

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 MAY 17 P 1:38

1. Announcement-Veteran of the Year 2018.
2. Minutes, City Council Meeting, May 7, 2018.
3. PUBLIC HEARING On the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, Order No. 18-1007261.
4. Communication from the Mayor re: FY18 Bond Order Correction.
5. Communication from the Mayor re: Year-end transfer requests with detailed narratives att'd.
6. Communication from the Mayor re: DPW transfer request in the amount of \$1,588,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal & Operating Expenses in the amounts of \$281,300.00, \$538,800.00 & \$767,900.00 respectively to fund FY18 deficit.
7. Communication from the Mayor re: MEDC transfer request in the amount of \$679,841.00 which moves funds from Economic Development to MEDC funding to fully fund their FY19 operations.
8. Communication from the Mayor re: transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Stabilization-Open Space to move revenues from wireless antenna receipts from FY17.
9. Communication from the Mayor re: Council on Aging Revolving Fund-Fiscal Year 2018 Increase.
10. Communication from the Mayor re: FY19 Revolving Funds Spending Limit.
11. Communication from the Mayor re: Budget Earmark for Park Improvements.
12. Communication from City Solicitor, Donald Rider, re: Acceptance of Slocumb Lane as a public way.
13. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Zoning Ordinance Amendments – City Code §650-32 Medical Marijuana Treatment Center; Adult Use Marijuana Retail; Marijuana Accessories Retail; and Medical and/or Adult Use Marijuana Cultivator, Independent Testing Laboratory, Product Manufacturer or Transporter, in proper legal form, Order No. 18-1007163-2C.
14. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, Acceptance of Grant of Public Walking Trail Easement concerning Fairfield (fka Talia), in proper legal form.
15. Communication from the Planning Board re: Favorable recommendation of proposed Ordinance Zoning Amendments, §650-32, Marijuana Ordinances, Order No. 18-1007163-2C.
16. Communication from the Planning Board re: Negative recommendation of proposed Ordinance Zoning Amendment, §650-36, Commercial Village Housing Overlay District, Order No. 18-1007134A.
17. Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i).
18. Communication from Colie O'Donnell re: Support of Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136D.
19. Communication from Attorney Falk, Mirick O'Connell, re: Proposed Zoning Amendment – Ancillary Residential Communities.
20. Petition from Comcast to install a new underground conduit to 46 Lizotte Dr.

**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.**

21. Minutes, School Committee, April 24, 2018.
22. Minutes, Board of Assessors, March 28, 2018 (Amended) & April 18, 2018.
23. CLAIMS:
  - a. Rosa Nguyen, 7 Uncatena Ave, pothole or other road defect.
  - b. Paul Valianti, 126 Edinboro St., pothole or other road defect.
  - c. Moteza Asgarzadeh, 8 Grant St., pothole or other road defect.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Finance Committee

24. **Order No. 18-1007239 – Transfers \$400,000.00 from Open Space Stabilization to Purchase 19 Properties from the Community Development Authority (CDA).** The Finance Committee reviewed the Mayor’s letter dated April 19, 2018 requesting a transfer of \$400,000.00 from the Open Space Stabilization account to the Marlboro CDA. The Marlboro CDA will convey 19 properties to the City of Marlboro. **The Finance Committee voted 5 - 0 to approve the transfer.**
25. **Order No. 18-1007219 – Transfer \$1,075,000.00 from Undesignated Funds to the Marlboro Economic Development Corporation (MEDC) for Land Acquisition.** The Finance Committee reviewed the Mayor’s letter dated March 29, 2018 requesting a transfer of \$1,075,000.00 from the Undesignated Fund Account to the MEDC. The purpose of the transfer is to satisfy the Purchase and Sales agreement between the City, the MEDC and Geraldine Fossile, Trustee of Lincoln and Mechanic Realty Trust. **The Finance Committee voted 5 - 0 to approve the transfer.**
26. **Order No.18-1007241 – Communication from the Mayor regarding City of Marlboro Management Letter for FY2017.** The Finance Committee reviewed the Mayor’s letter dated April 19, 2018 that contained the Management letter for fiscal year 2017 from the outside auditors Roselli, Clark & Associates. The recommendations, findings and improvements made since the last audit were discussed. **The Finance Committee voted 5 - 0 to accept and place on file the letter and requested the Comptroller provide a summary of the City’s response to the issues identified in the report by the end of the year.**
27. **Order No. 18-1007242 - Local Options Marijuana Sales Tax.** The Finance Committee reviewed the Mayor’s letter dated April 19, 2018 to accept Massachusetts General Law Chapter 64N Section 3 which would permit the City of Marlboro to impose a 3 percent local sales tax on the “sale or transfer of marijuana products by a marijuana retailer operating within the City.” **The Finance Committee voted 5 – 0 to approve the Order to impose a 3% local sales tax of marijuana products by a marijuana retailer operating within the City. Councilor Juaire abstained from participating.**

##### From Legislative and Legal Affairs Committee

28. **Order No. 18-1007239 - Communication from the Mayor regarding MCDA transfer request in the amount of \$400,000.00 which moves funds from Open space Stabilization to the Marlborough Community Development Authority to convey 19 properties to the city of Marlborough, including a large parcel on Winter Street abutting Stevens Park. It was moved and seconded to approve the order to accept title for the land, excluding structures or buildings located thereon of 19 properties and to take by Eminent Domain the land, excluding structures or buildings located thereon, those same 19 properties. The motion carried 2-1.**

From City Council

29. **Order No. 18-1007163-2C - Proposed Zoning Ordinance Amendment to Chapter 650, several subsections as it pertains to Adult (formerly "Recreational") Use Marijuana. ITEM WAS TABLED AND REFERRED TO LEGAL TO PLACE IN PROPER LEGAL FORM FOR THE MAY 21, 2018 CITY COUNCIL MEETING.**



RECEIVED  
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CITY OF MARLBOROUGH

2018 MAY 17 A 10: 18

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas**  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723

**MAY 7, 2018**

Regular meeting of the City Council held on Monday, May 7, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing; Robey; Doucette, Dumais, Tunnera; Irish and Landers. Meeting adjourned at 9:31 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 23, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Article VI, §650-22 Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198, **MOVED TO A LATER TIME WITHIN THIS MEETING TO ACCOMMODATE OTHER PERSONNEL WHO ARE CURRENTLY ATTENDING THE PLANNING BOARD MEETING**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 21, 2018** as date for a **PUBLIC HEARING** for the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

**STREET CONSTRUCTION BOND**

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

#### **SEWER CONSTRUCTION BOND**

That the sum of \$1,800,000 (one million eight hundred thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following FY18 Capital Bond request, refer to **FINANCE COMMITTEE**; adopted.

#### **WATER MAIN CONSTRUCTION BOND**

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the following Transfer Request which moves money from Undesignated Funds to various Capital Outlay accounts as outlined in the spreadsheet refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Various				FISCAL YEAR:		2018		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$8,284,083.16	\$3,957,138.00	10000	35900	Undesignated Fund	\$1,239,000.00	19300006	58512	Capital Outlay-Fire	\$2,604.75	
	Reason:	To fund equipment requests								
					\$2,491,508.00	19300006	58731	Capital Outlay-DPW	\$9,622.19	
					\$206,500.00	19300006	58593	Capital Outlay-Police	\$19,291.32	
	Reason:									
					\$5,130.00	19300006	56300	Capital Outlay-Voting Equipme	\$0.00	
	Reason:									
					\$15,000.00	19300006	52451	Capital Outlay-COA	\$0.00	
	Reason:									
	\$3,957,138.00	Total			\$3,957,138.00	Total				

**Councilor Ossing filed a disclosure statement in conjunction with this order.**

ORDERED: That the WMCT transfer request in the amount of \$355,519.00 which moves funds from PEG Fees to Marlborough Cable Trust to fund the remainder of WMCT'S FY19 Budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2018		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$362,461.56	\$355,519.00	27000099	47750	PEG fees	\$355,519.00	89000	25581	Marlboro Cable Trust	\$0.00	
	Reason:					To fund WMCT for FY19 operations				
	\$355,519.00	Total			\$355,519.00	Total				

**Suspension of the Rules requested – granted to allow the Fire Chief to speak to recognize & congratulate Andy Eich, Executive Director, New Horizons, and resident, Dwayne Thompson, who selected the Fire Department as the local organization he wanted to support.**

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance from Cummings Properties to the Fire Department in the amount of \$1,000.00 to purchase patch decals and challenge coins; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance from Dow Chemical Company to the Conservation Department in the amount of \$1,000.00 to support annual Project Clean Sweep and beautification of Marlborough; adopted.

ORDERED:

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

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

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: License to Encroach on Public Sidewalk Indemnification – M & O Kitchens Corp., d/b/a O’Hearns Tavern, Order No. 18-1007248, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Article VI, §650-22 Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198, all were heard who wish to be heard, hearing closed at 9:12 PM.

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

ORDERED: That Communication from various residents and companies re: Opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136C, **FILE**; adopted.

- a. P.J. Banacos, 104 Farm Road.
- b. Richard Bolt, no address given.
- c. Marconi Santos, The DaCosta Co., Inc, 655 Farm Road,

ORDERED: That the Communication from Attorney Falk on behalf of Route 20 Marlboro Properties, LLC (RK Centers), re: request to reschedule Public Hearing on Proposed Zoning Amendment concerning ancillary auto sales, 735 Boston Post Road East from June 4, 2018 to July 23, 2018, Order No. 18-1007224, **RESCHEDULE THE PUBLIC HEARING FROM JUNE 4, 2018 TO JULY 23, 2018, & READVERTISE**; adopted.

ORDERED: That the 2 Flat Wall signs 43.75 s.f. & 58.51 s.f. for Okami Sushi, 58 Apex Drive **APPROVED**; adopted.

ORDERED: That the Flat Wall sign 48 s.f., for Muse Paint Bar, 115-F Apex Drive, **APPROVED & FILE**, Awning for Muse Paint Bar, 15.75 linear feet; adopted.

ORDERED: That the Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Thomas Energy, 175 Lakeside Avenue, **FILE**; adopted.

ORDERED: That the Communication Department of Public Utilities, Condensed Financial Return for year-end December 31, 2017, NStar Gas Co, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 5, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 28, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, March 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, February 6, 2018 & March 6, 2018, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 28, 2018, **FILE**; adopted.



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

- a. Tsu-Wei Kuang, 167 Kelleher Street, residential mailbox claim 2(a).
- b. Christopher Lowe, 25 West Hill Road, residential mailbox claim 2(a).
- c. Anthony Giorgi, 290 West Hill Road, other property damage and/or personal injury.
- d. James Porter, 116 Hudson Street, pothole or other road defect.
- e. Kathy & Steve Monti, 21 Masciarelli Drive, other property damage and/or personal injury.
- f. Ron Allard, 10 Masciarelli Drive, residential mailbox claim 2(a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday April 30, 2018  
In Council Chambers**

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

**Finance Committee Members Absent:** None

**Other Councilors in Attendance:** Councilor Clancy, Delano (not present for Items 4 and 5), Doucette, Juaire and Landers.

The meeting convened at 7:00 PM.

1. **Order No. 18-1007239 – Transfers \$400,000.00 from Open Space Stabilization to Purchase 19 Properties from the Community Development Authority (CDA).** The Finance Committee reviewed the Mayor's letter dated April 19, 2018 requesting a transfer of \$400,000.00 from the Open Space Stabilization account to the Marlboro CDA. The Marlboro CDA will convey 19 properties to the City of Marlboro. **The Finance Committee voted 5 - 0 to approve the transfer.**
2. **Order No. 18-1007219 – Transfer \$1,075,000.00 from Undesignated Funds to the Marlboro Economic Development Corporation (MEDC) for Land Acquisition.** The Finance Committee reviewed the Mayor's letter dated March 29, 2018 requesting a transfer of \$1,075,000.00 from the Undesignated Fund Account to the MEDC. The purpose of the transfer is to satisfy the Purchase and Sales agreement between the City, the MEDC and Geraldine Fossile, Trustee of Lincoln and Mechanic Realty Trust. **The Finance Committee voted 5 - 0 to approve the transfer.**
3. **Order No.18-1007241 – Communication from the Mayor regarding City of Marlboro Management Letter for FY2017.** The Finance Committee reviewed the Mayor's letter dated April 19, 2018 that contained the Management letter for fiscal year 2017 from the outside auditors Roselli, Clark & Associates. The recommendations, findings and improvements made since the last audit were discussed. **The Finance Committee voted 5 - 0 to accept and place on file the letter and requested the Comptroller provide a summary of the City's response to the issues identified in the report by the end of the year.**

Reports of Committee Cont'd:

- 4. **Order No. 18-1007242 - Local Options Marijuana Sales Tax.** The Finance Committee reviewed the Mayor’s letter dated April 19, 2018 to accept Massachusetts General Law Chapter 64N Section 3 which would permit the City of Marlboro to impose a 3 percent local sales tax on the “sale or transfer of marijuana products by a marijuana retailer operating within the City.” **The Finance Committee voted 5 – 0 to approve the Order to impose a 3% local sales tax of marijuana products by a marijuana retailer operating within the City. Councilor Juaire abstained from participating.**
- 5. **FY19 Finance Committee Budget Review Schedule:** The Finance Committee reviewed the timeline and schedule for the upcoming Finance Committee meetings to review the Mayor’s FY19 budget. **The Finance Committee agreed to meet on May 8, 9, 14 and 15 to review the FY19 budget.**

**The Finance Committee adjourned at 9:23 PM.**

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

City Council Legislative and Legal Affairs Committee  
 Monday, April 30, 2018, 6:45 PM– In Council Chambers  
 Minutes and Report

**Present:** Chairman Katie Robey, Councilor Landers & Councilor Delano.  
**Also present:** Councilors Clancy, Irish, Doucette, Ossing, Dumais & Juaire and Assistant City Solicitor Cynthia Panagore Griffin. Councilor Oram and Mayor Vigeant were present for Agenda Item 2.

**Order No. 18-1007248 - Communication from Tiffany O’Hearn, of O’Hearn’s Tavern, 11b Florence Street, to add outdoor seating to their establishment.** The City Council adopted an Order to allow restaurants located on Main Street from 8 Hildreth Street on the east to 280 Main Street on the west to have tables and chairs upon the sidewalk fronting their establishment from May 1<sup>st</sup> to September 30<sup>th</sup>. If they want to serve alcohol outside, a separate license from License Commission is required. They would like to serve food/alcohol following the requirements of the downtown outdoor seating order, however since O’Hearn’s is not located on Main Street, the order does not apply to them. The suggestion from Attorney Panagore Griffin was to grant a license and indemnification to allow O’Hearn’s to place tables and chairs in front of their business as appearing in the sketch provided to the committee and with the same conditions of the adopted outdoor seating order. The Community Development Authority (CDA) currently owns the area where the tables/chairs would be placed. If the City Council approves an order before them to transfer that property to the City, then the City can grant the license.

## Reports of Committee Cont'd:

**It was moved and seconded to grant a license and indemnification to O'Hearn's Tavern, 11b Florence Street with final language to be written by the City Solicitor specifying the license is effective simultaneous with the City owning property or with permission of the CDA, whichever comes first. It was agreed that the document should be on the agenda of the May 7th City Council meeting for vote so they can proceed with the alcohol license and start serving outside as soon as possible. The motion carried 3-0.**

**Order No. 18-1007239 - Communication from the Mayor regarding MCDA transfer request in the amount of \$400,000.00 which moves funds from Open space Stabilization to the Marlborough Community Development Authority to convey 19 properties to the city of Marlborough, including a large parcel on Winter Street abutting Stevens Park.** The Legislative & Legal Affairs held a joint meeting with Finance to discuss the Mayor's request. Chairman Ossing read the letter from the Mayor and began discussion on the transfer. The Finance Committee approved the transfer of \$400,000.00 from Open Space Stabilization to the Marlborough Community Development Authority (MCDA) for 19 parcels of property. The Legislative & Legal Affairs Committee then began discussion on the Order to accept title, by deed or deeds of conveyance from the MCDA to the fee simple interest in 19 properties delineated in the Order, including 1 on Winter Street, several on Main Street, and several on Newton, Florence and Weed Streets, but not including the structures or buildings thereon. An Order allowing the City Council to take by Eminent Domain the permanent easement interest in those same properties was also discussed.

**It was moved and seconded to approve the order to accept title for the land, excluding structures or buildings located thereon of 19 properties and to take by Eminent Domain the land, excluding structures or buildings located thereon, those same 19 properties. The motion carried 2-1.**

The Legislative & Legal Affairs Committee adjourned at 7:55 PM.

