housing development known as The Lodge (which will be the second phase of a development known as "The Green District" at a/an 11.8-acre site on 3000 Green District Boulevard in the Municipality, more particularly described in Exhibit A attached hereto and made a part hereof (the "Project");

WHEREAS, such Project is to consist of a total number of 240 rental dwellings (the "Units") and 24 of the Units will be rented at rents specified in this Agreement to Eligible Tenants as specified in paragraph two of this Agreement (the "Low- and Moderate-Income Units");

WHEREAS, the Chief Executive Officer of the Municipality (as that term is defined in the Regulations) and the Developer have made application to EOHLC to certify that the units in the Project are Local Action Units (as that term is defined in the Guidelines) within the LIP Program; and

WHEREAS, in partial consideration of the execution of this Agreement, EOHLC has issued or will issue its final approval of the Project within the LIP Program and has given and will give technical and other assistance to the Project;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, EOHL, the Municipality, and the Developer hereby agree and covenant as follows:

1. Construction. The Developer agrees to construct the Project in accordance with plans and specifications approved by the Municipality (the "Plans and Specifications"). In addition, all Low- and Moderate-Income Units to be constructed as part of the Project must be indistinguishable from other Units in the Project from the exterior (unless the Project has an approved "Alternative Development Plan" as set forth in the Guidelines and must contain complete living facilities including but not limited to a stove, refrigerator, kitchen cabinets, plumbing fixtures, and washer/dryer hookup, all as more fully shown in the Plans and Specifications.

- 2 of the Low- and Moderate-Income Units shall be studio units;
- 12 of the Low- and Moderate-Income Units shall be one-bedroom units;
- 9 of the Low- and Moderate-Income Units shall be two-bedroom units;
- 1 of the Low- and Moderate-Income Units shall be three-bedroom units.

All Low- and Moderate-Income Units to be occupied by families must contain two or more bedrooms. Low- and Moderate-Income Units must have the following minimum areas:

studio units	-	250 square feet
one-bedroom units	-	700 square feet
two-bedroom units	-	900 square feet
three-bedroom units	-	1200 square feet
four-bedroom units	-	1400 square feet

During the term of this Agreement, the Developer covenants, agrees, and warrants that the Project and each Low- and Moderate-Income Unit will remain suitable for occupancy and in compliance with all federal, state, and local health, safety, building, sanitary, environmental, and other laws, codes, rules, and regulations, including without limitation laws relating to the operation of adaptable and accessible housing for persons with disabilities. The Project must comply with all similar local codes, ordinances, and by-laws.

2. Affordability.

(a) Throughout the term of this Agreement, each Low- and Moderate-Income Unit will be rented for no more than the rental rates set forth herein to an Eligible Tenant. An Eligible Tenant is a Family whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development ("HUD"). A "Family" shall mean two or more persons who will live regularly in the Low- and Moderate-Income Unit as their primary residence and who are related by blood, marriage, or operation of law or who have otherwise evidenced a stable inter-



dependent relationship; or an individual. The "Area" is defined as the Boston-Cambridge-Quincy MSA/HMFA/Non-Metropolitan County.

(b) The monthly rents charged to tenants of Low- and Moderate-Income Units shall not exceed an amount equal to thirty percent (30%) of the monthly adjusted income of a Family whose gross income equals eighty percent (80%) of the median income for the Area, with adjustment for the number of bedrooms in the Unit, as provided by HUD. In determining the maximum monthly rent that may be charged for a Low- and Moderate-Income Unit under this clause, the Developer shall include an allowance for any utilities and services (excluding telephone) to be paid by the resident. Annual income shall be as defined in 24 C.F.R. 5.609 (or any successor regulation) using assumptions provided by HUD. The initial maximum monthly rents and utility allowances for the Low- and Moderate-Income Units are set forth in Exhibit B attached hereto. If the rent for a Low- and Moderate-Income Unit is subsidized by a state or federal rental subsidy program, then the rent applicable to the Low- and Moderate-Income Unit may be limited to that permitted by such rental subsidy program, provided that the tenant's share of rent does not exceed the maximum annual rental expense as provided in this Agreement.

Annually as part of the annual report required under Subsection 2(e) below, the Developer shall submit to the Municipality and EOHLC a proposed schedule of monthly rents and utility allowances for all Low- and Moderate-Income Units in the Project. Such schedule shall be subject to the approval of the Municipality and EOHLC for compliance with the requirements of this Section. Rents for Low- and Moderate-Income Units shall not be increased without the Municipality's and EOHLC's prior approval of either (i) a specific request by Developer for a rent increase or (ii) the next annual schedule of rents and allowances. Notwithstanding the foregoing, rent increases shall be subject to the provisions of outstanding leases and shall not be implemented without at least 30 days' prior written notice by Developer to all affected tenants. If an annual request for a new schedule of rents for the Low- and Moderate-Income Units as set forth above is based on a change in the Area median income figures published by HUD, and the Municipality and EOHLC fail to respond to such a submission within thirty (30) days of the Municipality's and EOHLC's receipt thereof, the Municipality and EOHLC shall be deemed to have approved the submission. If an annual request for a new schedule of rents for the Low- and Moderate-Income Units is made for any other reason, and the Municipality and EOHLC fail to respond within thirty (30) days of the Municipality's and EOHLC's receipt thereof, the Developer may send EOHLC and the Municipality a notice of reminder, and if the Municipality and EOHLC fail to respond within thirty (30) days from receipt of such notice of reminder, the Municipality and EOHLC shall be deemed to have approved the submission.

Without limiting the foregoing, the Developer may request a rent increase for the Low and Moderate Units to reflect an increase in the Area median income published by HUD between the date of this Agreement and the date that the Units begin to be marketed or otherwise made available for rental pursuant to Section 4 below; if the Municipality and EOHLC approve such rent increase in accordance with this subsection, the Initial Maximum Rents and Utility Allowances for Low- and Moderate-Income Units in Exhibit B of the Agreement shall be deemed to be modified accordingly.

(c) If, after initial occupancy, the income of a tenant of a Low- and Moderate-Income Unit increases and, as a result of such increase, exceeds the maximum income permitted hereunder for such a tenant, the Developer shall not be in default hereunder so long as either (i) the tenant income does not exceed one hundred forty percent (140%) of the maximum income permitted or (ii) the Developer rents the next available unit at the Development as a Low- and Moderate-Income Unit in conformance with Section 2(a) of this Agreement, or otherwise demonstrates compliance with Section 2(a) of this Agreement.

(d) If, after initial occupancy, the income of a tenant in a Low- and Moderate-Income Unit increases, and as a result of such increase, exceeds one hundred forty percent (140%) of the maximum income permitted hereunder for such a tenant, at the expiration of the applicable lease term, the rent restrictions shall no longer apply to such tenant.

(e) Throughout the term of this Agreement, the Developer shall annually determine whether the tenant of each Low- and Moderate-Income Unit remains an Eligible Tenant. This determination shall be reviewed by the Municipality and certified to EOHLC as provided in section 2(g), below.

(f) The Developer shall enter into a written lease with each tenant of a Low- and Moderate-Income Unit which shall be for a minimum period of one year and which provides that the tenant shall not be evicted for any reason other than a substantial breach of a material provision of such lease.

(g) Throughout the term of this Agreement, the Chief Executive Officer shall annually certify in writing to EOHLC that each of the Low- and Moderate-Income Units continues to be Low- and Moderate-Income Unit as provided in sections 2 (a) and(c), above; and that the Project and the Low- and Moderate-Income Units have been maintained in a manner consistent with the Regulations and Guidelines and this Agreement.

### 3. Subsidized Housing Inventory.

(a) The Project will be included in the Subsidized Housing Inventory upon the occurrence of one of the events described in 760 CMR 56.03(2). Only Low- and Moderate-Income Units will be deemed Low- and Moderate-Income housing to be included in the Subsidized Housing Inventory.

(b) Units included in the Subsidized Housing Inventory will continue to be included in the Subsidized Housing Inventory in accordance with 760 CMR 56.03(2) for as long as the following three conditions are met: (1) this Agreement remains in full force and effect and neither the Municipality nor the Developer are in default hereunder; (2) the Project and each of the Low- and Moderate-Income Units continue to comply with the Regulations and the Guidelines as the same may be amended from time to time and (3) each Low- and Moderate-Income Unit remains a Low- and Moderate-Income Unit as provided in section 2(c), above.

4. Marketing. Prior to marketing or otherwise making available for rental any of the Units, the Developer must obtain EOHLC's approval of a marketing plan (the "Marketing Plan") for the Low- and Moderate-Income Units. Such Marketing Plan must describe the tenant

selection process for the Low- and Moderate-Income Units and must set forth a plan for affirmative fair marketing of Low- and Moderate-Income Units to protected groups underrepresented in the Municipality, including provisions for a lottery, as more particularly described in the Regulations and Guidelines. At the option of the Municipality, and provided that the Marketing Plan demonstrates (i) the need for the local preference (e.g., a disproportionately low rental or ownership affordable housing stock relative to need in comparison to the regional area), and (ii) that the proposed local preference will not have a disparate impact on protected classes, the Marketing Plan may also include a preference for local residents for up to seventy percent (70%) of the Low- and Moderate-Income Units, subject to all provisions of the Regulations and Guidelines and applicable to the initial rent-up only. When submitted to EOHLIC for approval, the Marketing Plan should be accompanied by a letter from the Chief Executive Officer of the Municipality (as that term is defined in the Regulations) which states that the tenant selection and local preference (if any) aspects of the Marketing Plan have been approved by the Municipality and which states that the Municipality will perform any aspects of the Marketing Plan which are set forth as responsibilities of the Municipality in the Marketing Plan. The Marketing Plan must comply with the Regulations and Guidelines and with all other applicable statutes, regulations and executive orders, and EOHLIC directives reflecting the agreement between EOHLIC and the U.S. Department of Housing and Urban Development in the case of NAACP, Boston Chapter v. Kemp. **If the Project is located in the Boston-Cambridge-Quincy MA-NH Metropolitan Statistical Area, the Developer must list all Low- and Moderate-Income Units with the City of Boston's MetroList (Metropolitan Housing Opportunity Clearing Center), at Boston City Hall, Fair Housing Commission, Suite 966, One City Hall Plaza, Boston, MA 02201 (671-635-3321).** All costs of carrying out the Marketing Plan shall be paid by the Developer. A failure to comply with the Marketing Plan by the Developer or by the Municipality shall be deemed to be a default of this Agreement. The Developer agrees to maintain for five years following the initial rental of the last Low- and Moderate-Income Unit and for five years following all future rentals, a record of all newspaper advertisements, outreach letters, translations, leaflets, and any other outreach efforts (collectively "Marketing Documentation") as described in the Marketing Plan as approved by EOHLIC which may be inspected at any time by EOHLIC. All Marketing Documentation must be approved by EOHLIC prior to its use by the Developer or the Municipality. The Developer and the Municipality agree that if at any time prior to or during the process of marketing the Low- and Moderate-Income Units, EOHLIC determines that the Developer, or the Municipality with respect to aspects of the Marketing Plan that the Municipality has agreed to be responsible for, has not adequately complied with the approved Marketing Plan, that the Developer or Municipality as the case may be, shall conduct such additional outreach or marketing efforts as shall be determined by EOHLIC.

5. Non-discrimination. Neither the Developer nor the Municipality shall discriminate on the basis of race, creed, color, sex, age, disability, marital status, national origin, sexual orientation, familial status, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of tenants; and the Developer shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Project.

6. Inspection. The Developer agrees to comply and to cause the Project to comply with all requirements of the Regulations and Guidelines and all other applicable laws, rules, regulations, and executive orders. EOHLC and the Chief Executive Officer of the municipality shall have access during normal business hours to all books and records of the Developer and the Project in order to monitor the Developer's compliance with the terms of this Agreement.

7. Recording. Upon execution, the Developer shall immediately cause this Agreement and any amendments hereto to be recorded with the Registry of Deeds for the County where the Project is located or, if the Project consists in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Project is located (collectively hereinafter, the "Registry of Deeds"), and the Developer shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Developer shall immediately transmit to EOHLC and the Municipality evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

8. Representations. The Developer hereby represents, covenants and warrants as follows:

(a) The Developer (i) is a limited liability company duly organized under the laws of the State of Delaware and qualified to do business in the Commonwealth of Massachusetts, and is qualified to transact business under the laws of this State, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) has the full legal right, power and authority to execute and deliver this Agreement.

(b) The execution and performance of this Agreement by the Developer (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developer is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developer will, at the time of execution and delivery of this Agreement, have good and marketable title to the premises constituting the Project free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project the terms of which are approved by EOHLC, or other permitted encumbrances, including mortgages referred to in paragraph 17, below).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developer, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect its financial condition.

9. Transfer Restrictions.

(a) Except for rental of Units to Low- or Moderate-Income Tenants as permitted by the terms of this Agreement, the Developer will not sell, transfer, lease, or exchange the Project or any portion thereof or interest therein (collectively, a “Sale”) or (except as permitted under Section (d) below) mortgage the Property without the prior written consent of EOHLC and the Municipality.

(b) A request for consent to a Sale shall include:

- A signed agreement stating that the transferee will assume in full the Developer’s obligations and duties under this Agreement, together with a certification by the attorney or title company that it will be held in escrow and, in the case of any transfer other than a transfer of Beneficial Interests, recorded in the Registry of Deeds with the deed and/or other recorded documents effecting the Sale;
- The name of the proposed transferee and any other entity controlled by or controlling or under common control with the transferee, and names of any affordable housing developments in the Commonwealth owned by such entities;
- A certification from the Municipality that the Development is in compliance with the affordability requirements of this Agreement.

(c) Consent to the proposed Sale shall be deemed to be given unless EOHLC or the Municipality notifies the Developer within thirty (days) after receipt of the request that either

- The package requesting consent is incomplete, or
- The proposed transferee (or any entity controlled by or controlling or under common control with the proposed transferee) has a documented history of serious or repeated failures to abide by agreements of affordable housing funding or regulatory agencies of the Commonwealth or the federal government or is currently in violation of any agreements with such agencies beyond the time permitted to cure the violation, or
- The Project is not being operated in compliance with the affordability requirements of this Agreement at the time of the proposed Sale.

(d) The Developer shall provide EOHLC and the Municipality with thirty (30) day’s prior written notice of the following:

- (i) any change, substitution or withdrawal of any general partner, manager, or agent of Developer; or
- (ii) the conveyance, assignment, transfer, or relinquishment of a

majority of the Beneficial Interests (herein defined) in Developer (except for such a conveyance, assignment, transfer or relinquishment among holders of Beneficial Interests as of the date of this Agreement).

- (iii) the sale, mortgage, conveyance, transfer, ground lease, or exchange of Developer's interest in the Project or any part of the Project.

For purposes hereof, the term "Beneficial Interest" shall mean: (i) with respect to a partnership, any partnership interests or other rights to receive income, losses, or a return on equity contributions made to such partnership; (ii) with respect to a limited liability company, any interests as a member of such company or other rights to receive income, losses, or a return on equity contributions made to such company; or (iii) with respect to a company or corporation, any interests as an officer, board member or stockholder of such company or corporation to receive income, losses, or a return on equity contributions made to such company or corporation.

Notwithstanding the above, EOHLIC's consent under this Section 9 shall not be required with respect to the grant by the Developer of any mortgage or other security interest in or with respect to the Project to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender made at no greater than the prevailing rate of interest or any exercise by any such mortgagee of any of its rights and remedies (including without limitation, by foreclosure or by taking title to the Project by deed in lieu of foreclosure), subject, however to the provisions of Section 14 hereof.

Developer hereby agrees that it shall provide copies of any and all written notices received by Developer from a mortgagee exercising or threatening to exercise its foreclosure rights under the mortgage.

#### 10. Casualty; Demolition; Change of Use.

(a) The Developer represents, warrants, and agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Developer (subject to the approval of the lender(s) which has provided financing) will use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with this Agreement.

(b) The Developer shall not, without prior written approval of EOHLIC and the Municipality and an amendment to this Agreement, change the type or number of Low- and Moderate-Income Units. The Developer shall not demolish any part of the Project or substantially subtract from any real or personal property of the Project, or permit the use of the dwelling accommodations of the Project for any purpose except residences and any other uses permitted by the applicable zoning then in effect;

11. Governing Law. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. Any amendments to this Agreement must be in writing and executed by all of the parties hereto. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portions hereof.

12. Notices. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice:

EOHLC: Executive Office of Housing and Livable Communities  
Attention: Local Initiative Program Director  
 100 Cambridge Street, 3rd Floor  
 Boston, MA 02114

Municipality: City of Marlborough  
 Attn: Community Development Authority  
 250 Main Street  
 Marlborough, MA 01752  
 With a copy mailed to: [legal@marlborough-ma.gov](mailto:legal@marlborough-ma.gov)

Developer: CRP/PR Lodge Owner, LLC  
 1001 Penn Ave NW Ste. 220  
 Washington, DC 20004  
 Mailing Address: 11 Unquowa Road  
 Fairfield, CT 06824

13. Term.

(a) This Agreement and all of the covenants, agreements and restrictions contained herein shall be deemed to be an affordable housing restriction as that term is defined in G.L. c. 184, § 31 and as that term is used in G.L. c.184, § 26, 31, 32 and 33. This Agreement shall bind, and the benefits shall inure to, respectively, Developer and its successors and assigns, and EOHLC and its successors and assigns and the Municipality and its successors and assigns. EOHLC has determined that the acquiring of such affordable housing restriction is in the public interest. The term of this Agreement, the rental restrictions, and other requirements provided herein shall be perpetual.

(b) The Developer intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Agreement and the covenants, agreements and restrictions

contained herein shall be and are covenants running with the land, encumbering the Project for the term of this Agreement, and are binding upon the Developer's successors in title, (ii) are not merely personal covenants of the Developer, and (iii) shall bind the Developer, its successors and assigns and enure to the benefit of EOHLC and the Municipality and their successors and assigns for the term of the Agreement. Developer hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

14. Lender Foreclosure. The rights and restrictions contained in this Agreement shall not lapse if the Project is acquired through foreclosure or deed in lieu of foreclosure or similar action, and the provisions hereof shall continue to run with and bind the Project.

15. Further Assurances. The Developer and the Municipality each agree to submit any information, documents, or certifications requested by EOHLC which EOHLC shall deem necessary or appropriate to evidence the continuing compliance of the Project Sponsor and the Municipality with the terms of this Agreement.