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

ORDERED:

**License to Encroach on Public Sidewalk and Indemnification**

WHEREAS, M&O Kitchens, Corp., duly incorporated in the Commonwealth of Massachusetts with a principle place of business at 11B Florence Street, Marlborough, MA, operating a restaurant known as O’Hearn’s Tavern located at 11B Florence Street, Marlborough, MA (being a portion of Assessors Map 70 Parcel 149) desires to use a portion of the sidewalk fronting said 11B Florence Street, Marlborough, MA for table service of food and beverages (hereinafter, “License Area”); and

WHEREAS the City of Marlborough (hereinafter, the “City”) wishes to allow the O’Hearn’s Tavern to use the License Area for table service of food and beverages;

WHEREAS the License Area is owned, as of May 1, 2018, by the Marlborough Community Development Authority (hereinafter, the “CDA”), but is the subject of a proposed purchase by the City together with other CDA-owned properties;

NOW, THEREFORE, the City of Marlborough, by and through its City Council (hereinafter, “the City”), grants to M&O Kitchens, Corp. (hereinafter, “Licensee”) permission to use the License Area for the limited purpose of outdoor dining on food and beverages associated with M&O Kitchens, Corp. and to place tables and chairs thereon for said purpose, and for no other purpose, under the terms and conditions stated below (hereinafter, “the license” or “this license”):

1. The License Area is identified in its approximate location on the GIS aerial plan attached hereto as Exhibit “A,” which exhibit is made a part hereof.
2. The license shall be effective from the date of approval by the CDA of this license or from the date of the City’s purchase from the CDA of said sidewalk fronting 11B Florence Street, Marlborough MA, whichever occurs earlier in time, until September 30, 2018. Thereafter, subject to the terms and conditions of this license, this license shall run from year to year starting on May 1<sup>st</sup> and ending on September 30<sup>th</sup>. Licensee may not place tables and chairs on the License Area until the start of business on May 1st, and Licensee must remove all tables and chairs at the close of business on September 30<sup>th</sup>.
3. Licensee shall not allow any use of the tables and chairs in the License Area after 10 PM.
4. Licensee acknowledges that the License Area is, as of May 1, 2018, owned exclusively by the CDA in fee and that it may be owned exclusively by the City in fee, and that regardless of which entity owns the land in fee, this license is not a grant of interest in the License Area or in any other portion of CDA or City property.
5. Licensee acknowledge that this license is exclusive to Licensee and that no other person(s) or entity(ies) has the permission of the City to utilize the License Area for any purpose other than for dining on products purchased at the O’Hearn’s Tavern.

6. Licensee agrees that it shall not allow loitering or other use of the License Area which is not related to dining on products purchased at the O'Hearn's Tavern.
7. Licensee agrees to indemnify and hold harmless the CDA and the City, their officers, employees and agents from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction or defect in the public way abutting the License Area or in the License Area, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of the Licensee to place tables and chairs upon License Area and to allow the utilization by third parties of said License Area. The indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage of the Licensee.
8. The City's Building Commissioner or his agents may revoke the license for violation of the terms and conditions of this license.
9. Service of alcoholic beverages out-of-doors in the License Area shall require a separate license from the Licensing Board and any appropriate State approvals.
10. Said tables and chairs shall not interfere with accessible path of travel for handicapped individuals, per the Americans with Disabilities Act and all other applicable laws and regulations.
11. Signs shall not be permitted except in accordance with City's Sign Ordinance.
12. All applicable federal, state, and City policies, regulations and ordinances, as amended, shall remain in full force and effect.
13. Licensee agrees to abide by its terms and conditions, and acknowledges that said license may be revoked by the City of Marlborough for breach of any condition contained therein.

*This is a legally binding document. By signing, Licensee acknowledges that it has had an opportunity to review with its Attorney.*

**APPROVED;** adopted.

ORDERED: That the DPW transfer request in the amount of \$17,807.50 which moves funds from Reserve for Salaries to Forestry Parks, Sick Leave Buy Back to fund retirement payout of a recent retiree, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS –										
	DEPT:	DPW				FISCAL YEAR:	2018			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$407,140.00	\$17,807.50	11990006	57820	Reserve for salaries	\$17,807.50	14001503	51920	Forestry Parks - slbb	\$0.00	
	Reason:							Retirement payout		
	Reason:									
	Reason:									
	Reason:									
	\$17,807.50	Total			\$17,807.50	Total				

ORDERED: That the Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February 2021, **APPROVED**; adopted.

ORDERED: That the Reappointment of Assistant City Solicitor, Cynthia Panagore Griffin for a term to expire three years from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s/Second Hand License, ecoATM, LLC, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s/Second Hand License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc. d/b/a Savers, 222A East Main Street, **APPROVED WITH 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 log book 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

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, Dumais & Sons Second Hand Store, 65 Mechanic Street, **APPROVED**; adopted.

**Councilor Dumais recused.**

ORDERED:

**NOTICE OF DECISION  
DENIAL OF SPECIAL PERMIT**

In City Council  
Order No. 17/18-1007054D

Application of:  
Williams Street Holdings, LLC  
2000 Commonwealth Avenue  
Auburndale, MA 02466

Locus:  
615 Williams Street  
Marlborough, MA  
Marlborough Assessors Map 113, Parcel 6

**DECISION**

On a motion to deny a special permit for Williams Street Holdings, LLC, 2000 Commonwealth Avenue, Auburndale, MA 02466, to build and operate at 615 Williams Street in Marlborough, Massachusetts a 28-unit ancillary residential community in a single apartment building, in conjunction with the Village at Crane Meadow retirement community, the City Council of the City of Marlborough voted eleven (11) to zero (0) in favor of the motion to deny. The motion therefore carried and the special permit was DENIED.

The denial was due to the fact that the special permit application had been based on a section in the Marlborough Zoning Ordinance, namely, Chapter 650-22.C(14), which had been duly deleted by Marlborough City Council Order No. 11-1002806-1A, effective May 4, 2011.

**Yea: 11 – Nay: 0**

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

**Nay: None.**

ORDERED: That the Proposed Zoning Ordinance Amendment to Chapter 650, several subsections as it pertains to Adult (formerly “Recreational”) Use Marijuana **TABLED AND REFERRED TO LEGAL TO PLACE IN PROPER LEGAL FORM FOR THE MAY 21, 2018 CITY COUNCIL MEETING**; adopted.

**Councilor Juairé recused.**



ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:31 PM.



# IN CITY COUNCIL

Marlborough, Mass., MAY 7, 2018

## ORDERED:

That there being no objection thereto set **MONDAY, MAY 21, 2018** as date for a **PUBLIC HEARING** for the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 18-1007261



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH

*Nicholas J. Milano*  
EXECUTIVE AIDE

2018 MAY 17 A 9:43

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Fiscal Year 2018 Bonds**

Honorable President Clancy and Councilors:

Please see enclosed the Fiscal Year 2018 bond orders. These three bond orders were previously provided to the City Council and discussed in Finance Committee on Monday, May 14, 2018.

I am resubmitting the orders to correct a typographical error: the written amount for sewerage systems should have read one million hundred *thousand* dollars. I apologize on behalf of my staff and Department Heads for the oversight.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures

## ORDERED:

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED  
In City Council  
Order No. 18 -  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

ORDERED:

That the sum of \$1,800,000 (one million eight hundred thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED  
In City Council  
Order No. 18 -  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

## ORDERED:

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ADOPTED  
In City Council  
Order No. 18 -  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 MAY 17 A 9:43

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Year-end Transfer Requests**

Honorable President Clancy and Councilors:

I have enclosed for your review and approval end of year transfer requests for the Marlborough Police Department, Department of Public Works, Comptroller, and Collector.

These transfers are needed to appropriately fund accounts for the remainder of Fiscal Year 2018. We are not requesting any funds from the Undesignated Fund ("Free Cash") to fund operations through the close of the fiscal year.

Please note that these transfers include a proposed transfer of \$398,500.00 from the meals tax revenue account to fund the FY18 bond payments related to parks and recreation improvements. The purpose of adopting the meals tax was to create revenue to fund our new turf fields and other recreation improvements. Thanks to the strong economy and great restaurants around Marlborough, we have collected more each calendar year since the tax was adopted. Our first full calendar year with the tax was 2015 and the tax generated \$835,884.19; in calendar year 2017 that figure was \$918,949.12 and we just had our highest collections ever for the first quarter of the year.

By dining out in Marlborough, residents and visitors are helping us build great recreational facilities for future generations.

Our department heads look forward to the opportunity to meet with the Finance Committee to discuss these requests in greater detail, but are available in the meantime to answer any questions.

Thank you in advance for your consideration.

Sincerely,

**Arthur G. Vigeant**  
Mayor



*City of Marlborough*  
*Office of the Comptroller*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3731 Facsimile (508) 481-5180

May 15, 2018

Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

**RE: TRANSFER REQUEST**

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for reclassifying the long and short-term debt and interest accounts. These adjustments are needed to correctly classify the City's debt expense accounts. Most of these adjustments are from the process of the budget being submitted prior to the sale of the bond so that adjustments are needed to accurately record the expenses.

Please contact me if you have any questions or require any additional information.

Sincerely,

Brian Doheny  
Comptroller



### CITY OF MARLBOROUGH BUDGET TRANSFERS --

DEPT: Comptroller

FISCAL YEAR: 2018

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$480,000.00</u>	<u>\$42,000.00</u>	17110006	59967	2017 Multi Purpose	<u>\$42,000.00</u>	13800006	59967	2017 Multi Purpose	<u>\$160,000.00</u>
	Reason:			<u>Reclassify Bond Payments after sale in June 2017</u>	Reason:			<u>Reclassify Bond Payments after sale in June 2017</u>	
<u>\$155,000.00</u>	<u>\$2,000.00</u>	60071106	59967	2017 Multi Purpose	<u>\$2,000.00</u>	60075106	58967	2017 Multi Purpose	<u>\$47,495.00</u>
	Reason:			<u>Reclassify Bond Payments after sale in June 2017</u>	Reason:			<u>Reclassify Bond Payments after sale in June 2017</u>	
<u>\$395,000.00</u>	<u>\$23,100.00</u>	17520006	59254	Short Term Int - City	<u>\$20,000.00</u>	13860006	59254	Short Term Int - School	<u>\$82,500.00</u>
	Reason:			<u>Reclassify short term interest</u>	Reason:			<u>Reclassify short term interest</u>	
					<u>\$3,100.00</u>	13850006	59952	2004 Multi Purpose Int	<u>\$0.00</u>
	Reason:				Reason:			<u>Correct calculation error in FY 18 budget</u>	
	Reason:				Reason:				
	Reason:				Reason:				
	Reason:				Reason:				
	Reason:				Reason:				
	Reason:				Reason:				
	\$67,100.00	Total			\$67,100.00	Total			

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

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

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



*City of Marlborough*  
*Office of the Comptroller*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3731 Facsimile (508) 481-5180

May 15, 2018

Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

**RE: TRANSFER REQUEST**

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for reclassifying the health insurance costs for the school. There is a potential shortage in two accounts which are School Health (\$200,000) and School Medicare (\$50,000). There is a surplus in City Health (\$250,000) which is enough to cover the potential shortfalls. This transfer will allow the accurate recording of the expenses for these accounts.

Please contact me if you have any questions or require any additional information.

Sincerely,

Brian Doheny  
Comptroller





CITY OF MARLBOROUGH  
**OFFICE OF THE CITY COLLECTOR**  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3737 FACSIMILE (508) 624-6504

May 15, 2018

Dear Mayor Vigeant,

Attached please find the request for a budget transfer of \$2,000 from 11440001-50042 City Collector – Payroll to 11440004-53999 Other Services to cover estimated additional bank service charges for this fiscal year. There are additional funds in the City Collector's payroll line due to an error in payroll calculation.

Sincerely,

*Eileen Bristol*

Eileen Bristol, CMMC  
City Collector

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Collector

FISCAL YEAR: 2018

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Available  
Balance

<u>\$14,148.76</u>	<u>\$2,000.00</u>	<u>11440001</u>	<u>50042</u>	<u>City Collector - Payroll</u>	<u>\$2,000.00</u>	<u>11440004</u>	<u>53999</u>	<u>Other Services</u>	<u>\$5,888.55</u>
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Reason: Surplus in Collectors payroll budget

Reason: Funds needed to cover cost estimates

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

Reason: \_\_\_\_\_

\$2,000.00 Total

\$2,000.00 Total

Department Head signature:

Gileen Bristol

Auditor signature:

Danielle

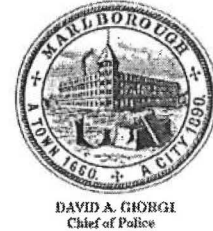
Comptroller signature:

[Signature]



**City of Marlborough  
POLICE DEPARTMENT**

355 Bolton St  
Marlborough, Ma. 01752  
Phone: 508-485-1212 Fax: 508-624-6949



DAVID A. GIORGI  
Chief of Police

Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

May 10, 2018

Dear Mayor Vigeant,

Per the attached transfer request form, I am requesting a transfer of \$16,500.00 from the Educational Incentive account to three other accounts, Office Supplies, Initial Equipment, and Translation Services.

I am requesting a transfer of \$6000.00 to the Office Supplies account to fund a needed upgrade to our Cellbrite(Inc.) system which is used by the department to forensically analyze electronics such as cellphones and computers. In addition, a portion of these funds will also allow the department to renew the yearly maintenance agreement for the Crossmatch(Livescan) fingerprint system.

I am requesting a transfer of \$8000.00 to Initial Equipment Account to fund the initial uniform equipment for a new officer who will be starting by June 1 as well as the purchase of 5 new body armor vests for officers whose vests will be expiring.

Finally, I am requesting a transfer of \$2500.00 to Translation Services to supplement the use of outside translators during arrests or investigations.

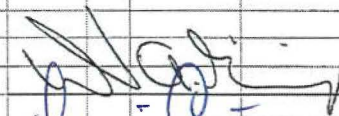


I anticipate that this transfer will be sufficient to fund these accounts for the remainder of the fiscal year.

Please let me know if you have any questions or need any other information.

Respectfully,

David A. Giorgi  
Chief of Police

Cc: Diane Smith, Brian Doheny

CITY OF MARLBOROUGH BUDGET TRANSFERS –										
DEPT:	POLICE						FY: 2018			
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$192,761.52	\$16,500.00	12100003	51440	Educational Incentive	\$6,000.00	12100005	54220	Office Supplies/Expenses	\$4,287.18	
	Reason:	Vacant positions				Software upgrade and maintenance contract				
					\$8,000.00	12100006	51975	Initial Equipment	\$333.35	
	Reason:					Initial equipment for new officer & 5 body armor vests				
					\$2,500.00	12100006	52010	Translation Services	\$220.00	
	Reason:					Translation services needed in more arrests & investigations				
	Reason:									
	Reason:									
	\$16,500.00	Total			\$16,500.00	Total				
						Department Head signature: 				
						Auditor signature: 				
						Comptroller signature: 				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2018

FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$121,517</u>	<u>\$20,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$20,000</u>	<u>14001506</u>	<u>52500</u>	<u>Repair/Maintenance</u>	<u>\$47</u>
	Reason:	<u>vacant positions</u>				<u>Repairs to Toro mower</u>			
<u>\$91,455</u>	<u>\$14,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator</u>	<u>\$14,000</u>	<u>14001505</u>	<u>54610</u>	<u>General Materials</u>	<u>\$6,412</u>
	Reason:	<u>previously vacant position</u>				<u>Tree replacement throughtout the city</u>			
<u>\$2,125</u>	<u>\$2,125</u>	<u>60081003</u>	<u>51920</u>	<u>SLBB</u>	<u>\$2,125</u>	<u>60080001</u>	<u>50580</u>	<u>Asst Chemist</u>	<u>\$4,486</u>
	Reason:	<u>Excess available due to retirement</u>				<u>Step increases</u>			
<u>\$60,460</u>	<u>\$20,000</u>	<u>60081001</u>	<u>50850</u>	<u>Sewage Treatment Plant Op</u>	<u>\$20,000</u>	<u>61090006</u>	<u>55740</u>	<u>Water Meters</u>	<u>\$46,890</u>
	Reason:	<u>previously vacant position</u>				<u>Purchase of water meters</u>			
<u>\$19,963</u>	<u>\$9,000</u>	<u>61090001</u>	<u>50680</u>	<u>General foreman</u>	<u>\$9,000</u>	<u>61090006</u>	<u>55740</u>	<u>Water Meters</u>	<u>\$46,890</u>
	Reason:	<u>Previously vacant position</u>				<u>Purchase of water meters</u>			
<u>\$54,225</u>	<u>\$51,500</u>	<u>60081001</u>	<u>50750</u>	<u>Equipment Operator</u>	<u>\$26,000</u>	<u>60081006</u>	<u>55950</u>	<u>East Waste Water Treat</u>	<u>\$2,507</u>
	Reason:	<u>previously vacant position</u>				<u>Increase in chemicals for plant</u>			
					<u>\$25,500</u>	<u>60085006</u>	<u>55980</u>	<u>West Waste Water Treat</u>	<u>\$1,944</u>
	Reason:					<u>Increase in chemicals for plant</u>			
	<u>\$116,625</u>	Total			<u>\$116,625</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

*John T. Shuler*  
*Christine*  
*[Signature]*



CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2018

FROM ACCOUNT:

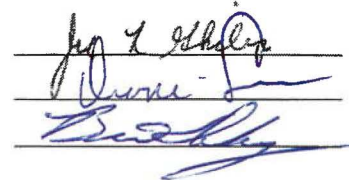
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$44,088</u>	<u>\$17,880</u>	<u>11920003</u>	<u>50560</u>	<u>Custodian</u>	<u>\$17,880</u>	<u>11920006</u>	<u>53999</u>	<u>Other Services</u>	<u>\$11,264</u>
	Reason:	<u>previously vacant positions</u>				<u>Council Chamber upgrades</u>			
<u>\$44,088</u>	<u>\$5,620</u>	<u>11920003</u>	<u>50560</u>	<u>Custodian</u>	<u>\$5,620</u>	<u>13032001</u>	<u>50292</u>	<u>Craftsman</u>	<u>1,113.00</u>
	Reason:	<u>previously vacant position</u>				<u>contractual increases</u>			
<u>\$244,808</u>	<u>\$100,000</u>	<u>13032006</u>	<u>52120</u>	<u>Electricity/School</u>	<u>\$400,000</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity/City</u>	<u>1,308.58</u>
	Reason:	<u>excess funds available</u>				<u>Net Metering credit less than anticipated</u>			
<u>\$271,577</u>	<u>\$200,000</u>	<u>13032006</u>	<u>52200</u>	<u>Natural Gas/School</u>					
	Reason:	<u>excess funds available</u>							
<u>\$100,000</u>	<u>\$100,000</u>	<u>60080004</u>	<u>53110</u>	<u>Legal Services</u>					
	Reason:	<u>excess funds available</u>							
	<u>\$423,500</u>	Total			<u>\$423,500</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:            Comptroller

FISCAL YEAR:            2018

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$3,245,924.59</u>	<u>\$398,500.00</u>	<u>27000</u>	<u>33086</u>	<u>Fund Bal-Parks &amp; Fields Capital</u>	<u>\$398,500.00</u>	<u>19910009</u>	<u>49715</u>	<u>Transfer-Meal Local Option</u>	<u>\$0.00</u>
	Reason:	<u>Local options meals tax funding FY18 bond payments associated with parks &amp; fields as per the recap</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/>
	\$398,500.00	Total			\$398,500.00	Total			

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

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

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

The image shows three handwritten signatures in blue ink. The first signature is at the Department Head signature line, the second is at the Auditor signature line, and the third is at the Comptroller signature line.

**LOCAL OPTION MEALS TAX**

6/30/2014 State Aid	\$60,975.10	May
9/30/2014 State Aid	\$198,618.41	Jun, Jul, Aug
12/31/2014 State Aid	\$202,214.11	
3/31/2015 State Aid	\$197,399.16	
6/30/2015 State Aid	\$197,114.57	
9/30/2015 State Aid	\$223,086.95	
12/31/2015 State Aid	\$218,283.51	
3/31/2016 State Aid	\$221,714.03	
6/30/2016 State Aid	\$214,435.84	
9/30/2016 State Aid	\$232,554.39	
12/31/2016 State Aid	\$225,517.35	
3/31/2017 State Aid	\$218,918.28	
6/30/2017 State Aid	\$226,968.72	
9/30/2017 State Aid	\$237,499.87	
12/31/2017 State Aid	\$235,562.25	
3/31/2018 State Aid	\$231,462.05	
Total Funding	\$3,342,324.59	
10/6/2014 CO# 14-1005915	-\$34,000.00	
6/20/2016 CO# 16-1006570A	-\$62,400.00	
Total Transfers	-\$96,400.00	
Available for future transfers	\$3,245,924.59	

**TAX RATE RECAPITULATION**  
**Fiscal Year 2018**

LOCAL RECEIPTS NOT ALLOCATED \*

Receipt Type Description	(a) Actual Receipts Fiscal 2017	(b) Estimated Receipts Fiscal 2018
==> 1. MOTOR VEHICLE EXCISE	5,606,019.34	5,600,000.00
2. OTHER EXCISE		
==> a.Meals	0.00	398,500.00
==> b.Room	1,661,273.58	1,660,000.00
==> c.Other	44,680.00	44,000.00
==> 3. PENALTIES AND INTEREST ON TAXES AND EXCISES	567,961.15	566,000.00
==> 4. PAYMENTS IN LIEU OF TAXES	323,541.74	320,000.00
5. CHARGES FOR SERVICES - WATER	12,735,824.78	12,735,000.00
6. CHARGES FOR SERVICES - SEWER	11,370,356.48	12,025,000.00
7. CHARGES FOR SERVICES - HOSPITAL	0.00	0.00
8. CHARGES FOR SERVICES - SOLID WASTE FEES	0.00	0.00
9. OTHER CHARGES FOR SERVICES	0.00	0.00
10. FEES	357,321.78	355,000.00
11. RENTALS	273,131.47	270,000.00
12. DEPARTMENTAL REVENUE - SCHOOLS	0.00	0.00
13. DEPARTMENTAL REVENUE - LIBRARIES	5,059.95	5,000.00
14. DEPARTMENTAL REVENUE - CEMETERIES	69,890.00	66,000.00
15. DEPARTMENTAL REVENUE - RECREATION	0.00	0.00
16. OTHER DEPARTMENTAL REVENUE	137,466.00	135,000.00
17. LICENSES AND PERMITS	1,698,488.99	1,300,000.00
18. SPECIAL ASSESSMENTS	0.00	0.00
==> 19. FINES AND FORFEITS	255,508.35	250,000.00
==> 20. INVESTMENT INCOME	704,484.58	300,000.00
==> 21. MEDICAID REIMBURSEMENT	617,536.80	300,000.00
==> 22. MISCELLANEOUS RECURRING (PLEASE SPECIFY)	91,640.69	50,000.00
23. MISCELLANEOUS NON-RECURRING (PLEASE SPECIFY)	1,125,044.16	300,000.00
24. Totals	<b>37,645,229.84</b>	<b>36,679,500.00</b>

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the Fiscal 2018 tax rate recapitulation form by the City, Town or District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

Accounting Officer

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the above-indicated fiscal year tax rate recapitulation form by the City / Town / District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

Diane L. Smith, City Auditor, Marlborough, dsmith@marlborough-ma.gov 508-460-3774 | 11/20/2017 12:22 PM

Comment:

\* Do not include receipts in columns (a) or (b) that were voted by the City / Town / District Council or Town Meeting as offset receipts on Schedule A-1, enterprise funds on Schedule A-2, or departmental revolving funds per Chapter 44, Section 53E 1/2. Written documentation should be submitted to support increases / decreases of estimated receipts to actual receipts.

==> Written documentation should be submitted to support increases/ decreases of FY 2018 estimated receipts to FY 2017 estimated receipts to be used in calculating the Municipal Revenue Growth Factor (MRGF).

NOTE : The information was Approved on 12/6/2017



*City of Marlborough*  
*Office of the Mayor*

*Arthur G. Vigeant*  
 MAYOR

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

*Nicholas J. Milano*  
 EXECUTIVE AIDE

140 Main Street, Marlborough, Massachusetts 01501  
 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
 www.marlbrough-ma.gov

2018 MAY 17 A 9:43

*Patricia Bernard*  
 EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

**Re: Transfer Request – Snow and Ice to Fund Fiscal Year 2018 Deficit**

Honorable President Clancy and Councilors:

I have enclosed for your review and approval a transfer request to fund the Fiscal Year 2018 Snow and Ice Deficit. Upon your approval, a total of \$1,588,000.00 will be transferred from the Undesignated Fund to our snow and ice accounts:

\$281,300.00 Overtime Snow & Ice  
 \$538,800.00 Snow Removal  
 \$767,900.00 Operating Expenses

As we all know, this past winter provided a significant challenge, especially compared to the winters of the past few years. The two major storms in March, including one that caused massive power outages across all of Marlborough, required many overtime hours. I am pleased by how well our DPW staff, plow contractors, and emergency personnel performed during some very challenging conditions. Our staff, from the workers on the ground to Department Heads, worked well with each other and with National Grid to get streets cleared, trees and storm debris removed, and power restored.

I appreciate your attention on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
 Mayor

Enclosure



**SNOW & ICE**

AS OF 5/15/18

**FOR 2018 99**

ACCOUNTS FOR:	ORIGINAL	TRANFRS/	REVISED			AVAILABLE	PCT
100 GENERAL FUND	APPROP	ADJSTMTS	BUDGET	YTD EXPENDED	ENC/REQ	BUDGET	USED

**4000 DEPARTMENT OF PUBLIC WORKS**

**0120 STREETS-SNOW & ICE**

14001203 51390 OVERTIME-SNOW & ICE	125,000	.00	125,000.00	406,228.80	.00	-281,228.80	325.0%
14001206 52960 SNOW REMOVAL	275,000	.00	275,000.00	813,539.76	.00	-538,539.76	295.8%
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	842,412.43	25,326.45	-767,738.88	867.7%
TOTAL STREETS-SNOW & ICE	500,000	.00	500,000.00	2,062,180.99	25,326.45	-1,587,507.44	417.5%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	.00	500,000.00	2,062,180.99	25,326.45	-1,587,507.44	417.5%
TOTAL GENERAL FUND	500,000	.00	500,000.00	2,062,180.99	25,326.45	-1,587,507.44	417.5%
TOTAL EXPENSES	500,000	.00	500,000.00	2,062,180.99	25,326.45	-1,587,507.44	



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*Office of the Mayor*

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RECEIVED  
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 CITY OF MARLBOROUGH  
 2018 MAY 17 A 9:43

*Arthur G. Vigeant*  
 MAYOR

*Nicholas J. Milano*  
 EXECUTIVE AIDE

*Patricia Bernard*  
 EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

**Re: Transfer Request – Marlborough Economic Development Corporation**

Honorable President Clancy and Councilors:

Enclosed for your review please find a transfer request in the amount of \$679,841.00 an increase of 2.9 percent from last year, to fully fund the Marlborough Economic Development Corporation (the "MEDC") for their Fiscal Year 2019 operations.

Over the past year, MEDC has continued to make progress on its primary goal to attract economic development to help reduce the tax burden for our residents. Our residential tax bills have seen small adjustments in recent years and a big reason for that is our status as the economic engine for our region.

Building on the success of its annual job fair in the fall, MEDC hosted a spring job fair last May and will be hosting their second spring job fair on Tuesday, May 22, 2018. Our employment rate is below both the national and state unemployment rate. Today, any residents who are actively seeking jobs in Marlborough should be able to find an opportunity. To ensure that no one is falling through the cracks, MEDC and my office have been working to launch a career center a few days a week.

MEDC has also been working with Marlborough Public Schools, a group of Marlborough stakeholders, and a marketing consultant to help elevate the brand of our school system and share all the good news about our educational system that we may be familiar with, but outsiders may not be.

The Revolving Loan Fund continues to be a successful tool for assisting local businesses secure needed gap financing. Our toolbox program has also helped retain jobs and attract new jobs to Marlborough; over the course of the past year this adds up to the retention of 34 jobs, creation of 122 new jobs, and leasing of 58,000 square feet of space. Our office vacancy rate dropped to 15 percent and the overall commercial vacancy rate is 10 percent.

While we are often willing to discuss incentives for employers interested in expanding operations in Marlborough, or interested in moving to Marlborough, we have benefited from increased economic activity without any tax increment financing agreements. The strong national and state economy along with our reputation as a destination for advanced manufacturing and life sciences means we are able to attract growth without the added incentives.



Revenues from the hotels tax remain high; receipts for Fiscal Year 2018 to date are outpacing the previous fiscal year's receipts. I remain confident that we will continue to have a sustainable revenue stream for years to come.

As in previous years, I have enclosed a summary prepared by City Auditor Diane Smith that details revenues since 2011, the transfer sheets, and additional budget information prepared by MEDC staff.

This annual transfer request provides us with an opportunity each year to evaluate MEDC's performance and analyze the role it plays in Marlborough. We set aggressive goals for MEDC's employees and each year, I am proud of how much they contribute to Marlborough.

At a cost of \$307,091 for the coming fiscal year, MEDC employs 4 full-time employees and one temporary/summer part-time intern. MEDC is currently fully-staffed and does not have any vacant positions. If these same employees were on the City's payroll, the real cost to the taxpayer would be many times over that amount due to retirement expenses and other post-employment benefits.


MEDC's budget also includes \$273,800 which is to special projects for:

- \$145,800 for Business Retention and Expansion
- \$80,000 for City Planning Services
- \$31,000 for Hospitality and Sports Tourism
- \$17,000 for Urban Village and Community Development

The line item for City Planning Services is being increased because of ongoing need for planning assistance from the Metropolitan Area Planning Council ("MAPC"). This is an effective use of taxpayer funds because MAPC can provide experts in any requested focus areas, if needed. City Departments and boards have been informed that MAPC is available for assistance and we will work with MEDC and MAPC to make sure staff and our board members have access to the expertise they may need.

Executive Director Meredith Harris and I are available to discuss with you in detail. Thank you for your consideration.

Sincerely,



Arthur G. Vigeant  
Mayor



May 17, 2018

Honorable Arthur G. Vigeant, Mayor  
City Hall, 4<sup>th</sup> Floor  
140 Main Street  
Marlborough, MA 01752

RE: FY'19 Operating Budget Transfer Request

Dear Mayor Vigeant:

I write to you today seeking a transfer request for MEDC's operations for FY'19.

On behalf of the Marlborough Economic Development Corporation (MEDC), I am herewith submitting this letter requesting a transfer of funds to the Marlborough Economic Development Corporation in the amount of \$679,841.00 to fund operations and special projects for FY'19 as approved by the MEDC Executive Committee on May 16, 2018. This request reflects a 2.9% increase year over year.

I would appreciate your approving the above transfer requests as soon as possible and forwarding on to the City Council allowing MEDC an opportunity to update the City Council on the progress made thus far in implementing the City's Economic Development Master Plan and to discuss the goals and objectives for FY'19.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Meredith Harris", is written over a horizontal line.

Meredith Harris  
Executive Director

Attachments

A: FY'19 Operational Budget

Cc: Diane Smith, Marlborough City Auditor  
Brian Doheny, Marlborough City Comptroller/Treasurer

**Attachment A**

*FY'19 Operational Budget*



The Marlborough Economic Development Corporation (MEDC) requests a total budget of **\$679,841** to fund its' operations and special projects which equates to a **2.9%** increase year over year.

The budget is divided into 3 categories which represent salaries, expenses and special projects. The following budget summary consists of line item allocations for the above listed categories.

*Salaries and Benefits*

**\$307,091** in personnel, employer taxes, insurance and fringe benefits are allocated to salaries and benefits.

Personnel & Benefits	\$283,591
Employer Payroll Taxes	\$ 23,500

*Operating and Administrative Expenses*

**\$98,950** is allocated to operating and administrative expenses in order to conduct business.

Materials & Supplies	\$33,750
Contracted Services	\$36,500
Occupancy	\$28,700

*Special Projects*

**\$273,800** is allocated to special projects in order for MEDC to carry out the goals and objectives of the organization.

Business Retention & Expansion	\$145,800
Hospitality & Sports Tourism	\$ 31,000
Urban Village & Community Development	\$ 17,000
City Planning Services	\$ 80,000

Accrual Basis

**Marlborough Economic Development Corporation****Budget Overview**

July 2018 through June 2019

Jul '18 - Jun 19

## Ordinary Income/Expense

## Expense

## Payroll Expenses

Employee Benefits	\$ 35,275.00
Employer Payroll Taxes	\$ 23,500.00
Salaries	\$ 247,716.00
Workers' Comp	\$ 600.00
<b>Total Payroll Expenses</b>	<b>\$ 307,091.00</b>

Advertising/Marketing	\$ 3,000.00
Computer Services & Licenses	\$ 3,300.00
Conferences/Meetings	\$ 3,000.00
Dues and Subscriptions	\$ 17,400.00
Insurance	\$ 1,900.00
Internet service	\$ 1,250.00
Maintenance & Repair	\$ 500.00
Media Contractor	\$ 27,000.00
Office Supplies	\$ 3,000.00
Payroll Fees	\$ 2,500.00
Phone	\$ 2,000.00
Printing and Reproduction	\$ 2,000.00
Professional Fees	\$ 5,500.00
Reimbursable Expenses	\$ 1,800.00
Rent	\$ 23,000.00
Utilities	\$ 1,800.00

<b>Subtotal Expense</b>	<b>\$ 406,041.00</b>
-------------------------	----------------------

## Special Project Expenses

City Planning Services	\$ 80,000.00
Special Projects	\$ 193,800.00
<b>Total Special Project Expenses</b>	<b>\$ 273,800.00</b>

<b>Total Expense</b>	<b>679,841.00</b>
----------------------	-------------------

## Payroll Expenses

Salaries Full-time		PERMANENT FULL TIME					
Salaries with standard annual salary increase of up to 3%							
(A) NAME	(B) TITLE	(C) WEEKLY SALARY FY'18	(D) HOURLY FLAT RATE	(E) TOTAL SALARY	(F) WEEKLY SALARY FY'19	(G) HOURLY FLAT RATE	(H) TOTAL SALARY FOR YEAR <i>Rounded up</i>
Meredith Harris	Executive Director	1663.84	41.60	86,520	1,713.76	42.84	\$ 89,116
Linda Martins	Executive Administrative Assistant	1047.25	26.18	54,457	1,078.67	26.97	\$ 56,100
Chris McDade	Project Manager	730.77	18.27	38,000	752.69	18.82	\$ 39,200
Jim Tarr	Deputy Director	1115.38	27.88	58,000	1,148.84	28.72	\$ 59,800
<b>Salaries Full-time Total</b>							<b>\$ 244,216</b>
Salaries Part-time		PART TIME					
NAME	TITLE	Hours/ week	Hourly rate	Weeks	Total Salary for Budget Year <i>Rounded up</i>		
	Internships / Summer 2018	32	12.50	8	\$ 3,500		
<b>Salaries Part-time Total</b>							<b>\$ 3,500</b>
<b>Grand Total Salaries</b>							<b>\$ 247,716</b>
Employee Benefits / Payroll Taxes							
ITEMIZE AND JUSTIFY:							AMOUNT
Health, Dental, Retirement, etc.							\$ 35,275
Employer Payroll Taxes							\$ 23,500
Workers' Compensation Ins. Plan							\$ 600
<b>Total</b>							<b>\$ 59,375</b>
Total Salaries							\$ 247,716
<b>Grand Total Payroll Expenses</b>							<b>307,091.00</b>

## Expenses

Expenses	MATERIALS AND SUPPLIES								
This category covers collectively all operating supplies and services, which are defined as consumable commodities, necessary to conduct business: for example, office and custodial supplies, printing and reproducing marketing collateral, subscriptions, postage, repairs and office maintenance, etc.									
<b>ITEMIZE AND JUSTIFY</b>									<b>Amount</b>
									<b>Requested</b>
Advertising/Marketing Supplies & Services (Ex. E-Newsletter & E-Survey Services, Creation of Marketing Flyers such as Retail/Case Studies/Incentives Toolbox, etc.)									\$ 3,000
Conferences/Meetings (Ex. Registration Fees for business events, luncheons, receptions & misc. attendance & hosting expenditures)									\$ 3,000
Maintenance & Repair (Ex. Office Cleaning, Office Fixtures & Dry Cleaning/Carpet Cleaning)									\$ 500
Membership Fees/Subscriptions (Ex. CoStar Realty Services, Yearly Newspaper Subscriptions & Membership Dues)									\$ 17,400
Office Supplies (Ex. Paper, pens, notepads, binders, paper clips, staples, labels, coffee, water, etc. - Including small/light office equip <\$100)									\$ 3,000
Printing & Reproduction (Ex. Xerox Services, Re-print Marketing Collateral & Special Article Poster Prints)									\$ 2,000
Reimbursable Expenses (Ex. Employee mileage for business use, office supplies, etc.)									\$ 1,800
Website Services (Ex. Hosting Services, Domains, Internet)									\$ 1,250
Office Equipment >\$100 (Ex. Laptop replacement for staff)									\$ 1,800
<b>TOTAL MATERIALS &amp; SUPPLIES</b>									<b>\$ 33,750</b>