16. Default.

(a) The Developer and the Municipality each covenant and agree to give EOHLC written notice of any default, violation or breach of the obligations of the Developer or the Municipality hereunder, (with a copy to the other party to this Agreement) within seven (7) days of first discovering such default, violation or breach (a "Default Notice"). If EOHLC becomes aware of a default, violation, or breach of obligations of the Developer or the Municipality hereunder without receiving a Default Notice from Developer or the Municipality, EOHLC shall give a notice of such default, breach or violation to the offending party (with a copy to the other party to this Agreement) (the "EOHLC Default Notice"). If any such default, violation, or breach is not cured to the satisfaction of EOHLC within thirty (30) days after the giving of the Default notice by the Developer or the Municipality, or if no Default Notice is given, then within thirty (30) days after the giving of the EOHLC Default Notice, then at EOHLC's option, and without further notice, EOHLC may either terminate this Agreement, or EOHLC may apply to any state or federal court for specific performance of this Agreement, or EOHLC may exercise any other remedy at law or in equity or take any other action as may be necessary or desirable to correct non-compliance with this Agreement.

(b) If EOHLC elects to terminate this Agreement as the result of a breach, violation, or default hereof, which breach, violation, or default continues beyond the cure period set forth in this Section 16, then the Low- and Moderate-Income Units and any other Units at the Project which have been included in the Subsidized Housing Inventory shall from the date of such termination no longer be deemed Low- and Moderate-Income housing for the purposes of the Act and shall be deleted from the Subsidized Housing Inventory.

(c) The Developer acknowledges that the primary purpose for requiring compliance by the Developer with the restrictions provided herein is to create and maintain long-term affordable rental housing, and by reason thereof the Developer agrees that EOHLC or the



Municipality or any prospective, present, or former tenant shall be entitled for any breach of the provisions hereof, and in addition to all other remedies provided by law or in equity, to enforce the specific performance by the Developer of its obligations under this Agreement in a state court of competent jurisdiction. The Developer further specifically acknowledges that the beneficiaries of its obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder. In the event of a breach of this Agreement, the Developer shall reimburse EOHLC for all costs and attorney's fees associated with such breach.

17. Mortgagee Consents. The Developer represents and warrants that it has obtained the consent of all existing mortgagees of the Project to the execution and recording of this Agreement and to the terms and conditions hereof and that all such mortgagees have executed the Consent and Subordination of Mortgage to Regulatory Agreement attached hereto and made a part hereof.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

Executed as a sealed instrument as of the date first above written.

DEVELOPER

\_\_\_\_\_

By: \_\_\_\_\_  
Its:

EXECUTIVE OFFICE OF HOUSING AND  
LIVABLE COMMUNITIES

By: \_\_\_\_\_  
Its:

MUNICIPALITY

By: \_\_\_\_\_  
Its Chief Executive Officer

Attachments: Exhibit A - Legal Property Description  
Exhibit B - Rents for Low- and Moderate-Income Units

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding document, as \_\_\_\_\_ of the \_\_\_\_\_ [Developer], and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding document, as \_\_\_\_\_ for the Commonwealth of Massachusetts acting by and through the Executive Office of Housing and Livable Communities, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding document, as \_\_\_\_\_ for the City/Town of \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**CONSENT AND SUBORDINATION OF MORTGAGE  
TO REGULATORY AGREEMENT**

Reference is hereby made to a certain Mortgage dated \_\_\_\_\_ given by \_\_\_\_\_ to \_\_\_\_\_, recorded with the \_\_\_\_\_ Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_ ("Mortgage").

The Undersigned, present holder of said Mortgage, hereby recognizes and consents to the execution and recording of this Agreement and agrees that the aforesaid Mortgage shall be subject and subordinate to the provisions of this Agreement, to the same extent as if said Mortgage had been registered subsequent thereto. The Undersigned further agrees that in the event of any foreclosure or exercise of remedies under said Mortgage it shall comply with the terms and conditions hereof.

Berkshire Bank

By: \_\_\_\_\_  
Its:

(If the Development has more than one mortgagee, add additional consent forms.)

**COMMONWEALTH OF MASSACHUSETTS**

COUNTY OF \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding document, as \_\_\_\_\_ of \_\_\_\_\_ Bank, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**EXHIBIT A**

Re: The Lodge  
 (Project name)  
Marlborough, MA  
 (City/Town)  
CRP PR Lodge Owner, LLC  
 (Developer)

Property Description

The Land referred to herein below is situated in the County of Middlesex, State of Massachusetts, and is described as follows:

## Parcel 1

That certain parcel of land situated in Marlborough, Middlesex County, Massachusetts described as follows: Lot 2 on the Plan entitled "Plan of Land in Marlborough/Southborough, MA (Middlesex/Worcester County)" by Precision Land Surveying, Inc. dated June 12, 2020 and Revised September 24, 2020 and recorded with the Middlesex South Registry of Deeds as plan 959 of 2020. Said parcel of land is also shown on a plan of land entitled "Lot 2 Green District #3000 Green District Boulevard, ALTA/NSPS Land Title Survey in Marlborough, MA (Middlesex County) dated November 1, 2022 made by Precision Land Surveying, last revised February 6, 2023, designated Job Number 457516TI1.DWG consisting of five sheets and more particularly described as follows:

Beginning at a point on the easterly sideline of Simarano Drive, said point being the most southwesterly corner of the parcel; thence running

N 18°55'20" E 25.00' by the easterly sideline of Simarano Drive to a point; thence turning and running

S 71°04'40" E 92.70' to a point of curvature; thence running

SOUTHEASTERLY 83.71' by a curve to the right having a radius of 313.50' to a point of tangency; thence running

S 55°46'41" E 45.05' to a point of curvature; thence running

EASTERLY 295.29' by a curve to the left having a radius of 307.00' to a point of tangency; thence running

N 69°06'45" E 99.83' to a point; thence turning and running

N 12°47'42" W 156.70' to a point; thence turning and running

N 09°31'55" E 756.28' to a point of non-tangency; thence turning and running

EASTERLY 83.73' by a curve to the left having a radius of 562.00' to a point of tangency; thence running

S 89°00'16" E 81.29' to a point; thence turning and running

S 72°53'20" E 89.52' to a point of non-tangency; thence turning and running

EASTERLY 77.44' by a curve to the left having a radius of 844.34' to a point of tangency; thence running

S 81°27'23" E 294.61' to a point; thence turning and running

S 19°44'51" W 545.24' to a point; thence turning and running

S 70°15'09" E 27.73' to a point; thence turning and running

S 19°44'51" W 276.25' to a point; thence turning and running

S 50°05'16" W 208.75' to a point of non-tangency; thence turning and running

NORTHWESTERLY 248.22' by a curve to the left having a radius of 238.00' to a point of compound curvature; thence running

WESTERLY 53.77' by a curve to the left having a radius of 168.00' to a point of tangency; thence running

S 69°06'45" W 125.94' to a point of curvature; thence running

WESTERLY 319.33' by a curve to the right having a radius of 332.00' to a point;

thence turning and running

N 55°46'41" W 45.05' to a point of curvature; thence running  
NORTHWESTERLY 77.04' by a curve to the left having a radius of 288.50' to a point of  
tangency; thence running

N 71°04'40" W 92.70' to the POINT OF BEGINNING.

Containing 513,884 square feet or 11.797 acres, more or less.

Parcel 2

Together with the benefit of the access easements contained in Agreement and Master Declaration of  
Easements, Covenants, Conditions and Restriction for the Green District by and among Marlborough  
Apartment Partners 2 LLC as Declarant and Green District Owner LLC, as Lot 1 owner, dated  
December 16, 2020 and recorded with said Deeds December 22, 2020 in Middlesex South Registry of  
Deeds in Book 76501, Page 338.

**EXHIBIT B**

Re: The Lodge  
 (Project name)  
Marlborough, MA  
 (City/Town)  
CRP PR Lodge Owner, LLC  
 (Developer)

Initial Maximum Rents and Utility Allowances for Low- and Moderate-Income Units

	<u>Rents</u>	<u>Utility Allowance</u>
Studio units	\$1,863 _____	\$210 _____
One-bedroom units	\$2,130 _____	\$240 _____
Two-bedroom units	\$2,326 _____	\$340 _____
Three-bedroom units	\$2,492 _____	\$469 _____



# City of Marlborough Legal Department

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610  
LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JASON D. GROSSFIELD  
CITY SOLICITOR  
2024 MAY 16 AM 10:09  
JEREMY P. MCMANUS  
ASSISTANT CITY SOLICITOR  
BEATRIZ R. ALVES  
PARALEGAL

May 16, 2024

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

Re: City of Marlborough v. Town of Northborough (Civil Action No. 1685CV01772) - Request to Enter Executive Session / Authorization of Settlement Agreement and Intermunicipal Agreement for Wastewater Treatment and Disposal with Town of Northborough

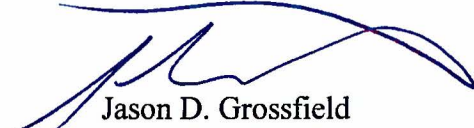
Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to discuss strategy with respect to the above-referenced litigation as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the litigating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,

  
Jason D. Grossfield  
City Solicitor

Enclosure  
cc: J. Christian Dumais, Mayor  
Theodore Scott, Interim DPW Cmsr.



**ORDERED:**

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *City of Marlborough v. Town of Northborough* (Civil Action No. 1685CV01772), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City’s litigating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.

# City of Marlborough Legal Department

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

JASON D. GROSSFIELD  
CITY SOLICITOR

2024 MAY 15 AM 11:01

JEREMY P. MCMANUS  
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES  
PARALEGAL

May 15, 2024

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

Re: City Council Order No. 24-1009099  
Special Permit Decision, 400 Donald J. Lynch Boulevard, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-57C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

I have confirmed that the applicant is agreeable to the special permit remaining in the name of Alta Behavioral Health LLC.

Please contact me if you have any questions or concerns.

Respectfully,

Jeremy P. McManus  
Assistant City Solicitor

Enclosure

cc: J. Christian Dumais, Mayor  
Jason D. Grossfield, City Solicitor  
Tin Htway, Building Commissioner

\_\_\_\_\_, 2024

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. 24-1009099

Application of:  
Alta Behavioral Health LLC  
55 Concord Street, Suite 111  
North Reading, MA 01864

Locus:  
400 Donald J Lynch Blvd.  
Assessors Map 26, Parcel 29

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the application of Alta Behavioral Health LLC, as provided in the DECISION and subject to the Findings of Facts and Conditions therein.

Decision date: May \_\_\_\_, 2024

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the \_\_\_\_\_ day of May, 2024.

**APPEALS**

Appeals, if any, shall be made pursuant to Massachusetts General Laws, c. 40A, §17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Massachusetts.

A TRUE COPY  
ATTEST:

City Clerk

**ORDERED:****IN CITY COUNCIL**  

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**DECISION ON A SPECIAL PERMIT****ORDER NO. 24-1009099**Application of:

Alta Behavioral Health LLC  
55 Concord Street, Suite 111  
North Reading, MA 01864

## Locus:

400 Donald J Lynch Blvd.  
Assessors Map 26, Parcel 29

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Alta Behavioral Health LLC, a Massachusetts limited liability company having a mailing address of 55 Concord Street, Suite 111, North Reading, MA 01864, to operate as a narcotic detoxification and/or maintenance facility as provided in this Decision and subject to the following Findings of Facts and Conditions.

**FINDINGS OF FACT**

1. Alta Behavioral Health LLC, a Massachusetts limited liability company having a mailing address of 55 Concord Street, Suite 111, North Reading, MA 01864, is herein referred to as "Applicant."
2. Applicant is the lessee of a portion of certain real property located at 400 Donald J Lynch Blvd., Marlborough, MA, as shown on the Marlborough Assessors Maps as Map 26, Parcel 29 (the "Premises"). The land is entirely located in a Limited Industrial ("LI") zoning district.
3. The Applicant, on or about February 9, 2024, filed with the City Clerk of the City of Marlborough an application for a Special Permit (the "Application"). The Applicant intends to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in a portion of an existing building at the Premises (the "Proposed Use") consistent with Article VI, Section 650-31 of the zoning ordinance of the City of Marlborough (the "Zoning Ordinance").
4. In connection with the Application, Applicant filed a Special Permit Application, certified list of abutters, filing fee and site plans by Mauge Architects (collectively, the "Site Plan," attached hereto as "Attachment A").
5. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in

accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

6. Pursuant to the Rules and Regulations of the City Council 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 of the City of Marlborough caused notice of the same to be advertised said date and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

7. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on March 25, 2024, concerning said Application. The hearing was opened and closed at that meeting.

8. Applicant presented testimony at the public hearing detailing the Application, and describing the nature of its intended services to be provided and its impact in making these services more available and convenient to residents of the community. No one spoke against the proposed Special Permit. In addition, Applicant presented additional detailed project information at the Urban Affairs Committee meeting which occurred on April 29, 2024. All comments by those attending the City Council public hearing have been duly considered in making this decision.

9. Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding its Application, in the course of the Urban Affairs Committee meeting referred to above.

10. Applicant has requested a reasonable accommodation under State and Federal Law with respect to its Proposed Use at the Premises, specifically, relief from Marlborough Zoning Ordinance Article VI, Section 650-31 C(2)(a) as the Premises will be located within 1000' of a school (Crossroads School Inc., 295 Donald Lynch Blvd, Marlborough, MA 01752).

11. The Applicant argues that a municipality is required to reasonably accommodate disabled persons by modifying its zoning policies, practices and procedures and may not intentionally discriminate against disabled persons. 28 C.F.R. § 35.130(b)(7)(i)-(ii) states: "A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity."

**BASED UPON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:**

A) The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.

B) The City Council finds that the Proposed Use of the Premises, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the

Proposed Use of the Premises, is consistent with the use allowed by Special Permit under Article VI, Section 650-31 of the Zoning Ordinance and that any adverse effects of the Proposed Use will not outweigh its beneficial impacts to the City or the neighborhood. In addition, the City Council finds that the outpatient services offered to individuals in recovery from substance use will provide a significant benefit to the residents of the City. In making these determinations, the City Council has considered the factors outlined in Article VI, Section 650-31(B)(1)-(7) of the Zoning Ordinance.

C) The City Council finds that the individuals the Applicant intends to provide services to at the Premises are a protected class, as a result of disability, under the Americans with Disabilities Act. The City Council finds the relief requested from Marlborough Zoning Ordinance Article VI, Section 650-31 C, is reasonable and necessary, given without said relief the limitations imposed by subsection C of Section 650-31 would prevent locating the Proposed Use at the Premises.

D) The City Council, pursuant to its authority under Mass. Gen. Laws c. 40A and the Marlborough Zoning Ordinance, GRANTS the Applicant a Special Permit to operate a nonresidential/outpatient facility licensed under 105 CMR 164 as a substance abuse treatment program in an existing building at 400 Donald J. Lynch Boulevard with a reasonable accommodation under the Americans with Disabilities Act in the form of a waiver from having to comply with subsection C(2)(a) of Section 650-31 of Article IV, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Compliance With Building Regulations. Buildout and modification of the Premises to be occupied shall be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts.

2. Application and Documents. All plans, drawings, site evaluations, and documentation provided by the Applicant as part of this Special Permit Application, including the Site Plan, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.

3. Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts, and the Federal Government as they may apply to the construction, maintenance, and operation of Applicant's Proposed Use at the Premises, as supplemented by applicable conditions of this Special Permit.

4. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the Site Plan, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.



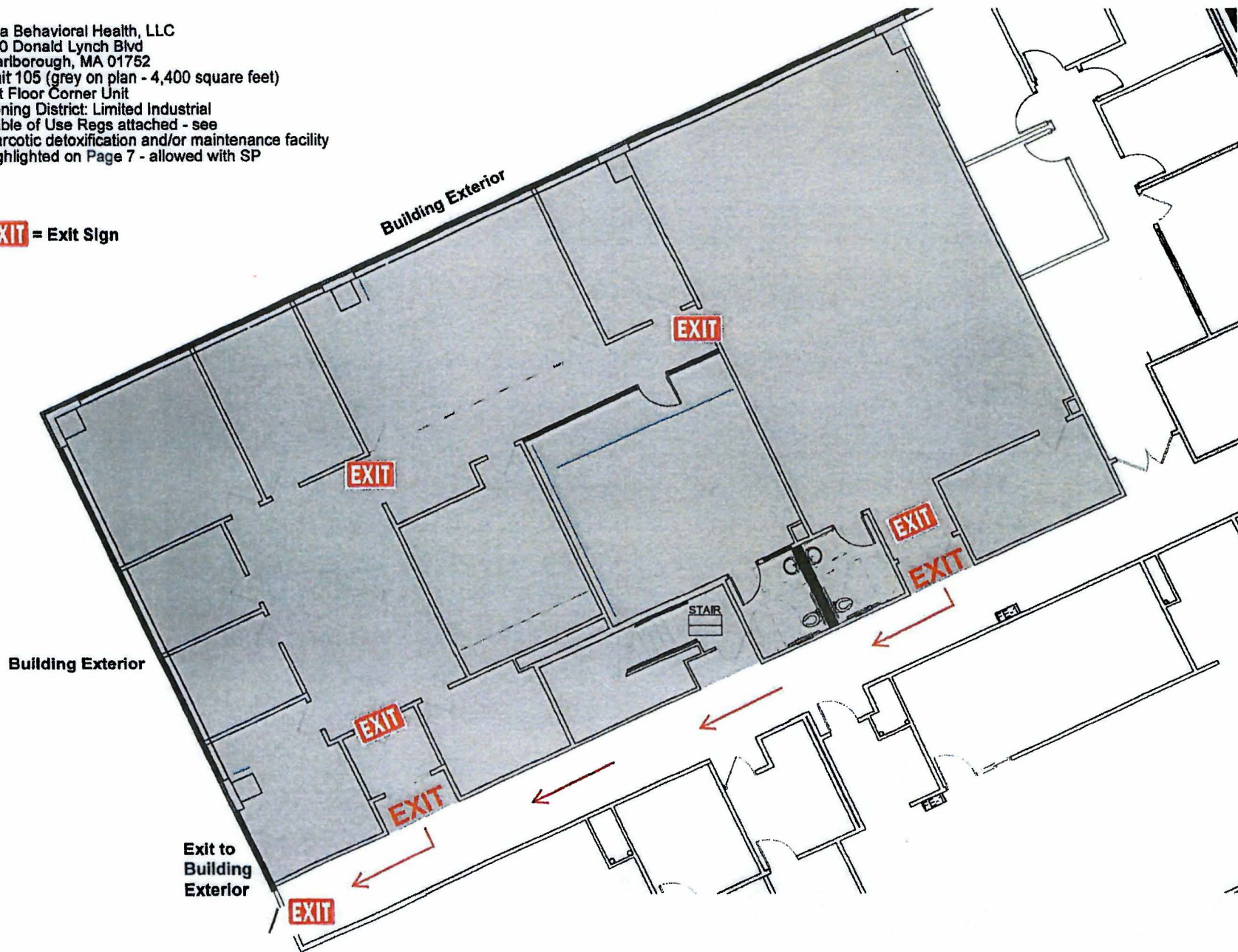
**ATTACHMENT A**





Alta Behavioral Health, LLC  
400 Donald Lynch Blvd  
Marlborough, MA 01752  
Unit 105 (grey on plan - 4,400 square feet)  
1st Floor Corner Unit  
Zoning District: Limited Industrial  
Table of Use Regs attached - see  
Narcotic detoxification and/or maintenance facility  
highlighted on Page 7 - allowed with SP

**EXIT** = Exit Sign



**Ernest F. Houle**  
Superintendent-Director

**Mark R. Hollick**  
Principal

**Maria C. Silva**  
Director of Business Operations

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 MAY -6 PM 3:24

**ASSABET**  
DO. MORE.

May 6, 2024

Mr. Michael H. Ossing, City Council President  
Marlborough City Council  
140 Main Street, 2nd Floor  
Marlborough, MA 01752

Re: Establishment of Stabilization Fund by Assabet Regional Vocational Technical School District

Dear City Council President Ossing,

I hope this letter finds you doing well. I am writing to request that the Marlborough City Council place on an upcoming agenda an agenda item in regards to the Assabet Valley RVSD's School Committee seeking the Establishment of a Stabilization Fund pursuant to M.G.L. Chapter 71, Section 16 G1/2, which allows regional school districts the opportunity to do so while following state laws and regulations.