Expenses		CONTRACTED SERVICES	
Covers operating services obtained by contract with outsourced vendor. For example: accounting services, marketing & communications vendor, payroll services, etc.			
<b>ITEMIZE AND JUSTIFY:</b>		<b>AMOUNT</b>	
Accounting/Book Keeping		\$5,500	
- CPA on Retainer/Yearly Filings			
- Bi-annual Financial Audit			
- Fiscal End Process			
Professional/Consultant Fees		\$27,000	
Media Contractor			
IT Services		\$1,500	
- Tech on Retainer/Maintenance			
- Computer Services & Licenses			
ADP Payroll Services		\$2,500	
- Processing Charges/Fees			
- Tax Services			
- Year End Processing			
<b>TOTAL</b>		<b>\$36,500</b>	



Expenses

Expenses	OCCUPANCY			
Marlborough Economic Development Corporation (MEDC) 91 Main Street, Suite 203B / 204				<b>Requested Amount</b>
	Lease Agreement			\$ 23,000
	Directors & Office Liability Insurance			\$ 1,900
	Utilities			\$ 3,800
	- Phone Services			
	- Electricity Supply			
	<b>TOTAL</b>			<b>\$ 28,700</b>



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

	DEPT:	Mayor				FISCAL YEAR:	2018			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$1,368,317.15</u>	<u>\$679,841.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$679,841.00</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 FY19</u>								
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>								
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>								
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>								
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>								
	\$679,841.00	Total			\$679,841.00	Total				

Department Head signature: \_\_\_\_\_  
 Auditor signature: Deane P. [Signature]  
 Comptroller signature: [Signature]

## ECONOMIC DEVELOPMENT FUNDING

9/30/2011 State Aid	\$165,166.12
12/31/2011 State Aid	\$190,224.55
3/31/2012 State Aid	\$132,447.82
6/29/2012 State Aid	\$146,495.56
9/30/2012 State Aid	\$185,400.20
12/31/2012 State Aid	\$182,736.99
3/31/2013 State Aid	\$123,837.95
6/28/2013 State Aid	\$152,429.69
9/20/2013 State Aid	\$196,053.08
12/30/2013 State Aid	\$204,331.94
3/31/2014 State Aid	\$134,171.82
6/30/2014 State Aid	\$165,392.81
9/30/2014 State Aid	\$225,891.57
12/31/2014 State Aid	\$215,368.61
3/31/2015 State Aid	\$139,754.81
6/30/2015 State Aid	\$181,957.00
9/30/2015 State Aid	\$246,477.46
12/31/2015 State Aid	\$243,518.11
3/31/2016 State Aid	\$147,152.99
6/30/2016 State Aid	\$188,289.73
9/30/2016 State Aid	\$250,636.64
12/31/2016 State Aid	\$261,571.54
3/31/2017 State Aid	\$144,194.44
6/30/2017 State Aid	\$199,405.00
9/30/2017 State Aid	\$260,640.83
12/31/2017 State Aid	\$280,764.79
3/31/2018 State Aid	\$158,551.10

Total Funding	<u>\$5,122,863.15</u>
---------------	-----------------------

12/5/2011 CO# 11-1003048	-\$146,837.00
12/19/2011 CO# 11-1004004	-\$3,163.00
5/21/2012 CO# 12-1005008	-\$200,000.00
12/17/2012 CO# 12-1005205	-\$277,099.00
6/3/2013 CO# 13-1005418A	-\$499,000.00
6/30/2014 CO# 14-1005840	-\$513,915.00
6/1/2015 CO# 15-1006198A	-\$731,875.00
6/20/2016 CO# 16-1006569A	-\$647,580.00
6/20/2016 CO# 16-1006569B	-\$75,000.00
6/5/2017 CO# 17-1006923A	-\$660,077.00

Total Transfers	<u>-\$3,754,546.00</u>
-----------------	------------------------

Available for future transfers	\$1,368,317.15
--------------------------------	----------------



*City of Marlborough*  
*Office of the Mayor*

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CITY OF MARLBOROUGH  
2018 MAY 17 A 9:43

*Arthur G. Vigeant*  
MAYOR  
*Nicholas J. Milano*  
EXECUTIVE AIDE

140 Main Street  
Marlborough, Massachusetts 01752  
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*Patricia Bernard*  
EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Transfer Request – Antenna Receipts**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$18,000.00 to move revenues from wireless antenna receipts from Fiscal Year 2017 into the Open Space Stabilization Account. This is an annual transfer request from the Undesignated Fund.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures





*City of Marlborough*  
Office of the Mayor

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*Arthur G. Vigeant*  
MAYOR  
*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 17, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Council on Aging Revolving Fund - Fiscal Year 2018 Increase**

Honorable President Clancy and Councilors:

Please find enclosed for your review an order to increase the spending limit for the Council on Aging Revolving Fund for the remainder of Fiscal Year 2018 to \$70,000.00. Due to steady revenues and the wide variety of programs available through the Council on Aging, we have experienced an increased need for funds from this account.

Council on Aging Executive Director Trish Pope will be available to discuss the revolving fund revenues and expenditures in detail with you in City Council. The spending limit should not have been exceeded without prior authorization from me and a vote from the City Council.

Along with Auditor Diane Smith, we have implemented new protocols for the revolving funds to ensure that the spending limit is not exceeded without the proper approvals.

We have frozen the fund at this time and no further funds will be expended if and until the City Council approves an increase. Please do not hesitate to contact me with any questions or concerns

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



*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 17, 2018

Mayor Arthur Vigeant  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752

Re: Council on Aging/Senior Center Revolving Account

Dear Mayor Vigeant,

As you know the Senior Center continues to see unprecedented growth. Since our move to the beautiful new Senior Center our programs and events are most often filled to capacity! The Revolving Account for the Council on Aging/Senior Center has added a level of transparency. This allows us to separate our funds from the Friends group. All payments for programs and events are deposited directly into this account. Therefore, I am requesting an increase to our Revolving Account spending to \$70,000.00

In order to meet the needs of our Seniors we have added several more exercise programs and educational events allowing more seniors to participate. For example, we have increased our Yoga classes from 4 per week to 7 classes per week! Each class is full and many have waitlists. The Center runs a monthly Day Trip Excursion (Bus Trip) which costs approximately \$4000.00 per bus. (On occasion, we have added an additional bus to a particularly popular trip so no senior is disappointed.) All monies for the trips are deposited in the Revolving Account and then must be paid to the tour company once the trip has taken place.

We are extremely grateful for the support the Senior Center has received from the City. I hope you will consider my request for an increase in the spending limit of the Revolving Account so that we can continue to meet the needs and requests of our seniors.

Sincerely,

Patricia A. Pope  
 Executive Director



ORDERED:

That no more than seventy thousand dollars (\$70,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2018, unless otherwise authorized by City Council and Mayor.

ADOPTED  
In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 MAY 17 A 9:43

*Arthur G. Vigeant*  
 MAYOR

*Nicholas J. Milano*  
 EXECUTIVE AIDE

*Patricia Bernard*  
 EXECUTIVE SECRETARY

140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

May 17, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

**Re: Fiscal Year 2019 Revolving Funds Spending Limit**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval three orders to set spending limits on the City's three revolving funds. As you know, a new state law in Governor Baker's Municipal Modernization Act of 2016 changed how revolving funds are created by cities and towns. Last year, the City Council approved a new ordinance authorizing three revolving funds. For this year and each year moving forward, the City Council must set a spending cap for each fund.

I am requesting approval for expenditures from each of the revolving funds, not to exceed the following amounts:

1. Parks and Recreation Revolving Fund: \$350,000.00
  - a. The limit is typically \$100,000, but this year I am requesting an additional \$250,000.00 to fund the balance of the splash pad project at Stevens Park. A \$100,000.00 grant from the state will be used to help fund this project, which has a total cost of \$350,000.00.
2. Public Safety Revolving Fund: \$75,000.00
3. Council on Aging Revolving Fund: \$40,000.00
  - a. In a separate communication, I am requesting an increase to the Council on Aging fund for the remainder of FY2018. I recommend we maintain the FY2019 limit at \$40,000.00, but I may request an increase at the midpoint of the fiscal year.

I look forward to discussing this proposal with you further and do not hesitate to contact me with any questions. Thank you for your consideration.

Sincerely,

**Arthur G. Vigeant**  
**Mayor**

Enclosures

## Marlborough Council on Aging



# Memo

**To:** Mayor Arthur Vigeant  
**From:** Patricia A. Pope  
**Date:** May 16, 2018  
**Re:** Council on Aging Revolving Account

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

Balance as of 7/1/17	\$	50,872.66
Total revenue generated (7/17 – 5/16/18)	\$	74,175.10
Funds expended (7/1/17 – 5/16/18)	\$	57,754.90
Funds encumbered	\$	9,950.00
 <b>Current Balance:</b>	 \$	 57,342.86

### EXPENDITURE SUMMARY

Since the authorization of this revolving account in October 2015 the funds have been used for Program funding. The revenue generated represents the fees associated with programs, classes and trips run through the Council on Aging. The expenditures represent payment for Exercise Teachers, Computer Teachers, Entertainment, Bus Trips, program supplies and associated food costs.

More detailed information is available upon request.



**CITY OF MARLBOROUGH**  
*Department of Public Works*  
**Office of the Commissioner**  
**135 Neil Street**  
**Marlborough, Massachusetts 01752**  
 (508) 624-6910 Ext. 33100  
 \* TDD (508) 460-3610

To: Arthur G. Vigeant  
Mayor

From: John L. Ghiloni *JL*  
Commissioner

Date: May 16, 2018

Re: Parks and Recreation Revolving Account: 26244401-52415

The Revenue and Expenditures for the Parks and Recreation Revolving Account are shown below:

Balance as of July 1, 2017	\$ 437,671.00	
Funds received between July 1, 2017 and May 16, 2018	<u>\$ 345,316.82</u>	\$ 782,987.82
Funds expended between July 1, 2017 and May 16, 2018		\$ <u>14,625.66</u>
Balance		<u>\$ 768,362.16</u>

---

Expenditure Summary

O'Brien & Sons	\$ 3,803.20	
Home Depot	839.15	
Monnick Supply	115.87	
Concord Electric	67.44	
Bentley Services, Inc.	<u>9,800.00</u>	<u>\$ 14,625.66</u>



## CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

May 16, 2018

### MEMORANDUM

**TO:** Mayor Arthur G. Vigeant

**FROM:** Diane Smith, City Auditor

**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, 2017	\$11,511.51
Funds received to date	45,525.80
Expenditures to date-	
Tech Rescue Team Training	( 7,068.15)
Live Fire Training	( 1,820.83)
Mass Fire Incident Reporting	( 2,195.50)
Fire Chief conferences & trainings	( 1,264.21)
Taser Recertification	( 18,484.66)
National Fire Codes	( 630.00)
Defensive Tactics Training	<u>( 5,397.91)</u>
Subtotal	( 36,861.26)
Encumbrances	( 16,387.72)
Balance as of May 16, 2018	<u>\$ 3,788.33</u>

ORDERED:

That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2019, unless otherwise authorized by City Council and Mayor.

ADOPTED  
In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

ORDERED:

That no more than forty thousand dollars (\$40,000.00) shall be expended from the Council on Aging Revolving Fund during Fiscal Year 2019, unless otherwise authorized by the City Council and Mayor.

ADOPTED

In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

## ORDERED:

That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2019, unless otherwise authorized by City Council and Mayor.

ADOPTED  
In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:





*City of Marlborough*  
*Office of the Mayor*

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 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
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RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

*Arthur G. Vigeant*  
 MAYOR

*Nicholas J. Milano*  
 EXECUTIVE AIDE

*Patricia Bernard*  
 EXECUTIVE SECRETARY

2018 MAY 17 A 9:43

May 17, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

**Re: Grant Acceptance – Budget Earmark for Park Improvements**

Honorable President Clancy and Councilors:

I have enclosed for your approval a grant for the City of Marlborough in the form of a legislative earmark that was filed and supported by our legislative delegation, including Representatives Danielle Gregoire, Carmine Gentile, and Senator Jamie Eldridge.

Our delegation worked to secure \$100,000 in funding for improvements to Marlborough parks and playgrounds. They had previously secured funding for transportation and parks in prior state budgets. \$250,000 in state funds from the Fiscal Year 2017 Budget were used to buy new play structures for the Pappas Playground on John Street and to help fund the purchase of a splash pad for Ghiloni Park.

Building off the success of the splash pad at Ghiloni Park, I recommend we use these funds for the purchase and installation of a new splash pad at Stevens Park. Splash pads are a fun way for children and families to cool off during the hot summer months. In a separate communication, I will request the use of the Parks and Recreation Revolving Account to fund the balance of the splash pad project, which has a total estimated cost of \$350,000.

I appreciate your consideration of this proposal and look forward to discussing with you further.

Sincerely,

Arthur G. Vigeant  
 Mayor

Enclosures

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: DPW DATE: 5/16/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John Ghiloni

NAME OF GRANT: Legislative Earmark

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$100,000.00

GRANT PERIOD: Fiscal Year 2018

SCOPE OF GRANT/  
ITEMS FUNDED Park improvements in the City of Marlborough. This budget earmark will help fund the purchase and installation of a splash pad for Stevens Park

IS A POSITION BEING  
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? No

ARE MATCHING CITY  
FUNDS REQUIRED? Matching funds are not required, but City funds will be used to finance the balance of the splash pad project. The total cost is approximately \$350,000

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

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS  
TO BE USED:  
Parks and Recreation Revolving Fund

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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



*City of Marlborough*  
*Office of the Mayor*

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[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 22, 2018

Claire D'Angelo  
Business Manager  
Department of Conservation and Recreation  
251 Causeway Street Suite 600  
Boston MA 02114

**Re: Invoice and Scope of Service**

Dear Ms. D'Angelo:

I am writing to request payment to the City of Marlborough of the budgetary earmark of \$100,000 that was included in the Commonwealth of Massachusetts Fiscal Year 2018 budget to be expended for improvements to Ghiloni Park and Stevens Playground in the City of Marlborough.

The scope of service for these funds is as follows:

1. Stevens Park:
  - a. Purchase of splash pad equipment and materials
  - b. Installation of a splash pad
  - c. Balance of project costs to be funded by the City

Cost: \$100,000.00

I have enclosed with this letter the executed state contract and other forms. If you have any questions or need any additional information or documentation, please do not hesitate to contact me.

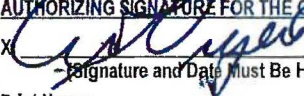
Sincerely,

Arthur G. Vigeant  
Mayor



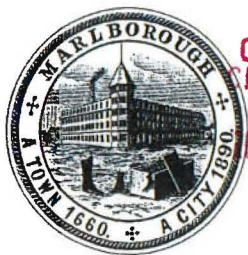
COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under Guidance For Vendors - Forms or [www.mass.gov/osd](http://www.mass.gov/osd) under OSD Forms.

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a):		<b>COMMONWEALTH DEPARTMENT NAME:</b> Department of Conservation and Recreation <b>MMARS Department Code:</b> DCR	
<b>Legal Address:</b> (W-9, W-4,T&C): 140 Main Street Marlborough, MA 01752		<b>Business Mailing Address:</b> 251 Causeway Street Suite 600 Boston MA 02114	
<b>Contract Manager:</b> John Ghiloni		<b>Billing Address (if different):</b>	
<b>E-Mail:</b> <a href="mailto:jghiloni@marlborough-ma.gov">jghiloni@marlborough-ma.gov</a>		<b>Contract Manager:</b> Allyson Trahan	
<b>Phone:</b> 508-624-6910 x. 33101	<b>Fax:</b>	<b>E-Mail:</b> <a href="mailto:Allyson.Trahan@state.ma.us">Allyson.Trahan@state.ma.us</a>	
<b>Contractor Vendor Code:</b> VC6000192111		<b>Phone:</b> 617-626-1339	<b>Fax:</b>
<b>Vendor Code Address ID</b> (e.g. "AD001"): AD_0001 (Note: The Address Id Must be set up for <u>EFT</u> payments.)		<b>MMARS Doc ID(s):</b>	
		<b>RFR/Procurement or Other ID Number:</b> Legislative Exemption	
<b>X NEW CONTRACT</b>		<b>CONTRACT AMENDMENT</b>	
<b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input type="checkbox"/> <b>Department Procurement</b> (includes State or Federal grants <u>815 CMR 2.00</u> ) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach <u>Employment Status Form</u> , scope, budget) <input checked="" type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</b> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total If Contract is being amended). \$ <u>100,000.00</u>			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting <b>accelerated</b> payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments ( <u>G.L. c. 29, § 23A</u> ); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <u>Prompt Pay Discounts Policy</u> .)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Not less than \$100,000 shall be expended for improvements to Ghiloni Park and Stevens Playground in the town of Marlborough			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2018</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> . Incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X  Date: <u>3/22/14</u> (Signature and Date Must Be Handwritten At Time of Signature)		<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: _____		Print Name: _____	
Print Title: _____		Print Title: _____	

2810-0100.. For the operation of the division of state parks and recreation; provided, that funds appropriated in this item shall be used: (i) to operate all of the division's parks, parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, reservations, campgrounds, beaches and pools; (ii) to oversee skating rinks; and (iii) to protect and manage the division's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that the same properties shall be open in fiscal year 2018 as were open in fiscal year 2017; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the crossing guards located at department of conservation and recreation intersections shall continue to perform the duties where state police previously performed such duties; provided further, that the division may issue grants to public and nonpublic entities from this item; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that not less than \$55,000 shall be expended for the maintenance of Red Rock park in the city of Lynn; provided further, that not less than \$75,000 shall be expended for an air quality study at the Concord playing fields between route 126 and Crosby's corner in the town of Concord; **provided further, that not less than \$100,000 shall be expended for improvements to Ghiloni park and Stevens playground in the town of Marlborough;** provided further, that not less than \$50,000 shall be expended for improvements to the Head Town landing in the town of Westport; provided further, that not less than \$50,000 shall be expended for weed removal and water quality measurement for Johnson's pond in the town of Groveland; provided further, that not less than \$25,000 shall be expended for the development of a community garden at the Medway community farm in the town of Medway; provided further, that not less than \$25,000 shall be expended for the restoration of the iron ore fence on the corner of route 123 and route 140; provided further, that not less than \$50,000 shall be expended for a study on the department's wooded land adjacent to the department's Kennedy playground and garden in Mattapan; provided further, that not less than \$15,000 shall be expended for renovations to the Greenville pond dam in the town of Leicester; provided further, that not less than \$25,000 shall be expended for construction purposes for the Friends of Coppens Square; provided further, that not less than \$25,000 shall be expended for fencing and repairs to City Square park in Charlestown; provided further, that not less than \$250,000 shall be expended for a new veterans park in the city of Lowell; provided further, that not less than \$25,000 shall be expended for the Franklin, Medway, and Bellingham Army Corps of Engineers flood plain and wildlife habitat; provided further, that not less than \$100,000 shall be expended for the Blue Hill Observatory science center; provided further, that not less than \$50,000 shall be expended for the removal of hazardous substances in the town of Ashland; provided further, that not less than \$175,000 shall be expended for tree re-planting in the city of Worcester; provided further, that not less than \$30,000 shall be expended for the Tom Lopes community sculpture project; provided further, that not less than \$50,000 shall be expended for the Bradford rail trail in the city of Haverhill; provided further, that not less than \$45,000 shall be expended for the treatment and preservation of Indian lake in the city of Worcester; provided further, that not less than \$25,000 shall be expended for the restoration of the Artesani park outdoor theatre; provided further, that not less than \$75,000 shall be expended for the Let's Row Boston program; provided further, that not less than \$50,000 shall be expended for MacDonald memorial park in the city of Medford; provided further, that not less than \$25,000 shall be expended to improve Magazine beach in the city of Cambridge; provided further, that not less than \$50,000 be expended to the city of Beverly for repairs to the carriage house in Lynch park; provided further, that \$25,000 shall be expended for the development, improvement and landscaping of the Veterans Road playground in the town of Dedham; provided further, that not less than \$75,000 shall be granted to the parks commission of the city of Brockton to renovate McKinley playground; provided further, that not less than \$250,000 shall be expended for an asset management modernization program and implementation pilot within the department with the goal of adequate stewardship and budgeting; provided further, that this funding shall consist of additional staffing, consulting and training; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2018 on the progress of such program and pilot; provided further, that said report shall include, but not be limited to: (a) the status of hiring for the additional staffing required; (b) contracts with outside consulting; and (c) the progress of planned and delivered training; provided further, that not less than \$100,000 shall be expended for invasive species control on the Mystic river; provided further, that not less than \$40,000 shall be expended to Hardwick Pond Preservation Association, Inc. for invasive species control on Hardwick pond in the town of Hardwick; provided further, that not less than \$15,000 shall be expended for the improvement or augmentation of existing trails and or the creation of new trail linkages in the Blue Hills Reservation that enable safer pedestrian crossings on state highway route 28 and state highway route 138; provided further, that not less than \$12,000 shall be expended to treat invasive species at Rock pond in the town of Georgetown; provided further, that not less than \$15,000 shall be expended to the Southeastern Massachusetts Pine Barrens Alliance, Inc. for the Explore Natural Plymouth collaborative; provided further, that not less than \$100,000 shall be expended for the construction and improvement of the Hancock playground in the city of Brockton; provided further, that \$25,000 shall be expended for the installation of a sidewalk and guard rail in Fountain park in the town of Wilbraham; provided further, that not less than \$30,000 shall be expended on lighting and infrastructure improvements at Mattos field in the city of Gloucester; provided further, that not less \$20,000 shall be expended for renovations and infrastructure improvements including,

not limited to, enhancements to waterway access and recreational areas at Veasey memorial park in the town of Groveland; provided further, that not less than \$60,000 shall be expended for expansion of the rowing program of the school district of the city of Methuen as part of The River Cities Initiative and administered by the Essex Rowing Club, Inc.; provided further, that not less than \$50,000 shall be expended to the city known as the town of Weymouth for final design work and improvements to Heritage park at the intersection of Washington street and Middle street; provided further, that \$30,000 shall be expended to the town of Milton to improve accessibility at Andrew's park for all users, including those with physical limitations; provided further, that not less than \$200,000 shall be expended for the creation of a roadway at the property formally known as the Medfield state hospital in the town of Medfield; and provided further, that not less than \$250,000 shall be expended for the Blue Hills Trailside Museum. \$37,163,712



City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Legal Department

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

DONALD V. RIDER, JR.  
CITY SOLICITOR

2018 MAY 17 P 12:00

MARLBOROUGH, MASSACHUSETTS 01752

2018 MAY 17 P 12:00

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

ELLEN M. STAVROPOULOS  
PARALEGAL

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

May 17, 2018

Edward Clancy  
President  
Marlborough City Council

RE: Acceptance of Slocumb Lane as a Public Way

Dear President Clancy and Members:

I am enclosing for your review a proposed order to accept Slocumb Lane as a public way, along with its appurtenant easement as a municipal easement. Also enclosed are a copy of the acceptance plan and a copy of the signed deed (including legal descriptions).

After this matter has been referred to the Planning Board pursuant to MGL c. 41, § 81I for its report, I will be happy to meet with the Public Services Committee during its deliberations.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosures

cc: Paul Beattie, Esquire  
Planning Board  
Thomas DiPersio, City Engineer  
Timothy Collins, Assistant City Engineer

ORDERED:

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

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

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

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

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

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

IT IS THEREFORE ORDERED THAT:

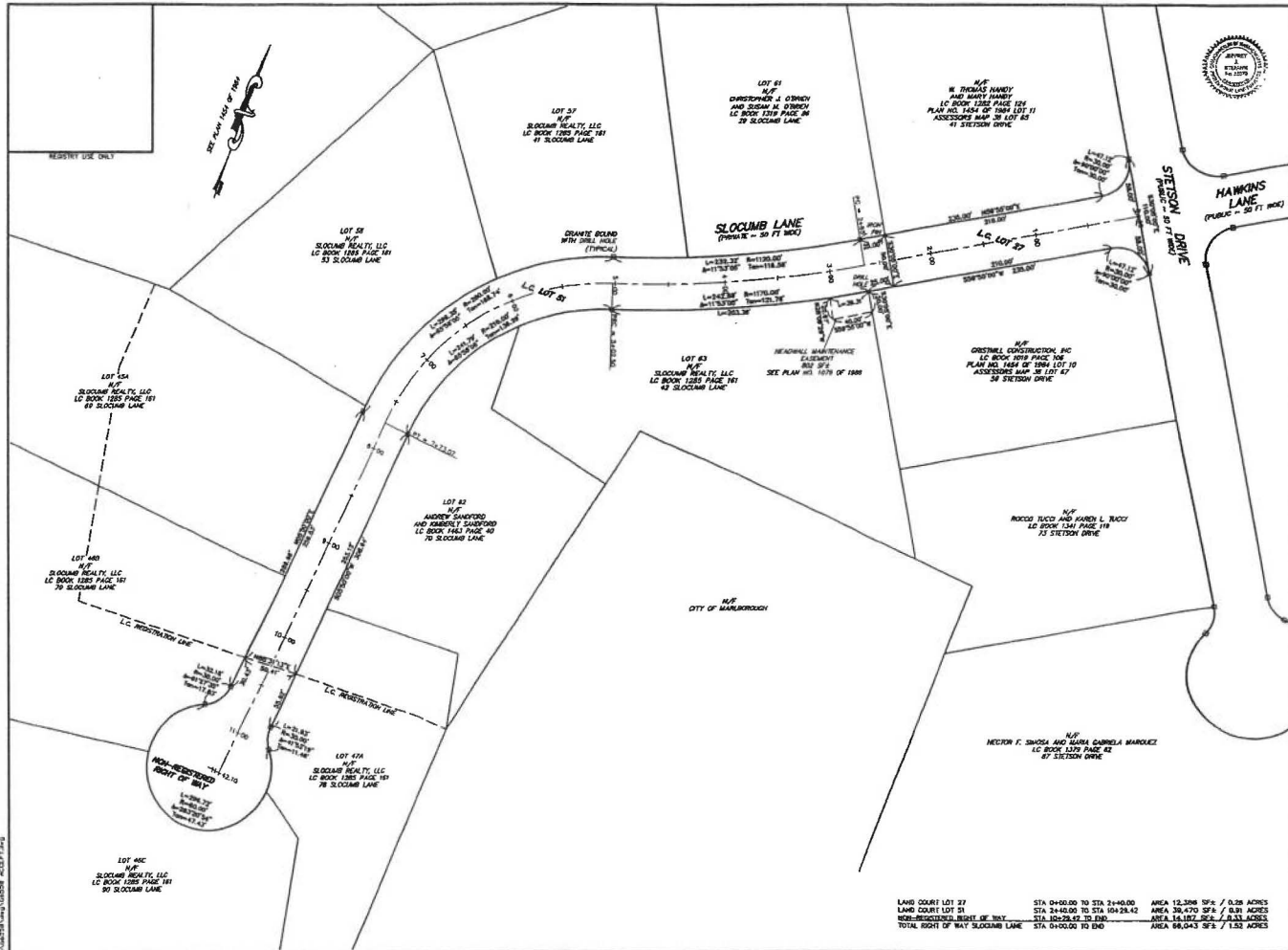
SLOCUMB LANE be accepted as a public way, and its appurtenant headwall maintenance easement be accepted as a municipal easement, in the City of Marlborough.

ADOPTED  
In City Council  
Order No. 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:





1. I CERTIFY THAT THIS PLAN HAS BEEN PREPARED BY ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONAL LAND SURVEYOR.

2. THE CONSTRUCTION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTERED PROFESSIONAL LAND SURVEYOR AND TO BE A CERTIFICATION OF THE TITLE OF OWNERSHIP OF THE LAND SHOWN HEREON.

3. I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAN IS THE PROPERTY OF SLOCUMB REALTY, LLC AND THAT THE LINES OF THE STREETS AND LOTS SHOWN ARE THOSE OF SLOCUMB REALTY, LLC AND HAVE BEEN CONVEYED TO THE CITY OF MARLBOROUGH BY DEED. THE OWNERSHIP OF THE LOTS SHOWN ON THIS PLAN ARE AS FOLLOWS:

PROFESSIONAL LAND SURVEYOR DATE

NOTE: CONSTRUCTION ON THIS PROJECT IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

DIG SAFE NOTE: UTILITIES ARE PLACED FROM FIELD LOCATIONS AND ARE RECORDS NOT CURRENTLY AVAILABLE. ANY RECORDS WHICH ARE NOT EVIDENT OR FOR WHICH RECORDS IDENTIFICATION ARE NOT AVAILABLE, CONTRACTORS ON ACCORDANCE WITH FEDERAL CHAPTER 92 SECTION 10 AS AMENDED MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. "DIG-SAFE" AT RISK.

EXISTING LINES OTHER THAN THOSE SHOWN ON THIS PLAN MAY BE ON THE SITE. THE CONTRACTOR IS WARNED TO PROCEED WITH CAUTION WITH ALL WORK ESPECIALLY EXCAVATION WORK, AND TO MAKE ALL NECESSARY INVESTIGATIONS AT TU POSSIBLE UNMARKED UTILITY LINES.

NOTES

1) SEE THE FOLLOWING PLANS RECORDED AT THE REGISTERED OFFICE REGISTER OF DEEDS:  
 PLAN 700 OF 2012  
 PLAN 846 OF 2002  
 PLAN 0575 OF 1995  
 PLAN 1024 OF 1994  
 LAND COURT CASE #2370

2) SUBJECT PROPERTY WAS CONVEYED TO SLOCUMB REALTY, LLC BY LAND COURT DECREE RECORDED ON JUNE 11, 2004 IN BOOK 1263 PAGE 181.

3) THE UNDERGROUND ELECTRIC DISTRIBUTION EASEMENT CONVEYED TO MASSACHUSETTS ELECTRIC COMPANY RECORDED BY ADJUT 19, 2004 IN LC BOOK 4360 PAGE 257. ALSO SEE SUE EASEMENT CONVEYED TO METAR GAS COMPANY RECORDED ON JUNE 11, 2004 IN BOOK 4361 PAGE 266.

OWNER:  
 SLOCUMB REALTY, LLC  
 120 QUARRY STREET  
 MARLBOROUGH, MA 01757  
 BOOK 4302 PAGE 364

TO BE DEED TO:  
 CITY OF MARLBOROUGH  
 140 MAIN STREET  
 MARLBOROUGH, MA 01752

"CARISBROOKE II"

ACCEPTANCE PLAN  
 OF SLOCUMB LANE AND  
 HEADWALL MAINTENANCE EASEMENT  
 Marlborough, Massachusetts

SCALE: 40 FEET TO AN INCH  
 DATE: SEPTEMBER 26, 2017

REVISIONS

Guerriere  
 & Halton, Inc.  
 Professional Land Surveying  
 22 WEST STREET, SUITE 217  
 MARLBOROUGH, MA 01752  
 (508) 478-8822 FAX (508) 472-6243  
 www.guerriere.com

1" = 40 FEET 80' 120'  
 0' 5' 10' METERS 20' 30'

LAND COURT LOT 27 STA 0+00.00 TO STA 2+40.00 AREA 12.396 SQ# / 0.28 ACRES  
 LAND COURT LOT 51 STA 2+40.00 TO STA 10+28.42 AREA 38.470 SQ# / 0.88 ACRES  
 NON-REGISTERED RIGHT OF WAY STA 10+28.42 TO STA 0+00.00 AREA 14.192 SQ# / 0.33 ACRES  
 TOTAL RIGHT OF WAY SLOCUMB LANE STA 0+00.00 TO END AREA 64.043 SQ# / 1.52 ACRES

SHEET 1 OF 1

9599-0

Quitclaim Deed

Slocumb Realty LLC, a Massachusetts Limited Liability Company and having its usual place of business at 120 Quarry Drive – 2<sup>nd</sup> Floor, Milford, Worcester County, Massachusetts for consideration paid, and in full consideration of Nominal Consideration of Less Than One Hundred Dollars (Less than \$100.00) grants to The City of Marlborough, Massachusetts, a municipal corporation, having an address at City Hall, 140 Main Street, Marlborough, Middlesex County, Massachusetts 01752 **with Quitclaim Covenants**, the land in Marlborough, Middlesex County, Massachusetts described below:

(Description and encumbrances, if any)

That certain parcel of land in Marlborough, Middlesex County, Massachusetts, being all the Grantor's right, title and interest in and to Slocumb Lane, a private 50' wide roadway in the said City of Marlborough more fully described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, WHICH INCLUDES BOTH RECORDED AND REGISTERED LAND AND A HEADWALL EASEMENT AS NOTED THEREIN.

Not all, or substantially all, of the Grantor's assets in the Commonwealth of Massachusetts.

For Grantor's Title, see Land Court Certificate of Title #231114 and Book 43031 Page 384 at the Middlesex South Registry of Deeds.

**In Witness Whereof**, the said Slocumb Realty LLC has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Richard E. Terrill, its Agent hereto duly authorized, this 8<sup>th</sup> day of March in the year two thousand and eighteen.