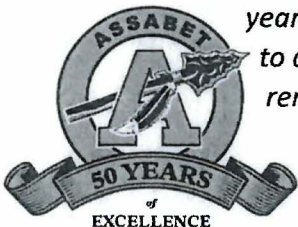
I had initially sent a request to Mayor Dumais's Office via email on January 17, 2024, at 3:56 pm, indicating the same (see attached) because all of our communities are taking this up as part of their Town Meeting warrant article process. At the time, I was unaware that the process would be different for Marlborough, so I am reaching out now. I have listed the language below and the rationale for the Stabilization Fund that the School Committee voted on January 9, 2024, and have included their approved meeting minutes as well.

The approved language and article rationale are as follows:

**Article XX ESTABLISHMENT OF STABILIZATION FUND BY ASSABET VALLEY REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT- SPONSORED BY: Assabet Valley RVSD School Committee**

To see if the City Council will vote to approve the Assabet Valley Regional Vocational Technical School Committee's vote on January 9, 2024, to establish a Stabilization Fund for the Assabet Valley Regional Vocational Technical School District, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund; or take any other action relative thereto.

*Article Rationale – The Assabet Valley Regional Vocational School District (AVRVSD) is facing critical funding challenges regarding capital improvements and equipment purchases. For the past fifty years, the district has relied solely on tuition from out-of-district students and grant funding to address these needs. However, recent years have seen a surge in in-district students, rendering these traditional funding sources unsustainable.*



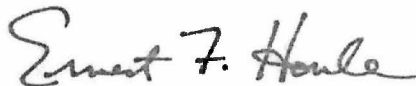
*In 2013, AVRVDSD embarked on a major renovation project to address long-standing issues with its facilities. While this project was approved and completed in 2016, it fell short of resolving all the problems plaguing the aging infrastructure and capital equipment needs. Now, with increasing in-district enrollment, the district urgently needs a sustainable solution to address ongoing capital improvement and equipment purchase needs.*

*The proposed solution is the creation of a Stabilization Fund, governed and overseen by the school committee in accordance with Massachusetts General Laws, Chapter 71, Section 16G ½. This fund will provide the district with the flexibility to allocate resources where they are most needed to support the technical programs offered at AVRVDSD. At an upcoming City Council meeting, a simple majority vote is required to approve this warrant article. Communities must recognize the importance of this initiative in securing the future of Assabet Valley Regional Vocational School District and ensuring that students receive the quality education they deserve.*

My hope is that we can have this on the agenda at one of the upcoming City Council meetings for a vote on or before June 30, 2024. That said, I am also more than happy to attend a City Council meeting and/or subcommittee meeting to discuss this Stabilization Fund request and present Assabet's FY25 Budget. I will drop off FY25 Budget books for the City Council this afternoon for your reference. Finally, the only issue I have is that I will be traveling from May 11, 2024, through May 19, 2024, so I would ask that any request for me to attend a meeting be after that timeframe.

In closing, thank you for your time and consideration of the Stabilization Fund article for Assabet. We appreciate your continuous support of Assabet through the years as we provide high-quality CTE programming and rigorous academics to students and adults from the City of Marlborough!

Sincerely,



Ernest F. Houle  
Superintendent-Director

Cc: J.C. Dumais, Mayor - Marlborough  
K. Boule, City Council Secretary - Marlborough  
P. Ayres, Marlborough Rep. - Assabet School Committee  
M. Silva, Director of Business Operations - Assabet



Ernie Houle

13-3

# Assabet Valley RVSD 's Warrant Article Language for creation of a Stabilization Fund during the Spring 2024 Annual City Council Meeting - Marlborough

3 messages

Ernie Houle

Wed, Jan 17, 2024 at 3:56 PM

To: Mayor

Cc: Peggy Schwarz Ayres

SC Assistant

, Maria Silva

, Rebecca Rezende

Bcc: Peggy Schwarz Ayres

, Ernie Houle

Good afternoon Mayor Dumais,

I hope this email finds you well. First off, congratulations on your victory to become the Mayor of Marlborough and I hope things have been transitioning smoothly for you! I am hoping that we can get a chance to meet either in person and/or via ZOOM. Additionally, it would be great to host you for a tour/visit to Assabet as well to see the school during its operational hours and the level of high-quality instruction that we are providing students through rigorous academics and career and technical education.

As for the FY25 Budget process, we sent an email with your enrollment numbers as of October 1, 2023, and the preliminary assessment for our FY25 Budget, and also mentioned that we would be forwarding language for an additional warrant article to be included during the City Council budget approval process. So, besides our normal FY25 Budget warrant article assessment (operational and debt service payment) this additional warrant article language is to support the Establishment of a Stabilization Fund by the Assabet Valley Regional Vocational School District, pursuant to Section 16G 1/2 of Chapter 71 of the Massachusetts General Laws. The Assabet Valley RVSD School Committee voted on January 9, 2024, to establish the Stabilization Fund and now it seeks to have the member community's approval.

The approved warrant article language for the Establishment of a Stabilization Fund is as follows:

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## Article XX ESTABLISHMENT OF STABILIZATION FUND BY ASSABET VALLEY REGIONAL VOCATIONAL TECHNICAL

### SPONSORED BY: Select Board

To see if the Town will vote to approve the Assabet Valley Regional Vocational Technical School Committee's vote on **January 9, 2024**, to establish a Stabilization Fund for the Assabet Valley Regional Vocational Technical School District, pursuant to Section 16G 1/2 of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund; or take any other action relative thereto.

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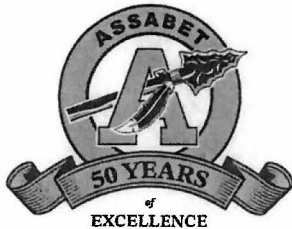
\*\*\*\*\*

The sole purpose of this warrant article is to help with the creation and support of a Capital Improvement Fund for the school district. For more information about the guided process, please see the information provided by MA DESE's Advisory on the Establishment of a Stabilization Fund for Regional School Districts. On behalf of the Assabet Valley RVSD School Committee, I am requesting that the warrant article language listed above be included in this year's Spring Town Meeting.

I have provided you with some information about the establishment and guidance about the Stabilization Fund, but please feel free to reach out with any clarifications or questions you may have.

In closing, I hope that we get a chance to speak/meet soon and I look forward to working with you.

Best,  
Ernie



Ernest F. Houle  
 Superintendent-Director  
**Assabet | Do. More.**  
 Assabet Valley RVSD  
 215 Fitchburg Street | Marlborough, MA 01752  
 (t) 508.263.9602  
 www.assabet.org

13-4

Follow me on Twitter: @AssabetSuper

#### About Assabet

*Founded in 1973 in Marlborough, Massachusetts, Assabet is a public technical high school where students learn by doing. Thanks to expert teachers, unique learning spaces, and a forward-thinking curriculum, students from Berlin, Hudson, Marlborough, Maynard, Northborough, Southborough, and Westborough graduate with the knowledge, skills, and resilience to thrive in college, work, and life.*

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**Peggy Ayres**

Wed, Jan 17, 2024 at 4:14 PM

To:

Your message

To: Peggy Ayres

Subject: Assabet Valley RVSD 's Warrant Article Language for creation of a Stabilization Fund during the Spring 2024 Annual City Council Meeting - Marlborough

Sent: 1/17/24, 3:56:12 PM EST

was read on 1/17/24, 4:14:56 PM EST

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Confidentiality Notice: The information contained in this transmission may be privileged, confidential and protected from disclosure under Federal Confidentiality Laws (42 CFR Part 2 and 45 CFR Parts 160-164). Any dissemination, distribution, or duplication of this communication is strictly prohibited without the consent of the writer. If you are not the intended recipient, or you have received this communication in error,

[Quoted text hidden]

**Mayor**

Wed, Jan 17, 2024 at 5:07 PM

To:

Your message

To: Mayor

Subject: Assabet Valley RVSD 's Warrant Article Language for creation of a Stabilization Fund during the Spring 2024 Annual City Council Meeting - Marlborough

Sent: Wednesday, January 17, 2024 3:56:12 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, January 17, 2024 5:07:27 PM (UTC-05:00) Eastern Time (US & Canada).

**Assabet Valley Regional Technical High School  
School Committee  
January 9, 2024**

The District School Committee met on the above date in the School Committee conference room. The meeting was called to order at 6:35 PM by the Chair. Members present were Ms. Ayres, Mr. Charbonneau, Mr. Pietrewicz, Ms. Ryan, Ms. Reiniger, and Ms. Simms George. Mr. George arrived at 7:40 PM. Also present were Mr. Houle, Ms. Silva and Mr. Hollick.

**CONSENT AGENDA**

A motion was made and seconded to approve the minutes from the December 12, 2023 and warrant(s) as presented. The motion was passed unanimously by a roll call vote.

*Move: Mr. Charbonneau Second: Ms. Ayres Status: Passed*

**AUDIENCE**

No audience members wished to speak.

**CHAIR'S REPORT**

Ms. Simms George informed the Committee that Northborough has a new Town Manager, Tim McInerney, and a new Police Chief, Brian Griffin.

Ms. Ryan expressed interest in attending the 2024 ACTE Conference.

A motion was made and seconded to approve Ms. Ayres and Mr. Pietrewicz to attend the NSBA 2024 conference in New Orleans in April. The motion was passed unanimously by a roll call vote.

*Move: Mr. Charbonneau Second: Ms. Ryan Status: Passed*

**SUPERINTENDENT-DIRECTOR'S REPORT**

Mr. Houle discussed his presented report of January 9 as follows:

- FY25 Budget Meetings – The meeting in Hudson has been scheduled for February 5, no other towns have scheduled at this time.
- Travel Request from Practical Nursing (PN) to attend ACEN Self-Study Forum – Three staff members from the Practical Nursing program are requesting approval to attend the forum in Las Vegas from April 1-4, 2024. A copy of the request is attached in BoardPaq for member review. A motion was made and seconded to approve the request. The motion was passed unanimously by a roll call vote.

*Move: Ms. Reiniger Second: Ms. Ryan Status: Passed*

- Assabet's FINAL Version of the 3-Year Strategic Plan FY25-FY27 Follow-up – An overview was created and reviewed for member approval, discussion followed. A motion was made and

*The AVRVS School Committee voted on February 20, 2024 to amend the January 9, 2024 School Committee minutes to include the Sample 1 Stabilization Fund language. RR/EFH*

seconded to approve the FY25-27 Strategic Plan as presented provided there is an annual review for validity. Members suggested a three-month review also be conducted. The motion was passed unanimously by a roll call vote.

*Move: Ms. Ryan Second: Ms. Ayres Status: Passed*

Regional School District Stabilization Fund (MGL Ch.71, Section 16 ½) – Members were presented with two samples for warrant language for presentation to establish the fund. Members reviewed the two samples. A motion was made and seconded to approve Sample 1 School Committee draft warrant language as presented. See approved Sample 1 language below:

***Article XX ESTABLISHMENT OF STABILIZATION FUND BY ASSABET VALLEY REGIONAL VOCATIONAL TECHNICAL***

***SPONSORED BY: Select Board***

*To see if the Town will vote to approve the Assabet Valley Regional Vocational Technical School Committee's vote on **January 9, 2024** to establish a Stabilization Fund for the Assabet Valley Regional Vocational Technical School District, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund; or take any other action relative thereto.*

The motion was passed unanimously by a roll call vote.

*Move: Ms. Ryan Second: Ms. Ayres Status: Passed*

A motion was made and seconded to approve the Sample 1 Member Community draft warrant language as presented. The motion was passed unanimously by a roll call vote.

*Move: Ms. Ryan Second: Ms. Ayres Status: Passed*

- Mr. Houle discussed the recent ABC Professional Development day for staff.

## **DIRECTOR OF BUSINESS OPERATIONS REPORT**

Ms. Silva discussed her submitted report as follows:

- FY25 Expense Overview - Review of a PowerPoint presentation of projected expenses. Ms. Silva will send the link to the presentation to all members for further review.
- FY24 Budget Report – The report is available in BoardPaq for member review.
- Revolving Report – The report is attached in BoardPaq for member review.
- Treasurer's Report - Ms. Silva delivered the Cash Balance Report and the Cash Reconciliation report while waiting for Mr. DiStefano to join the meeting. A motion was made and seconded to approve the Cash Balance Report as presented. The motion was passed unanimously by a roll call vote.

*The AVRVS School Committee voted on February 20, 2024 to amend the January 9, 2024 School Committee minutes to include the Sample 1 Stabilization Fund language. RR/EFH*



*Move: Ms. Ayres Second: Ms. Reiniger Status: Passed*

## **PRINCIPAL'S REPORT**

Mr. Hollick presented his report of January 9 as follows:

- 2024-2025 School Calendar – The proposed calendar was presented to members for review. A motion was made and seconded to approve the working copy as presented. The motion was passed unanimously by a roll call vote.

*Move: Ms. Ryan Second: Ms. Ayres Status: Passed*

- Freshman Program Selection – Members were walked through a review of placement process of freshmen students in their technical programs. It was noted that this was the second year of the lottery process
- School Events - Parent/Teacher conferences to be held virtually on January 24 and 25.

Mr. George arrived at 7:40 PM.

- Out-of-State/Overnight Travel Request – A request was made that the Student Council be allowed to attend the MASC Conference for Student Councils in Massachusetts in Barnstable, MA March 6-8, 2024. A motion was made and seconded to approve the request. The motion was passed unanimously by a roll call vote.

*Move: Ms. Ayres Second: Ms. Ryan Status: Passed*

## **COMMUNICATIONS**

- Link to article re: Gateway lawmakers: Mass.' rules for vocational school admission are discriminatory - discussion of the process of the lottery

## **FOR THE GOOD OF THE SCHOOL COMMITTEE**

Ms. Ryan asked if DESE reports are accurate and complete, Mr. Houle updated the committee on the reporting.

Ms. Ryan asked about the JROTC program, Mr. Hollick updated the committee on the status of the program.

Ms. Ryan asked about progress in the process of making video access to School Committee meetings available to staff and the community. Mr. Houle noted that the investigation of cost-effective options continues.

At 8:21 PM a motion was made and seconded to go into Executive Session for purposes of discussing strategy with respect to potential litigation, noting they would not be returning to regular session. The motion was passed by a roll call vote.

*The AVRVD School Committee voted on February 20, 2024 to amend the January 9, 2024 School Committee minutes to include the Sample 1 Stabilization Fund language. RR/EFH*

At the conclusion of the Executive Session, the Committee voted to adjourn the meeting.

The minutes herein were recorded by the Clerk and will not become official until approved by the Committee and so noted in a subsequent record.

Dawn M. Bacon, Clerk

*The AVRVS School Committee voted on February 20, 2024 to amend the January 9, 2024 School Committee minutes to include the Sample 1 Stabilization Fund language. RR/EFH*

**Accompanying Paperwork for  
Assabet Valley Regional Technical High School  
School Committee Meeting  
January 9, 2024**

- Proposed meeting minutes of 12/12/2023
- Superintendent's Report dated 1/9/2024
- Request for travel to ACEN Self-Study
- Draft warrant language for Stabilization Fund from M. Murray
- AVRVSD Strategic Plan FY25-FY27
- Director of Business Operations Report dated 1/9/2024
- Dec 2023 Cash Reconciliation Report
- Dept Budget Report 1/5/2024
- Revolving Funds Report 1/5/2024
- Principal's Report dated 1/9/2024
- Working copy of the 2024-2025 School Calendar
- Gateway lawmakers Mass rules for vocational admission are discriminatory link to article

*The AVRVSD School Committee voted on February 20, 2024 to amend the January 9, 2024 School Committee minutes to include the Sample 1 Stabilization Fund language. RR/EFH*

## **Advisory on Regional School District Stabilization Funds**

G.L. c.71, s.16 G ½ provides for the establishment of stabilization funds by regional school districts. This law was recently amended, by St. 2010, c.188, s.58, to clarify the approvals necessary to make expenditures from these funds.

Establishment and use of a stabilization fund should be based on the district's long range capital plan. A regional school district stabilization fund may be established through a majority vote of the school committee and with the approval of a majority of the local appropriating authorities of the member municipalities. Member municipalities must take a specific vote to authorize establishment of the fund.

Once established, the school committee may include a line item in each year's annual budget to appropriate monies into the stabilization fund. This line item is part of the annual school committee budget and does not require a separate vote by the member municipalities. The amount to be appropriated to the stabilization fund is included in each member municipality's assessment and is apportioned based on the regional agreement methodology for apportioning capital costs. The amount budgeted in any year may not exceed five percent of the aggregate amount assessed to the member municipalities for the preceding fiscal year. A larger amount may be budgeted only if approved by the Director of Accounts in the Department of Revenue's Division of Local Services. At no time, however, may the aggregate fund balance exceed five percent of the combined equalized valuations of the member municipalities. The regional school district treasurer is the custodian of the stabilization fund and any interest earned must be added to and become a part of the fund.

Because appropriations into a stabilization fund are a form of capital budgeting, the regional school committee does not have authority to increase or decrease the amount appropriated for the year once the district budget has been approved. On July 1 (or upon approval of the budget if later), the amount appropriated and shown in the budget is credited to the fund. After the annual budget has been approved, the school committee may increase the amount in the stabilization account through the use of excess and deficiency funds or through an additional assessment to member municipalities only by amending its approved budget. Such an amendment must be approved in accordance with CMR 41.05 (5).

Annual appropriations into a stabilization fund should not be reported as an expenditure on the End of Year Financial Report. The appropriations represent revenue to the district and should be reported on Schedule 2 as a capital assessment to the member districts.

Advisory on Regional School District Stabilization Funds  
Page Two

In any given year, expenditures from the fund may be authorized by a vote of two-thirds of all the members of the regional school committee. If the funds are to be used for a purpose for which the district is permitted to borrow, no further approval is required. These purposes are listed in G.L. c.71, s.16(d), and generally encompass what are considered capital costs. If the funds are to be used for any other purpose (for example, to cover unexpected increases in operating costs), then the approval of the Director of Accounts is also required.

Expenditures are made directly from the stabilization fund; a transfer into the general fund is not required. Expenditures should be reported on the End of Year Financial Report as an additional appropriation of the school committee.

Unexpended balances in amounts authorized for expenditures close to the stabilization fund when the project or purpose is completed. The unexpended balance of the fund at the end of a fiscal year carries over to the succeeding fiscal year. Balances in the stabilization fund are not part of the district's general fund and do not impact the district's excess and deficiency calculation. However, if the Director of Accounts determines that an annual appropriation into the stabilization fund, or the aggregate balance of the fund, exceeds the applicable statutory limit, the Director may take appropriate action, including but not limited to closing any amount in excess of that limit to the district's general fund. A report of the fund balance and any withdrawals or additions must be prepared annually and presented to the member municipalities.

Questions about this advisory should be directed to Christine Lynch, director of school governance, at 781-338-6520 or [clynch@doe.mass.edu](mailto:clynch@doe.mass.edu) .



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
-----  
2024 MAY -3 AM 8:36



May 2, 2024

Michael H. Ossing, President  
Marlborough City Council  
140 Main Street, Second Floor  
Marlborough, MA 01752

RE: Council Order Number: 21-1008214C  
Grant of Special Permit  
Applicant: Calverde Naturals, LLC  
Locus: 239 Boston Post Road West

Dear President Ossing and Members of the Council:

By Decision dated June 7, 2021 and filed with the City Clerk on June 9, 2021 (a copy which is attached) the Marlborough City Council granted a Special Permit to Calverde Naturals, LLC to build and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road, Marlborough, Massachusetts. Condition E(15) of the Special Permit required the Applicant to commence retail operations within three (3) years from the date of the approval of the Special Permit. Said Condition did, however, reserve the right to the Applicant upon a showing of good cause to request to City Council to extend the provisions of that Section. This correspondence shall serve as such a request for an extension so as to extend the commencement of construction to December 31, 2024 and the commencement of retail sales to December 31, 2025.

Since the grant of the Special Permit, the Applicant has been seeking the requisite financing and financial backing to proceed with the proposed Adult Use Marijuana Retail Establishment. That process has faced challenges due to escalating costs of construction and interest rates and the fact that Calverde is a family owned business without the deep financial backing found in other operators in this particular arena. During that process, Calverde has attempted to keep City Staff apprised of its progress and some of the challenges that Calverde has faced, particularly given the material change in the landscape of retail sales of marijuana in Massachusetts.

Calverde has recently made arrangements with Green Meadows Farms to assume the lease rights of Calverde in and to the property subject to the Special Permit. Green Meadows Farms is a well financed, established cannabis operation with adult use retail operations presently operating in both Southbridge and Fitchburg and brings the ability to promptly move forward with construction of the retail facility even while proceeding through the regulatory requirements. Green Meadow Farms intends to move promptly to complete design of the building and seek a building permit with an intent to commence construction by the end of October, 2024. Condition E(15) requires, however, that the Applicant actually commences retail operations at this site.

**Fletcher Tilton**<sup>PC</sup>  
Attorneys at law

Michael H. Ossing, President  
Marlborough City Council  
May 2, 2024  
Page 2

Given the regulatory requirements for operation as promulgated by the Cannabis Control Commission and anticipating that there could be delays in either construction or adequate supply to have initial inventory in the store, Calverde respectfully requests that the time for the Applicant to commence retail operation to the site be extended to December 31, 2025, not including any time during an appeal under M.G.L. c.40A, Section 17 and reserving the right of the Applicant upon further good cause to request the Council to further extend the provisions of Condition E(15).

We would be pleased to appear before the Council at a regularly scheduled meeting to further discuss this request if Council determined additional information is required.

Very truly yours,

*Mark L. Donahue*

**Mark L. Donahue**  
Fletcher Tilton PC  
The Mercantile Center  
100 Front Street, 5<sup>th</sup> Floor  
Worcester, MA 01608  
Tel: 508.459.8029  
Email: [mdonahue@fletchertilton.com](mailto:mdonahue@fletchertilton.com)

MLD/mmp  
Enclosure



# IN CITY COUNCIL

Marlborough, Mass., JUNE 7, 2021

**ORDERED:**

## IN CITY COUNCIL

### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:  
Calverde Natuals, LLC  
10 Briarwood Lane  
Winchester, MA 01890  
Order No. 21-1008214C

Locus:  
239 Boston Post Road West  
Marlborough, MA  
Map 78, Parcel # 2A

### DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Calverde Natuals, LLC, with a mailing address of 10 Briarwood Lane, Winchester, MA 01890 for a Special Permit to construct and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, Massachusetts, as provided in the **DECISION** and subject to the Findings of Fact and Conditions contained therein.

Decision filed: June 7, 2021.

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the 9<sup>th</sup> day of June 2021.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 30<sup>th</sup> day of June 2021.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY  
ATTEST:

City Clerk





## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 7, 2021

ORDERED:

PAGE 1

### IN CITY COUNCIL

#### DECISION ON A SPECIAL PERMIT CALVERDE NATURALS, LLC

#### DECISION ON A SPECIAL PERMIT ORDER NO. 21-1008214C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Calverde Naturals, LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

#### FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 10 Briarwood Lane, Winchester, Massachusetts.
2. The Applicant is the prospective tenant of a commercial retail unit located at 239 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 78 as Lot 2A (the "Site"). The Site is owned by R.K. Marlboro West, LLC, c/o RK Centers with a business address of 50 Cabot Street, Suite 200, Needham, MA 02494.
3. In accordance with Article V, § 650-17, § 650-18(A)(46), and Article VI, § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant seeks to operate an Adult Use Marijuana Retail Establishment at the Site within a single story building to be constructed by the Applicant consisting of approximately 2,800 square feet of floor area (the "Use").
4. The Site is located in the Business Zoning District with adequate frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 208,005 +/- square feet.
6. The Use entails construction of a standalone building dedicated to the use to be constructed by the Applicant within an existing development pad at the Site with an area of 2,800 +/- square feet.
7. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.



## IN CITY COUNCIL

---

Marlborough, Mass.,                      JUNE 7, 2021

**ORDERED:**

PAGE 2

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of plans, photographs, and concept designs of the exterior and interior of the unit associated with the Use (collectively the "Plans"), attached hereto as "Attachment A."
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council 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 entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, March 22, 2021. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. The Applicant demonstrated that the proposed Use is not located within 500 feet of an existing public or private school providing education to children in kindergarten or grades 1 through 12 as required by § 650-32(F.1)(1) of the Marlborough Zoning Ordinance.
14. At the public hearing, there were no members of the public that spoke either in support of or in opposition to the Use.

**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 City Council for the issuance of a Special Permit.



## IN CITY COUNCIL

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Marlborough, Mass.,                      JUNE 7, 2021

**ORDERED:**

PAGE 3

- B.** The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. 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 Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.
- D.** In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
- 1. Social, economic, or community needs which are served by the proposal:**

**Finding:** The Use will provide a safe and convenient location for adults to obtain marijuana and marijuana infused products. The sales occurring within Marlborough (in lieu of neighboring communities) increases revenues to the City as a result of annual community impact payments that Calverde makes to the City based on a Host Community Agreement.
  - 2. Traffic flow and safety, including parking and loading:**

**Finding:** The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity. There are adequate parking spaces within the retail development to both comply with the requirements of the Zoning Ordinance and to meet the anticipated need of customers. The parking lot also includes a 30'x30' fenced loading zone adjacent to a dumpster pad which can be secured in accordance with Cannabis Control Commission security preferences to ensure the highest level of safety during the unloading of product deliveries to the site.
  - 3. Adequacy of utilities and other public services:**

**Finding:** The Site provides adequate utilities and public services for the Use.



## IN CITY COUNCIL

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Marlborough, Mass., \_\_\_\_\_ JUNE 7, 2021

**ORDERED:**

PAGE 4

4. **Neighborhood character and social structures:**  
 Finding: The Use is consistent with the established retail area in the vicinity of the Site.
  
5. **Impacts on the natural environment:**  
 Finding: The Use will have no greater impact than the established retail uses in the area.
  
6. **Potential fiscal impact, including impact on City services, tax base, and employment:**  
 Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees. The proposed use will allow for the phased creation of over 30 jobs at the facility over the next three years. Calverde has committed to prioritize the hiring of local resident.
  
7. **Hours of operation:**  
 Finding: The hours of operation of the Use are specifically conditioned below.
  
8. **Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:**  
 Finding: The provision of contact information is specifically conditioned below.
  
9. **Requiring payment of a community impact fee:**  
 Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.
  
10. **Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Massachusetts Cannabis Control Commission:**  
 Finding: This requirement is specially conditioned below.
  
11. **Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission:**  
 Finding: This requirement is specially conditioned below.



## IN CITY COUNCIL

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Marlborough, Mass., \_\_\_\_\_ JUNE 7, 2021

PAGE 5

**ORDERED:**

12. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police who shall have the authority to disapprove the employment of any person(s) as a result of said background check:

Finding: This requirement is specially conditioned below.

13. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises:

Finding: This requirement is specially conditioned below.

14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes:

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

- a. provide a secure indoor waiting area for clients;
- b. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
- c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;
- d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses; and
- e. provide opaque exterior windows;

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: The signage shown on the Plans is appropriate for the Use.

17. Names of businesses, business logos and symbols, subject to state and federal law and regulations:

Finding: The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.



## IN CITY COUNCIL

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Marlborough, Mass.,                      JUNE 7, 2021

**ORDERED:**

PAGE 6

- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **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 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.
  2. 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 including without limitation the regulations promulgated by the Massachusetts Cannabis Control Commission.
  3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. 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.
  4. 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.
  5. Compliance with State Requirements. In accordance with § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 7, 2021

PAGE 7

ORDERED:

6. Security.
  - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entry and exit vestibule providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
  - b. As shown on the Plans, the Use shall have opaque exterior windows.
  - c. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
  - d. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.
9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Massachusetts Cannabis Control Commission.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 7, 2021

ORDERED:

PAGE 8

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.
13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hour of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Lapse of Special Permit. This Special Permit shall lapse if the Applicant fails to commence retail operations at the Site within three (3) years of the date of approval of the Special Permit, not including any time during an appeal under M.G.L. c. 40A § 17. The Applicant may with good cause, request the Council extend the provisions of this section.





# IN CITY COUNCIL

Marlborough, Mass., JUNE 7, 2021  
PAGE 9

**ORDERED:**

- 16. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, §11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County 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's office, the Building Department, and the City Solicitor's office.

**Yea: 11 – Nay: 0**

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

Signed by City Council President  
Michael H. Ossing

**ADOPTED**  
**In City Council**  
**21-1008214C**

ORDER NO. 21-1008214C

# ATTACHMENT

# A

# SPECIAL PERMIT PLANS

FOR

**CAL VERDE**  
NATURALS

PROPOSED  
RETAIL DISPENSARY

LOCATION OF SITE:  
238 BOSTON POST ROAD WEST  
CITY OF MARLBOROUGH  
MIDDLESEX COUNTY, MASSACHUSETTS  
MAP #78, LOT #2A



**USGS MAP**

SCALE: 1" = 400'  
SOURCE: US GEOLOGICAL SURVEY, 1:25,000



**AERIAL MAP**

SCALE: 1" = 100'  
SOURCE: GOOGLE EARTH, 2008

PREPARED BY

**BOHLER //**

**DRAWING SHEET INDEX**

DRAWING TITLE	SHEET NUMBER
EDGE OF RIGHT	C-101
GENERAL NOTES SHEET	C-102
DEVELOPMENT AND DESIGN 1. RESURFACE	C-103
GRADING PLAN	C-104
SITE LAYOUT PLAN	C-105
ROADWAY AND DRIVEWAY PLAN	C-106
UTILITY PLAN	C-107
LANDSCAPE PLAN	C-108
LANDSCAPE NOTES AND DETAILS	C-109
SEAL SHEET	C-110
IN THE SHEET	C-111
ALTERNATE LANDSCAPE PLAN BY OTHER	C-112
EXISTING DRIVEWAY PLAN BY OTHER	C-113

DESIGNED BY: MARLBOROUGH WEST & CO.  
200 BOSTON POST ROAD WEST, MARLBOROUGH, MA 01501

ARCHITECT: CASHY ARCHITECTURAL COLLEAGUES, INC.  
100 WASHINGTON STREET, MARLBOROUGH, MA 01501

ENGINEER: BOHLER ENGINEERING GROUP  
50 CHAPIN STREET, MARLBOROUGH, MA 01501

**BOHLER //**  
ENGINEERING GROUP  
50 CHAPIN STREET  
MARLBOROUGH, MA 01501  
TEL: 978.336.4400  
WWW.BOHLENGROUP.COM

**REVISIONS**

NO.	DATE	DESCRIPTION



**ISSUED FOR PERMIT**

PROJECT NO.: 2008-001  
DATE: 08/15/08  
SCALE: AS SHOWN  
DRAWN BY: J.O. O'CONNOR  
CHECKED BY: R.J. O'CONNOR  
APPROVED BY: R.J. O'CONNOR

**SPECIAL PERMIT  
PLANS**

**CAL VERDE**  
NATURALS

PROPOSED  
RETAIL DISPENSARY  
238 BOSTON POST ROAD WEST  
CITY OF MARLBOROUGH  
MIDDLESEX COUNTY,  
MASSACHUSETTS

**BOHLER //**

100 WASHINGTON STREET, MARLBOROUGH, MA 01501  
PHONE: 978.336.4400  
WWW.BOHLENGROUP.COM



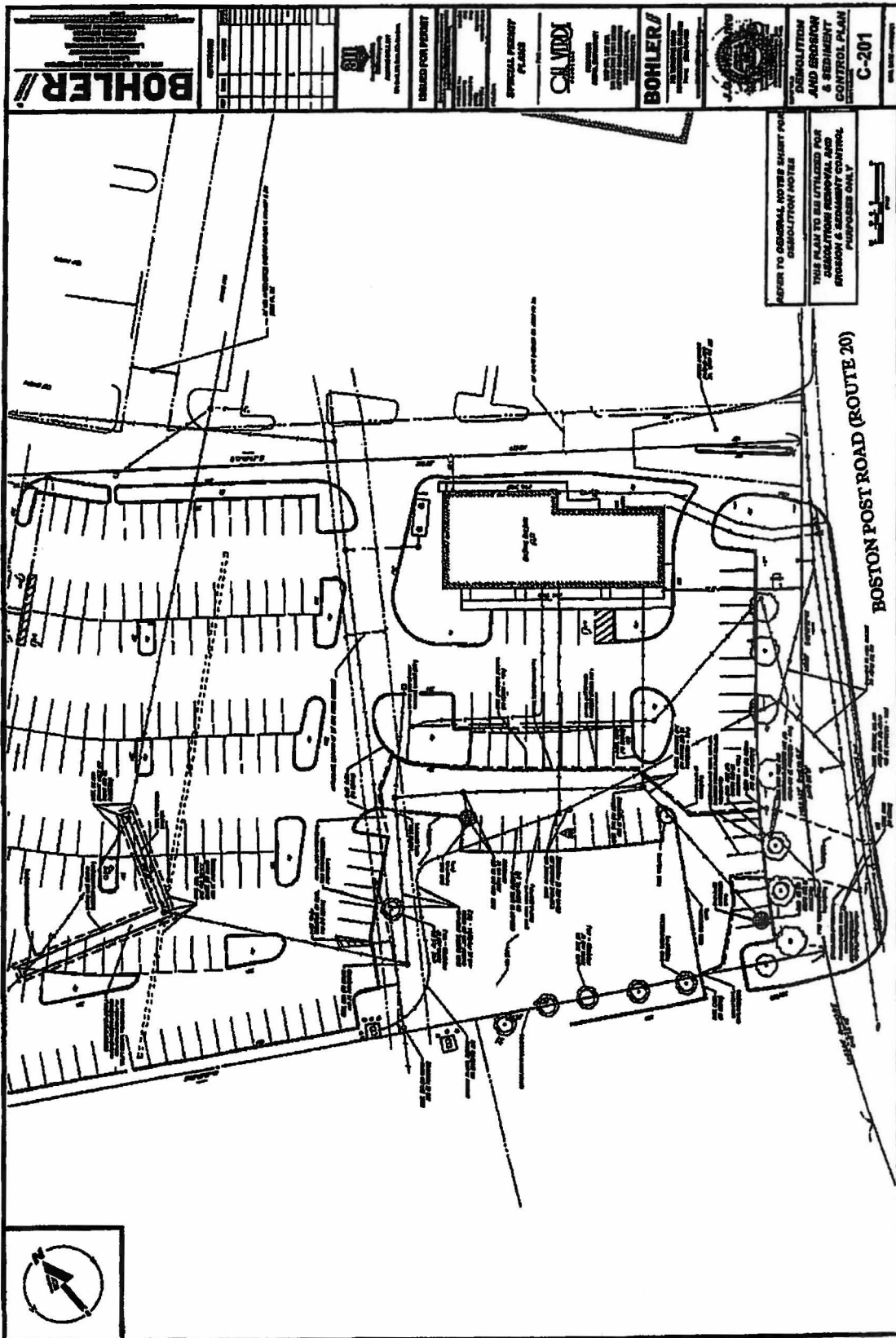
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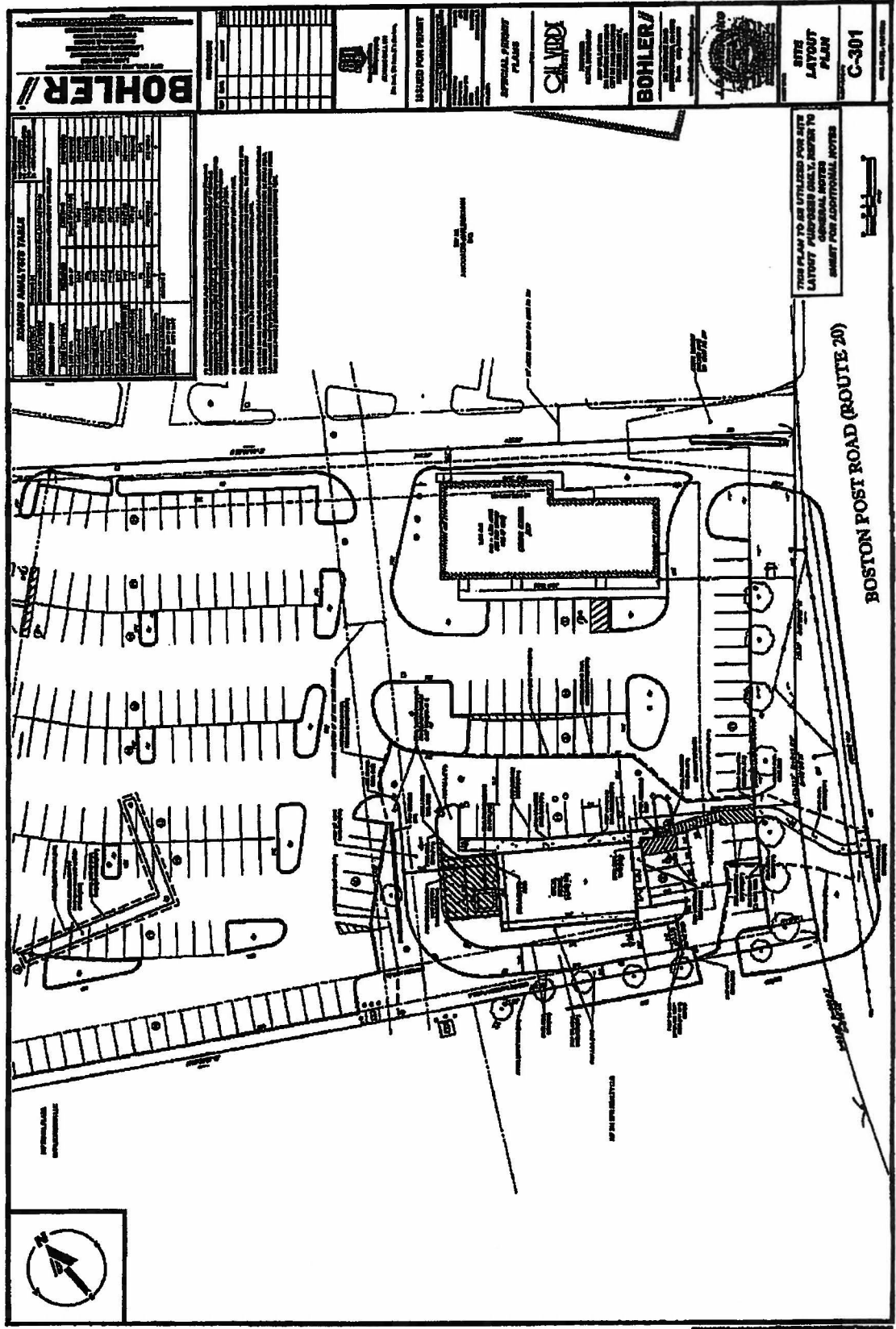
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SCALE: AS SHOWN