Signed and sealed in the presence of:

Slocumb Realty LLC

Paul J. Beattie

by

Richard E. Terrill  
Richard E. Terrill, Authorized Signatory

The Commonwealth of Massachusetts

Worcester, ss

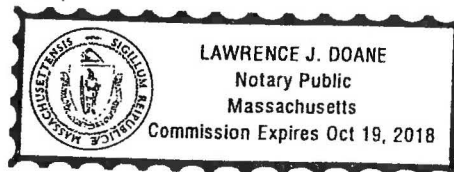
On this the 8<sup>th</sup> day of March, 2018, before me, Lawrence J. Doane, the undersigned Notary Public, personally appeared Richard E. Terrill, who proved to me through satisfactory evidence of Identity, which was a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Lawrence J. Doane

Notary Public

My Commission Expires:

Return to: Paul J. Beattie, Esq.  
F.R.E. Building Co., Inc.  
120 Quarry Drive – 2<sup>nd</sup> Floor  
Milford, MA 01757



Pjb/2/slocumblanequitclaimdeed3

G-6558

LEGAL DESCRIPTION- SLOCUMB LANE, MARLBOROUGH MA

A certain parcel of land depicted as LC Lot 27 (Land Court Plan 2370C), LC Lot 51 (Land Court Plan 2370K) and a non-registered Right-of way on a plan entitled " "CARISBROOKE II" Acceptance Plan Of Slocumb Lane and Headwall Maintenance Easement in Marlborough, Massachusetts Scale: 40 feet to an Inch Date: September 26, 2017, Last Revision: January 18, 2018", prepared by Guerriere & Halnon, Inc., Milford, MA, bounded and described as follows:

Beginning at a point on the Westerly side of Stetson Drive and the Northerly side of Slocumb Lane at land now or formerly of W. Thomas Handy and Mary Handy, said point marking the Northeasterly corner of the herein described parcel;

Thence along said Westerly line of Stetson Drive South 30 degrees 05 minutes 00 seconds East 110.00 feet to a point at land now or formerly of Gristmill Construction, Inc., said point marking the Southerly line of Slocumb Lane;

Thence Westerly following a curve to the left having a radius of 30.00 feet for a distance of 47.12 feet to a point;

Thence South 59 degrees 55 minutes 00 seconds West 235.00 feet to a point;

Thence Westerly following a curve to the right having a radius of 1170.00 feet for a distance of 242.69 feet to a point;

Thence Southwesterly following a curve to the left having a radius of 210.00 feet for a distance of 241.79 feet to a point;

Thence South 05 degrees 50 minutes 00 seconds West 308.94 feet to a point;

Thence Southerly following a curve to the left having a radius of 30.00 feet for a distance of 21.93 feet to a point at the terminus of a cul-de-sac as depicted on said plan;

Thence Southerly, Westerly and Northerly along said cul-de-sac terminus following a curve to the right having a radius of 60.00 feet for a distance of 296.72 feet to a point;

Thence Northerly following a curve to the left having a radius of 30.00 feet for a distance of 32.18 feet to a point;

Thence North 05 degrees 50 minutes 00 seconds East 289.96 feet to a point;

Thence Easterly following a curve to the right having a radius of 260.00 feet for a distance of 299.35 feet to a point;

Thence Easterly following a curve to the left having a radius of 1120.00 feet for a distance of 232.32 feet to a point;

Thence North 59 degrees 55 minutes 00 seconds East 235.00 feet to a point;

Thence Easterly following a curve to the left having a radius of 30.00 feet for a distance of 47.12 feet to said point marking the place of beginning of the herein described parcel.

The herein described Layout of Slocumb Lane is generally fifty (50) feet wide and consists of 66,043 Square feet (1.52 acres) and is more particularly depicted on a plan entitled "Definitive Plan of Land "CARISBROOKE II" in Marlborough, Massachusetts Prepared for Gristmill Construction Inc. Date: March 13, 1987 Last revision: October 1, 1987", prepared by Thompson-Liston Associates, Inc. on file as Plan 1079 of 1988 at the Middlesex District Registry of Deeds.

Included in the above description of Slocumb Lane are the following Lots of Registered Land:

Lot 27: A certain parcel of land in Marlborough, Middlesex County, Massachusetts shown as Lot 27 on a plan entitled "Subdivision Plan of Land in Marlborough, Mass. Owned by H. Joel Rahn, Trustee of Marlborough Trust, being a subdivision of Plan 2370A, filed with Certificate 2167 Scale 1" = 100', October 2, 1984, Revised November 19, 1984, Thompson-Liston Associates Inc. Civil Engineers and Land Surveyors, 436 Park Ave., Worcester, Mass." being Plan 2370C recorded with said Registry.

Lot 51: A certain parcel of land in Marlborough, Middlesex County, Massachusetts shown as Lot 51 on a plan entitled "Subdivision Plan of Land in Marlborough, Thompson-Liston Associates, Inc., Surveyors, October 31, 1987 being Plan 2370F recorded with said Registry

G-6558

LEGAL DESCRIPTION- HEADWALL MAINTENANCE EASEMENT, SLOCUMB LANE, MARLBOROUGH MA

A certain parcel of land depicted on a plan entitled " "CARISBROOKE II" Acceptance Plan Of Slocumb Lane and Headwall Maintenance Easement in Marlborough, Massachusetts Scale: 40 feet to an Inch Date: September 26, 2017, Last Revision: January 18, 2018", prepared by Guerriere & Halnon, Inc., Milford, MA, bounded and described as follows:

Beginning at a point marking the Northeasterly corner of the herein described Easement on the Southerly side of Slocumb Lane, said point also marking the Northeasterly corner of Lot 63 and the Northwesterly corner of land now or formerly of Gristmill Construction, Inc., as depicted on the aforementioned plan;

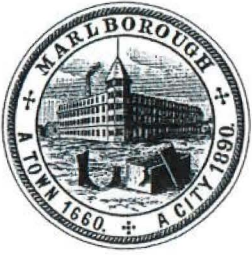
Thence along said lot line of Gristmill Construction, Inc. and Lot 63 South 30 degrees 05 minutes 00 seconds East 20.00 feet to a point;

Thence South 59 degrees 55 minutes 00 seconds West 40.00 feet to a point;

Thence North 28 degrees 09 minutes 29 seconds West 20.67 feet to a point at said Southerly line of Slocumb Lane;

Thence along said Slocumb Lane Easterly following a curve to the left having a radius of 1170.00 feet for a distance of 39.31 feet to said point marking the place of beginning of the herein described Easement.

The herein described Easement, consisting of 802 square feet, is to encumber said Lot 63 and is more particularly depicted on a plan entitled "Definitive Plan of Land "CARISBROOKE II" in Marlborough, Massachusetts Prepared for Gristmill Construction Inc. Date: March 13, 1987 Last revision: October 1, 1987", prepared by Thompson-Liston Associates, Inc. on file as Plan 1079 of 1988 at the Middlesex District Registry of Deeds.



# City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

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

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CITY OF MARLBOROUGH

DONALD V. RIDER, JR.  
CITY SOLICITOR

2018 MAY 15 P 1:37

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

May 17, 2018

Edward Clancy, President and Members  
Marlborough City Council

RE: Zoning Ordinance Amendments – City Code §650-32 Medical Marijuana Treatment Center; Adult Use Marijuana Retail; Marijuana Accessories Retail; And Medical and/or Adult Use Marijuana Cultivator, Independent Testing Laboratory, Product Manufacturer or Transporter  
Order No. 18-1007163-2C

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. 18-1007163-2C. Said Order is in proper form for consideration by the body.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin  
Assistant City Solicitor

Enclosure

ORDERED:

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

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

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

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

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

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

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

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

4. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (47), as follows:
- (47) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter:
- (a) Shall only be located within those portions of the I and LI Districts located west of Interstate Highway Route 495;
  - (b) Shall be limited in number to one (1) of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;
  - (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council (the "Special Permit Granting Authority");
  - (d) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and
  - (e) No outside storage or display of marijuana, related supplies, equipment, or educational materials is permitted.
5. The title of Section 650-32, "MEDICAL MARIJUANA TREATMENT CENTER", is hereby stricken and inserted in place thereof shall be the following new title for Section 650-32:
- "MEDICAL MARIJUANA TREATMENT CENTER; ADULT USE MARIJUANA RETAIL; MARIJUANA ACCESSORIES RETAIL; AND MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER ".
6. Paragraph A. of Section 650-32 is hereby amending by inserting at the beginning thereof the following words:
- "MEDICAL MARIJUANA TREATMENT CENTERS"
7. Section 650-32 is hereby amended by inserting after Paragraph A. therein the following new paragraphs A1. and A2.:



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

defined in M.G.L. c. 96G, § 1, as amended; provided that Adult Use Marijuana, Marijuana or Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

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

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

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

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

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

MEDICAL AND/OR ADULT USE MARIJUANA PRODUCT MANUFACTURER means an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana

products to Marijuana Establishments and/or to Medical Marijuana Treatment Centers, but not to consumers.

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

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

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

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

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

“for clients, customers and products;”

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

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

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

The five hundred (500) foot distance in this paragraph F.1. is measured in a straight line from the nearest point of the building in which the school or daycare center in question is located to the

nearest point of the building within which the proposed adult use marijuana retail business, marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.

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

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

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

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

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

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

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

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

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

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

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

ADOPTED  
In City Council  
Order No. 18-1007163-2C  
Adopted

Approved by Mayor  
Arthur G. Vigeant

Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

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

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 CITY OF MARLBOROUGH  
 2018 MAY 16 P 12:00

*DONALD V. RIDER, JR.*  
 CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
 ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
 PARALEGAL

May 17, 2018

Edward Clancy, President and Members  
 Marlborough City Council

RE: Acceptance of Grant of Public Walking Trail Easement  
 Order No. 1007223

Dear President Clancy and Members:

Attached for your consideration are the Order and related documents concerning the Fairfield (fka Talia) public walking trail easement. These items are submitted, in proper legal form, pursuant to the May 15, 2018 review of the Legislative and Legal Affairs Committee, and a recommendation to approve under a suspension of the rules.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin  
 Assistant City Solicitor

Enclosures

ORDERED:

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

DESCRIPTION

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

IT IS THEREFORE ORDERED THAT:

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

ADOPTED  
In City Council  
Order No. 18-1007223  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

### PUBLIC WALKING TRAIL EASEMENT

FAIRFIELD MARLBOROUGH LIMITED PARTNERSHIP, a Delaware limited partnership, having an address of 7301 N. SH-161, Suite 260, Irving, TX 75039 (“Grantor”), for consideration of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, hereby grants to the CITY OF MARLBOROUGH, Massachusetts, having an address of 140 Main Street, Marlborough, MA 01752 (“Grantee”), with QUITCLAIM COVENANTS, a non-exclusive right and easement up to six (6) feet in width in the location approximately shown as “Pedestrian Route” (the “Easement Area”) on the plan attached as Exhibit A entitled “Public Access Route Talia” dated 11/28/17, for passive recreational use of a walking trail / route within the Easement Area, on the terms and conditions set forth in this Easement, which shall be deemed to be reserved rights of Grantor, and which are hereby accepted and agreed to by Grantee by its recording of this Easement. The Easement is located on “Grantor’s Land” being that certain property commonly known and numbered as 155 Ames Street, Marlborough, MA 01752, more particularly described in that certain Confirmatory Deed dated March 11, 2015 and recorded with Middlesex South Registry of Deeds in Book 65061, Page 181.

The purpose of said non-exclusive right and easement is to provide members of the general public with the passive recreational pedestrian use of said walking trail / route, between the crosswalk over Ames Street at the driveway entrance to the apartment complex on Grantor’s Land, and the connecting trails over abutting land to the north now or formerly of Arturo J. Gutierrez, John A. Cataldo and Arthur J. Gutierrez, Jr., Trustees of the Marlborough / Northborough Land Realty Trust, a Massachusetts nominee trust, created under Declaration of Trust dated October 12, 2000 and recorded with the Middlesex South Registry of Deeds in Book 31932, Page 433, as amended, which connecting trails are more particularly described in (a) that certain Walking Trail Easement dated April 30, 2014, 63556, Page 536, and (b) that certain Public Walking Trail Easement dated April 30, 2014 and recorded with said Registry in Book 63556, Page 554, and provide access to the signalized intersection of Northboro Road East and



Boston Post Road (aka Route 20) in said Marlborough, Massachusetts (collectively, such trails on the abutting land are referred to as the "Connecting Trails").

The Grantor shall reasonably maintain the walking trail and the sidewalk and crosswalks within the Easement Area. Grantee acknowledges and agrees that in part the walking trail / route may be an unimproved woods trail or path and may have slopes or surfaces that are not compliant with applicable accessibility regulations or requirements, and that Grantor shall have no obligation to improve the walking trail / route to comply with the Americans with Disabilities Act, or any other applicable state, federal or local law, regulation, guidance or order concerning accessibility, and that any such compliance shall be the sole obligation of Grantee at Grantee's sole cost and expense, and subject to Grantor's right to review and approve any plans and specifications, and further subject to temporary construction easements with reasonable working hours, approved by Grantor, which approvals shall not be unreasonably withheld.

The use of the Easement Area by the general public shall be subject to reasonable rules and regulations established and modified from time to time by Grantor. Without limiting the generality of the foregoing, Grantee hereby acknowledges and agrees that such use by the general public shall be limited to the hours of dawn to dusk, that the Easement Area shall be used only for pedestrian travel and at the sole risk of users, that the Easement Area crosses land developed and used for multi-family housing, that Grantor has a reasonable interest in the safety, orderliness, and quiet enjoyment of the area by Grantor's tenants, employees, agents, contractors and its tenant's guests and invitees and, accordingly, that Grantor shall have the right at any time, and from time to time, to suspend public use of the Easement Area if the public use thereof gives rise to reasonable health, safety, welfare or aesthetic concerns by Grantor or persons claiming by, through or under Grantor (e.g., unleashed dogs, pet feces, litter, criminal activity, loud, disruptive or abusive behavior, trespass on other portions of the Grantor's property, or the like), and to terminate this Easement upon 30 days' written notice to Grantee, if Grantor has documented a pattern of misuse or abuse and, despite such warning and documentation, the pattern has continued or resumed.

Grantor and Grantee, with the review and approval of Grantor, shall each have the right to post reasonable way-finding signage along the walking trail / route, to post rules and regulations concerning usage, and to post signage warning of potentially hazardous conditions, and disclaiming liability, all at the sole cost and expense of the party posting the signage. Grantor shall have no obligation to remove snow or ice from the walking trail / route except for those portions located on paved sidewalks or road and, even then, only to the extent otherwise required by applicable law.

Notwithstanding any language to the contrary contained in this Easement, Grantor and Grantee shall have all the benefits and protections of the limitation on liability contained in Massachusetts General Laws Chapter 21, Section 17C, to the fullest extent provided therein.

Grantor reserves to itself and its successors and assigns: (i) the right to relocate, from time to time, at Grantor's sole cost and expense and without any right of approval by Grantee beyond approvals otherwise required under then applicable law, the Easement Area as may be necessary or desirable for Grantor's use, development and redevelopment of the Grantor's Land, provided that (a) Grantor notifies Grantee in writing in advance, which such notice shall contain a new description and plan, both to be prepared and recorded at Grantor's expense, and (b) the relocated Easement Area does not significantly lessen the utility of the Easement Area for the intended purpose, does not unreasonably increase the burdens on the use and enjoyment of the Easement Area by the members of the general public, and does not frustrate the purpose for which the Easement was created but rather continues substantially to provide the public with a passive, recreational, pedestrian connection as contemplated in this Easement; (ii) the right to use portions of the Easement Area from time to time for the purposes of providing access and egress to and from the Grantor's Land including, without limitation, for ways, drives, utilities, parking areas, loading and unloading construction, repairs, sidewalks, landscaping and amenities; and (iii) the right to use and to grant others the right to use the Easement Area for any and all other purposes that do not materially interfere with the use by the general public of the Easement Area for passive recreational pedestrian use.

The use by the general public of the Easement Area may be suspended from time to time for the duration of any (i) maintenance or repair work on the Grantor's Land and any improvement thereon including without limitation any work following storm events, fire and other casualty, and any demolition or reconstruction; (ii) any suspension in the use of the Connecting Trail whether arising from disuse, mis-use, storm or other damage, fire or fire hazard, or lack of proper maintenance or otherwise; or (iii) relocation of the Connecting Trail to a location where the Connecting Trail no longer connects to the Easement Area. In addition, the Grantor reserves the right to terminate this Easement by written notice to the Grantee and recording thereof with the Registry of Deeds, if the Connecting Trail is permanently closed or no longer provides access to a retail center on the northwesterly side of Boston Post Road, or if the Grantee establishes or obtains another path elsewhere making the same connection.

The rights and obligations established hereby shall run with Grantor's Land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective successors and assigns in perpetuity. This Easement is in the nature of an easement in gross. This Easement may not be amended without written consent of the Grantor and the Grantee and any person then holding a mortgage on Grantor's Land.


For Grantor's title, see Confirmatory Deed recorded with said Registry in Book 65061, Page 181.

[The remainder of this page is intentionally blank.]

WITNESS our hands and seals as of this 10<sup>th</sup> day of January, 2018.

FAIRFIELD MARLBOROUGH LIMITED  
PARTNERSHIP, a Delaware limited partnership

By: BF VAMF II GP LLC, a Delaware limited liability  
company  
its General Partner

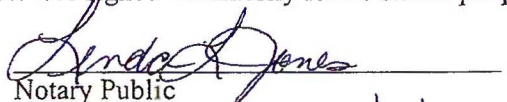
By:   
Name: Doug Ness  
Title: Senior Vice President

State of Texas

County of Dallas, ss.

On this 10<sup>th</sup> day of January, 2018, personally appeared before me Doug Ness, as Senior Vice President on behalf of Fairfield Marlborough Limited Partnership, who proved to me through satisfactory evidence of identification, to wit, a driver's license, to be the signer of the foregoing document, and acknowledged to me that the same was signed voluntarily for its stated purpose.



  
Notary Public  
My Commission expires: 12/31/2020

[Signatures continued on next page.]