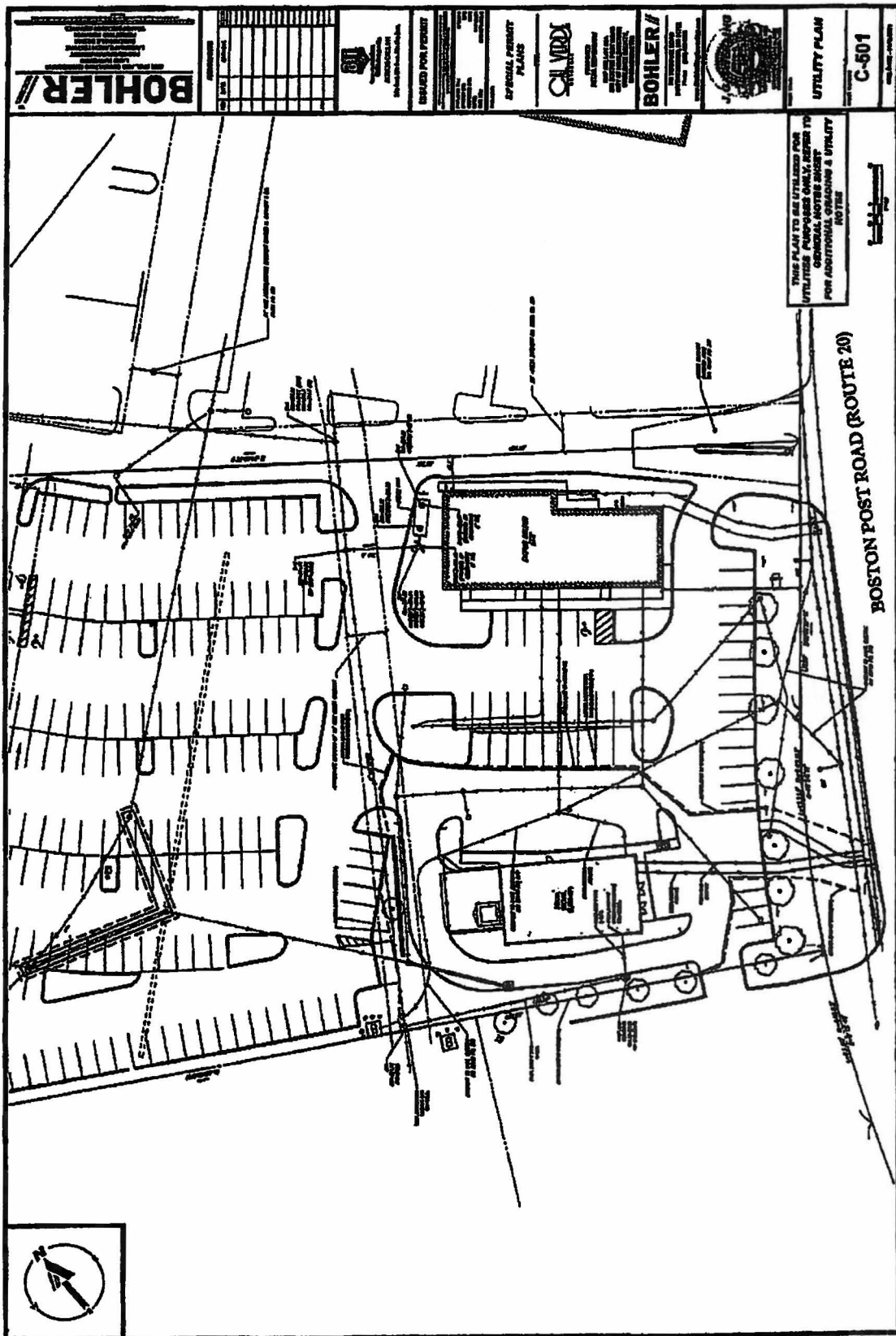
NO. 000 - 00000






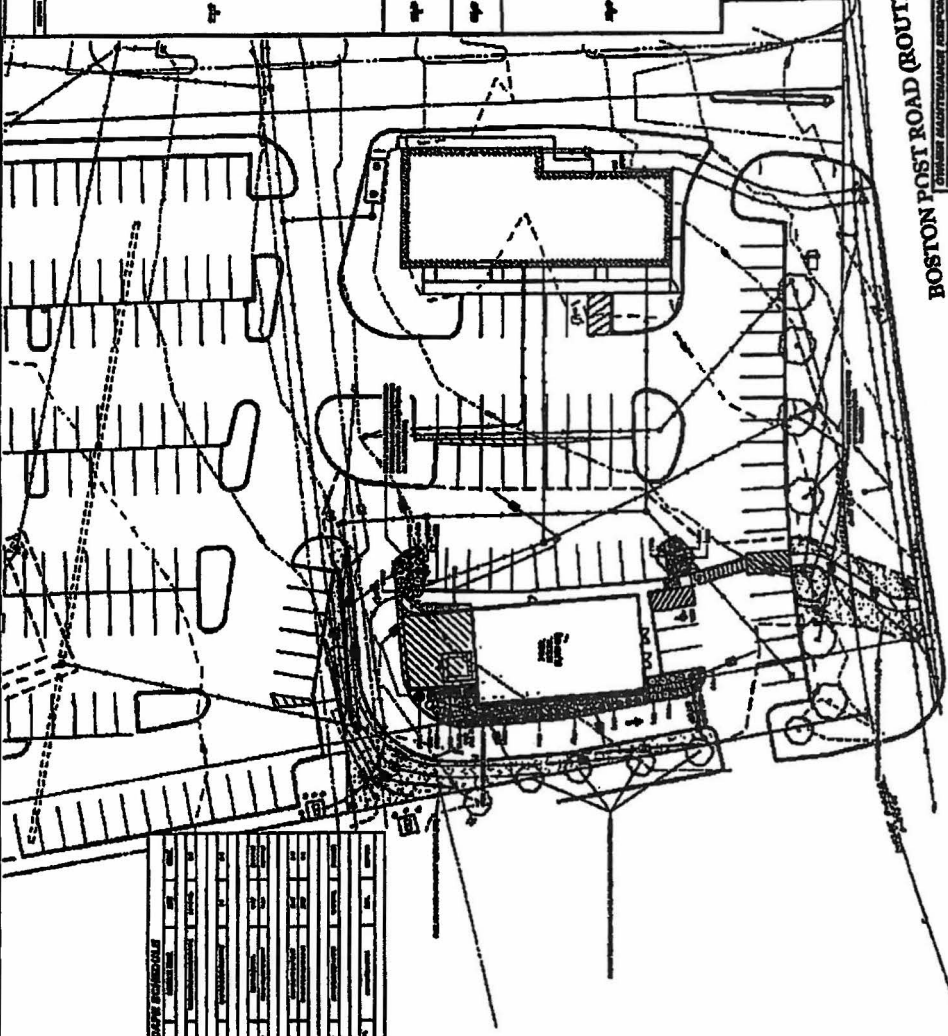












**BOSTON POST ROAD (ROUTE 20)**

**CITY OF BURLINGTON LANDSCAPE REQUIREMENTS**

NO.	DESCRIPTION	REQUIREMENT
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**LANDSCAPE REQUIREMENTS**

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**BOHLER/**

**LANDSCAPE PLAN**

**C-701**

**ISSUED FOR PERMIT**

**SPECIAL PERMIT PLAN**

**CITY OF BURLINGTON**

**BOHLER/**

**LANDSCAPE PLAN**

**C-701**

**THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY**

**REFER LANDSCAPE NOTES & DETAILS SHEET FOR LANDSCAPE NOTES AND DETAILS**

<p><b>BOHLER</b> LANDSCAPE ARCHITECTS 1000 N. W. 10th Street, Suite 100 Fort Lauderdale, Florida 33304 Phone: (305) 467-1111 Fax: (305) 467-1112 www.bohler.com</p>	<p>REVISIONS</p> <table border="1"><thead><tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	NO.	DATE	DESCRIPTION										<p>ISSUED FOR PERMIT PROJECT: [ ] DRAWING NO.: [ ] DATE: [ ]</p>	<p>SPECIAL PERMIT PLANS FOR <b>CIVIL</b> CONSTRUCTION PROJECT NO. [ ] SHEET NO. [ ]</p>	<p><b>BOHLER</b> LANDSCAPE ARCHITECTS</p>		<p><b>LANDSCAPE NOTES AND DETAILS</b> <b>C-702</b> DATE: [ ]</p>
NO.	DATE	DESCRIPTION																
<p><b>TREE PROTECTION DURING SITE CONSTRUCTION</b> 1. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 2. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 3. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 4. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 5. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 6. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 7. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 8. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 9. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 10. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION.</p>	<p><b>TREE PROTECTION DURING SITE CONSTRUCTION</b> 1. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 2. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 3. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 4. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 5. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 6. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 7. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 8. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 9. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION. 10. PROTECT ALL EXISTING TREES AND ROOTS FROM DAMAGE DURING CONSTRUCTION.</p>	<p><b>BIO-BARRIER ROOT BARRIER DETAIL</b> 1. BIO-BARRIER ROOT BARRIER DETAIL. 2. BIO-BARRIER ROOT BARRIER DETAIL. 3. BIO-BARRIER ROOT BARRIER DETAIL. 4. BIO-BARRIER ROOT BARRIER DETAIL. 5. BIO-BARRIER ROOT BARRIER DETAIL. 6. BIO-BARRIER ROOT BARRIER DETAIL. 7. BIO-BARRIER ROOT BARRIER DETAIL. 8. BIO-BARRIER ROOT BARRIER DETAIL. 9. BIO-BARRIER ROOT BARRIER DETAIL. 10. BIO-BARRIER ROOT BARRIER DETAIL.</p>	<p><b>BIO-BARRIER ROOT BARRIER DETAIL</b> 1. BIO-BARRIER ROOT BARRIER DETAIL. 2. BIO-BARRIER ROOT BARRIER DETAIL. 3. BIO-BARRIER ROOT BARRIER DETAIL. 4. BIO-BARRIER ROOT BARRIER DETAIL. 5. BIO-BARRIER ROOT BARRIER DETAIL. 6. BIO-BARRIER ROOT BARRIER DETAIL. 7. BIO-BARRIER ROOT BARRIER DETAIL. 8. BIO-BARRIER ROOT BARRIER DETAIL. 9. BIO-BARRIER ROOT BARRIER DETAIL. 10. BIO-BARRIER ROOT BARRIER DETAIL.</p>	<p><b>HYDROSEED SPECIFICATIONS</b> 1. HYDROSEED SPECIFICATIONS. 2. HYDROSEED SPECIFICATIONS. 3. HYDROSEED SPECIFICATIONS. 4. HYDROSEED SPECIFICATIONS. 5. HYDROSEED SPECIFICATIONS. 6. HYDROSEED SPECIFICATIONS. 7. HYDROSEED SPECIFICATIONS. 8. HYDROSEED SPECIFICATIONS. 9. HYDROSEED SPECIFICATIONS. 10. HYDROSEED SPECIFICATIONS.</p>	<p><b>GROUNDCOVER PLANTING</b> 1. GROUNDCOVER PLANTING. 2. GROUNDCOVER PLANTING. 3. GROUNDCOVER PLANTING. 4. GROUNDCOVER PLANTING. 5. GROUNDCOVER PLANTING. 6. GROUNDCOVER PLANTING. 7. GROUNDCOVER PLANTING. 8. GROUNDCOVER PLANTING. 9. GROUNDCOVER PLANTING. 10. GROUNDCOVER PLANTING.</p>	<p><b>BLACK ALUMINUM EDGING</b> 1. BLACK ALUMINUM EDGING. 2. BLACK ALUMINUM EDGING. 3. BLACK ALUMINUM EDGING. 4. BLACK ALUMINUM EDGING. 5. BLACK ALUMINUM EDGING. 6. BLACK ALUMINUM EDGING. 7. BLACK ALUMINUM EDGING. 8. BLACK ALUMINUM EDGING. 9. BLACK ALUMINUM EDGING. 10. BLACK ALUMINUM EDGING.</p>	<p><b>ABSORBENT STAINING DETAIL</b> 1. ABSORBENT STAINING DETAIL. 2. ABSORBENT STAINING DETAIL. 3. ABSORBENT STAINING DETAIL. 4. ABSORBENT STAINING DETAIL. 5. ABSORBENT STAINING DETAIL. 6. ABSORBENT STAINING DETAIL. 7. ABSORBENT STAINING DETAIL. 8. ABSORBENT STAINING DETAIL. 9. ABSORBENT STAINING DETAIL. 10. ABSORBENT STAINING DETAIL.</p>											

<p><b>TYPICAL PAVEMENT SECTION</b></p>	<p><b>MONOLITHIC CONC. SIDEWALK DETAILS</b></p>	<p><b>ACCESSIBLE RAMP</b></p>	<p><b>ACCESSIBLE STALL MARKINGS &amp; PARKING LOT STRIPING DETAIL</b></p>	<p><b>ON-SITE REINFORCED CONCRETE PAVEMENT DETAIL</b></p>
<p><b>CURB DETAIL W/ MONOLITHIC SIDEWALK ON-SITE</b></p>	<p><b>PRECAST CONCRETE CURB DETAIL</b></p>	<p><b>VERSA-LOK UNREINFORCED WALL SECTION</b></p>	<p><b>8' HIGH WHITE VINYL FENCE</b></p>	<p><b>STOP SIGN DETAIL</b></p>
<p><b>TRANSITION CURB DETAIL</b></p>	<p><b>PAINTED TRAFFIC ARROWS</b></p>	<p><b>ACCESSIBLE PARKING STALL PAINTING DETAIL</b></p>	<p><b>"DO NOT ENTER" SIGN</b></p>	

**BOHLER**

BOHLER SIGN & TRAFFIC CONTROL SYSTEMS, INC.  
 10000 W. 10th Ave., Suite 100  
 Denver, CO 80231  
 (303) 751-1100  
 www.bohler.com

NO.	DESCRIPTION	QTY.	UNIT	PRICE	TOTAL

**811**

CALL BEFORE YOU DIG

811-1-800-4-A-DIG

**ISSUED FOR PERMIT**

DATE: 10/15/2014

PROJECT: [REDACTED]

LOCATION: [REDACTED]

SCALE: [REDACTED]

DESIGNED BY: [REDACTED]

CHECKED BY: [REDACTED]

**SPECIAL PERMIT PLANS**

FOR THE CITY OF DENVER


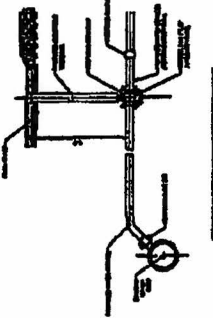
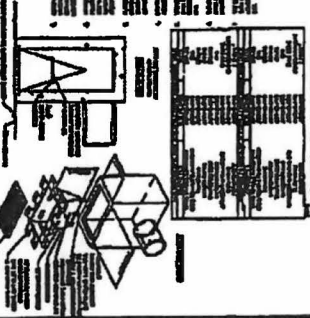

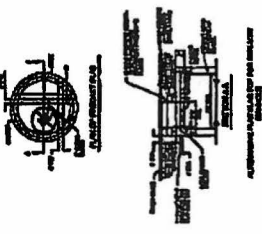
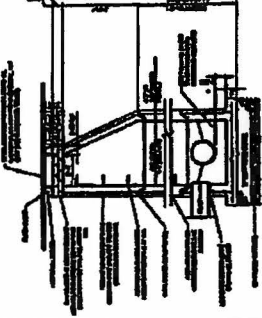
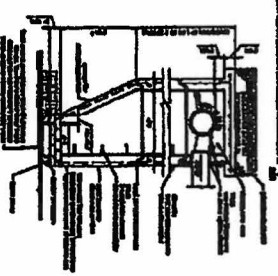
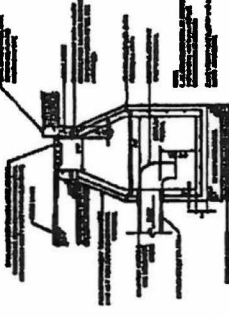

DATE: 10/15/2014

**BOHLER**

BOHLER SIGN & TRAFFIC CONTROL SYSTEMS, INC.

**DETAIL SHEET**

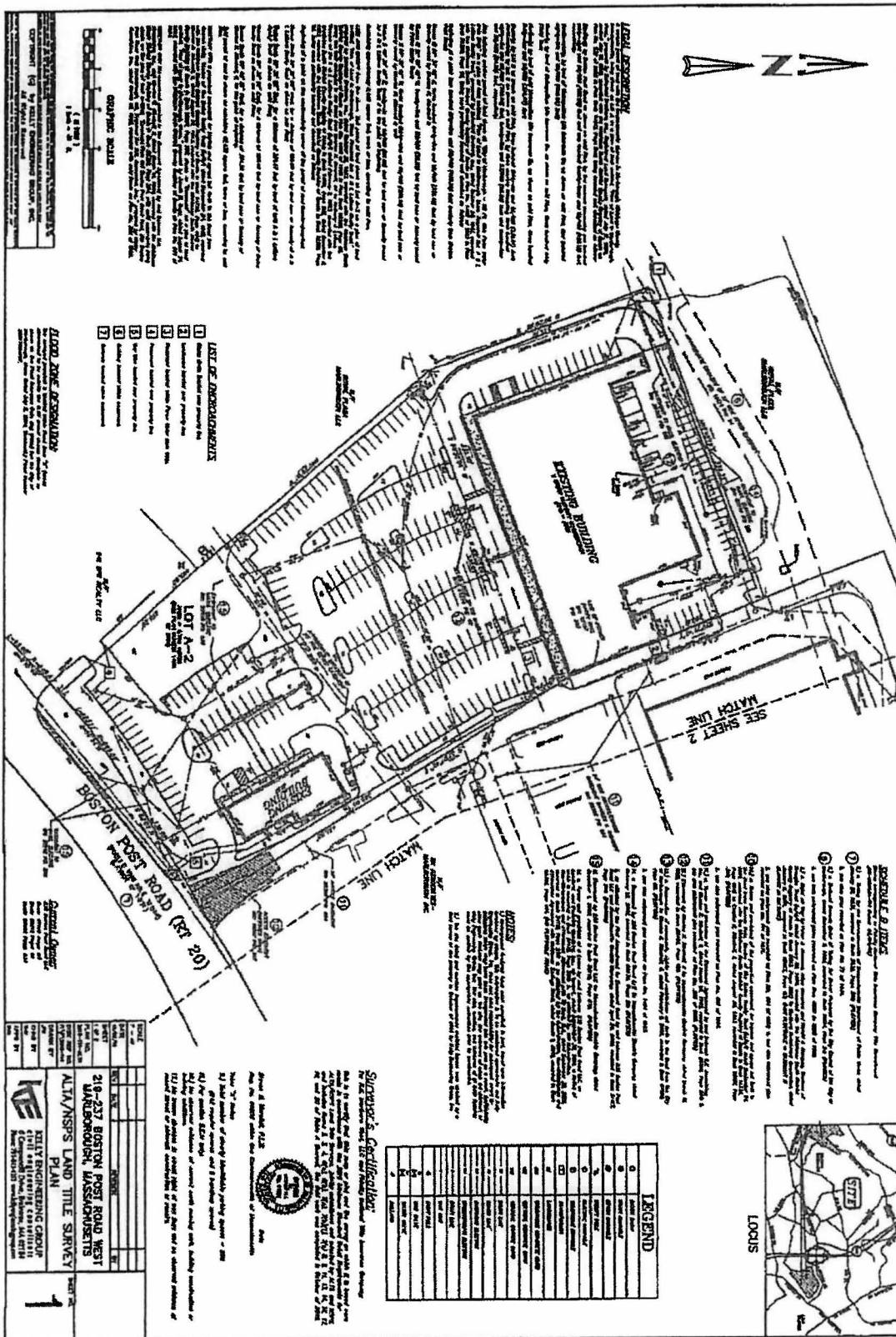
**C-301**

	<p>CROSSWALK DETAIL</p>		<p>SERVICE CONNECTION DETAIL</p>		<p>FILTER SACS (GRAATED INLETS)</p>
	<p>TYPICAL UTILITY TRENCH</p>		<p>PRECAST CONCRETE DEEP SUMP CATCH BASIN DETAIL</p>		<p>PRECAST CONCRETE STORM DRAIN MANHOLE</p>
	<p>PRECAST CONCRETE SANITARY MANHOLE</p>		<p>PRECAST CONCRETE STORM DRAIN MANHOLE</p>		<p>BOHLER/</p>

**BOHLER**

ISSUED FOR PROJECT  
 475 1st Ave. S.W. P.O. Box 100  
 CALVERT  
 1000 1st Ave. S.W. P.O. Box 100  
 BOHLER/

DETAIL SHEET  
**C-902**



**LEGAL DESCRIPTION**  
 The following is a legal description of the land shown on this plan, as shown on the plan of the City of Weymouth, Massachusetts, dated and recorded as follows: ...

- LIST OF ENCUMBRANCES**
- 1. Easement for utility lines
  - 2. Easement for drainage
  - 3. Easement for access
  - 4. Easement for parking
  - 5. Easement for fire escape
  - 6. Easement for water
  - 7. Easement for sewer
  - 8. Easement for gas
  - 9. Easement for telephone
  - 10. Easement for electric

- SCHEDULE OF ITEMS**
- 1. One (1) building, known as the "Post Office", measuring approximately 100 feet by 100 feet.
  - 2. One (1) building, known as the "Postal Building", measuring approximately 200 feet by 100 feet.
  - 3. One (1) building, known as the "Post Office Annex", measuring approximately 50 feet by 50 feet.
  - 4. One (1) building, known as the "Post Office Storage", measuring approximately 50 feet by 50 feet.
  - 5. One (1) building, known as the "Post Office Garage", measuring approximately 50 feet by 50 feet.
  - 6. One (1) building, known as the "Post Office Shop", measuring approximately 50 feet by 50 feet.
  - 7. One (1) building, known as the "Post Office Office", measuring approximately 50 feet by 50 feet.
  - 8. One (1) building, known as the "Post Office Warehouse", measuring approximately 50 feet by 50 feet.
  - 9. One (1) building, known as the "Post Office Mail Room", measuring approximately 50 feet by 50 feet.
  - 10. One (1) building, known as the "Post Office Post Office", measuring approximately 50 feet by 50 feet.

**LEGEND**

1	Asphalt Paved
2	Gravel Paved
3	Concrete Paved
4	Grass
5	Water
6	Sewer
7	Gas
8	Electric
9	Telephone
10	Other

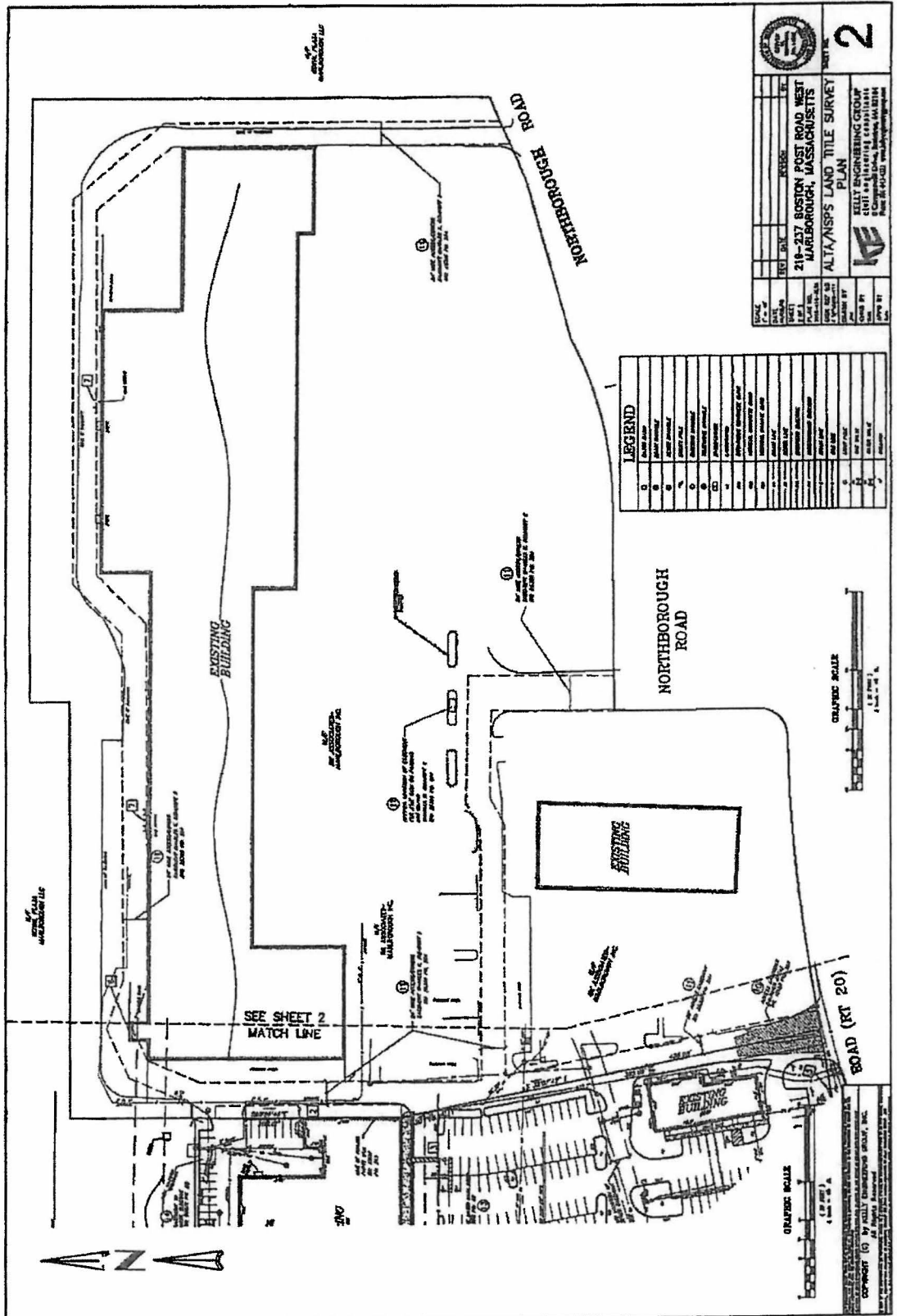
**Supplemental Certificate:**  
 This is to certify that the map and plan of the City of Weymouth, Massachusetts, dated and recorded as follows: ...

**Map of Boston City**  
 The map of Boston City is shown on the right side of this plan.

DATE	2/1/58
BY	W. H. ...
CHECKED BY	...
APPROVED BY	...
TITLE	218-237 BOSTON POST ROAD WEST Weymouth, MASSACHUSETTS ALTA/NSPS LAND TITLE SURVEY PLAN
SCALE	1" = 20'
PROJECT NO.	1

**W. H. ...**  
 Surveyor  
 111 ...

**W. H. ...**  
 Surveyor



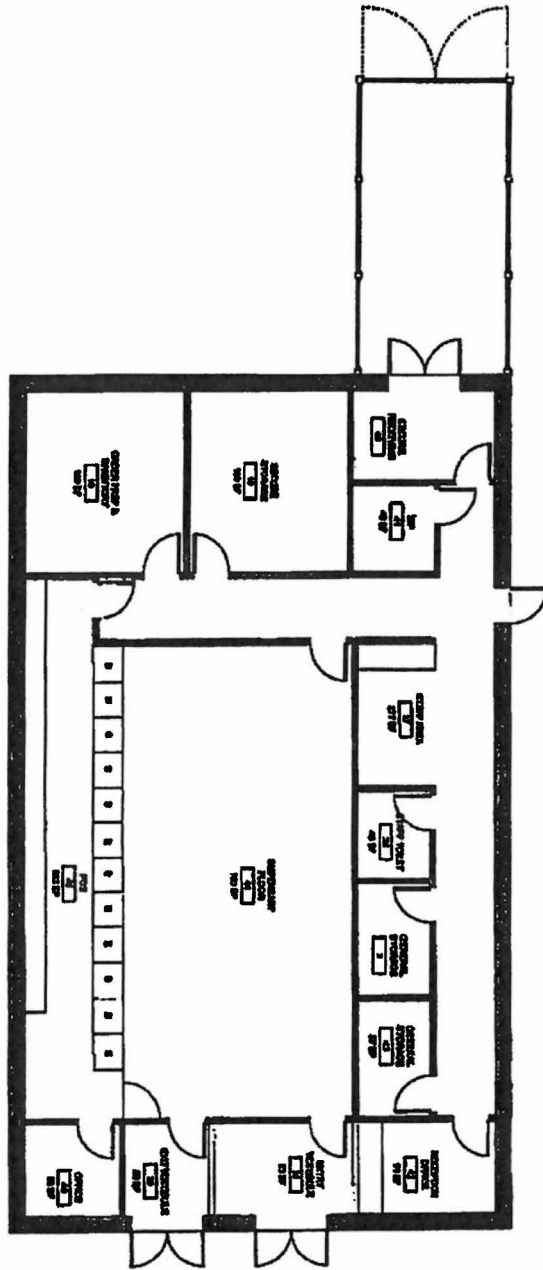
SCALE	DATE	BY	REVISION
1" = 40'	07/11/11	JKS	
1" = 80'	07/11/11	JKS	
1" = 160'	07/11/11	JKS	
<b>219-237 BOSTON POST ROAD WEST MARLBOROUGH, MASSACHUSETTS</b>			
<b>ALTA/NISPS LAND TITLE SURVEY</b>			
<b>PLAN</b>			
<b>2</b>			
<b>DELLY ENGINEERING GROUP</b> 1000 WASHINGTON STREET, SUITE 100 MARLBOROUGH, MASSACHUSETTS 01501 TEL: 508-251-1111 FAX: 508-251-1112 WWW.DELLYENGINEERING.COM			

LEGEND	
1	EXISTING BUILDING
2	EXISTING DRIVEWAY
3	EXISTING DRIVEWAY
4	EXISTING DRIVEWAY
5	EXISTING DRIVEWAY
6	EXISTING DRIVEWAY
7	EXISTING DRIVEWAY
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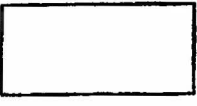


0' 1/4" = 1'-0" (Scale)


**A1.0**  
MARLBOROUGH  
FLOOR PLAN

DATE: 12/15/00
PROJECT: MARLBOROUGH DISPENSARY
CLIENT: CAL VERDE
ARCHITECT: CAVENEY ARCHITECTURAL COLLABORATIVE, INC.

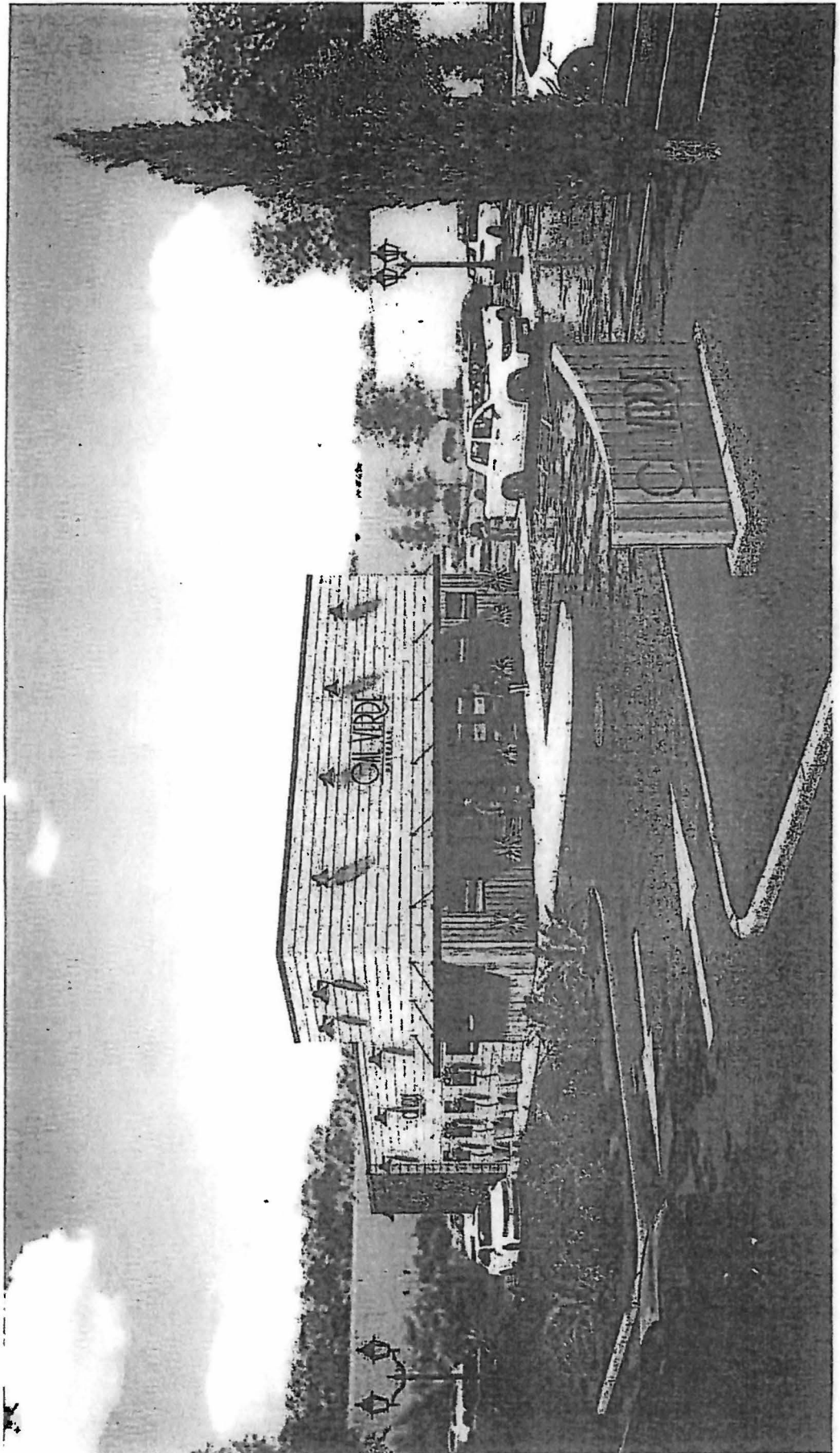
**CAL VERDE**  
**MARLBOROUGH DISPENSARY**  
27000 WASHINGTON HIGHWAY, MARLBOROUGH, MASSACHUSETTS