Consented to:

Grantor's Mortgagee:  
CAMBRIDGE SAVINGS BANK

By: *Paul C. Davis*  
Name: Paul C. Davis  
Title: Vice President

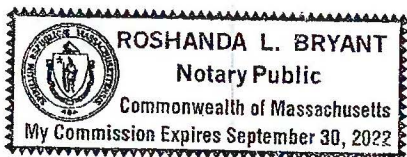
State of Mass

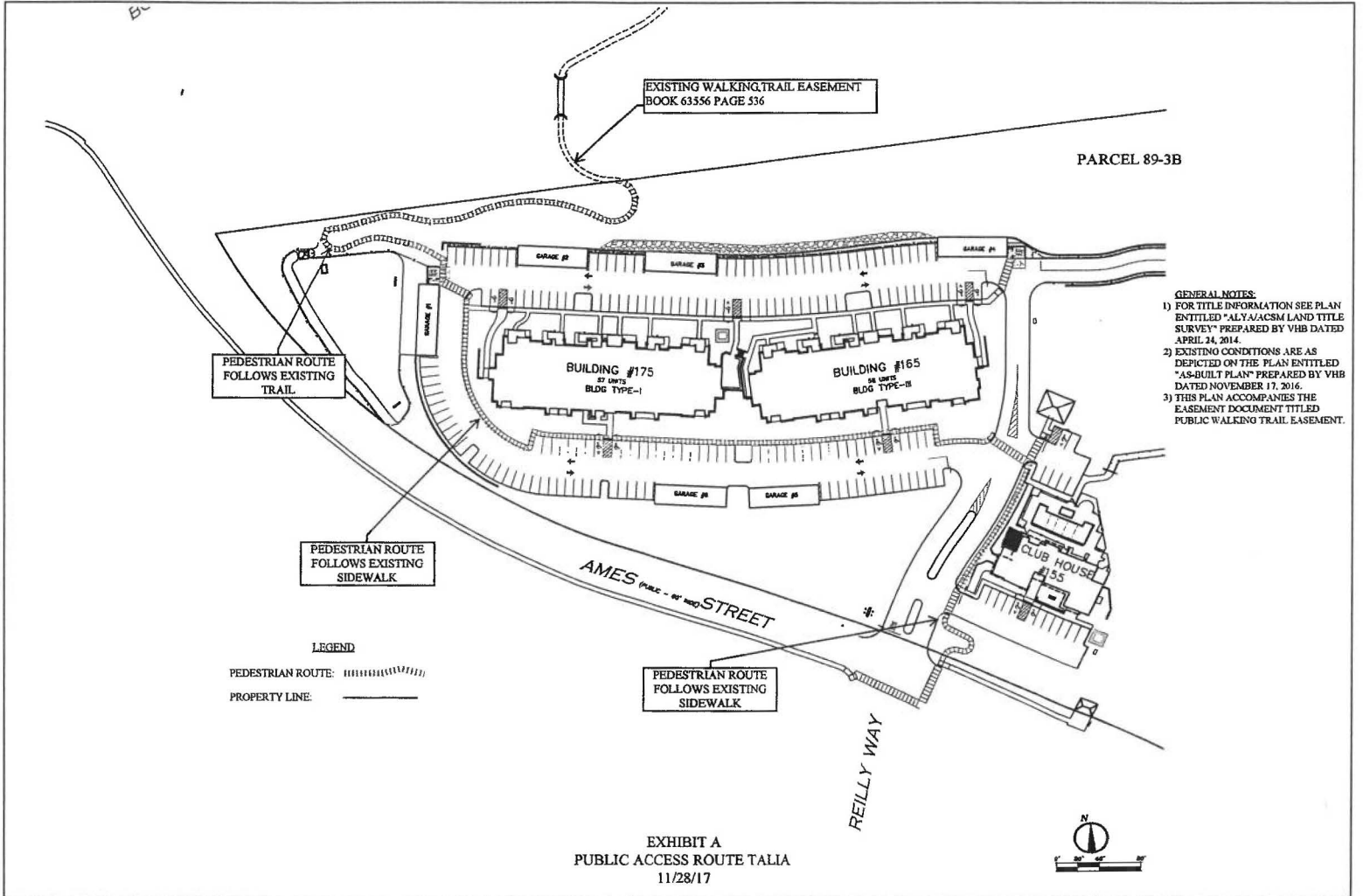
County of Middlesex, ss.

On this 24<sup>th</sup> day of January, 2018, personally appeared before me Paul C. Davis, as Vice President on behalf of Cambridge Savings Bank, who proved to me through satisfactory evidence of identification, to wit, a driver's license, to be the signer of the foregoing document, and acknowledged to me that the same was signed voluntarily for its stated purpose.

[SEAL]

*Roshanda Bryant*  
Notary Public *Roshanda Bryant*  
My Commission expires: September 30, 2022





- GENERAL NOTES:**
- 1) FOR TITLE INFORMATION SEE PLAN ENTITLED "ALYAAACSM LAND TITLE SURVEY" PREPARED BY VHB DATED APRIL 24, 2014.
  - 2) EXISTING CONDITIONS ARE AS DEPICTED ON THE PLAN ENTITLED "AS-BUILT PLAN" PREPARED BY VHB DATED NOVEMBER 17, 2016.
  - 3) THIS PLAN ACCOMPANIES THE EASEMENT DOCUMENT TITLED PUBLIC WALKING TRAIL EASEMENT.

EXHIBIT A  
PUBLIC ACCESS ROUTE TALIA  
11/28/17



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 MAY 10 P 4: 39

*City of Marlborough*  
*Commonwealth of Massachusetts*

## PLANNING BOARD

Barbara L. Fenby, Chair  
Colleen Hughes  
Philip Hodge  
Sean N. Fay  
George LaVenture  
Greg Gallagher  
Christopher Russ

Krista Holmi, Administrator

Phone: (508) 624-6910 x33200

Email: [planning\\_board@marlborough-ma.gov](mailto:planning_board@marlborough-ma.gov)

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

May 8, 2018

Edward Clancy, President  
Marlborough City Council  
140 Main St.  
Marlborough, MA 01752

RE: Council Order#18-1007163-2 Proposed Zoning Amendments, Section 650, (Marijuana Ordinance)

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on May 7, 2018, the Board took the following action regarding the above referenced Council order:

On a motion by Mr. LaVenture and seconded by Mr. Gallagher, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment noting the following additional recommendations:

1. With respect to the five hundred (500) foot distance between marijuana facilities and schools/daycares. Modify language as follows: *The five hundred (500) foot distance... is measured in a straight line from the nearest point of the building...* The Board suggests: *The five hundred (500) foot distance... is measured in a straight line from the nearest point of the property line...*
2. Section 650-18 Modify *Shall have "frontage"* to read *Shall have "primary access" on Massachusetts State Highway Route 20 (Boston Post Road)*
3. Section 650-18 Modify *Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street* **to read** *Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to the westerly side of Diconzo Boulevard.*

Motion Carried.

Sincerely,

Barbara L. Fenby  
Chairperson

cc: City Clerk



*City of Marlborough*  
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 CITY OF MARLBOROUGH  
*Commonwealth of Massachusetts*  
 2018 MAY 10 P 4:39

PLANNING BOARD

Barbara L. Fenby, Chair  
 Colleen Hughes  
 Philip Hodge  
 Sean N. Fay  
 George LaVenture  
 Greg Gallagher  
 Christopher Russ

Krista Holmi, Administrator

Phone: (508) 624-6910 x33200

Email: [planning\\_board@marlborough-ma.gov](mailto:planning_board@marlborough-ma.gov)

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

May 8, 2018

Edward Clancy, President  
 Marlborough City Council  
 140 Main St.  
 Marlborough, MA 01752

RE: Council Order#18-1007134 Proposed Zoning Amendment, Section 650-36, Commercial Village Housing Overlay District.

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on May 7, 2018, the Board took the following action regarding the above referenced Council order:

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a negative recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer did not establish that the proposed overlay district would result in a development that was preferable to any other potential use of the subject parcel;
- The developer did not establish to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district would have been unduly burdensome to single family residential abutters;
- The developer did not establish that the proposed overlay district would benefit the City in any compelling way;
- MAPC's finding of a particular housing need should not be used as justification that a particular type of housing should be allowed on every available parcel absent a finding that a proposed overlay district fits into the specific neighborhood involved, and approval of the overlay district would benefit the City;
- What a developer wants to build on a property, or the attractiveness of a proposed project, should not be used as the principal justifications for an overlay district.

Sincerely,

*Barbara L. Fenby/KH*

Barbara L. Fenby  
 Chairperson

cc: City Clerk  
 File

# MARLBOROUGH RETIREMENT BOARD

255 Main Street, Room 201  
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

## Board Members

*Gregory P. Brewster, Chairman*

*David Keene*

*Diane Smith*

*Daniel J. Stanhope*

*William S. Taylor*

May 7, 2018

President and Members  
Marlborough City Council  
140 Main Street, City Hall  
Marlborough, MA 01752


RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 MAY - 8 A 9 28

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its June meeting.

The meeting will be held on June 26th at 8:15 a.m. in the first floor conference room at the Walker Building, 255 Main Street, Marlborough.

Sincerely,

  
Margaret R. Shea  
Director



## Lisa Thomas

---

**From:** City Council  
**Sent:** Wednesday, May 16, 2018 8:13 PM  
**To:** Lisa Thomas  
**Cc:** Steven Kerrigan; Sara Corbin  
**Subject:** To City Clerk for May 21, 2018 Agenda: Letter of Support From Colie ODonnell—Airport Zoning

**From:** Colie ODonnell <[codonnell@vetlands.org](mailto:codonnell@vetlands.org)>  
**Date:** May 16, 2018 at 6:51:21 PM EDT  
**To:** <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Subject:** Airport

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2018 MAY 17 A 10:13

Dear Members of the City Council,

As a resident of the eastern side of the city, at Spring Hill Farm, 506 Broadmeadow Street, I have been following with keen interest the proceedings regarding the proposed zoning change that would allow a senior residential community to be built on the airport land. I very much support having a senior community on the airport land. Residential development has co-existed with light industrial/retail businesses in this area for many decades. Having a senior community there, with proper screening, will not cause problems for local businesses. In fact, I believe it will benefit the local businesses, most of which serve the local community. These businesses stand to gain new customers from the new residential community. Beyond that, the proximity of the proposed community to Callahan State Park is a wonderful attribute for older folks, allowing them easy access to the many benefits of walking in the park. I urge you to support and facilitate the necessary zoning changes and approvals to get this project moving forward.

Sincerely,  
 Colie ODonnell  
 Spring Hill Farm  
 506 Broadmeadow Street  
 Marlborough, MA 01752  
 cell: 978-318-9310  
 email: [codonnell@vetlands.org](mailto:codonnell@vetlands.org)

---

**MIRICK O'CONNELL**

ATTORNEYS AT LAW

 RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

2018 MAY 17 A 8:41

**Brian R. Falk**  
 Mirick O'Connell  
 100 Front Street  
 Worcester, MA 01608-1477  
 bfalk@mirickoconnell.com  
 t 508.929.1678  
 f 508.983.6256

May 17, 2018

Councilor Edward Clancy, President  
 Marlborough City Council  
 City Hall  
 Marlborough, MA 01752

Re: Proposed Zoning Amendment – Ancillary Residential Communities

Dear Councilor Clancy:

I represent Williams Street Holdings LLC (Williams Street), the owner of land located at 615 Williams Street, Assessors Map 113, Parcel 6. On behalf of Williams Street, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough by allowing Ancillary Residential Communities by special permit in Retirement Community Overlay Districts, as specified in the enclosed Proposed Order. In accordance with M.G.L. c. 40A, § 5, Williams Street is the owner of land to be affected by this proposed amendment.

As you may recall, Williams Street previously proposed an over-55 Ancillary Residential Community consisting of 28 units in a single building. The project had the support of the adjacent Villages at Crane Meadow retirement community. However, unbeknownst to Williams Street until recently, the City's published Zoning Ordinance erroneously contained provisions authorizing Ancillary Residential Communities, but those provisions were repealed by the Council in 2011. The proposed amendment would restore the Ancillary Residential Community provisions in substantially the same form, but with a few revisions to clarify certain terms.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council. Thank you for your time and attention to this matter.

Sincerely,

Brian R. Falk

BRF/ljk

Encl.

cc: Client  
 Arthur P. Bergeron

---

**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**PROPOSED CITY COUNCIL ORDER**

**ORDERED:**

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

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

**ANCILLARY RESIDENTIAL COMMUNITY**

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

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

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

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

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

- (a) An Ancillary Residential Community shall be permitted: (i) as part of a retirement community and authorized in conjunction with the granting of a special permit for the retirement community or an amended special permit for the retirement community; or (ii) as a principal use through a separate special permit for a lot adjacent to a retirement community, provided that the organization governing the adjacent retirement community provides written consent to the filing of such special permit application.
- (b) The Ancillary Residential Community’s principal building shall face upon an existing street, or the street-facing side of the building shall be designed in a manner satisfactory to the City Council.
- (c) The Ancillary Residential Community’s principal building shall have a maximum height of 2 1/2 stories.
- (d) The Ancillary Residential Community’s principal building shall have a minimum front yard of 10 feet. Each building, whether principal or accessory, shall be at least

50 feet from any other building by air line distance between the nearest points of the building.

- (e) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room in a dwelling unit shall contain less than 120 square feet.
- (f) No part of any building in any Ancillary Residential Community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in the retirement community.
- (g) All site landscaping shall be designed so as to provide a clear sense of separation between the Ancillary Residential Community and the retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.
- (h) The City Council may, as a condition of any special permit for an Ancillary Residential Community, require that the land area on which the Ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the Ancillary Residential Community will not be subdivided or its ownership further condominiumized, that the Ancillary Residential Community will remain as rental housing, and that ownership of the Ancillary Residential Community will remain consolidated.
- (i) The total number of units in an Ancillary Residential Community shall not exceed 30% of the combined total of retirement community and Ancillary Residential Community units.

ADOPTED  
In City Council  
Order No. 18-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 MAY 16 A 10:37

Comcast  
David R. Flewelling  
Specialist 2 Construction  
9 Forbes Road, Suite 9B  
Woburn, MA 01801  
Cell – 617-279-7864  
[dave\\_flewelling@comcast.com](mailto:dave_flewelling@comcast.com)

May 15, 2018

Ms. Lisa M. Thomas  
City Clerk  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

RE: 46 Lizotte Drive  
Grant of Location-Petition

Dear Ms. Thomas:

Enclosed please find materials supporting Comcast request for a grant of location from the City of Marlborough. The work associated with the attached petition is for the purpose of installing a new underground conduit to 46 Lizotte Drive. All excavation work will take place on Lizotte Drive, for a more detailed description of the work please refer to the attached construction plan.

I look forward to the opportunity to address this matter in further detail at the next Marlborough City Council Meeting.

Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling".

David R. Flewelling  
Comcast  
Specialist 2, Construction

Enclosure (3)

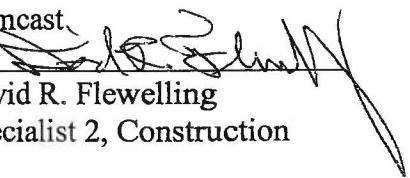
PETITION OF COMCAST FOR LOCACTION FOR CONDUITS AND MANHOLES

To the City Council for the City of Marlborough, Massachusetts:

Respectfully represents Comcast Cable Communications Management, LLC, a company incorporated for the distribution of telecommunications services, that it desires to construct a line for such telecommunications under the public way or ways hereinafter specified.

**Lizotte Drive:** Starting at the existing utility pole number 24-1 located at the intersection of Williams Street. Placing (1) 3" PVC conduit 390'+/\_ to proposed 24"x 36" vault and locating the existing conduit coming from 46 Lizotte Drive.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by Dewsnap Engineering Associates, LLP. Dated May 9, 2018, and filed here with, under the following public way or ways of said City of Marlborough

Comcast  
By:   
David R. Flewelling  
Specialist 2, Construction

Dated this May 15, 2018

City of Marlborough Massachusetts

Received and filed \_\_\_\_\_, 2018

\_\_\_\_\_

ORDER FOR CONDUIT LOCATION

In the City Council for the City of Marlborough, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast Cable Communications Management, LLC., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated May 15,2018

**Lizotte Drive:** Starting at the existing utility pole number 24-1 located at the intersection of Williams Street. Placing (1) 3" PVC conduit 390'+/\_ to proposed 24"x 36" vault and locating the existing conduit coming from 46 Lizotte Drive.

Substantially as shown on plan marked - Proposed Comcast Underground, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council for the City of Marlborough, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

(over)

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., at Marlborough, Massachusetts a public hearing was held on the petition of the Comcast for permission to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice the time and place of said hearing to each of the owners of real estate determined by the last preceding assessment for taxation along the ways parts of ways upon which the Company is permitted to construct the lines said Company under said order. And that thereupon said order was duly adopted.

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

Marlborough City Council; Marlborough, Massachusetts

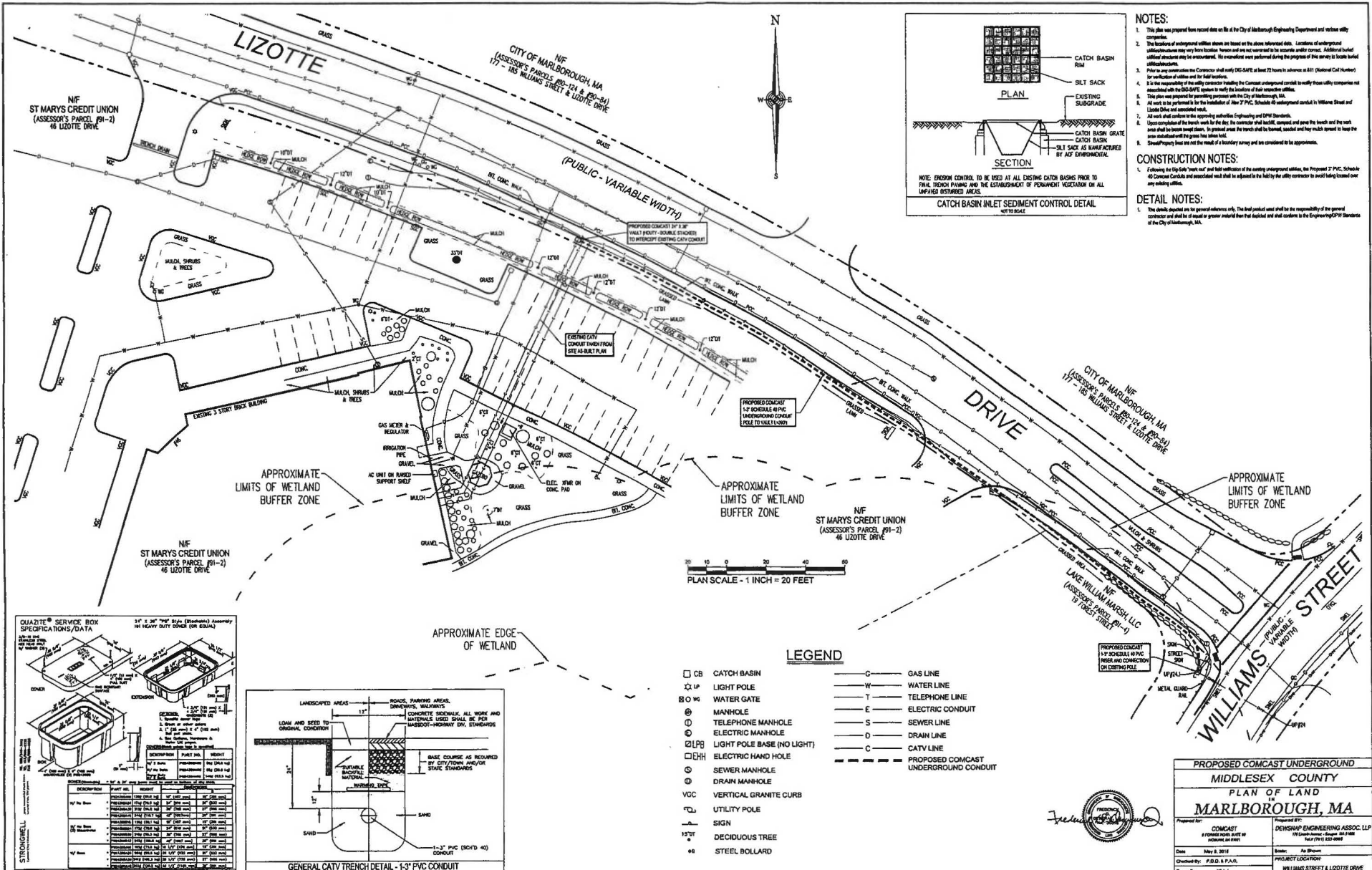
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with the notice adopted by the City Council for the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, recorded with the records of location orders of said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provision of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
City Clerk





**NOTES:**

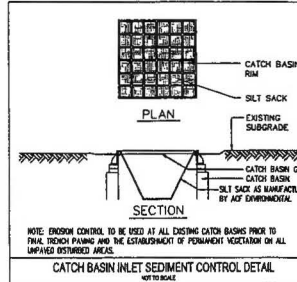
- This plan was prepared from record data on file at the City of Marlborough Engineering Department and various utility companies.
- The locations of underground utilities shown are based on the above referenced data. Locations of underground infrastructure may vary from location, depth and size as warranted by the applicable utility records. Additional detailed utility information may be necessary. No excavations were performed during the progress of the survey to locate buried infrastructure.
- If at any time the Contractor shall notify the City of Marlborough at least 72 hours in advance at 811 (District Call Number) for verification of utilities and for field location.
- It is the responsibility of the utility contractor handling the Comcast underground conduit to verify these utility companies not associated with the ENG-DAVE system to verify the location of their respective utilities.
- This plan was prepared for permitting purposes with the City of Marlborough, MA.
- All work to be performed is for the installation of 1.5" Schedule 40 underground conduit in Williams Street and Lizotte Drive and associated work.
- All work shall conform to the governing authorities Engineering and DPW Standards.
- Upon completion of the trench work for the day, the contractor shall backfill, compact and grade the trench and the work area shall be restored to original condition. If ground near the trench shall be heaved, settled and they shall report to keep the area undisturbed until the grass has taken hold.
- Should Property lines not be the result of a boundary survey and be considered to be approximate.

**CONSTRUCTION NOTES:**

- Following the City's "work out" and field verification of the existing underground utilities, the Proposed 1.5" Schedule 40 Conduit and associated work shall be adjusted to the field by the utility contractor to avoid being located over any existing utilities.

**DETAIL NOTES:**

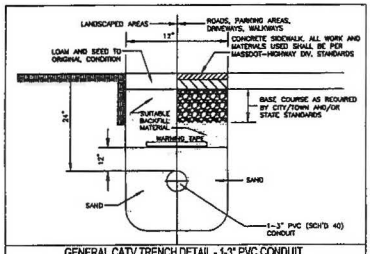
- The details depicted are for general reference only. The final product used shall be the responsibility of the general contractor and shall be at least of equal or greater material than that depicted and shall conform to the Engineering DPW Standards of the City of Marlborough, MA.



**QUAZITE® SERVICE BOX SPECIFICATIONS/DATA**

12" x 12" x 12" Sign (Standard) Assembly  
1/4" HEAVY DUTY COVER (OR EQUAL)

DESCRIPTION	Part #	Material	Quantity	Notes
12" x 12" x 12" Sign	121212	Aluminum	1	1/4" Heavy Duty Cover (or Equal)
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- LEGEND**
- CB CATCH BASIN
  - ☆ LP LIGHT POLE
  - ⊗ W WATER GATE
  - ⊙ M MANHOLE
  - ⊙ TM TELEPHONE MANHOLE
  - ⊙ EM ELECTRIC MANHOLE
  - ⊙ LPH LIGHT POLE BASE (NO LIGHT)
  - ⊙ EHH ELECTRIC HAND HOLE
  - ⊙ SM SEWER MANHOLE
  - ⊙ DM DRAIN MANHOLE
  - VGC VERTICAL GRANITE CURB
  - ⊙ UP UTILITY POLE
  - SIGN
  - 15"DT \* DECIDUOUS TREE
  - 48 STEEL BOLLARD
  - G GAS LINE
  - W WATER LINE
  - T TELEPHONE LINE
  - E ELECTRIC CONDUIT
  - S SEWER LINE
  - D DRAIN LINE
  - C CATV LINE
  - PROPOSED COMCAST UNDERGROUND CONDUIT

**PROPOSED COMCAST UNDERGROUND**

**MIDDLESEX COUNTY**

**PLAN OF LAND**

**MARLBOROUGH, MA**

Prepared by: **COMCAST**  
4 FORD ROAD, SUITE 100  
MARLBOROUGH, MA 01501

Prepared by: **DESIGNER ENGINEERING ASSOC. LLP**  
100 South Street, Suite 100  
MARLBOROUGH, MA 01501

Date: May 6, 2013

Drawn by: P.D.D. & P.A.R.

Project Location: WILLIAMS STREET & LIZOTTE DRIVE



# 0 foot Abutters List Report

Marlborough, MA  
May 15, 2018

*Underground Cable  
Direct + Across*

## Subject Property:

Parcel Number: 91-2  
CAMA Number: 91-2  
Property Address: 46 LIZOTTE DR

Mailing Address: ST MARYS CREDIT UNION  
ATTN ACCOUNTS PAYABLE PO BOX 729  
MARLBOROUGH, MA 01752

## Abutters:

Parcel Number: 80-124  
CAMA Number: 80-124  
Property Address: 177-185 WILLIAMS ST

Mailing Address: CITY OF MARLBOROUGH  
140 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 91-113  
CAMA Number: 91-113  
Property Address: 202 WILLIAMS ST

Mailing Address: ST ANGELO DEBORAH  
202 WILLIAMS ST  
MARLBOROUGH, MA 01752

Parcel Number: 91-4  
CAMA Number: 91-4  
Property Address: 19 FOREST ST

Mailing Address: LAKE WILLIAM MARSH LLC  
182 WEST CENTRAL ST STE 303  
NATICK, MA 01760

Parcel Number: 91-7  
CAMA Number: 91-7  
Property Address: 146-154 WILLIAMS ST

Mailing Address: JACKSON ROBERT J  
233 CLOVER HILL ST  
MARLBOROUGH, MA 01752

## MARLBOROUGH ASSESSORS

*Anthony C. Amadio  
Ellen K. Silverstein  
David M. Doyle*



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5/15/2018

Page 1 of 1



# Marlborough Public Schools

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CITY OF MARLBOROUGH  
2018 MAY 14 A 9 09

**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

## Call to Order

**April 24, 2018**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Ryan, Mrs. Matthews, Mrs. Hennessy, and Mr. Geary. Also present were Superintendent Maureen Greulich, Assistant Superintendent of Finance and Operations Michael Bergeron, Assistant Superintendent of Teaching and Learning Mary Murphy, Student Representative Heidi Di Persio and Administrative Support Donna Marshall.
2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None
4. **Committee Discussion/Directives:**
5. **Communications:** None
6. **Superintendents Report:**  
Superintendent Greulich presented her report covering a range of topics which included the Bridges to Malawi program that Marlborough High School participated in and The MEDC Workforce Development session that took place on April 10<sup>th</sup> between the Superintendent, Mayor Vigeant, MEDC Executive Director Meredith Harris and a group of Marlborough employers. The Superintendent also discussed the students who will be representing Marlborough High School at the Congressional Art Awards hosted by Congresswoman Niki Tsongas to support high quality arts programming and the upcoming Staff Appreciation Day. Additionally, Superintendent Greulich shared background information she had discovered about the Thresher Memorial. Her research came about as the result of an email received from a 1969 Marlborough High graduate who is working toward getting a U.S.S. Thresher Monument Memorial in Arlington National Cemetery.

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



# Marlborough Public Schools

## *School Committee*

*17 Washington Street, Marlborough, MA 01752  
(508) 460-3509*

### **A. Assistant Superintendent of Finance and Operations Report**

Assistant Superintendent Michael Bergeron presented his report outlining the Food Services Account balances as of mid-April 2018. Mr. Bergeron also discussed the process of working through potential personnel changes for FY19 and the effect on the budget process, as well as the operational projects that will need to begin prior to the potential passing of the bond for the school project on April 23<sup>rd</sup> and the FY18 spend down process for the current budget.

**7. Acceptance of Minutes:** None

**8. Public Participation:** None

### **9. Action Items/Reports:**

#### **A. Before and After School Programs at Whitcomb, Jaworek, Kane and Richer Schools**

John Ghiloni put forth a recommendation that the School Committee approve the fourth renewal for the lease with Kidsborough from July 1, 2018 to June 30, 2019.

A motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the contract renewal. Motion passed 5-0-0.

#### **B. Policy Acceptance**

School Committee Sub-Committee Chair Katherine Hennessy put forth the following policies for approval:

##### **1. Policy #1.100 Non-Discrimination**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy 1.100. Motion passed 5-0-0.

##### **2. Policy #2.200 Legal Status**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy 2.200. Motion passed 5-0-0.

##### **3. Policy #2.210 Powers and Duties**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy 2.210 as amended. Motion passed 5-0-0.

##### **4. Policy #2.221 School Committee Member Qualification**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy 2.221 as amended. Motion passed 5-0-0.

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# Marlborough Public Schools

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## **School Committee**

17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

### **5. Policy #2.222 Faculty Representative**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy #2.221. Motion passed 5-0-0.

### **6. Policy #2.223 Student Advisory Committee**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve policy #2.223. Motion passed 5-0-0.

### **7. Policy #2.224 Student Representative on Committee**

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to table the vote on Policy #2.224 pending review by building principals and advisors. Motion passed 5-0-0.

### **8. Policy #2.250 Vacancies**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended. Motion passed 5-0-0.

### **9. Policy #6.150 Search and Seizure**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant, earlier in the meeting to table voting on Policy #6.150 based on review of a new piece of legislation presented by M.A.S.S. Motion to table passed 5-0-0.

### **10. Policy #8.012 Health and Wellness**

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy #8.012 as amended. Motion passed 5-0-0.

## **C. Acceptance of Donations and Gifts**

**2017 Hannaford Helps Schools Programs.** \$831.00 was raised during the 2017 Hannaford Helps Program for Marlborough High School to use to support school activities.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept with gratitude \$831.00 from the Hannaford Helps Program.

Motion passed 5-0-0.

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# Marlborough Public Schools

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**School Committee**  
 17 Washington Street, Marlborough, MA 01752  
 (508) 460-3509

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

Mrs. Ryan reported that funding for the new school was approved at the April 23<sup>rd</sup> City Council meeting.

Mrs. Hennessy reported that there will be another policy meeting on Thursday, April 26<sup>th</sup> and also the week of April 30<sup>th</sup>.

## 11. Members' Forum:

On behalf Mrs. Bodin-Hettinger, Mrs. Matthews informed the committee of an opportunity to take part in the MASC Resolutions Committee which is taking place in Marlborough on July 9<sup>th</sup>.

Mrs. Hennessy also spoke about her attendance at a SWAC Committee meeting she recently attended to discuss curriculum needs and athletic participation.

Mrs. Ryan spoke about the upcoming MHS Spring Concert, MHS National Honor Society Induction Ceremony and All City Jazz Concert.

## 12. Adjournment:

Motion to adjourn made by Mrs. Matthews, seconded by Arthur Vigeant at 8:05 p.m.

Motion passed 5-0-0.

Respectfully submitted,

Heidi Matthews  
 Secretary, Marlborough School Committee

HM/dm

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## CITY OF MARLBOROUGH BOARD OF ASSESSORS

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CITY OF MARLBOROUGH

AMENDED

2018 MAY 16 P 1:24

MEETING MINUTES: March 28, 2018

1. CALL TO ORDER: 10:00 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, David Manzello  
Also in attendance: Harald Scheid and Nate Cramer, Regional Assessors  
Paula Murphy Head Clerk
3. MOTION TO ACCEPT: minutes of the November 29, 2017 meeting: Mr. Arruda  
second Ms. Silverstein  
Vote 3-0
4. DISCUSS AND VOTE: Clause Exemption for 50 Leoleis Dr  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
5. APPROVE AND SIGN: SCRPT Program Abatements, Chapter 61,61A,61B Applications  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
6. DISCUSS AND APPROVE: move forward with ATB appeal case regarding 200 Nickerson Rd  
presented by Mr. Scheid  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
7. A representative from Sunpower joined the meeting from 10:45 to 10:55 on behalf of TJX,  
regarding solar panels installed at the site solely for the company's private use. A Letter of  
Guarantee was requested from the Board stating that they would comply with existing tax laws  
regarding taxation of solar panels.  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
8. DISCUSS AND VOTE: Personal Property Abatement Application recommendations made by  
consulting company, RRC.  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote 3-0
9. DISCUSS AND VOTE: Real Estate Abatement Applications: 15 Barnes Cir, 38 & 565 Brigham St  
43 Conrad Rd, 17 Daniels Rd, 423 Donald J Lynch Blvd, 37 East Main St, 200 Evelina Dr, 61  
Fairmount St unit 7, 21 Gikas Ln, Jenks Ln (parcels 2-6, 7, 8, 9, 10, 28), 86 Maplewood Ave, 21  
Howland St, 130 Main St unit 3, 36 Pembroke St, 1 Woodridge Rd  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote 3-0

- 10. DISCUSS AND VOTE: Real Estate Abatement Applications: 141 Ash St, 2-10 Boston Post Rd East, 206 Bolton St unit 19, 61 Brigham St, 820 Concord Rd, 149 Cook Ln, 522-A Elm St, 61 Fairmount St unit 2, 755 Farm Rd, 10 High St, Jenks Ln (parcels 2-5, 29, 100), 25 Joel St, 41 Liberty St, 136 Main St units 5 & 6, 257-267 Maple St, 19 Norwood St, 73 Pheasant Hill Rd, 145 Pleasant St unit 212A, 44 Rice St, 20 Robin Dr unit 11, 157 Second Rd, 35 Westboro Rd, 41 Whispering Brook Rd, 132 Winter St

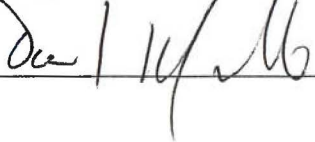
Motion to Deny: Mr. Arruda, second Ms. Silverstein

Vote 3-0

- 11. Real Estate Abatement Applications tabled pending further research: 10 parcels owned by CB Equities Mt Royal LLC, 72 Cedar Hill St units A & B
  - 12. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein
- MEETING Adjourned – 1 pm

  
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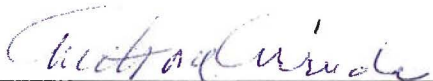
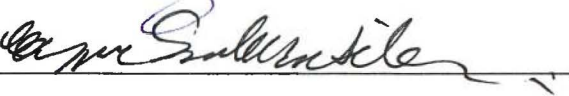
## CITY OF MARLBOROUGH BOARD OF ASSESSORS

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MEETING MINUTES: April 18, 2018

2018 MAY 16 P 1:24

1. CALL TO ORDER: 10:00 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein  
Also in attendance: Harald Scheid and Nate Cramer, Regional Assessors  
Paula Murphy, Head Clerk
3. MOTION TO ACCEPT: minutes of the March 28, 2018 meeting: Ms. Silverstein  
second Mr. Arruda  
Vote 2-0
4. DISCUSS AND VOTE: Clause Exemption for 149 Cook Ln  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
5. APPROVE AND SIGN: Excise Tax Abatements, Senior Tax Deferrals  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
6. DISCUSS AND VOTE: Personal Property Abatement Application: West River Pharm  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
7. DISCUSS AND VOTE: Real Estate Abatement Applications: 82 Florence St, 413 Lakeside Ave  
2-4 Main St, 2 Maple St  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
8. DISCUSS AND VOTE: Real Estate Abatement Applications: 342 Boston Post Rd East, 33, 201 &  
277 Boston Post Rd West, 19 & 41-43 Brigham St, 72 Cedar Hill St units A & B, 87 Chestnut St,  
231 East Main St, 290, 325, 400 & 627 Donald J Lynch, 123 & 161 Felton St, 0 Felton St parcels  
(64-44 & 67-16B), 26, 50, 62 & 170 Forest St, 72 Hosmer St, 312 Maple St, 19 & 82 Northboro  
Rd East, 145 Pleasant St unit 407A  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
9. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein  
MEETING Adjourned – 11:30

  
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