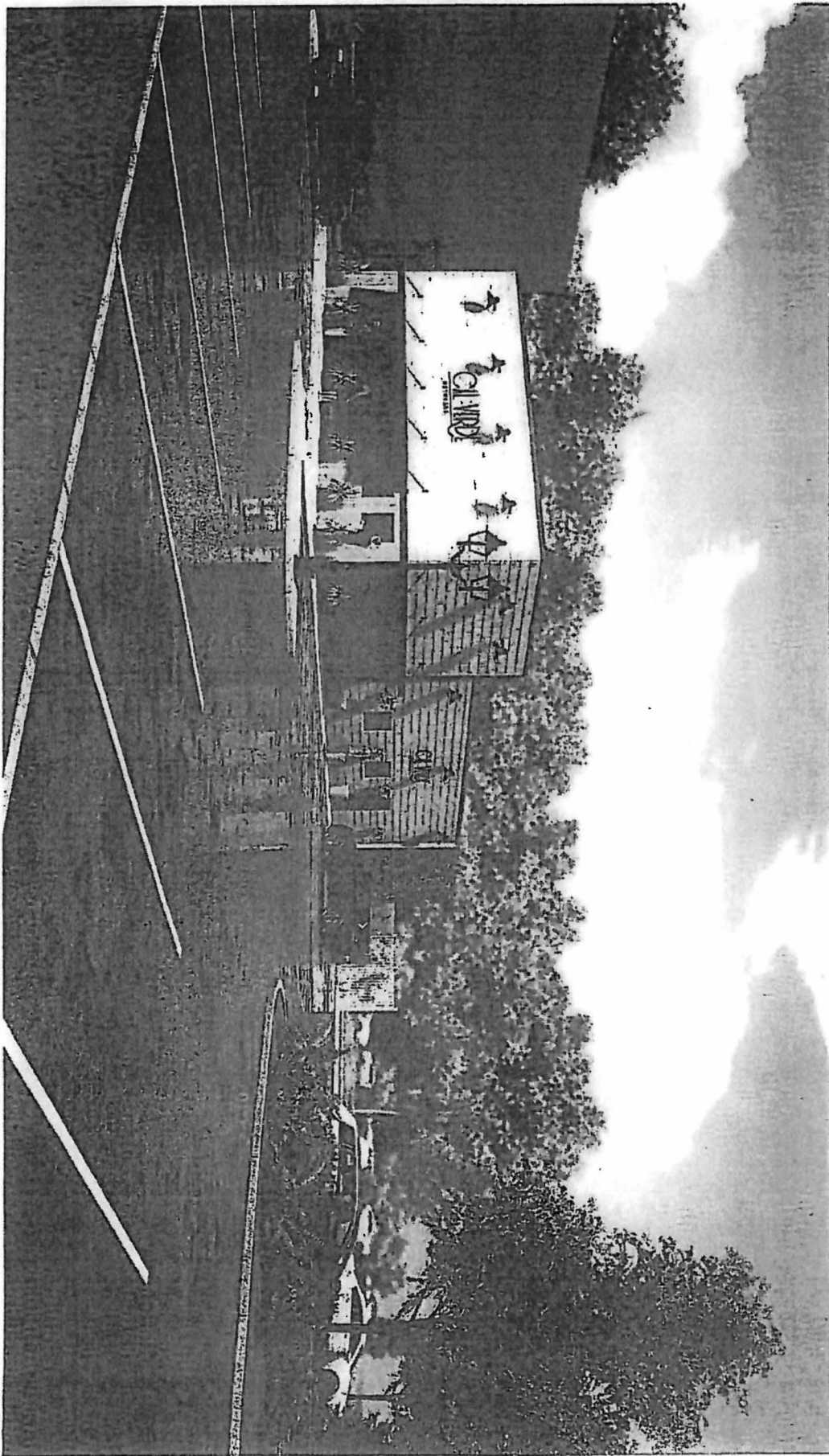


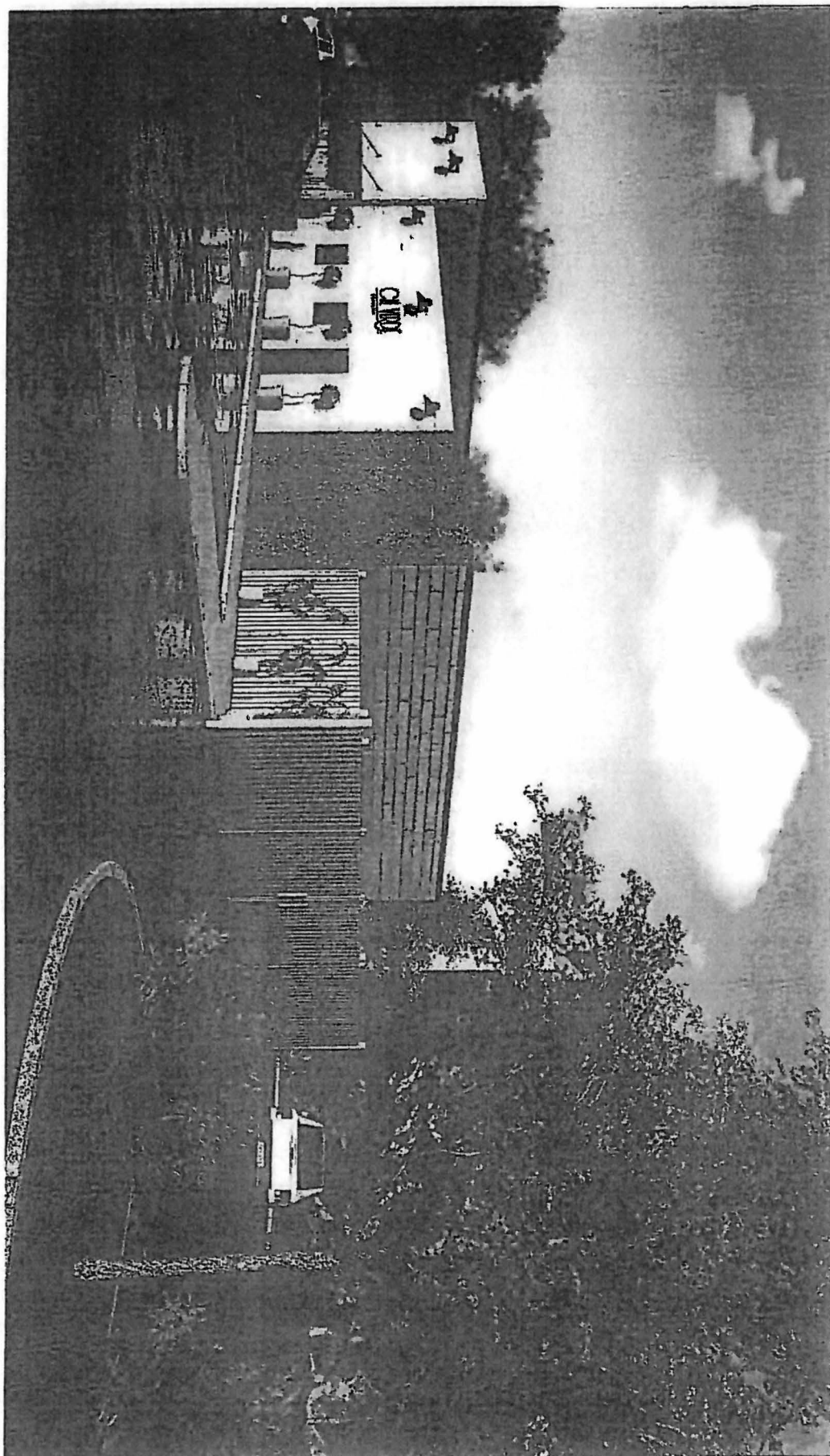
**CAVENEY**  
architectural collaborative, inc.  
120 MARKET ST. • LOWELL, MA 01852  
NEW CONSTRUCTION  
978-776-2623











Questions contact - Calvin Fonseca #774-422-1294  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council  
Of Marlborough, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

D'Angelo Drive - Install one JO Pole on D'Angelo Drive. Beginning at a point approximately 568 feet Southwest of the centerline of the intersection of Cedar Hill Street. Install 50' Cl. 2 midspan Pole #2-50 between Poles 2 and 3. A 25 kva transformer fused at 10 will be installed on the new midspan.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – D'Angelo Drive - Marlborough, Massachusetts.

**No.# 30890850**

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 petitioner agrees 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 d/b/a  
NATIONAL GRID *Helton Lopes*

BY \_\_\_\_\_  
Engineering Department

VERIZON NEW ENGLAND, INC.  
BY *Albert E. Bessette Jr.*  
Manager / Right of Way

Dated: November 20, 2023

Questions contact – Calvin Fonseca #774-422-1294

## **ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council  
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. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) 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 20<sup>th</sup> day of November 2023.

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

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – D'Angelo Drive - Marlborough, Massachusetts.

**No.# 30890850**

Filed with this order:

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 of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part 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:

D'Angelo Drive - Install one JO Pole on D'Angelo Drive. Beginning at a point approximately 568 feet Southwest of the centerline of the intersection of Cedar Hill Street. Install 50' Cl. 2 midspan Pole #2-50 between Poles 2 and 3. A 25 kva transformer fused at 10 will be installed on the new midspan.

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  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

\_\_\_\_\_  
City/Town Clerk.  
Massachusetts 20 \_\_\_\_ .  
Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20 \_\_\_\_ , at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. for permission to erect the poles, wires, and fixtures 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 of the owners of real estate (as determined by the last preceding assessment  
for taxation) along the ways or parts of ways upon which the Company is permitted to erect  
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the \_\_\_\_\_ of the City of  
Massachusetts, on the \_\_\_\_\_ day of 20 \_\_\_\_ and recorded with the records of location orders  
of the said City, Book \_\_\_\_\_ , and Page \_\_\_\_ . This certified copy is made under the  
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
City/Town Clerk

Exhibit "A" - Not to Scale  
The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



1 D'Angelo Dr

50 D'Angelo Dr

Pole 2

Pole 2-50

Pole 3

**Legend**

- Existing joint pole
- ⊗ Install joint pole
- OH Conductor

**DRELIABLE**

1 D'Angelo Dr, Marlborough

Date: 11/17/23  
Designer: FONSEK1  
WR: 30890850

Notes: Install 50'Cl.2 midspan pole#2-50 between poles 2 and 3 to install a 25 kva transformer  
Sheet 1 of 1





## 100 foot Abutters List Report

Marlborough, MA

February 09, 2024

### Subject Property:

Parcel Number: 118-2  
 CAMA Number: 118-2  
 Property Address: 50 DANGELO DR

Mailing Address: MARLBOROUGH ROYCE LLC  
 220 WEST GERMANTOWN PIKE STE 250  
 PLYMOUTH MEETING, PA 19462

### Abutters:

Parcel Number: 116-6 CAMA Number: 116-6 Property Address: 100 CEDAR HILL ST	Mailing Address: SUBURBAN PROPANE LP 240 ROUTE 10 WEST WHIPPANY, NJ 07981-0206
Parcel Number: 116-7 CAMA Number: 116-7 Property Address: 40 CEDAR HILL ST	Mailing Address: 40 CEDAR HILL LLC PO BOX 836 MARLBOROUGH, MA 01752
Parcel Number: 116-8 CAMA Number: 116-8 Property Address: 1A DANGELO DR	Mailing Address: CROWLEY FRANK A III TR JOSEPH F SHAY TR MIP REALTY TRUST 1 DANGELO DR PO BOX 849 MARLBOROUGH, MA 01752
Parcel Number: 116-9 CAMA Number: 116-9 Property Address: 72 CEDAR HILL ST	Mailing Address: CMJ REALTY TRUST LLC 72 CEDAR HILL ST #C MARLBOROUGH, MA 01752
Parcel Number: 118-2A CAMA Number: 118-2A Property Address: 24 ST MARTIN DR	Mailing Address: 24 ST MARTIN DRIVE LLC C/O MILLER & BISSON 1 DUNDEE PARK STE 3 ANDOVER, MA 01810
Parcel Number: 118-2B CAMA Number: 118-2B Property Address: 34 ST MARTIN DR	Mailing Address: MARLBOROUGH TECHNOLOGY PARTNERS LLC C/O MENLO EQUITIES ASSOCIATES 2765 SAND HILL RD STE 200 MENLO PARK, CA 94025
Parcel Number: 118-3 CAMA Number: 118-3 Property Address: 86 DANGELO DR	Mailing Address: CITY OF MARLBOROUGH CEDAR HILL PUMPING STATION 140 MAIN ST MARLBOROUGH, MA 01752



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2/9/2024

Page 1 of 1



Massachusetts State Lottery Commission

CHARITABLE GAMING DIVISION  
 P O BOX 859012  
 BRAINTREE, MASSACHUSETTS 02185-9012  
 TEL 781-849-5555

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 2024 MAY 16 AM 9:17



DEBORAH B GOLDBERG  
 Treasurer and Receiver General

APPLICATION FOR LICENSE TO CONDUCT A ONE DAY GAME COMMONLY CALLED "BEANO"

PLEASE TYPE OR PRINT IN INK/INKLINE

IMPORTANT: PLEASE FILL OUT FORM COMPLETELY AND ACCURATELY. FAILURE TO DO SO WILL DELAY PROCESSING OF YOUR LICENSE APPLICATION.

NAME OF ORGANIZATION <u>Ghost Light Players</u>	DATE ORG CHARTERED <u>Nov 30, 2011</u>
STREET ADDRESS <u>29 Fontaine St.</u>	ORGANIZATION F I D <u>44-3326030</u>
CITY/TOWN <u>Marlborough MA</u>	OCCASION DAY <u>June 8, 2024</u>
OCCASION ADDRESS <u>37 High St</u>	ORG TELEPHONE <u>401-569-1204</u>
CITY/TOWN/ZIP <u>Marlborough, MA 01752</u>	BEANO HALL PHONE <u>N/A</u>
MAILING AND SHIPPING ADDRESS <u>29 Fontaine St.</u>	Check one: 6:00 P.M. TO 12:00 MID <input checked="" type="checkbox"/>
CITY/TOWN/ZIP <u>Marlborough, MA 01752</u>	FROM 12:00 P.M. <input type="checkbox"/>
NAME OF HEAD OF ORGANIZATION <u>Kat Alix Gaudreau</u>	HOME PHONE <u>N/A</u>
MAILING ADDRESS <u>5H Bakers Lane</u>	BUSINESS PHONE <u>401-569-1204</u>
CITY/TOWN/ZIP: <u>Buzzards Bay, MA 02532</u>	EMAIL ADDRESS <u>KAT@GHOSTLIGHTPLAYERS.COM</u>
NAME OF MEMBER IN CHARGE <u>Kat Alix Gaudreau</u>	HOME PHONE: <u>N/A</u>
MEMBER IN CHARGE OF BEANO ADDRESS <u>N/A (First Church of Marlborough)</u>	BUSINESS PHONE <u>508-485-6297</u>
CITY/TOWN/ZIP <u>Kim Braucher</u>	EMAIL ADDRESS <u>KIMMER@GHOSTLIGHTPLAYERS.COM</u>
NAME OF BOOKKEEPER: <u>29 Fontaine St</u>	HOME PHONE <u>617-686-6713</u>
MAILING ADDRESS <u>Marlborough, MA 01752</u>	BUSINESS PHONE
CITY/TOWN/ZIP:	EMAIL ADDRESS

FOR MASSACHUSETTS STATE LOTTERY COMMISSION USE ONLY



COUNTY	CITY/TOWN	TYPE	CLASSIFICATION

DATE TIME RECEIVED

APPLICATION FOR LICENSE TO SELL LOTTERY TICKETS CALLED "THE CHARITY GAMES"

IN ADDITION TO A LICENSE TO OPERATE BEANO IT IS REQUESTED THE ABOVE ORGANIZATION BE LICENSED TO SELL SPECIAL LOTTERY TICKETS FOR CHARITABLE, RELIGIOUS AND EDUCATIONAL PURPOSES PURSUANT TO SECTION 37 OF CHAPTER 10 OF THE GENERAL LAWS. SUCH LOTTERY TICKETS MAY BE SOLD ONLY AT AND DURING LICENSED BEANO GAMES AND OTHER EVENTS HELD ON THE PREMISES AND PURSUANT TO THE RULES AND REGULATIONS OF THE COMMISSION

CPLE:

PLEASE CHECK ( ) WHICH BEST DESCRIBES YOUR ORGANIZATION

- 001  FRATERNAL ORGANIZATION
- 002  CHURCH OR RELIGIOUS ORGANIZATION
- 003  VETERANS ORGANIZATION
- 004  VOLUNTEER NON-PROFIT FIRE COMPANY OR VOLUNTEER NON-PROFIT AMBULANCE SERVICE
- 005  BOSTON FIREMAN'S RETIREMENT FUND
- 006  NON PROFIT ORGANIZATION FOR THE INTEREST OF DIFFERENTLY ABLED CITIZENS
- 007  NON PROFIT ATHLETIC ASSOCIATION
- 008  NON PROFIT SENIOR CITIZENS ORGANIZATION
- 009  NON PROFIT SOCIAL WELFARE ORGANIZATION
- 010  OTHER NON PROFIT Community AIDS Organization

UNDER PENALTIES OF PERJURY, HAVE ANY MEMBERS OF YOUR ORGANIZATION WHO WILL BE ASSISTING IN THE GAME OF BEANO BEEN CONVICTED OF AN OFFENSE OTHER THAN A TRAFFIC INFRACTION?  NO  YES - IF YES, SPECIFY ON SEPARATE SHEET

HAS YOUR ORGANIZATION EVER HAD A BEANO LICENSE BEFORE?  YES  NO IF YES, WHAT YEAR \_\_\_\_\_

I HEREBY CERTIFY that the information provided herein is true to the best of my knowledge and belief. I authorize the Commission to obtain credit or other information about me or my organization which may assist the Commission in making a decision on this application(s). I am aware that false or misleading statements, or failure to abide by the rules and regulations of the Commission will be cause for rejection of this application(s) or revocation of my License(s). Violation of General Laws Chapter 10, Sections 37 through 40 or of Commission Regulations may result in a fine or imprisonment or both.

Art Alex Gaudreault Art Alex Gaudreault DATE 5/1/24  
SIGNED BY THE APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNED BY THE APPLICANT OR AUTHORIZED REPRESENTATIVE MONTH DAY YEAR

BELOW THIS LINE FOR MUNICIPAL AUTHORITIES ONLY

THIS APPLICATION IS APPROVED AND CERTIFIED TO BE IN CONFORMITY WITH CHAPTER 10 OF THE MASS GENERAL LAWS BY BOARD OF SELECTMEN, OR CITY COUNCIL AND MAYOR OR LICENSING BOARD OF THE CITY OF BOSTON

DATE AND HOURS OF ALL APPLICANTS TO BE HELD ON \_\_\_\_\_ DAY \_\_\_\_\_ PM to \_\_\_\_\_ PM HOURS

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

CHIEF OF POLICE: \_\_\_\_\_

FOR MASSACHUSETTS STATE LOTTERY COMMISSION USE ONLY

DISPOSITION:

AUTHORIZED OFFERED DENIED

COMMISSION USE ONLY



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2024 MAY 15 AM 11:41

# Marlborough Public Schools

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

## Call to Order

**April 30, 2024**

1. Chairman Dumais 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, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Tom Lafleur. Student Advisory Representative Risha Khanderia was also present.

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

2. **Pledge of Allegiance:** Chairman Dumais led the Pledge of Allegiance.
3. **Presentation:** None
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**

Superintendent Murphy shared that MPS is in the process of switching their unified messaging and web platform to Thrillshare by Apptegy. This platform is more accessible for community members. The current timeline allows the district to go live with all platforms prior to July 1, 2024.

Superintendent Murphy will be sending out an invite to all parents/guardians to join her and her leadership team on Wednesday, May 29<sup>th</sup> for 10am 'morning coffee' and 4pm 'afternoon tea.' The issues of cellphone rules, MPS Vision for Literacy, and school bussing will be discussed at this open session.

Superintendent Murphy attached the updated, edited version of MPS's Bullying Prevention and Intervention Plan. The final document will be submitted to the School Committee on May 14<sup>th</sup>.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

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

## **A. Director of Finance & Operations Report**

Mr. Lafleur, the Director of Finance and Operations, reported that the Food Services participation increased by 10% for breakfast and 8% for lunch since March of last year. Mr. Lafleur noted that the district continues to work with NRT regarding bus driver staffing. There are currently 4 1/2 routes without an assigned driver.

Mr. Lafleur included several small budget transfers within his report.

Mr. Lafleur stated that the district is continuing to track in line with the FY2024 financial plan with no issues at the moment. He included a copy of the latest Year to Date Budget report in his report.

Mr. Lafleur shared that the MSBA invited the Richer Elementary School Project into feasibility phase on April 24<sup>th</sup>; the Owner's Project Manager will be procured, and the Designer will be selected.

## **B. Assistant Superintendent of Teaching and Learning Report**

Dr. Skaza, the Assistant Superintendent of Teaching and Learning, shared that the NEASC Commission on Public Schools reviewed the Special Progress Report of MHS and continued the school's accreditation back in March.

Dr. Skaza shared that the district will partner with DESE through their Growing Literacy Equity Across Massachusetts grant and the New Teacher Project. Members of the 'GLEAM' team drafted a vision for literacy instruction in grades 6-10; this was shared with members of the community for feedback.

Dr. Reyes spoke on the process leading to the MPS vision for literacy instruction in grades 6-10.

## **7. Acceptance of Minutes**

### **A. Minutes of the March 26, 2024 Budget Workshop**

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve these minutes.

Motion passed 7-0-0.

### **B. Minutes of the April 9, 2024 Public Hearing**

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve these minutes.

Motion passed 7-0-0.

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# Marlborough Public Schools

**School Committee**  
 District Education Center  
 25 Union Street, Marlborough, MA 01752  
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## C. Minutes of the April 9, 2024 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve these minutes.

Motion passed 7-0-0.

## 8. Public Comment:

Marlborough resident Julia Lopez Maldonado shared her gratitude for the Mayor and the committee regarding the work that they do for the community. Julia's son graduated from MPS in 2022 and she chose to return to the city.

It should be noted that members of the public may provide comment via email before the meeting to [superintendent@mps-edu.org](mailto:superintendent@mps-edu.org). Public comment 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. FY25 Budget Vote

Superintendent Murphy shared the FY25 Budget total of \$76,616,990.00.

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve the FY25 Budget.

Motion passed 6-0-1. Roll Call Vote - Yes: Hennessy, Ryan, Geary, Bodin-Hettinger, Caruso, and Matthews. Chairman Dumais abstained from the vote.

### B. Policy Updates

Motion made by Mrs. Hennessy, seconded by Chairman Dumais to suspend the rules. Motion passed 7-0-0.

Motion made by Mrs. Hennessy, seconded by Chairman Dumais to add a fourth agenda item for Policy AD Prayers in School (formerly Policy 1.200) for first read.

Motion passed 7-0-0.

1. **Policy AA Mission/Belief/Vision (formerly Policy 1.010)**
2. **Policy AB Non-Discrimination and Harassment Policy (formerly Policy 1.100)**
3. **Policy AC Bullying Prevention (formerly Policy 1.300)**
4. **Policy AD Prayers in School (formerly Policy 1.200)**

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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**

**Donor's Choose.** Ms. Mucciolo's class at ECC received \$652.39 and Ms. Cyr's class at ECC received \$456.82 from Donor's Choose.

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve these donations.

Motion passed 7-0-0.

**Box Tops for Education.** Kane School received \$21.20 and Whitcomb School received \$60.80 from Box Tops for Education.

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve these donations.

Motion passed 7-0-0.

### **10. Reports of School Committee Sub-Committees:**

Mrs. Hennessy shared that there is a Policy Sub-Committee meeting coming up.

Mrs. Matthews shared that the Negotiations Sub-Committee has reached a tentative agreement with the Teacher's union and a MOU being produced that should be brought forward to the second meeting in May for ratification. They are also currently in negotiations with administrators, paraeducators, and behavior technicians.

### **11. Members' Forum:**

Mrs. Matthews has reviewed and signed the warrant.

Risha Khanderia shared that the Fashion Show is tomorrow, and the Class of 2024 is doing a fundraiser tomorrow through Trombetta's from 4-8pm.

Mrs. Hennessy shared that Voices ReChaired recently had their NYC trip. Spring Sing is happening at Whitcomb this Friday at 7pm.

Mrs. Ryan mentioned that Saturday, May 4<sup>th</sup> is a Star Wars breakfast from 9am-12pm at Goodnow Elementary to support the Music Department's trip to Hersey, Pennsylvania next year.

Mrs. Bodin-Hettinger shared that Monday is the MASC 'Day on the Hill'.

Chairman Dumais highlighted that next week is Teacher Appreciation Week.

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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. Matthews, seconded by Chairman Dumais to adjourn at 8:10 p.m.  
 Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews  
 Secretary, Marlborough School Committee

HM/jm  
 Approved May 14, 2024

### List of documents and other exhibits used at the meeting:

- City of Marlborough Posting for the Marlborough Public Schools School Committee for April 30, 2024, including Agenda and Attachments
- Draft of Bullying Prevention & Intervention Plan
- Budget Transfers 4/11/24
- YTD Budget Report 4/23/24
- Draft of School Committee Budget Workshop minutes for March 26, 2024
- Draft of School Committee Public Hearing minutes for April 9, 2024
- Draft of School Committee minutes for April 9, 2024
- Draft of Policies AA, AB & AC

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2024 MAY 16 AM 10: 32



**Marlborough Cultural Council Meeting Minutes**

**Date:** Wednesday, March 6, 2024 at 6:30 PM

**Location:** Marlborough City Hall, Memorial Hall on 3rd floor

**After approved, email as Word doc to:**

[skerrigan@marlborough-ma.gov](mailto:skerrigan@marlborough-ma.gov)

[wchu@marlborough-ma.gov](mailto:wchu@marlborough-ma.gov)

[imcintyre@marlborough-ma.gov](mailto:imcintyre@marlborough-ma.gov)

[mpeltier@marlborough-ma.gov](mailto:mpeltier@marlborough-ma.gov)

**Members Present:**

Andrea Bibi	Amanda Mayo
Harmony Larson	Jagruti Seemungal
Mary Avery	

**Members Absent:**

Beatrice "Bea" Mullony	Marcia Waldman

I. Call to Order at 6:42pm.

II. Review of Minutes

- Andrea moved to approve, Mary seconded. February meeting minutes approved (5-0).

III. New Business

- MCC 2024-2025 Elections
  - Chair:
    - Mary will step down as Co-Chair.
    - Amanda is willing to continue as Chair.
    - Mary nominated Amanda, Andrea seconded. Amanda was elected as Chair unanimously.
  - Treasurer:
    - Jagruti will give up the Treasurer position.



- Mary is willing to take that position.
- Jagruti nominated Mary as Treasurer, Harmony seconded. Mary was elected Treasurer unanimously.
- Secretary:
  - Harmony is willing to continue as Secretary.
  - Jagruti nominated Harmony as Secretary, Andrea seconded. Harmony was elected Secretary unanimously.

#### IV. 2024 Grant Cycle Update

- The Community Fridge project reached out regarding review of a press release.
- Mary reached out to the Trans Remembrance Day project contact to offer any support they might need with project logistics, City approvals, etc.

#### V. Updates from Working Groups

- FY24 Grantee Reception Update & Discussion.
  - Scheduled for Thursday, April 4 at Lost Shoe.
  - Invitation sent out. 6 grantees confirmed to date. Amanda will send a reminder next week and another the week before.
  - Discussion of additional invitees (MEDC, Library, etc). Agreed that we will invite a few additional folks from the community for networking purposes.
  - MCC will bring a few snacks: cookies, maybe cheese & grapes.
- Public Art Ordinance Working Group
  - Follow up discussion, if time allows. Add Amanda to WG.
  - Mass Cultural Council can connect us with lots of examples
  - Two parts:
    - i. Murals / Sign ordinance: informed by all of the work Councilor Perlman has already done. Need clarity on the process.
    - ii. Public art guidelines / Percentage of capital improvement budget / Space for cultural uses

#### VI. Review of Items for Future Discussion

- MCC web page revamp - awaiting formal request for info / input from the City.
- Invite Ryan Egan, Chief of Staff, to a MCC meeting to discuss formalizing and communicating the process for appointing new committee and board members.
- Our next meeting is scheduled for Wednesday, April 3, 2024 at 6:30pm **on Zoom**.

#### VI. Adjournment at 7:34. Jagruti moved to adjourn, Mary seconded.

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## MARLBOROUGH HISTORICAL COMMISSION

**MEETING MINUTES**  
**March 21 2024**  
**CITY HALL, 140 MAIN STREET**  
**COUNCIL COMMITTEE MEETING ROOM, 7:00PM**

*Board Members: Meeting comes to order 7:04 PM*

*Brendan Downey, Chair – Present*  
*Sarah Hough, Vice Chair – Absent*  
*Stephanie Ferrecchia – Present*  
*Kathleen Newton – Present*  
*Adrian Gilbert, Secretary – Present*

1. *Motion put forth and seconded to approve February 15, 2024 minutes. Motion passes 4 - 0*

*Brendan Downey, Chair - Aye*  
*Sarah Hough - Absent*  
*Stephanie Ferrecchia - Aye*  
*Kathleen Newton - Aye*  
*Adrian Gilbert – Aye*

2. *Correspondence & Communications*

- A. *Chair Brendan Downey received letter from Massachusetts Historical Commission with update to Ms. Bertolet's request for a Federal Community Development Block Grant. Ms. Bertolet is the owner of 85 Newton Street, the "George H. Whitney House."*
- B. *Invitation to members of MHC from Marlborough Historical Society to attend initial Meeting, March 25th 2024, of "Revolution 250" planning.*

3. *Current Business*

- A. *Materials belonging to Marlborough Historical Commission located at Neil Street, DPW Building, have been relocated to the basement of the Walker Building.*
- B. *Request from the DPW for assistance with refurbishing the State Tercentenary Commission marker, Williams Tavern, located on Route 20 was discussed. Language of the sign to be discussed at next*



*meeting. (image can be enlarged)*

- C. *Request from DPW concerning Indian Artifacts from three Archeological digs in Marlborough. Understanding is that UMASS requires space and the storage of these artifacts is in question. Initial dig found skeletal remains on Prospect Street, since buried with proper rites. Second dig, also on Prospect Street, discovered farming tools. These items are currently at UMASS, Amherst. Third dig, Flagg Rock Structure, identified during Route 290 extension. Material housed at Massachusetts*

*Historical Archives. Discussion of obtaining materials for storage at Marlborough Historical Society or Marlborough Library are summarized. Obtaining any material from the State will be a difficult and drawn out procedure. However, contacting the State for a temporary loan to display items with associated lectures either by Massachusetts Historical Educators and/or Eric Johnson Ph.D. Director of the dig located at Flagg Rock Structure can be forwarded to Marlborough Historical Society.*

*D. Images from re-located Neil St. DPW items to be emailed to members. Further discussion concerning the posting of images on MHC web site required at next meeting.*

*4. New Business*

*A. Possible initiatives for 2024 will be further discussed at next scheduled meeting. Guide-book, web site, educational opportunities with request that the MHC be the test subject for the new IT Director when hired. Should MHC make changes to web site now.*

*B. Updating listed members of MHC, voting past members off the commission. To be discussed in detail and voted at next meeting.*

*5. Motion to Adjourn meeting, 8:05PM. Motion passes 4- 0*

*Brendan Downey, Chair - Aye*

*Sarah Hough - Aye*

*Stephanie Ferrecchia - Aye*

*Kathleen Newton - Aye*

*Adrian Gilbert – Aye*

*Respectfully Submitted,  
Adrian Gilbert, Secretary  
Marlborough Historical Commission*



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

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 2024 MAY -7 PM 12: 53

1A

**Call to Order**

**April 8, 2024**

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: Sean Fay, Barbara Fenby, James Fortin, Patrick Hughes, and George LaVenture. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Dillon LaForce and Chris Russ.

**1. Draft Meeting Minutes**

**A. March 11, 2024**

On a motion by Mr. LaVenture, seconded by Mr. Hughes, the Board voted to accept and file the March 11, 2024, meeting minutes with a minor edit to section 4.ii. Yea: Fay, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 4-0. Abstained: Fenby.

**2. Chair's Business**

**A. CPTC Annual Conference**

**i. E-Materials (Electronic Packet Only)**

Mr. Hughes updated the Board on how the conference went and went over the topics that were discussed:

- Planning Board
- Zoning Board
- Special Permits and Variances
- Affordable Housing

He discussed future legislation that is going to require Planning, Zoning and Conservation Boards/ Commissions to attend annual trainings and how over the next couple of years the Board will need to consider funding a training program. He suggested having CPTC provide the general training and proposed the idea of volunteering a space to conduct the training and sharing the cost with other local communities.

He explained another hot topic that was heavily debated was bond guarantees, particularly around the future value of the cost of projects and should they become the City/Town's responsibility. He explained how the Board has discussed bond guarantees in length, but hasn't discussed future costs explained how other local communities have adopted a formula (for example 1.3X the current costs).

**B. Planning Board Email**

Mr. Fay updated the Board that he had a discussion with Mark Gibbs on the necessities of the Board members getting a City email address. Mr. Gibbs agreed he would start the process of getting the licenses and that it would take a few weeks. Once they are set up the members will get a primer on how the members are supposed use it, and on what communications are supposed to go there and emphasized the importance of using this email for City Planning Board related matters only.

The administrator asked for clarification on public interactions with these email addresses. Mr. Fay explained he would ask for guidance with Mr. Gibbs and the City Solicitor, Jason Grossfield. City Council President, Mr. Ossing explained how City Council's website page is set up and discussed the difficulties they have had in the past.

Mr. Fay explained if an email is sent to the entire Board, it is very important that none of the members hit reply all for accidental deliberation and emphasized the importance of marking sure the Administrator is cc'd on all communications with people of the public. The Board discussed coming up with policies and procedure and Mr. Fay explained once the process proceeded with the IT Department, he would reach out to the Legal Department for guidance.

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

Mr. Hughes suggested having an automatic replay with some sort of disclosure saying something along the lines of "you have contacted a Board member directly, they may or may not be able to replay please contact their Administrator ... etc".

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. Farooq Ansari – Water's Edge & Sterling Woods**

**i. City Engineer Disclosure**

Mr. LaVenture read the March 11, 2024, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

Mr. Fay asked Mr. DiPersio, Do you have permission from you appointing authority to act/participate on the matter? Mr. DiPersio said, yes.

Mr. DiPersio explained he met with Mr. Ansari and that the Administrator was able to locate the acceptance plans. He notified Mr. Ansari that he would need to provide the City with the deeds. Mr. Ansari explained his daughter is an Attorney and that she can assist in drafting them. Mr. DiPersio explained he plans to circle back with Mr. Ansari, and told him once the documents were provided, the Board would still need to decide if they wanted to recommend the roadways for acceptance. He reminded Mr. Ansari about the detention basins and maintenance/pavement conditions as mentioned in his March 7, 2024, correspondence. Mr. Ansari didn't support the idea of doing additional work on the roadways, but agreed he would cross that bridge when he comes to it based on the Board's recommendation.

Mr. Fay explained from his perspective, if Mr. Ansari is not willing to do the work, then the City has to do it. He confirmed the next step is to get the deeds and refer them to the Legal Department. Mr. DiPersio said yes and explained he doesn't think its going to be an easy task because at least one of the easements will need rights from a homeowner. Mr. DiPersio agreed to stay in touch with Mr. Ansari.

Mr. DiPersio updated the Board the 689 Pleasant Street subdivision and explained he got a call from abutter Christina Devona; she was concerned but she explained she spoke with the contractor and that he was very nice and accommodating. The contractor brought in more fill and are currently working on the next steps for the entrance road. He explained there were no issues with the recent heavy rain.

**6. Preliminary/Open Space/Limited Development Subdivision (None)**

**7. Definitive Subdivision (None)**

**8. Signs (None)**

**9. Correspondence (None)**

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

**10. Unfinished Business**

**A. Working Group – No updates**

Mr. Fay discussed staying on top of the financial team regarding the bond issues and comparing them to the list of unaccepted subdivisions. Mr. LaVenture updated the Board and explained he emailed David Williams last month and Mr. Williams had explained he wasn't ready to speak with the board yet and that there are a few people he wanted to speak with first and that he had reached out to the Engineering Division. Mr. LaVenture explained he had reached out to Mr. Williams earlier today proposing he attend a Working Group meeting and that Working Group plans to meet next week. He explained he would give Mr. Williams a call if he doesn't hear back from him soon.

Mr. DiPersio explained the Administrator located the list of subdivisions/bonds. Mr. Fay suggested providing this list to Mr. Williams.

Mr. LaVenture explained he did stop by the Finance Office and spoke with someone who indicated they do have a filing system specifically for bond materials.

Mr. Fay requested an item for Bond Status to be added under unfinished business for future agendas.

**11. Calendar Updates (None)**

**12. Public Notices of other Cities & Towns**

- A. Framingham
- B. Sudbury

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accepted and file the public notices under item 12. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

On a motion by Mr. Hughes, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm