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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 20 P 2:55

1. Minutes, City Council Meeting, August 27, 2018.
2. Minutes, City Council Meeting, September 10, 2018.
3. Communication from the Mayor re: Sustainable Material Recovery Program grant in the \$14,400.00 from MA Department of Environmental Protection to implement recycling programs and policies in which these funds will be used on equipment and approved activities, including recycling equipment, compost bins, and costs associated with our household hazardous waste collections.
4. Communication from the Mayor re: Library grant in the amount of \$7,500.00 from DCU to discuss how to better utilize the funds for Library use.
5. Communication from the Mayor re: Recreation grant in the amount of \$5,000.00 from DCU to support the Recreation Department's scholarship program which helps children of all backgrounds who participate in recreation programs at reduced cost or no cost.
6. Communication from the Mayor re: Reappointment of Human Resources Director, David Brumby, for a term of three years to commence from date of City Council confirmation.
7. Communication from the Mayor re: Reappointment of Collector, Eileen Bristol, for a term of two years to commence from date of City Council confirmation.
8. Communication from the Mayor re: Reappointment of Comptroller, Brian Doheny, for a term of three years to commence from date of City Council confirmation.
9. Communication from City Solicitor, Donald Rider, re: Application for Special Permit, Ninja Twin, LLC, dba USA Ninja Challenge, 19 Brigham St., to utilize Unit 8 in the building as a commercial indoor recreation center and place of fitness training for children ages 4 to 17, in proper legal form, Order No. 18-1007339.
10. Communication from Mirick O'Connell, on behalf of Capital Group Properties LLC, re: submission of two items related to this petition to place Marlborough Airport Property in the Retirement Community Overlay District, which includes a study of the airport and surrounding areas; and a memo concerning a property in Southborough where a residential community was located near commercial areas, Order No. 18-1007136A (X17-1006963C).
11. Communication from Mirick O'Connell on behalf of Garden Remedies, Inc., 416 Boston Post Rd. re: Posting a Notice of a Community Outreach Meeting to be held on Monday, October 1, 2018 at 6:00 PM at the Wildwood Steakhouse, 189 Boston Post Road East as required by the regulations of the state Cannabis Control Commission as a prerequisite to Garden Remedies applying for a license to operate a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, Order No. 18-1007199B.
12. Communication from Mirick O'Connell, on behalf of Enza Sambataro, re: Consideration of Amending the Zoning Ordinance pertinent to the Marlborough Village District.

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.

13. Communication from various residents and business owners listed below re: in Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136O.
 - A. Leon Barsamian, 1 Simmons St.
 - B. Kelley Barsamaian, 127 Beach St.
 - C. Helen Barsamian, 1 Simmons St.
 - D. Greg Barsamian, 127 Beach St.
14. Minutes, Conservation Commission, July 19, August 2 & August 16, 2018.
15. Minutes, Retirement Board, July 31, 2018.
16. Minutes, Historical Commission, July 26, 2018.
17. Minutes, Council on Aging, March 20, April 10, & May 8, 2018.
18. Minutes, Board of Health, August 13, 2018.
19. Minutes, School Committee, June 26 and August 28, 2018.
20. Minutes, Planning Board, August 27, 2018.
21. CLAIMS:
 - a. Maxine Bellew, 45 Deerfield Run, pothole or other road defect claim.
 - b. Carl Price, 109 Chase Rd., other property damage and/or personal injury.
 - c. Jason Campbell, 49 Hatfield St., pothole or other road defect claim.

REPORTS OF COMMITTEES:

22. ORDERED: That the Public Safety Committee meet with the Chief of Police to discuss the feasibility of adopting a Do Not Knock Registry in the City of Marlborough which would allow residents to submit their property for inclusion on a No Solicitation Registry. Upon approval and issuance of a City of Marlborough door-to-door solicitation permit, each salesperson would be provided with a copy of the No Solicitation Registry.Submitted by Councilors Oram and Juare.
23. ORDERED: That officials from Eversource be invited to attend a meeting of the City Council Public Safety Committee to update the City Council on the status of gas lines and related infrastructure in the City of Marlborough.Submitted by Councilor Tunnera.

UNFINISHED BUSINESS:



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2018 SEP 18 P 1:07

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723

AUGUST 27, 2018

Regular meeting of the City Council held on Monday, August 27, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 10:38 PM.

Council President Clancy introduced Harald Scheid, Jonathon Frank & Nate Cramer from Regional Resource Group, Inc.

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

ORDERED: That the PUBLIC HEARING On the Petition from Mass Electric and Verizon New England, Inc. to install new Pole #37-5, Stevens Street, for new electrical feed to the High School, Order No. 18-1007323, all were heard who wish to be heard, hearing closed at 8:03 PM.

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

ORDERED: That the PUBLIC HEARING On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, Francis Street and East Main Street, Utility Pole #11-50, Order No. 18-1007321, all were heard who wish to be heard, hearing closed at 8:12 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, 10 Neil Street Utility Pole 1, Order No. 18-1007322, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Christopher White, re: Building a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, Order No. 18-1007320, all were heard who wish to be heard, hearing closed at 8:25 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit for Avalon Marlborough II, a 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed-Use Overlay District, Order No. 18-1007314, all were heard who wish to be heard, hearing closed at 9:06 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron re: Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, Order No. 18-1007318, all were heard who wish to be heard, hearing closed at 10:04 PM; adopted.

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

- Councilor At Large Juaire submitted a communication pertinent to his former recusal of medical and adult marijuana businesses including Special Permits.
- Pat Ganley submitted a communication in opposition to the proposed Medical Marijuana Treatment Center & Adult Use Marijuana Retail Establishment by Garden Remedies, Inc. to be located at 416 Boston Post Road East.
- James Spinelli submitted a communication in opposition to the proposed Medical Marijuana Treatment Center & Adult Use Marijuana Retail Establishment by Garden Remedies, Inc. to be located at 416 Boston Post Road East.

ORDERED: That the Walker Building Elevator transfer request in the varying amount of \$700,000.00 or \$100,000.00 which moves funds from Economic Development to Capital Outlay to either replace or repair the existing elevator at the Walker Building, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Public Facilities				FISCAL YEAR:		2019	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
\$901,679.51	\$100,000.00	27000	33085	Economic Development	\$100,000.00	19300006	58467	Capital Outlay-Public Fac	\$0.00
Reason:		Repair elevator at Walker Building							
\$100,000.00	Total					\$100,000.00	Total		

OR

BUDGET TRANSFERS –

DEPT:		Public Facilities				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$901,679.51	\$700,000.00	27000	33085	Economic Development	\$700,000.00	19300006	58467	Capital Outlay-Public Fac	\$0.00
	Reason:	Replace elevator at Walker Building							
	\$700,000.00	Total			\$700,000.00	Total			

ORDERED: That the IT transfer request in the amount of \$254,000.00 which moves funds from Receipts Reserved-PEG funds to IT Equipment to fund upcoming projects and various equipment purchases, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:		IT				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$407,303.52	\$254,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$254,000.00	19300006	58618	IT Equipment	\$0.00
	Reason:	Use PEG funds for upcoming projects and various equipment purchases							
	\$254,000.00	Total			\$254,000.00	Total			

ORDERED: That the DPW transfer request in the amount of \$66,988.35 which moves funds from Reserve for Salaries account to various DPW payroll accounts for laborers in the Department of Public Works to fund the recently ratified Memorandum of Agreement between the City of Marlborough and the Marlborough Public Works Equipment Operators Association for FY19-21, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT:		Comptroller			FISCAL YEAR:		2019				
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$66,988.35	11990006	57820		Reserve for Salaries	\$16,796.98	14001303	50740		Equipment Operators	\$732,756.31
		Reason:			Recalculate amounts for contract obligations		Reason:			Contractual Obligation	
						\$18,303.05	14001503	50740		Equipment Operators	\$800,971.41
							Reason:			Contractual Obligation	
						\$12,354.53	61090001	50740		Equipment Operators	\$677,287.70
							Reason:			Contractual Obligation	
						\$3,606.63	14001403	50745		Motor Equipment Repairman	\$152,588.73
							Reason:			Contractual Obligation	
						\$1,202.21	60085001	50750		Equipment Operators	\$50,863.25
							Reason:			Contractual Obligation	
						\$1,202.21	60081001	50750		Equipment Operators	\$50,979.09
							Reason:			Contractual Obligation	
						\$184.95	14001303	51920		Sick Leave BuyBack	\$18,970.00
							Reason:			Contractual Obligation	
						\$256.22	14001503	51920		Sick Leave Buyback	\$25,250.00
							Reason:			Contractual Obligation	
						\$46.24	60085003	51920		Sick Leave Buyback	\$3,781.00
							Reason:			Contractual Obligation	
						\$46.24	61090003	51920		Sick Leave Buyback	\$7,260.00
							Reason:			Contractual Obligation	
						\$276.51	14001303	51430		Longevity	\$31,000.00
							Reason:			Contractual Obligation	
						\$36.07	14001403	51430		Longevity	\$6,115.00
							Reason:			Contractual Obligation	
						\$216.40	14001503	51430		Longevity	\$30,789.00
							Reason:			Contractual Obligation	
						\$12.02	60085003	51430		Longevity	\$4,452.00
							Reason:			Contractual Obligation	
						\$48.09	61090003	51430		Longevity	\$10,283.00
							Reason:			Contractual Obligation	
						\$250.00	60085003	51940		Longevity	\$4,452.00
							Reason:			Contractual Obligation	
						\$3,500.00	14001303	51940		Clothing Allowance	\$720.00
							Reason:			Contractual Obligation	
						\$1,650.00	14001403	51940		Clothing Allowance	\$990.00
							Reason:			Contractual Obligation	
						\$4,000.00	14001503	51940		Clothing Allowance	\$2,493.76
							Reason:			Contractual Obligation	
						\$250.00	60081003	51940		Clothing Allowance	\$510.00
							Reason:			Contractual Obligation	
						\$2,750.00	61090003	51940		Clothing Allowance	\$4,270.01
							Reason:			Contractual Obligation	
	\$66,988.35	Total				\$66,988.35	Total				

ORDERED; Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security grant awarded to the Police Department in the amount of \$99,805.00 to offset personnel costs in the Public Safety Dispatch Center; adopted.

ORDERED; Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts Department of Mental Health grant awarded to the Police Department in the amount of \$49,225.22 to offset costs to maintain training compliance in the Public Safety Dispatching Center; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts Department of Mental Health grant awarded to the Police Department in the amount of \$45,000.00 which will fund the Police Department's Jail Diversion Program that is operated in conjunction with Advocates, Inc. for FY19; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Energy and Environmental Affairs grant awarded to DPW in the amount of \$31,000.00 which will be used to hire a consultant to assist the City in identifying risks or vulnerabilities to changing weather patterns; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union grant awarded to the Police Department in the amount of \$7,500.00 to support Department programs and fund additional traffic enforcement equipment; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Digital Federal Credit Union grant awarded to the Fire Department in the amount of \$7,500.00 which will be used by the Fire Department to purchase additional information technology upgrades; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Solar Wolf Energy grant awarded to the Police Department in the amount of \$2,000.00 to establish a Police Department honor guard; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Solar Wolf Energy grant awarded to the Fire Department in the amount of \$2,000.00 to purchase decals and challenge coins to be used to build department morale; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Target's Heroes and Helpers Program grant awarded to the Police Department in the amount of \$1,500.00 to fund Target's annual Heroes and Helpers program; adopted.

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

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Marlborough may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the said licensing authority and shall be subject to all of said chapter 138 except said section 17. (b) The licensing authority of the said city shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location. (c) If a license granted pursuant to this act is cancelled, revoked, or no longer in use at the location of original issuance, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the said city and the said licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the said licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING § 551-1, ENTITLED "STREET NAMES," OF CHAPTER 551 AS FOLLOWS:

- I. Chapter 551 is hereby amended by deleting the title of § 551-1 in its entirety and inserting in place thereof the following title:

Names of public streets, highways, places, buildings, spaces and other public assets.

- II. Chapter 551 is hereby amended by inserting into § 551-1 the following new paragraph:

- C. The Board of Library Trustees, having care, custody, management and supervision of the Marlborough Public Library pursuant to § 11 of chapter 78 of the Massachusetts General Laws and § 28 of Division 3 of the Charter of the City of Marlborough may name public assets located in and at the Marlborough Public Library, including internal and external spaces, furnishings, collections, equipment or fixtures, under such terms and conditions as may be specified in a naming policy adopted by the Board of Library Trustees for said public assets which are not otherwise governed by paragraphs A. and B. herein. Said authority of the Board of Library Trustees is in addition to, and not in lieu of, such powers and authorities of the Board of Library Trustees as may be provided by statute, regulation, ordinance or law.

Refer to **VETERANS AFFAIRS COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$7,100.00 which moves funds from Reserve for Salaries to HR Assistant and Electrician line items to fund a Salary Ordinance Amendment to increase the salary of the HR Assistant position and create a new Public Facilities Manager of Communications Technology, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Comptroller					FISCAL YEAR: 2019				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$7,100.00	11990006	57820	Reserve for Salaries	\$3,410.00	11520001	50532	HR Assistant	\$46,734.00
	Reason:	Cover change in Salary Schedule			Reason:	Change in Salary Schedule			
					\$3,690.00	13032001	50385	Electrician	\$109,804.15
	Reason:				Reason:	Change in Salary Schedule			
	\$7,100.00	Total			\$7,100.00	Total			

Ordered:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by inserting into Chapter 125, Section 6, Salary Schedule the following:

Position	Effective Date	Step 1 Start	Step 2 6 months of service	Step 3 1 year of service	Step 4 2 years of service	Step 5 3 yrs. of service	Step 6 4 yrs. of service	Step 7 5 yrs. of service
Human Resources Assistant	October 1, 2018	\$53,079.34	\$54,140.93	\$55,223.75	\$56,328.23	\$57,454.79	\$58,603.89	\$59,775.96
Manager of Communications Technology	October 1, 2018	\$60,389.89	\$61,597.68	\$62,829.64	\$64,086.23	\$65,367.95	\$66,675.31	\$68,008.82

ORDERED: That by Order No.17-1006760A the City Council of the City of Marlborough authorized the Mayor to negotiate and enter into a purchase and sales agreement for the purchase of 49 West Main Street, and by Order No. 16-1006760B the City Council appropriated funds and approved the use of said funds to bind an offer by the City on a purchase and sales agreement for 49 West Main Street, the performance of which agreement is contingent upon (1) a favorable vote of the City Council authorizing the City to acquire said parcel for the amount stated therein and (2) an appropriation of sufficient funds for said purchase, the Mayor, having thus negotiated a purchase and sales agreement bound by an offer to purchase, the City Council hereby (1) authorizes the City to acquire 49 West Main Street in the total amount of \$381,504.00 as provided in said purchase and sales agreement and (2) by two-thirds vote appropriates from Account No. 19300006-58595 (City Hall Equipment) the balance due on said purchase in the amount of \$362,504.00.

Further, the City Council hereby authorizes the Mayor to accept a deed pursuant to M.G.L. c. 40, § 3 for said property located at 49 West Main Street.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointment of Monica Lucey to the Marlborough Cultural Council for a term to expire three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the State Primary Election Call, **FILE**; adopted.

The City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in Primaries, to assemble in their respective polling places, as designated by the City Council as follows:

WARD ONE: Precinct 1 and 2 Francis J. Kane School, 520 Farm Road
 WARD TWO: Precinct 1 and 2 Francis J. Kane School, 520 Farm Road
 WARD THREE: Precinct 1 Senior Center, 40 New Street
 WARD THREE: Precinct 2 Raymond J. Richer School, 80 Foley Road
 WARD FOUR: Precinct 1 and 2 Senior Center, 40 New Street
 WARD FIVE: Precinct 1 and 2 Senior Center, 40 New Street
 WARD SIX: Precinct 1 and 2 1LT Charles W. Whitcomb School, 25 Union Street
 WARD SEVEN: Precinct 1 and 2 Hildreth School, 85 Sawin Street

On Tuesday, September 4, 2018 then and there, for the purpose of casting their votes in the State Primary for the candidates of political parties for the following offices:

**SENATOR IN CONGRESS FOR THIS COMMONWEALTH
 GOVERNOR FOR THIS COMMONWEALTH
 LIEUTENANT GOVERNOR FOR THIS COMMONWEALTH
 ATTORNEY GENERAL FOR THIS COMMONWEALTH
 SECRETARY OF STATE FOR THIS COMMONWEALTH
 TREASURER AND RECEIVER GENERAL FOR THIS COMMONWEALTH
 AUDITOR FOR THIS COMMONWEALTH
 REPRESENTATIVE IN CONGRESS THIRD DISTRICT
 COUNCILOR THIRD DISTRICT
 SENATOR IN GENERAL COURT MIDDLESEX & WORCESTER DISTRICT
 REPRESENTATIVE IN GENERAL COURT FOURTH MIDDLESEX DISTRICT
 REPRESENTATIVE IN GENERAL COURT THIRTEENTH MIDDLESEX DISTRICT
 DISTRICT ATTORNEY NORTHERN DISTRICT
 CLERK OF COURT MIDDLESEX COUNTY
 REGISTER OF DEEDS MIDDLESEX SOUTHERN DISTRICT**

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

Edward J. Clancy
 City Council President

ORDERED: That having authorized the Mayor, pursuant to Order No. 17-1007003A-1, to convey to BSL Marlborough Development LLC ("Benchmark") the City's fee interest in a so-called Sewer Parcel concerning propeliy located at 421 Bolton Street in Marlborough;

And having by that Order made that conveyance subject to, among other things, Benchmark' s conveyance to the City of approximately 10 acres at the site, which acreage comprises the "Donated Land" described in condition no. 8 of the special permit granted to Benchmark in Order No. 17-1006816E;

NOW, THEREFORE, the City Council of the City of Marlborough hereby accepts Benchmark' s executed and recorded deed of the Donated Land to the City for all municipal purposes. A copy of Benchmark ' s executed deed, as recorded, is attached hereto.

Refer to **LEGISLTAIVE AND LEGAL AFFIRS COMMITTEE**; adopted.

ORDERED: That the following Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Apex Center – Revised Open Space Plan & Revised Open Space Covenant and Restriction, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**.

OPEN SPACE COVENANT AND RESTRICTION

This OPEN SPACE COVENANT AND RESTRICTION (hereinafter, the “Covenant”) is entered into this ____ day of _____ 2018 by Walker Realty LLC, a Massachusetts limited liability corporation with a usual address of 4 Lan Drive, Westford, MA 01886 and Marlboro Hospitality, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, their respective successors as fee owners of the hereinafter described Restricted Land (hereinafter, collectively, the “Covenanting Party”) with the City of Marlborough, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (hereinafter, the “Benefitted Party”).

Reference is made to the following facts which set forth the background to this Covenant:

- A. The Covenanting Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled “Subdivision Plan of Land in Marlborough, Massachusetts” prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the “Property”), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the “HRMUOD”).
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded with the Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenanting Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the “Restricted Land”) at the Property (hereinafter, the “Covenant Requirement”).
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenanting Party desires to restrict 638,500 square feet or 14.6 acres of land, more or less, more particularly described on the plan entitled “Open Space Exhibit, For: Apex Center, 240 Boston Post Road W, Marlborough, MA,” dated 3/21/8 and designated as Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

NOW THEREFORE for good and valuable consideration, which is acknowledged, the undersigned hereby COVENANTS with the City of Marlborough, acting by and through its Mayor, duly authorized by the Marlborough City Council, as follows:

I. COVENATING PARTY:

Walker Realty LLC, a Massachusetts limited liability corporation, and Marlborough Hospitality LLC, are the fee owners of the Restricted Land.

II. PURPOSES:

The purposes of this Open Space Covenant and Restriction (hereinafter, this "Covenant") are for the perpetual conservation and preservation of open space, passive recreation, to assure that the Restricted Land will be retained, in perpetuity, in its natural, scenic, wetlands and wooded condition.

III. PROHIBITED AND PERMITTED ACTS AND USES:

A. Prohibited Acts and Uses: Subject to the exceptions set forth hereinafter, the Covenanting Party will not perform or permit the following acts and uses which are expressly prohibited on, above, and below the Restricted Land:

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, brush limbs or similar materials and snow;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 310 and Book 70162, Page 318, and to the sewer easement, recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 327;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
8. Hunting, trapping and fishing;
9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.

B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:

1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
3. Drainage from adjoining land;
4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the aforementioned public walking trail easements recorded with the Middlesex County South Registry of Deeds;
5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;

6. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;
7. The placing of fences and benches that do not interfere with the purposes of this Covenant;
8. Trapping to control nuisance wildlife species pursuant to M.G.L. c. 131, § 80A;
9. The maintenance, removal or replacement of utilities, underground structures, good drainage, soil conservation or to other permissible uses of the Restricted Land;
10. On the aforementioned public walking trails only, the use of the Restricted Land by the public for passive recreational activities such as walking, snowshoeing, biking, cross-country skiing, nature study, bird watching, and the like;
11. The repair, maintenance, and reconstruction of the walking trails and the sewer easement, and appurtenances thereto, in conformance with the recorded walking trail easements and sewer easement, recorded at the Middlesex County South Registry of Deeds as provided herein, including but not limited to upgrading the surface of the walking trails, and as reasonably necessary such fences, bridges, gates, and stone walls, if any, as may be located on the Restricted Land; and
12. Motorized vehicles necessary for public safety (e.g., fire, police, ambulance and other government officials) in carrying out their lawful duties or as necessary in furtherance of any use permitted under this Section III (B).

IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

The Benefitted Party, its agents and assigns, may enter upon the Restricted Land at reasonable times and with reasonable advanced written notice to monitor the Covenanting Party's compliance with this Covenant and to otherwise enforce the terms thereof, provided, however, that the Benefitted Party shall provide reasonable notice of entry to the Covenanting Party.

V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.
- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledge by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.
- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.

- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth.
- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.
- J. This Covenant shall be and is binding upon the grantee's or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.
- K. The Marlborough City Council shall be the Benefitted Party under this Covenant until the City Council transfers, if at all, said status as Benefitted Party to the Conservation Commission of the City of Marlborough, after which the Conservation Commission shall be the Benefitted Party under this Covenant until the City Council transfers said status as Benefitted Party under this Covenant, if at all, to itself or to another department, board or commission of the City of Marlborough.
- L. If any provision of this Covenant shall to any extent be held invalid, the remainder shall not be affected.

M. The Covenanting Party and the Benefitted Party intend that the covenants and restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Middlesex County South Registry of Deeds, after all signatures have been affixed hereto. This document and any exhibits thereto shall be recorded in a timely manner by the Benefitting Party, at its sole expense, upon execution by all parties.

Witness our hands and seals this ____ day of _____, 2018.

FOR THE COVENANTING PARTY:

FOR THE BENEFITTED PARTY:

WALKER REALTY LLC

THE CITY OF MARLBOROUGH
By and through its duly authorized Mayor:

Robert Walker, Manager

Arthur G. Vigeant, Mayor
In his official capacity

MARLBOROUGH HOSPITALITY LLC

Robert Walker, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Robert A. Walker, Manager, proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was _____ (source of identification) to be the person whose name is signed on the preceding/attached document in his official capacity as the Mayor of the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

ORDERED: That the Communication from Planning Board chairperson, Barbara Fenby re: Favorable Recommendation to the City Council on Proposed Zoning Amendment, Article VI, Section 650-22, Retirement Community Overlay District, Order No. 18-1007198E, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the request to extend time limitations on the Application for Special Permit to demolish existing house and build a two-story home at 21 Patten Drive until 10:00 PM on October 30, 2018, Order No. 18-1007244B, **FILE AS THE URBAN AFFAIRS COMMITTEE HAS ALREADY APPROVED THIS EXTENSION**; adopted.

ORDERED: That the request to extend time limitations on the Application for Special Permit to build a two story, 11 unit two story, multifamily condominium at 27 Jefferson Street, until 10:00 PM on October 30, 2018, Order No. 18-1007245A, **APPROVED**; adopted.

Councilor Dumais recused.

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

ORDERED: That the Communication from Brenda Bracken, 287 Stow Rd., in support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136O, **FILE**; adopted.

ORDERED: That the Communication from various residents and business owners re: in Opposition of the Proposed Zoning Amendment as it pertains to the Ancillary Residential Community Requirements. Order No. 18-1007287A, **FILE & REFER TO LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Central Massachusetts Mosquito Control Project re: Residents' concerns about mosquitos in the area on following dates: August 1, 8, 15, 22 & 29, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, September 21, 2017, May 24, 2018 and June 21, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, June 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, License Board, June 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, June 26, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 7, 2018 & June 21, 2018, **FILE**; adopted.

ORDERED: That the Minutes Planning Board, June 18, 2018, **FILE**; adopted.

ORDERED: That the Minutes Board of Health, July 16, 2018, **FILE**; adopted.

- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Wolvey Dos Santos, 83A East Main Street, pothole or other road defect claim.
 - b. Joseph Uglexich, 29 Old Mill Road, pothole or other road defect claim.
 - c. Homar Cabrera, 51 Patricia Drive, other property damage and/or personal injury.
 - d. James Peltekis, 144 Woodridge Road, other property damage and/or personal injury.
 - e. Jan Smits, 2111 Bay Drive, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

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

Finance Committee Members Absent: Councilor Oram

Other Councilors in Attendance: Councilor Clancy.

The meeting convened at 7:00 PM.

1. **Order No. 18-1007310 – Rescind 9 Bonds Totaling \$6,213,196.00.** The Finance Committee reviewed the Mayor’s letter dated June 14, 2018 requesting 9 bonds totaling \$6,213,196.00 be rescinded either because the projects are complete or because they are no longer available to be bonded due to regulations. **The Finance Committee voted 4 - 0 to approve the order to rescind the nine bonds.**
2. **Order No. 18-1007330 – Transfer \$102,950.00 from Principal Assessor to Professional and Technical Services.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting a transfer of \$102,950.00 from the Principal Assessor’s account to the Assessors Professional and Technical Services account. The transfer will fund a new contract with Regional Resource Group (RRG) to provide dedicated full-time coverage in the Assessor’s office between two RRG employees. **The Finance Committee voted 4 - 0 to approve the transfer.**
3. **Order No. 18-1007332 – Transfer \$26,290.00 from the Reserve for Salaries Account to Fund the DPW Foreman Contract for Fiscal Years 2019, 2020 and 2021.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting the transfer of \$26,920.00 from the Reserve for Salaries account to fund the DPW Foreman contract for FY19, 20 and 21. **The Finance Committee voted 4 – 0 to approve the transfer request to fund the DPW Foreman contract for FY19.**
4. **Order No. 18-1007331 – Transfer \$70,905.00 from Reserve for Salaries to Fund Non-Union Personnel for FY19.** The Finance Committee reviewed the Mayor’s letter dated July 19, 2018 requesting a transfer of \$70,905.00 from the Reserve for Salaries Account to fund a 2% increase for Non-Union personnel for FY19. **The Finance Committee voted 4 - 0 to approve the transfers.**

Reports of Committee Cont'd:

- **The Finance Committee agreed to support Suspending the Rules at the August 27, 2018 City Council meeting to approve both the DPW Foreman contract transfers and the Non-Union Personnel increases for FY19**
5. **Review FINANCE COMMITTEE FY18 Activities.** The Finance Committee reviewed the information provided by the Finance Chair that summarized the Finance Committee activities in FY18 along with the year-end summary of the department transfers for FY18 in accordance with Order No.17-1006856A. This item was filed in Committee as no formal action was required.

The Finance Committee adjourned at 7:29 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: August 8, 2018

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:33 PM – Adjourned: 7:42 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juare, Landers, and Tunnera; Councilors Clancy, Irish; Ossing, and Robey; and Donald Rider (City Solicitor, City of Marlborough).

Absent: Councilor Doucette

Order No. 18-1007311: Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries. The Urban Affairs Committee met for a discussion of a proposed zoning amendment to allow Coffee Roasteries within the City. President Clancy made recommendations for changes to the proposed zoning. In doing research regarding coffee roasteries, it was discovered they can create unpleasant odors. The initial zoning proposal allowed coffee roasteries in various districts, primarily in Business, Commercial Automotive, Limited Industrial, Industrial, and Marlborough Village District. Considering this recent research, he suggested to eliminate the Commercial Automotive zone and allow by Special Permit in the Business, Limited Industrial, Industrial, and Main Street Village zones. Those changes would allow the City Council to have some leverage to revoke a Special Permit if there were issues with a site. Chairman Delano supported the recommended changes and requested a motion to amend the proposed zoning to allow Coffee Roasteries by Special Permit in the Business, Limited Industrial, Industrial, and Marlborough Village District zones and not allow them in the Commercial Automotive zone. **Motion made by Councilor Juare, seconded by the Chair, to approve as amended. The motion carried 4-0 (Councilor Doucette absent).**

Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:42 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: August 21, 2018

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 6:13 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; and Meredith Harris (Executive Director, Marlborough Economic Development Corporation (MEDC))

Order No. 18-1007336: Communication from the Mayor regarding Applications for 43D Priority Development Sites. The Urban Affairs Committee met for a discussion of designating several Marlborough properties on Lincoln Street as 43D Priority Development Sites. Chairman Delano explained the City sent an application to the State for the properties on Lincoln Street which helps with access to grants and incentives. He proceeded to read a letter from the Mayor, dated July 19, 2018, which appeared on the July 23, 2018 City Council agenda detailing the request. President Clancy noted on Part III: Property Owner's Permission of the Chapter 43D Application signed off by G. Herbert Johnson for Map 69, Parcel 345's inclusion was inadvertent and should not have been in this application. Chairman Delano requested the minor correction be made to the application as the State is amenable to such corrections by the City. Meredith Harris, Executive Director of MEDC, explained advantages of the Chapter 43D program and its positive impact on Mass Works Infrastructure Grant Applications. **Motion made by Councilor Doucette, seconded by the Chair, to approve. The motion carried 5-0.**

Motion made by Councilor Juaire, seconded by the Chair, to request a Suspension of the Rules at the August 27, 2018 City Council meeting to vote on the Applications for 43D Priority Development Sites. The motion carried 5-0.

Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 6:13 PM.

Suspension of the Rules requested – granted.

ORDERED: That the Department of Public Works transfer request in the amount of \$26,290.00 which moves funds from Reserve for Salaries to various foreman payroll accounts as noted in the attached spreadsheets to fund the recently ratified agreement with DPW Foreman, Local 888 for FYI 9-FY21, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –											
DEPT:		Comptroller				FISCAL YEAR:		2019			
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$26,290.00	11990006	57820	Reserve for Salaries	\$6,165.00	14001301	50690	Foreman			\$222,176.64
	Reason:	Recalculate amounts for contract obligations				Reason:	Contractual Obligation				
					\$205.00	14001303	51430	Longevity			\$31,000.00
	Reason:				Reason:	Contractual Obligation					
					\$120.00	14001303	51920	Sick Leave Buyback			\$18,970.00
	Reason:				Reason:	Contractual Obligation					
					\$1,545.00	14001401	50690	Foreman			\$74,027.88
	Reason:				Reason:	Contractual Obligation					
					\$35.00	14001403	51430	Longevity			\$6,115.00
	Reason:				Reason:	Contractual Obligation					
					\$6,165.00	14001501	50690	Foreman			\$296,111.55
	Reason:				Reason:	Contractual Obligation					
					\$235.00	14001503	51430	Longevity			\$30,789.00
	Reason:				Reason:	Contractual Obligation					
					\$180.00	14001503	51920	Sick Leave Buyback			\$25,250.00
	Reason:				Reason:	Contractual Obligation					

Suspension of the Rules requested – granted.

ORDERED: That the Non-Union Personnel transfer request in the amount of \$70, 905.00 which moves funds from Reserve for Salaries to various Salary accounts as noted on the attached spreadsheets to fund a 2% cost of living increase, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –										
DEPT:		Comptroller				FISCAL YEAR:		2019		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$990,000.00	\$70,905.00	11990006	57820	Reserve for Salaries	\$1,410.00	11110002	50350	Council Secretary	\$70,050.00	
	Reason:	Recalculate amounts for contract obligations			Reason:	Contractual Obligation				
					\$2,200.00	11110003	50070	City Councilors	\$110,000.00	
	Reason:				Reason:	Contractual Obligation				
					\$75.00	11110003	51430	Longevity	\$3,510.00	
	Reason:				Reason:	Contractual Obligation				
					\$55.00	11110003	51920	Sick Leave Buyback	\$2,700.00	
	Reason:				Reason:	Contractual Obligation				
					\$2,000.00	11210001	50010	Mayor	\$100,000.00	
	Reason:				Reason:	Contractual Obligation				
					\$1,405.00	11210001	50321	Executive Aide	\$70,050.00	
	Reason:				Reason:	Contractual Obligation				
					\$1,085.00	11210002	50590	Executive Secretary	\$54,080.00	
	Reason:				Reason:	Contractual Obligation				
					\$385.00	1492003	50999	Program Coordinator	\$19,150.00	
	Reason:				Reason:	Contractual Obligation				

			\$2,510.00	11330001	50015	Comptroller	\$125,230.00
Reason:				Reason:		Contractual Obligation	
			\$180.00	11330002	50588	Temporary Clerical	\$8,460.00
Reason:				Reason:		Contractual Obligation	
			\$2,060.00	11350001	50020	Auditor	\$102,950.00
Reason:				Reason:		Contractual Obligation	
			\$1,770.00	11350001	50174	Chief Procurement	\$88,090.00
Reason:				Reason:		Contractual Obligation	
			\$1,685.00	11440001	50042	Collector	\$84,100.00
Reason:				Reason:		Contractual Obligation	
			\$2,400.00	11510001	50030	Solicitor	\$119,920.00
Reason:				Reason:		Contractual Obligation	
			\$2,025.00	11510001	50172	Assistant Solicitor	\$100,990.00
Reason:				Reason:		Contractual Obligation	
			\$930.00	11510001	50175	Paralegal	\$46,340.00
Reason:				Reason:		Contractual Obligation	
			\$2,020.00	11520001	50530	HR Director	\$100,820.00
Reason:				Reason:		Contractual Obligation	
			\$1,110.00	11520001	50532	HR Assistant	\$55,230.00
Reason:				Reason:		Contractual Obligation	
			\$930.00	11520001	50775	Administrative Assistant	\$46,340.00
Reason:				Reason:		Contractual Obligation	
			\$1,145.00	11550001	50014	IS Director	\$57,060.00
Reason:				Reason:		Contractual Obligation	

				\$1,870.00	11610001	50050	City Clerk	\$93,400.00
	Reason:						Contractual Obligation	
				\$1,255.00	11610002	50290	Assistant City Clerk	\$62,560.00
	Reason:						Contractual Obligation	
				\$285.00	11920002	50520	Facilities Partime Clerk	\$13,990.00
	Reason:						Contractual Obligation	
				\$3,295.00	12100001	50140	Police Chief	\$164,600.00
	Reason:						Contractual Obligation	
				\$230.00	12100004	50566	Parking Officer	\$11,410.00
	Reason:						Contractual Obligation	
				\$3,175.00	12200001	50130	Fire Chief	\$158,580.00
	Reason:						Contractual Obligation	
				\$5,310.00	12200001	50330	Assistant Chief	\$265,200.00
	Reason:						Contractual Obligation	
				\$1,910.00	12410001	50090	Building Commissioner	\$95,210.00
	Reason:						Contractual Obligation	
				\$1,475.00	12410001	50095	Assistant Bldg. Comm.	\$73,550.00
	Reason:						Contractual Obligation	
				\$1,550.00	12410001	50109	Environmental Officer	\$77,265.00
	Reason:						Contractual Obligation	
				\$2,490.00	14001001	50600	DPW Commissioner	\$124,317.00
	Reason:						Contractual Obligation	
				\$145.00	14001003	51920	Sick Leave Buy Back	\$6,930.00
	Reason:						Contractual Obligation	
				\$175.00	14001003	51430	Longevity	\$8,441.00
	Reason:						Contractual Obligation	
				\$2,060.00	60080001	50630	Assistant Comm.	\$102,939.00
	Reason:						Contractual Obligation	

				\$2,060.00	14001001	50630	Assistant Comm.	\$102,940.00
	Reason:						Contractual Obligation	
				\$2,060.00	14001101	50640	City Engineer	\$102,940.00
	Reason:						Contractual Obligation	
				\$1,520.00	14920001	50110	Recreation Director	\$75,720.00
	Reason:						Contractual Obligation	
				\$1,800.00	15120001	50605	Director of Public Health	\$89,770.00
	Reason:						Contractual Obligation	
				\$1,340.00	15120001	50390	Nurse	\$66,910.00
	Reason:						Contractual Obligation	
				\$280.00	15120001	50220	Sealer of Weights	\$13,830.00
	Reason:						Contractual Obligation	
				\$1,535.00	15410001	50190	Director of Elderly Affairs	\$76,430.00
	Reason:						Contractual Obligation	
				\$670.00	15410001	50191	Program Coordinator	\$33,270.00
	Reason:						Contractual Obligation	
				\$1,070.00	15430001	50080	Veterans Director	\$53,360.00
	Reason:						Contractual Obligation	
				\$2,105.00	16100001	50230	Library Director	\$105,070.00
	Reason:						Contractual Obligation	
				\$1,285.00	16100003	51259	Partime Reference Libr.	\$63,700.00
	Reason:						Contractual Obligation	
				\$570.00	16100003	51262	Library Pages	\$27,990.00
	Reason:						Contractual Obligation	
				\$1,220.00	16100001	50300	Assistant Director	\$60,700.00
	Reason:						Contractual Obligation	
				\$305.00	15410001	50996	Social Service Coordinator	\$15,120.00
	Reason:						Contractual Obligation	
				\$480.00	11110002	50401	Partime Admin. Assist.	\$23,710.00
	Reason:						Contractual Obligation	
				\$70,905.00			Total	\$70,905.00

Suspension of the Rules requested – granted.

ORDERED: That the attached application to the Massachusetts Permit Regulatory Office to designate as Chapter 43D Priority Development Sites several properties on Lincoln Street in Marlborough, **APPROVED**; adopted.

Councilor Dumais recused.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:38 PM.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



2018 SEP 20 A 11: 56 CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

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

SEPTEMBER 10, 2018

Regular meeting of the City Council held on Monday, September 10, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:48 PM.

ORDERED: That the Minutes of the City Council meeting August 27, 2018, **TABLED**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Ninja Twins LLC, to renovate a building to build a gym for children, 19 Brigham Street, #8, Order No. 18-1007339, all were heard who wish to be heard, hearing closed at 8:05 PM.

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

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §7, §17, §41 and create a new §39, as it pertains to a Neighborhood Business District, Order No. 18-1007337, all were heard who wish to be heard, hearing closed at 8:12 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to add Chapter 650 §40, as it pertains to a Large-Scale Ground Mounted Solar Photovoltaic Installation Overlay District, Order No. 18-10073382, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

ORDERED: That the Council on Aging transfer request in the amount of \$27,340.00 which moves \$1,884.00 from Reserve for Salaries & \$25,456.00 from Program Director to COA-Clerk Typist to eliminate an existing position and create a new position, Program Coordinator, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Comptroller				FISCAL YEAR:		2019	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Reason:
\$892,805.00	11990006	57820	Reserve for Salaries	\$27,340.00	15410002	50584	COA-Clerk Typist	\$0.00	Position change
\$1,884.00									
\$33,940.00	15410001	50191	Program Coordinator					\$0.00	
\$27,340.00	Total			\$27,340.00	Total				

ORDERED: That the Police Department transfer request in the amount of \$8,412.20 which moves funds from Receipts Reserved-TNC Surcharge to Capital Outlay-Police Equipment to purchase additional traffic equipment, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Police				FISCAL YEAR:		2019	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Reason:
\$8,412.20	27000	33088	Receipts Reserved-TNC Surchar	\$8,412.20	19300006	58593	Capital Outlay-Police Equip	\$0.00	Traffic enforcement equipment purchase
\$8,412.20	Total			\$8,412.20	Total				

ORDERED: That the Communication from the Mayor re: School Marketing Initiative to help increase awareness of the existing opportunities in the Marlborough Public Schools, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Age Friendly Survey Grant in the amount of \$4,000.00 from AARP to conduct an Age Friendly Survey in partnership with the Marlborough Council on Aging; adopted.

ORDERED: That the Appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Lucinda Zomar to the Board of Registrars for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED; That there being no objection thereto set **MONDAY, OCTOBER 15, 2018** as **DATE FOR PUBLIC HEARING** Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street, refer to **URBAN AFFAIRS COMMITTEE, & ADVERTISE**; adopted.

ORDERED; That the Communication from the Planning Board re: as it pertains to a Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, Order No. 18-1007311A, **MOVE TO ITEM 23**; adopted.

ORDERED: That the Communication from Central Mass Mosquito Control re: Cessation of residential spraying at the end of August, **FILE**; adopted.

ORDERED: That the Minutes, License Board, July 25, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, July 3, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, May 16, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, August 7, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 23, 2018, **FILE**; adopted.

ORDERED: That the Minutes Traffic Commission, July 25, 2018, **FILE**; adopted.

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

- a. Kyle Hamilton, 25 Lakeview Gardens, # 707, Natick, MA, pothole or other road defect claim.
- b. Jennifer Burgos, 78 Helen Drive, other property damage and/or personal injury.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE

ORDERED: That the City Council of the City of Marlborough hereby **RESCINDS** previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$1,190,816.00 balance of the \$6,000,000.00 authorized to be borrowed to pay costs of financing upgrades and improvements to the Millham Water Treatment Plant, duly adopted by order of this Council and approved by the Mayor on June 9, 2014;

the \$3,528.00 balance of the \$1,835,000.00 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$17,900.00 balance of the \$5,030,000.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$115,719.00 balance of the \$3,043,833.00 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$4,412,381.00 balance of the \$7,500,000.00 authorized to be borrowed to pay costs of building renovations, duly adopted by order of this Council and approved by the Mayor on December 21, 2011;

the \$363,839.00 balance of the \$1,000,000.00 authorized to be borrowed to pay costs of municipal outdoor recreational facilities, duly adopted by order of this Council and approved by the Mayor on June 24, 2011;

the \$84,913.00 balance of the \$455,200.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$100.00 balance of the \$530,000.00 authorized to be borrowed to pay costs of purchasing approximately 55 acres off lower Stow Road for Open Space, duly adopted by order of this Council and approved by the Mayor on June 12, 1998;

the \$24,000.00 balance of the \$100,000.00 authorized to be borrowed to pay costs of Department of Public Works Departmental Equipment, duly adopted by order of this Council and approved by the Mayor on November 18, 1991;

APPROVED; adopted.

Yea: 11 – Nay: 0

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

Nay: 0

ORDERED: That the Assessor's transfer request in the amount of \$102,950.00 which moves funds from Principal Assessor to Professional & Technical Services to fund a new contract with Regional Resource Group (RRG) to continue providing services to the City, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Assessor				FISCAL YEAR:		2019		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
	<u>\$102,950.00</u>	<u>11410001</u>	<u>50160</u>	<u>Principal Assessor</u>	<u>\$102,950.00</u>	<u>11410004</u>	<u>53180</u>	<u>Prof. & Tech. Services</u>	<u>\$97,650.00</u>	
	Reason:	<u>Reclassify for Outside Serves</u>			Reason:	<u>Reallocate for new contract</u>				
	\$102,950.00	Total			\$102,950.00	Total				

ORDERED: That the Communication from the Planning Board re: as it pertains to a Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, Order No. 18-1007311A, **FILE**; adopted.

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

I. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:

By inserting in subsection B thereof the following definition:

COFFEE ROASTERY

A facility in which green coffee beans are roasted into roasted coffee products; provided, however, that emissions from coffee roasting operations, if vented to the outdoor air, are to be i) vented at least 10 feet above any outdoor area, including but not limited to a sidewalk, street, alley or parking lot, which is adjacent to the building where the facility is located, and ii) directed away to the extent possible from uses within 50 feet of the vent; and provided further that, in all cases, the Building Commissioner shall determine, upon plans submitted to the Building Department, the appropriate measures required to be taken and maintained by the facility in order to significantly reduce potential odor emissions and airborne pollutants, and such measures may be required as conditions for the issuance of any permit. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

By regulating manufacturing uses so as to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I) and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	LI	I	MV
Coffee Roastery	N	N	N	N	N	N	N	SP	SP	SP	SP

APPROVED; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM.



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 20 A 9:36

Arthur G. Vigeant
MAYOR

Thomas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 20, 2018

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

Re: Grant Acceptance – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant in the amount of \$14,400.00 for the Department of Public Works through the Massachusetts Department of Environmental Protection Sustainable Materials Recovery Program. These funds were awarded to the City of Marlborough because of the implementation of recycling programs and policies.

Last year, the City received \$10,800.00 through this program. These funds will be used on equipment and approved activities, including recycling equipment, compost bins, and costs associated with our household hazardous waste collections.

If you have any further questions, please do not hesitate to contact me or Ted Scott, Assistant Commissioner of Operations.

Sincerely,

Arthur Vigeant
Mayor

Enclosures

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: DPW DATE: 9/20/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Ted Scott

NAME OF GRANT: Sustainable Materials Recovery Program

GRANTOR: Mass. Department of Environmental Protection

GRANT AMOUNT: \$14,400.00

GRANT PERIOD: Fiscal Year 2019

SCOPE OF GRANT/ITEMS FUNDED	Approved equipment and activites, including recycling equipment, compost bins, and household hazardous waste collections
-----------------------------------	--

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

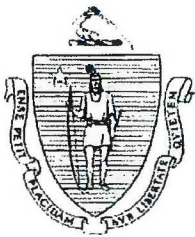
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
N/A

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

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**



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

August 21, 2018



cc: J. Cehlon,
T-Scott, P. Ryder

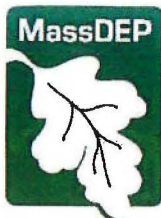
Dear Mayor Arthur Vigeant,

Congratulations! I am pleased to notify you that the City of Marlborough has been awarded a Recycling Dividends Program grant of \$14,400 through the Sustainable Materials Recovery Program. I want to thank you for your commitment to reducing waste and increasing recycling for the benefit of our communities and the environment.

Enclosed you will find further instructions from the Department of Environmental Protection on next steps. Please feel free to contact Janine Bishop at 617-348-4004 if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

August 21, 2018

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

Dear Mayor Vigeant,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the City of Marlborough Recycling Dividends Program funds under the Sustainable Materials Recovery Program. The City of Marlborough has earned 8 points and will receive \$14,400.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The key dates and deadlines specific to your award are summarized in the enclosed Checklist. The detailed terms and conditions are specified in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Janine Bishop at 617-348-4004.

Please note that awards for other SMRP grant categories (Mattress Recycling Incentive, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance and Waste Reduction Projects) will be announced separately.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg
Commissioner

cc: Ted Scott, Assistant Commissioner of Operations



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 SEP 20 A 9:36

Arthur G. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

September 20, 2018

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

Re: Grant Acceptance – Marlborough Public Library

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a donation in the amount of \$7,500.00 for the Marlborough Public Library from Digital Federal Credit Union (DCU).

Library Director Margaret Cardello will meet with the Library Board of Trustees to discuss how best to utilize these funds provided by DCU.

As you are aware, we recently received grants from DCU for the Marlborough Police, Fire, and Recreation Departments from DCU, in addition to their annual support of the Marlborough Labor Day Parade and the Mayor's Charity Relief Fund. We appreciate their longtime support of the City of Marlborough.

If you have any questions about the grant, please do not hesitate to contact me or Library Director Margaret Cardello.

Sincerely,

Arthur Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH NOTICE OF GRANT AWARD

DEPARTMENT: Public Library DATE: 7/31/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Margaret Cardello

NAME OF GRANT: _____

GRANTOR: DCU

GRANT AMOUNT: \$7,500.00

GRANT PERIOD: Fiscal Year 2019

SCOPE OF GRANT/
ITEMS FUNDED Donation to be used for Library needs

IS A POSITION BEING
CREATED: _____

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

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
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752
Phone 508-624-6900 FAX 508-485-1494
TDD 508-460-3610

Margaret Cardello
Director

September 19, 2018

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

Dear Mayor Vigeant,

The Marlborough Public Library has received a donation in the amount of \$7,500 from DCU. The letter that accompanied their check is attached. The Library Trustees will discuss how these funds will be used at their next meeting. We are extremely grateful for DCU's support of our efforts.

As required by MGL Ch.44 Section 53A the acceptance and expenditure of this gift requires your approval as well as the approval of the City Council.

If you need any additional information, please let me know.

Sincerely,

Margaret Cardello
Library Director



July 31, 2018

Marlborough Public Library
35 West Main Street
Marlborough, MA 01752

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide the Marlborough Public Library with the enclosed check for \$7,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.





PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

DATE
7/31/2018

CHECK NUMBER
056140

Detach This Portion Before

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
2018 DONATION	7/31/2018	Vchr: V0103013	\$7,500.00	\$0.00	\$7,500.00
PRINT BATCH	VENDOR CODE	PAY TO NAME	NET TOTAL		
2,569	MARLBOROPUBL	MARLBOROUGH PUBLIC LIBRARY	\$7,500.		

ORIGINAL CHECK HAS A VOID PANTOGRAPH AND IS PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS



PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

ACCOUNTS PAYABLE

DATE	CHECK NO.
7/31/2018	056140

PAY

Seven thousand five hundred and 00 / 100 Dollars Only *****

VOID AFTER 90 DAYS

AMOUNT
\$7,500

PAY TO ORDER OF

MARLBOROUGH PUBLIC LIBRARY
35 WEST MAIN STREET
MARLBOROUGH MA 01752

Louis M. LaChapelle

⑈056140⑈

⑈731391825⑈

91821 5⑈

30



City of Marlborough Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 SEP 20 A 9:39
Arthur J. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

September 20, 2018

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

Re: Grant Acceptance – Recreation Department

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant in the amount of \$5,000.00 for the Marlborough Recreation Department from Digital Federal Credit Union (DCU).

These funds will be used to support the Recreation Department's scholarship program which helps children of all backgrounds participate in recreation programs at reduced cost or no cost.

As you are aware, we recently received grants from DCU for the Marlborough Public Library, Police Department, and Fire Department, in addition to their annual support of the Marlborough Labor Day Parade and the Mayor's Charity Relief Fund. We appreciate their longtime support of the City of Marlborough.

If you have any questions about the grant, please do not hesitate to contact me or Recreation Director Chuck Thebado.

Sincerely,

Arthur Vigeant
Mayor

Enclosures



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

COMMISSIONERS
Brenda Calder
William Doherty
Nancy Klein
Robert Kays: Chairman
Mark Vital

DIRECTOR
Charles Thebado

PROGRAM MANAGER
Zachary Lambert

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

September 18, 2018

Dear Mayor Vigeant,

I'm excited to let you know that once again the City of Marlborough has received a donation of \$5,000.00 from DCU for the Recreation Department's scholarship program. This program allows the Recreation Department to help children of all backgrounds to experience recreation programs free of charge or at a discounted rate while providing them an opportunity to build positive relationships, develop confidence and skills for life. The letter from DCU is attached. The Recreation Department is extremely grateful for their generous donation.

As required by MGL Ch.44 Section 53A the acceptance and expenditure of this gift requires your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Recreation Department's Revenue account # M48402

If you have any questions or concerns, please let me know.

Sincerely,

Charles Thebado
Recreation Director

Cc: D. Smith

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Recreation DATE: 9/19/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Charles Thebado

NAME OF GRANT: Gift (Donation)

GRANTOR: DCU

GRANT AMOUNT: \$5,000.00

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used for scholarships for Recreation programs

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: None

**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**



September 12, 2018

City of Marlborough
Attn: Summer Programs
239 Concord Road
Marlborough MA 01752

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide the City of Marlborough with the enclosed check for \$5,000. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.



ORIGINAL CHECK HAS A VOID PANTOGRAPH AND IS PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

DCU Digital Federal Credit Union
PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

ACCOUNTS PAYABLE

63-6182
211a

DATE	CHECK NO.
9/12/2018	056717

PAY Five thousand and 00/100 Dollars Only

VOID AFTER 90 DAYS

AMOUNT
\$5,000.00

PAY TO ORDER OF
CITY OF MARLBOROUGH
ATTN: SUMMER PROGRAMS
239 CONCORD ROAD
MARLBOROUGH, MA 01752

Jan M. LaChapelle

⑈056717⑈ ⑆211391825⑆ 91821 9⑈ 30

DCU Digital Federal Credit Union
PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

DATE
9/12/2018

CHECK NUMBER
056717

Detach This Portion Before Depositing

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
2018 DONATION	9/12/2018	Vchr: VO104079	\$5,000.00	\$0.00	\$5,000.00
PRINT BATCH	VENDOR CODE	PAY TO NAME	NET TOTAL		
2,596	CITYMARLRECR	CITY OF MARLBOROUGH	\$5,000.00		



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

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Thomas J. Milano
EXECUTIVE AIDE

2018 SEP 20 A 9:36

Patricia Bernard
EXECUTIVE SECRETARY

September 20, 2018

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

Re: Reappointment of Human Resources Director David Brumby

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the reappointment of Human Resources Director David Brumby for a term of three years from the date of City Council confirmation.

Mr. Brumby plays an integral role in my leadership team and is responsible for administering the human resources office, which assists employees with onboarding, health insurance and other benefits. Mr. Brumby assists our department heads with the interviewing and hiring of employees. I find his perspective and experience invaluable when evaluating applicants for leadership positions in the City.

Many of our recent hires and promotions, including both our police and fire chiefs, were administered by Mr. Brumby. He also assisted both chiefs in implementing new hiring and promotional processes after the City moved on from the antiquated Civil Service system.

Thank you for the consideration of Mr. Brumby's reappointment and please do not hesitate to contact me if you have any questions.

Sincerely,


Arthur Vigeant
Mayor



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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia J. Milano
EXECUTIVE AIDE
2018 SEP 20 A 9 36
Patricia Bernard
EXECUTIVE SECRETARY

September 20, 2018

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

Re: Reappointment of Collector Eileen Bristol

Honorable President Clancy and Councilors:

I am pleased to enclose for your confirmation the reappointment of Collector Eileen Bristol for a term of two years from City Council confirmation.

Since arriving in Marlborough, Ms. Bristol has helped to modernize the operations of our Collectors office. The office has implemented new equipment to speed up the manual payment of bills while also moving to an improved online bill payment system. The staff is cross-trained in the operations of the Collector's office and is focused on the delivery of excellent customer service.

Moving forward, we are building better and stronger relationships between the staff in the Collector's office and in the Assessor's office to ensure questions or issues with assessments and bills are answered quickly and effectively.

Thank you for your consideration of this reappointment and please do not hesitate to contact me with any questions.

Sincerely,

Arthur Vigeant
Mayor



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
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Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 SEP 20 A 9:36

September 20, 2018

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

Re: Reappointment of Comptroller Brian Doheny

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the reappointment of Comptroller/Treasurer Brian Doheny for a term of three years from the date of City Council confirmation.

Over the past several years, Comptroller Doheny has played a crucial role in the City of Marlborough's continued financial stability. With his leadership, we have adopted financial and investment policies to guide our financial decision-making and processes. Marlborough continues to have ample excess levy capacity, topping \$33 million, more than any community besides Cambridge. Our average single-family tax bill adjustments have averaged less than 2 percent a year since 2012. With our first major capital investment under construction and several more to follow, it is important that we maintain our financial stability.

In addition to managing the treasurer and payroll offices, Comptroller Doheny oversees the Assessor's and Collector's offices on my behalf. We have made improvements to our tax collecting processes, improving the speed of manual payments in City Hall and moving to a higher-quality online bill payment system.

We continue to fund our pension obligations and are on track to be fully-funded by 2025, ahead of most of the state's retirement funds. Marlborough has a history of conservative, prudent, and efficient budgeting. Comptroller Doheny is a key part of the team that ensures we follow through on those goals while also making the necessary investments in our infrastructure to keep Marlborough moving forward.

Thank you for your consideration of this reappointment. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur Vigeant
Mayor



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR
2018 SEP 20 A 9 34
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

September 20, 2018

Edward Clancy
President
Marlborough City Council

RE: Order No. 18-1007339B
Application for a Special Permit
Ninja Twins, LLC, dba USA Ninja Challenge
19 Brigham Street, Unit 8
Marlborough

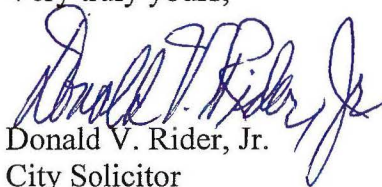
Dear President Clancy and Members:

At its meeting on September 18, 2018, the Urban Affairs Committee requested that Legal place this letter on the agenda for the Council meeting scheduled for September 24, 2018.

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Ninja Twins, LLC, dba USA Ninja Challenge, seeking permission to utilize Unit 8 in the building located at 19 Brigham Street as a commercial indoor recreation center and place of fitness training for children ages 4 to 17.

I certify that the proposed decision, enclosed herewith, is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Richard Knight, agent for applicant
Paul Scalzi, Manager, Ninja Twins, LLC

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 18-1007339B

Application of:

Ninja Twins, LLC
DBA USA Ninja Challenge
121 Lee Drive
Concord, MA 01742

Location:

19 Brigham Street, Unit 8
Marlborough, MA 01752
Map 104, Parcel 2A

DECISION

The City Council of the City of Marlborough votes to **GRANT** a Special Permit to Ninja Twins, LLC (herein after “Applicant Tenant”), for a commercial indoor recreation center and place of fitness at 19 Brigham Street, Unit 8, Marlborough, MA based on the Findings of Facts and Conditions attached hereto.

Decision filed: _____

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the _____ day of _____, 2018.

APPEALS

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

ATTEST:

City Clerk

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 18-1007339B**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ninja Twins, LLC (hereinafter “Applicant Tenant”), as provided in this Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS AND CONDITIONS

1. The landlord is Ivy Brigham Property, LLC, a duly organized and existing Limited Liability Company established under the laws of the state of Delaware with its principal place of business located at 102 Chestnut Ridge Road, Ste. 204, Montvale, NJ 07645.
2. Applicant Tenant is a duly organized and existing Massachusetts Limited Liability Company with its principal place of business at 121 Lee Drive, Concord, MA 01742 and has duly filed its Certificate of Organization Limited Liability Company with the City Clerk of the City of Marlborough to operate its business at the subject location. Applicant Tenant is a franchisee of USA Ninja Challenge.
3. The landlord is the title owner of the property located at 19 Brigham Street (the “Site”). The landlord and Applicant Tenant have executed or will execute a lease regarding Unit 8 at the Site, and its use pursuant to the terms of this special permit regarding Unit 8 at the Site.
4. The Applicant Tenant seeks permission to utilize Unit 8 at the Site as a commercial indoor recreation center and place of fitness training for children ages 4 to 17. The Site is located in the Industrial zoning district. A recreation center is allowed in the Industrial zoning district by special permit.
5. The Applicant Tenant, on July 10, 2018, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the “Application”).
6. The Site contains an existing commercial building. Unit 8 is shown in that building on plans submitted with or subsequent to the Application, the first said plan entitled “19 Brigham Street Unit #8” and the second plan being a sketch floor plan entitled “Unit No. 8 Plan” (collectively, the “Plans”), all of which Plans are attached hereto. No modifications are proposed to the exterior of the building, minor structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.
7. The Applicant Tenant seeks a special permit allowing the establishment of an indoor recreation area that will include various children’s exercise and fitness equipment / obstacles for training classes, birthday parties, and camps for children to work on physical fitness, coordination, and confidence.

8. The Plans have been certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

9. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

10. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on September 10, 2018, concerning the Application. The hearing was opened and closed at that meeting.

11. The Applicant Tenant presented evidence at the public hearing detailing the proposed use and its projected limited impact upon City services, the neighborhood and traffic.

12. At the public hearing, Richard Knight, representing Paul Scalzi who will be managing the operation of the business and is the manager of Applicant Tenant, described the proposed business as being one that would provide an indoor venue for children's fitness to take advantage of the proposed indoor fitness facility. He indicated that the business would operate late afternoon into the early evening, and weekends, following an established training class format to ensure development and safety for children 4-17 years of age. In response to questions from city councilors, he indicated that:

- a) all employees receive background screening conducted by service provider;
- b) no food would be prepared on the premises;
- c) the facility would be open to the general public to provide indoor training space for children on a daily basis; and
- d) all recreation would occur indoors.

13. No member of the public spoke, either in favor of or in opposition to the proposal.

14. Following the public hearing, the Urban Affairs Committee held a meeting on September 18, 2018 during which this Application was discussed. At that meeting, the parties discussed various issues and proposed permit conditions to deal with them.

REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

A. The City Council finds that the Applicant Tenant has complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.

B. The use of Unit 8 for an indoor recreation establishment and place of fitness training is an appropriate use of the Unit 8-portion of the Site and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate

terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Tenant, its successors and assigns, a Special Permit to operate an indoor recreation establishment and place of fitness training as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall be applicable to Applicant Tenant and its successors and assigns, and a violation of which shall be a violation of this Special Permit:

1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.
2. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment, and operation of the facility, and to public peace and good order in the event that the Chief of Police determines that either the business or the Applicant Tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect within seven calendar days of such written notification. Upon the failure or inability of the Applicant Tenant to correct such measures within such period, the Police Chief may require the Applicant Tenant to employ one or more police detail officers during such hours or days that the Police Chief in the exercise of his sole discretion deems to be necessary for the purpose of correcting the conditions.
3. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant, and shall keep said information available for inspection by local police upon request.
4. Parking: No on-street parking shall be permitted on Brigham Street or any other abutting side street or public way.
5. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:00 AM or later than 8:00 PM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same.
6. Limits of Use: The proposed principal use of Unit 8 is to provide a place of fitness training for children, and to otherwise provide an indoor fitness facility for children. No other kinds of public use shall be allowed at or in Unit 8 except those the Building Commissioner deems ancillary to this principal use.
7. Food Preparation: No food shall be prepared by the Applicant Tenant or the public at or in Unit 8 unless and until the Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.

8. Certificate of Occupancy Required: No use of the premises will be made pursuant to this Special Permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner regarding the change of use of the premises.

9. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 8, containing approximately 6,000 sq. ft., which has been specified in the Plans attached hereto, will be used for the proposed use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Commissioner shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase or configuration change shall be permitted unless and until this Special Permit has been modified by the City Council.

9. Subsequent Users: Before any successor tenant uses Unit 8 for the uses allowed in this Special Permit, the Director of the Marlborough Board of Health shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.

10. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Board of Health shall determine in writing what, if any, special sanitary requirements are necessary at or in Unit 8 in order to ensure that the facility does not cause unusual health risks to those using the facility or to the public. The Director may later, in writing, amend and/or add to said requirements as the Director deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure to comply with said sanitary requirements shall be a violation of this permit.

11. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Tenant shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal hearing being filed. The Applicant Tenant shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Commissioner.

APPROVE

Yea: ___ Nay: ___

ADOPTED

In City Council

Order No. 18-1007339B

Adopted: _____

Edward J. Clancy

City Council President

A TRUE COPY

ATTEST:

City Clerk

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 19 P 4:49

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

September 19, 2018

HAND DELIVERED

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

Re: Capital Group Properties LLC, 685 Farm Road;
Order No. 18-1007136 (X17-1006963C)

Dear Councilor Clancy:

On behalf of my client, Capital Group Properties LLC, I hereby submit two items related to the petition to place the Marlborough Airport property in the Retirement Community Overlay District.

Enclosed is:

1. A sound study of the Airport and surrounding areas; and
2. A memo concerning a property in Southborough where a residential community was located near commercial areas.

We would be happy to discuss these items with the Urban Affairs Committee or the full Council. Thank you for your time and attention to this matter.

Sincerely,

Brian R. Falk

BRF/

cc: Client
Arthur P. Bergeron

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

ATTORNEYS AT LAW

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 19 P 4: 56

Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

VIA HAND DELIVERY

September 19, 2018

Councilor Edward Clancy, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Notice of Community Outreach Meeting;
Garden Remedies, Inc.; 416 Boston Post Road

Dear Councilor Clancy:

On behalf of Garden Remedies, Inc., I enclose notice of a Community Outreach Meeting to be held on Monday, October 1, 2018, at 6:00 p.m. at the Wildwood Steakhouse, 189 Boston Post Road East, Marlborough, MA 01752.

This meeting is required by the regulations of the state Cannabis Control Commission as a prerequisite to Garden Remedies applying for a license to operate a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment at 416 Boston Post Road East (Route 20) in the Marlboro Square plaza. This meeting is part of the state licensing process, separate from the City's land use permitting requirements for Garden Remedies' proposed use.

The enclosed notice will be advertised in the *MetroWest Daily News* and will be mailed to abutters appearing on the Certified List of Abutters used for Garden Remedies' special permit application. In addition to notifying the City Council, Garden Remedies will also send notice to the Mayor, the City Clerk, the Planning Board, and the Board of Health, as required by state regulations.

Members of the public are invited to attend the Community Outreach meeting, ask questions, and engage in discussions with representatives of Garden Remedies, Inc.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

Marlborough City Council
September 19, 2018
Page 2

Very truly yours,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Arthur P. Bergeron

APB/

Encl.

cc: Client

NOTICE OF COMMUNITY OUTREACH MEETING**RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH****GARDEN REMEDIES, INC.****2018 SEP 19 P 4:56****Monday, October 1, 2018, 6:00 PM.**

Wildwood Steakhouse
189 Boston Post Road East
Marlborough, MA 01752

In accordance with M.G.L. c. 94G and the applicable regulations and policies of the state Cannabis Control Commission, notice is hereby given that a Community Outreach Meeting for a proposed Marijuana Establishment is scheduled for Monday, October 1, 2018, at 6:00 p.m. at the Wildwood Steakhouse, 189 Boston Post Road East, Marlborough, MA 01752. Members of the public are invited to attend.

The proposed Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment would be located in the Marlboro Square plaza, 416 Boston Post Road East (Route 20) in Marlborough, and operated by Garden Remedies, Inc.

Members of the public will be encouraged to ask questions and engage in discussions with representatives of Garden Remedies, Inc.

If there are any questions, please contact Attorney Arthur Bergeron at 508-898-1501.

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 20 A 11: 21

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

September 20, 2018

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

Re: E on Main;
Proposed Village District Zoning Amendments

Dear Councilor Clancy:

On behalf of my client, Enza Sambataro, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough as specified in the attached Proposed Order.

As discussed previously with the Council, certain provisions in the Zoning Ordinance make it challenging for applicants to provide roof decks with full amenities while also complying with the height restrictions applicable to the Village District. We believe these amendments would encourage the development of roofdeck amenity areas, beneficial to residents and businesses in the Village District, without sacrificing dwelling units and commercial space. Further, these amendments would provide greater flexibility with respect to the heights and setbacks of buildings in the Village District on atypical parcels.

In accordance with M.G.L. c. 40A, § 5, Ms. Sambataro is the owner of land to be affected by this proposed amendment (161-175 Main Street). 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

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 by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Areas, Yards and Height of Structures, as follows:

1. By amending Section 650-34.F, Heights of Structures, as follows (deleted text in ~~strikethrough~~; new text underlined):
 - F. Heights of structures.
 - (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 6 stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential lot ~~district~~ boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to ~~80~~ 7 stories and up to 85 feet. Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this section.
 - (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open-air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roofdeck shall be subject to maximum height restrictions, as may be extended by special permit.

2. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 ³	10 ¹⁴	10 ¹⁵	Minimum: 35 feet; <u>Maximum:</u> 6 stories; not to exceed a maximum of 70 feet ¹²	80% ¹³

NOTES:

¹ Note deleted.

² Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.

³ Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.

⁴ Except where abutting a residence district, shall be 50 feet.

⁵ Except for buildings extending through a block or to a railroad siding.

⁶ For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.

⁷ However, this frontage need not be contiguous.

⁸ No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.

⁹ Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.

¹⁰ Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

- ¹¹ Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- ¹² Within the Marlborough Village District, special permits may allow for an increase in height to ~~80~~ 7 stories and up to 85 feet; also, provided that the height of any development ~~adjacent to any~~ within 50 feet of a residential district boundary shall be stepped down and shall not exceed 52 feet except where allowed by special permit. (See § 650-34F(1).)
- ¹³ Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
- ¹⁴ Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
- ¹⁵ Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

ADOPTED
In City Council
Order No. 18-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City of Marlborough
 Conservation Commission
 Minutes
 July 19, 2018 (Thursday)
 Marlborough City Hall – 3rd Floor, Memorial Hall
 7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
 2018 SEP - 1 P 3 57

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

Absent: none

Approval of Minutes: The minutes of June 21st were reviewed and accepted as written, unanimously 7-0. The minutes of June 7th were not ready for review yet.

Public Hearings:

Request for Determination of Applicability

Bolton St. – City of Marlborough

Tom DiPersio, City Engineer, was present and explained that the City is proposing to add a sidewalk from the Assabet Vocation High School entrance on Bolton St. to the Hudson town line to connect into the sidewalk system in Hudson. In most of the roadway, the work is within the limits of the roadway, but in a few sections the sidewalk expands the layout. In addition, some changes to a few drainage structures to improve their function is required. Since work is outside the existing layout and drainage is being improved, which is beyond the scope for a minor project, a Request for Determination of Applicability was filed. The culvert next to the school entrance, work will be within the existing roadway and curb. There is no room to expand in this location due to the severe existing slope above the culvert. The roadway in this location is wide enough to add a sidewalk and will narrow the traveled way.

Where the roadway passes the Kane Storage facility, it will be widened into the shoulder area to create the proper width. They will be adding a catchbasin onto the existing pipe that drains across the street into The Grove conservation land. This new catchbasin over the existing pipe is about 60' from the wetland.

There was some discussion about extending the sidewalk over the reservoir area. Mr. DiPersio said that was not being proposed at this time. After some discussion about erosion controls and construction sequencing for this milling and paving job, the hearing was closed. The Commission voted unanimously to issue a negative Determination with standard conditions for a pre-construction meeting and erosion control inspections.

Request for Determination of Applicability

74 Paquin Dr. – Dave Domke

Mr. Domke was present and explained that he needs to add a new drain from the catch basin at the end of the driveway to the edge of the water. Currently the catch basin and pipe he has are not adequate and he gets puddling in his driveway. The pipe now only extends part way

through his yard. The new pipe will extend to the old ski boat ramp that is paved. He will add a 4" pvc pipe. The Commission noted that a schedule 40 pvc pipe might be a good idea for durability. Mr. Domke thanked them for this advice.

Questions related to the location of discharge and stability were asked and determined it will discharge onto pavement and is clean water from the driveway. There being no further questions, the hearing was closed. The Commission voted unanimously 7-0 to issue a negative Determination with standard conditions.

Notice of Intent

186 Reservoir St.- Fabiana Menezes

Ms. Menezes was present and explained that they would like to construct an addition to the right of the existing house with a garage below and living space above. She noted that as shown, it was within the allowable perimeter. Chairman Clancy explained that she received an emergency certificate to connect the sewer pump chamber and tank to the existing house. She explained that they bought the house several months ago and the septic system had failed, so they wanted to move in and get the sewer system hooked up. They will move into the house and the new addition will be built while they are living there.

The Commission noted that the driveway turn around falls within the 30' setback from the water's edge, so that will need to be adjusted. Mr. Dunbar asked if the sewer pump chamber tank was too close – Ms. Ryder noted that the setback is explained in the Floodplain and Wetlands protection district and as long as the tank didn't increase the height of the land this should not affect the flood storage capacity.

Chairman Clancy noted that this is a single-family house only, the owner confirmed that is the case.

There was discussion about the driveway location and the driveway slope and that all materials excavated from the building area would need to be removed from the site. After further discussion, the Commission continued the hearing to the August 2nd agenda to allow the applicant time to get the plans revised as noted above. Ms. Menezes will be in touch when the revised plans are ready.

Boy Scouts – Introduction

Boy Scouts Zach Ritter and Dylan Green were both present. They explained that they will both be doing work on the Panther/Boroughs Trail. Zach explained that he will be building bog bridges and construct a trail from Millham St. to the proposed boardwalk location (parallel to Boundary St.) He is planning to do his project on August 11, 2018. Dylan will be doing work on the boardwalk and helical piers at Boundary St. (or Cider knoll) on August 25th and 26th. The Commission thanked the scouts for choosing to do their project with the Commission and noted

that the scouts are the Commission's work horses for all bridges, kiosks, boardwalks and trail construction. They wished the scouts good luck with their projects.

Public Hearings (continued)

Request for Determination of applicability

99 Violetwoods Circle – Yamir Dextre

Mr. Dextre was present and showed the Commission a plan of the house and deck. They are replacing the small deck with a 12'x12' deck. The closest point of the deck to the wetland marker is 32'. Three supports are proposed 4'x6' which will be dug into the ground. Footings will be hand dug as they can't get a machine down there.

Ms. Ryder noted that there is an existing fence on the site that is on the 20' buffer zone line for the most part. There is a slight angle that was added to get around the existing tree. The Commission closed the hearing and voted unanimously 7-0 to issue a negative Determination with standard conditions.

Request for Determination of Applicability

16 Bracken Dr. – Duany Lima,

Mr. Lima was present with his interpreter. They explained that they want to add parking on the right side of the existing driveway and they need to create a retaining wall to retain the slope and create a turn around. Under the deck they want to add a patio with pavers. In the future, the deck will also need a repair.

Chairman Clancy noted that this is a very tight lot when the house was built and there should be markers defining the wetland boundary.

They are also requesting to remove some large trees that are outside the 20' buffer zone, but within the 100' buffer zone. Ms. Ryder noted that she had gone to the site in the spring to discuss this work and unfortunately when she went by a few weeks ago they had started work without getting this permit. She stopped the work and required them to install erosion controls immediately, which was done, and come before the Commission. Knowing how tight this lot is, the Commission set a site visit for July 25, 2018 at 5:00 PM to review the project. They continued the hearing to the August 2nd meeting.

Request for Determination of Applicability - Continuation

10 Rose Point – Giselle Araujo

Ms. Araujo explained that she has installed a fence in her back yard and wants to put in a pool. However, upon inspection it was discovered that the fence is not entirely on her property and is WITHIN the 20' no disturb buffer zone. She expressed frustration, because she had contacted the condo association and management company and pulled a fence permit from the building department and didn't discover there was an issue until she pulled the permit for the pool.

Chairman Clancy said the fence is too large for this area and encroaches on the 20' buffer zone. He explained that the markers were installed when the development was built. He asked who put the fence in. She explained that they had hired a contractor to install the fence and that she had pulled a building permit.

The Commission discussed whether the condo association had provided documents to the homeowner about where the restricted areas are. After some discussion the Commission continued the hearing to the August 2nd meeting and asked Ms. Ryder to meet with the condo association/ management company to see how this issue can be resolved and have a plan in place so this will not happen again.

Notice of Intent – Continuation

Hayes Memorial Drive (Map 99 Parcel 4) – the Gutierrez Company

Proposes to construct a paved driveway and parking to a warehouse/distribution center in Northboro.

With the applicant's consent, meeting was continued to August 2nd.

Discussion:

- DEP 212-1185 Maple St. Culvert, preconstruction meeting as required in Order of Conditions. Joe Curtain and Minot Woods from E.H. Perkins were present. They have been hired to do the work on Maple St. (Rte. 85). Per the Order of Conditions # 25, they are required to attend a Commission meeting to discuss the construction of the culvert under Maple St. They presented a slightly revised plan of the culvert and a letter with a schedule explaining the changes. Instead of removing a section of the concrete stream bottom and replacing it, they are now proposing to add a new top piece that the footings will sit just outside the existing walls, thus limiting the amount of excavation and exposure to the brook. It will also limit the need for dewatering and re-routing the stream. They have Mary Trudeau, a wetland consultant, on board who will be monitoring the site and providing weekly updates.

The Commission reviewed the changes and agreed that the new approach would have less impact on the wetland and approved the new plans. They also expressed the need for the contractor to watch the weather and to try and do this work at a time of low flow and no rain events predicted. The Commission thanked them for coming and allowed them to proceed with this work.

Certificates of Compliance

- DEP 212-1168 – Bolton St. /Ft. Meadow Reservoir Culvert - Ms. Ryder said she has inspected the wetland replication area along with Ms. Paquin., and the culvert area has been stabilized and finished. All work appears to be in good working order. Mr. Dunbar noted that the downstream side of the culvert is steep and dangerous to walk and wondered if this needs to be addressed. Ms. Ryder will talk to the City Engineer. After further discussion, the Commission voted unanimously 7-0 to issue a full Certificate of Compliance for this work.

- Dep 212-1164 7 Gikas Ln. – Lot 10 Ms. Ryder noted that everything is stable, deed language has been provided, however they still need to install a permanent boundary fence next to the wetland. The Commission voted unanimously 7-0 to issue a full Certificate of Compliance, but asked Ms. Ryder to hold it until the fence is installed.
- DEP 212-1163 15 Gikas Ln – Lot 9 Ms. Ryder noted that everything is stable, deed language has been provided, however they still need to install a permanent boundary fence next to the wetland. The Commission voted unanimously 7-0 to issue a full Certificate of Compliance, but asked Ms. Ryder to hold it until the fence is installed.

Correspondence:

The following correspondence were reviewed and the Commission voted to accept and place on file:

- Letters of appreciation to Eagle Scouts Matthew Bennett and Ian Minier, dated June 21, 2018.
- Letter from Civil & Environmental Consultants, Inc. RE: Marlborough-Stormwater Management System, 791 Boston Post Rd. CEC Project No. 180-080 Waste Management of Mass.
- Letter from VHB on behalf of NSTAR Electric Co., RE: Sudbury-Hudson Transmission Reliability Project MEPA Final Environmental Impact Report – EEA No. 15703. Written comments due to the MEPA Office by August 10, 2018.

Adjournment: There being no further business the meeting was adjourned at 8:57 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer *AB*

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

August 2, 2018, 2018 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2018 SEP -7 P 3:51

Present: Edward Clancy – Chairman, Karin Paquin, William Dunbar, and Allan White.

Absent: John Skarin, Dennis Demers and David Williams

Approval of Minutes: The minutes of June 7, 2018 were reviewed and unanimously approved.

Public Hearings

Request for Determination of Applicability (Continuation)

16 Bracken Dr. - Duany Lima

Mr. Lima was present with his interpreter Danny Coelho. Chairman Clancy explained that several members had visited the site and that what was noted on site was that the large stones need to be rolled back towards the driveway, so that the backside of the wall lines up with the 20' no disturb zone. He noted that lots of rock movement work had been done prior to filing which will need to be moved out of the 20' buffer zone. The Commission noted that the following must be done prior to beginning the work: 1) The 20' no disturb boundary shall be marked in the field with a string to ensure all work stays outside this zone; 2) Rocks need to be replaced next to the driveway to support the driveway. They can be raise 6" above the driveway to create a barrier; 3) The area between the driveway and the rocks shall be stabilized with either pea-stone or grass and can be maintained; 4) The area behind the rocks that has been disturbed must be naturalized. They can wait to see what grows back, but if it doesn't grow back it will need to be replanted with ferns and other native plants; 5) The patio area will be outside the 20' buffer zone and will be built under the deck; 6) Seven (7) trees have been marked in the back yard which will be removed; 7) The Conservation Officer shall be notified when the work is to start and again once it is completed.

After some discussion about the methods and materials to be used, the hearing was closed. The Commission voted unanimously 4-0 to issue a negative Determination with conditions as noted above.

Request for Determination of Applicability - Continuation

10 Rose Point - Giselle Araujo

Proposes to install an above ground pool and fence next to wetlands at 10 Rose Point. At the applicant's request (by e-mail) due to a schedule conflict this hearing was continued to the August 16th agenda.

Notice of Intent (Continuation)

186 Reservoir St. - Fabriana Menezes

Proposes to construct an addition with a two-car garage under, a new driveway and a new deck at the rear of the house at 186 Reservoir St. near Ft. Meadow Reservoir. At the applicant's request (by phone) because she is still waiting for revised plans, this hearing was continued to the August 16th agenda.

Notice of Intent (Continuation)

Hayes Memorial Drive (Map 99 Parcel 4) - The Gutierrez Company

Scott Weiss of the Gutierrez Co, and David Robinson P.E. from Allen and Major were both present. Mr. Weiss explained that they are proposing to build a warehouse building in Northborough and the access driveway and some of the drainage will be built in Marlborough. The area to be disturbed is already where the force-main is located. Currently the water line project on Hayes Memorial Dr. is using this road access area as a staging area for the contractor. The wetlands were reviewed by Priscilla Ryder and William Dunbar on July 9, 2018.

Mr. Robinson explained that he has received comments both from DEP and the City Engineer and is working with them, at this point more than half the comments have been addressed. He reviewed the list of comments from Tom DiPersio which were similar to the DEP comments and touched on the infiltration basin size and design, designation of the stream within the wetland area, and issues about maintenance of the drainage system. These will be changed on the plan to meet these requirements.

He also noted that there will be a grassed area on the Marlborough side which will be for reserved parking. The existing detention basins are designed to accommodate that change, but for now the area will remain grass. There was discussion about traffic, cuts and fills, spillway accommodating flows, construction sequencing plan, and controlling invasive plants. Ms. Ryder asked for a copy of the stormwater operation and maintenance plan. She also noted she has spoken to the Conservation Agent in Northborough and they are waiting to hear back from Natural Heritage and Endanger Species Program before they can finalize their hearings as well. The entire site is surrounded by wetlands.

After some discussion, it was agreed with the applicants' consent, that the hearing be continued to the August 16th meeting and if things aren't ready it will be continued to the Sept. 6th agenda.

Certificates of Compliance:

- DEP 212-547 587 Bolton St. – re-issue Certificate of Compliance – Ms. Ryder noted that the applicant is looking to sell this property and the original certificate had not been properly recorded. The Commission voted 4-0 to re-issue the Certificate of Compliance.
- DEP 212-998 137 Cullinane Dr. - Ms. Ryder noted that the work on this wall next to Ft. Meadow has been completed for some time and all is stable. Ms. Ryder showed pictures of the completed wall to the Commission. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance.
- DEP 212-1164 7 Gikas Ln. – Lot 10 - Ms. Ryder noted that the site has been stabilized and a stone wall marks the boundary to the wetland, however the Order of Conditions requires a fence barrier behind this house. The Commission voted unanimously to issue a full certificate of compliance, but asked Ms. Ryder to hold it until the fence has been installed.
- DEP 212-1163 15 Gikas Ln – Lot 9 - Ms. Ryder noted that the site has been stabilized and a stone wall marks the boundary to the wetland, however the Order of Conditions requires a fence barrier behind this house. The Commission voted unanimously to issue a full certificate of compliance, but asked Ms. Ryder to hold it until the fence has been installed.

Extension Permits:

- 212-1157 890 Boston Post Rd. East – Order of Resource Area Delineation - Ms. Ryder has not inspected this site yet, this item was continued to the next meeting.

Correspondence: The following items were reviewed, and the Commission voted to accept and place on file.

- Forest cutting plan – location Marlborough and Southborough – Broadmeadow Rd./Sherman St./Acre Bridge Rd.
- Notice of Project Withdrawal: EEA#15703: Sudbury-Hudson Transmission Line FEIR

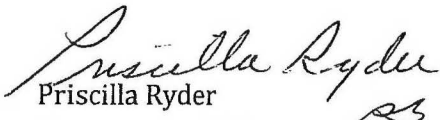
Other Business:

Boroughs and Panther Trails – Ms. Ryder noted that the Rotary Club is interested in helping out in the trails projects that the Commission is working on and will be donating \$5,000 worth for materials and to help pay for a consultant to oversee the construction of the helical pier boardwalks. Ms. Ryder asked the Commission for permission to also use funding from the Conservation Maintenance fund to help pay for this consultant, who has worked on the Great Meadow Wildlife Refuge project as well. The Commission agreed to approve up to \$5,000 to spend on this consultant. The rest of the project will be paid for through the Recreational Trails grant the Commission received earlier this year.

Next Meetings - August 16, 2018

Adjournment: There being no further business, the meeting was adjourned at 8:35 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

August 16, 2018 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

**RECEIVED
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CITY OF MARLBOROUGH**

2018 SEP - 1 P 3 51

Present: Ed Clancy-Chairman, Allan White, Dennis Demers, Karin Paquin, Bill Dunbar, and John Skarin. Also present was Priscilla Ryder - Conservation Officer.

Absent: Dave Williams

Public Hearings

Notice of Intent (Continuation)

186 Reservoir St. - Fabriana Menezes

Proposes to construct an addition with a two-car garage under, a new driveway and a new deck at the rear of the house near Ft. Meadow Reservoir. At the applicant's request (by e-mail) the hearing was continued to September 6th.

Request for Determination of Applicability (Continuation)

10 Rose Point - Giselle Araujo

Mr. Araujo was present and explained that they haven't done anything with the fence yet. Ms. Ryder noted that she had met the homeowners and someone from Northborough Properties who is the management company working for the condo association. The management company had provided e-mail documentation that they had notified the homeowners to get permits and to meet with the Conservation Commission, they are not taking responsibility for the fence being in the wrong location.

After some discussion, the Commission agreed to have Ms. Ryder go out and measure the 20' buffer zone from the existing markers in the field and mark this boundary for the homeowner to determine where the fence can be moved to. They also noted that the area behind the fence with where the stones had been moved would need to be restored and re-vegetated to naturalize this area. The homeowner agreed to meet on Tuesday the 21st at 2:00. Mr. Dunbar said he could attend as well.

The hearing was closed, and the commission voted unanimously 6-0 to issue a negative Determination with conditions as noted above.

Request for Determination of Applicability

Howe and Valley Streets - Marlborough Hub, LLC

Jacob Lemieux from Hancock Associates was present, he explained that the proposal is to build an 8-town house development with associated roadway, utilities and drainage. The drainage is designed to infiltrate into the ground. A portion of the lot is encumbered by the 100' buffer zone to a wetland on the adjacent property and is shown on the plan.

The Commission asked what is to happen to the old railroad bed. Mr. Lemieux indicated they were not going to build on it, but some grading would occur on it and it would be the back yards of the homes. The Commission asked if they had done any testing of the soils within the railroad ROW as this was a concern during the construction of the ARRT trail, where contamination was found in some sections of the trail soil which needed to be removed to meet health standards. Mr. Lemieux indicated they had

not done a 21E site assessment. The Commission said since they are doing grading work, and lead and arsenic could be present, this would be a health concern. Mr. Lemieux said he would ask his client to do same and come back to the Commission with information.

The hearing was continued, with the applicants consent to the September 20th meeting.

Notice of Intent - Draft Order of Conditions (Continuation)

Hayes Memorial Drive (Map 99 Parcel 4) - The Gutierrez Company

David Robinson of Allen and Major Associates was present. He explained that since the last meeting, he has responded to Tom DiPersio's comments and has produced a revised plan dated 8-15-2018. He reviewed the changes with the Commission including: alternatives analyses done for the town of Northborough, which indicated that the access through Marlborough has the least wetland impact, stream stats did not apply as there is no channel on the USGS maps- they have determined the stream in Marlborough is intermittent., included flatter maintenance area around detention basin, test borings indicate there is a 4' separation from the bottom of the detention basin and the water table. The fence around the basin will be gated, the Commission noted that the fence could have critter holes to allow movement through the basin.

Mr. DiPersio noted that they have adjusted their stormwater calculations to address DEP's concerns and will make the construction tracking pad longer per the City Engineer.

Also discussed were the construction sequencing plan, SWPPP, snow storage on pavement only and how much export or import there would be on the site. Chairman Clancy asked about whether they have received permission to tie into the city's water and sewer system. Mr. Robinson explained that he thought they were close, if for any reason they can't tie in, they will drill a well for water and install a septic system.

The hearing was closed, and the Commission continued the public hearing to Sept. 6, 2018 to review the "draft" conditions.

Certificates of Compliance:

- 212-817 71 Dufresne Dr. – full certificate - Ms. Ryder said she inspected the site and all is in order in accordance with the Order of Conditions. The Commission voted 6-0 to issue.
- 212-942 Unit 6 Shane's Lane Condominium - Ms. Ryder noted that one unit in this condominium is for sale. There are still a few items, such as cleaning the detention basin and providing an as-built plan for the development that still need to be met. The Commission agreed to issue a partial Certificate of Compliance for unit 6 only and asked Ms. Ryder to notify the condo association to close out this permit before any future sales of units or property. (The lawyer representing the seller was present and indicated that the condominium president was Deborah Hoyte and he provided her number). The Commission voted unanimously 6-0 to issue a partial Certificate of Compliance for Unit 6 only.
- 212-1117 Preserve at Ames – (aka: Talia and Brookview Apartments) - Mark Arnold of Goddard Consulting Inc. was present and reviewed his request for a Certificate of Compliance submittal which included photos (which he showed) of the wetland replication area and the wetland areas that were stabilized close to the wetland around the entire site. They have meet all the requirements of the Order of Conditions, the contaminated soil was buried, and deed language has been recorded. The replication areas have flourished and are in good shape after 2 years, the wetland restoration area is

also healthy. Ms. Ryder noted that she has also inspected the site on Monday and everything seems to be in order. The Commission voted unanimously 6-0 to issue a full certificate of compliance for this project.

- 212-1183 329-331 Boston Post Rd. – storage facility – Ms. Ryder noted that she had inspected the site and the Commission noted they would like to do an inspection as well. They chose 8:30 AM on August 23 to do the inspection. This item was continued to the next meeting.

Extension Permits:

- 212-1157 890 Boston Post Rd. East – Order of Resource Area Delineation – Ms. Ryder noted that she had not been able to check the site but will do so before the next meeting. This item was continued to the next meeting.

Correspondence:

- Letter to Dave Johnson, RE: Wetland violation notice – Enforcement Order to repair Glen St. culvert washout, Request for Determination of Applicability – Glen St. reconstruction - \$100 fine. The Commission voted unanimously to ratify this violation notice.
- Vegetation Management Notice – DPW – Date of treatment June 28, 2018 thru Oct. 12, 2018 – street maintenance - this item was accepted and placed on file.
- Guide for Members of Public Boards and Commissions- this item was accepted and placed on file.

Other Business:

- Washouts from thunderstorms: Ms. Ryder noted that over the past two weeks there have been some significant thunderstorm rain event. There were washouts at the following locations:
 - Leolis Dr. & Bracken Dr. – roadway construction, mud and stone washed down the street. Most of it was captured in the street. Mr. Demers indicated that it is the contractors' responsibility to control the runoff from these events.
 - Bolton St. – Mud, sand and stones washed into the boat ramp and the drain outlet into the lake. Again, it was noted that it is the contractors' responsibility.
 - New Elementary School - Muddy/silty water left the site and drained down the hill into Red Spring Rd. and made a mess on Red Spring Rd. and two abutting properties.
 - Maple St. reconstruction – muddy water and LOTS of water came down through Maple St. from the drain that flows under the Kennedy's Restaurant Parking lot.

The Commission discussed each of them and noted that the contractor is responsible for cleaning up any mess and is also responsible for notifying the Conservation Officer if there is an issue. They asked that \$100 fines be issued for each of these projects to the contractor in charge of the project, as they are the responsible parties. Ms. Ryder will send these notices out next week.

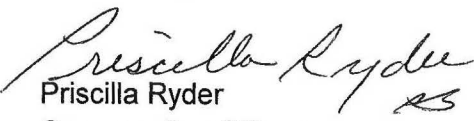
- Violation Notice – 12 Rose Pointe - Ms. Ryder noted that when she was inspecting 10 Rose point, she noted the next-door neighbor had cleared and was grading their back yard. Ms. Ryder sent the homeowners a letter and will be meeting with them next week. The homeowners will attend the September 6th agenda.
- Associate Member: Kelly Linquist was present, she had attended several meetings early in the year and has expressed an interest in learning more about the Conservation Commission. The Commission

noted that as an Associate Member she can participate in the discussions but will not be able to vote. She agreed, the Commission welcomed her aboard.

Next Meetings - The next meeting is scheduled for Sept. 6, 2018.

Adjournment: There being no further business, the meeting was adjourned at 8:43 PM

Respectfully Submitted,


Priscilla Ryder
Conservation Officer

**Minutes
Retirement Board Meeting of
July 31, 2018**

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CITY OF MARLBOROUGH**

2018 SEP -7 P 4:57

The monthly meeting of the Marlborough Retirement Board was held on July 31, 2018. Gregory Brewster, William Taylor, David Keene, Diane Smith, Daniel Stanhope and Margaret Shea were present.


1. The meeting was called to order at 8:15 a.m.
2. The Board reviewed the minutes of the meeting of June 26, 2018. A motion was made and seconded to approve. Vote unanimous.
3. The Board discussed issues related to the Board's current office space. The elevator in the building has been out since late June. The Board reviewed its options regarding office space and agreed to meet in late August to reassess.
4. The Board will conduct a hearing regarding Scott Taylor's application for accidental disability retirement. The Board reviewed the medical panel reports to determine if requests for clarification were required.
5. The Board reviewed a request for creditable service for Holly Kersey. Ms. Kersey was a member of the retirement system, employed as a LPN, when her employment status was changed to a daily substitute on September 1, 2015. During her time as a daily substitute, Ms. Kersey worked a full-time schedule. The School Department discontinued her retirement contribution. Her status was changed to a regular full-time employee on April 4, 2016 and retirement contributions began again. Ms. Kersey requested creditable service from September 1, 2015 to April 4, 2016. Since the retirement contributions were discontinued in error, a motion was made and seconded to grant .7 months of creditable service. Vote unanimous.

The Director asked the Board to adjust the creditable service award made last month to Kimberly Capobianco, a member of the Massachusetts Teachers' Retirement System. The Board had originally granted two years of liability. After discussion, a motion was made and seconded to allow three years of creditable service. Vote unanimous.

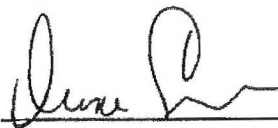
6. The following individuals applied for superannuation in June; Vangie Brennan, Ursula Lynch, Christina Mish, Reina Rago, Ruth Ann Regan, Susan Skulley, and Kathleen Wilson. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
7. A motion was made and seconded to approve the refund applications of Adrienne MacDonald and Shachan Cabral and to refund 2% contributions taken in error from Ruth Ann Regan and Ursula Lynch. Vote unanimous.
8. The Board reviewed an updated operating budget as of June 30, 2018. A motion was made and seconded to approve. Vote unanimous.

9. The Board reviewed the operating budget as of July 31, 2018. A motion was made and seconded to accept and place on file. Vote unanimous.
10. The review of cash reconciliation was the next item on the agenda. The reconciliation was not completed. The item will appear on next month's agenda.
11. The Board reviewed the cashbooks, journals, and trial balances for June 2018. A motion was made and seconded to accept and place on file. Vote unanimous.
12. A motion was made and seconded to approve the following warrants; retiree payroll for July 2018, #172018, #182018, and #192018. Vote unanimous.
13. The Board reviewed PERAC memoranda #21 and #22. A motion was made and seconded to accept and place on file. Vote unanimous.
14. A motion was made and seconded to adjourn the meeting. Vote unanimous.

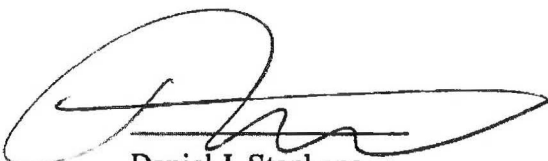
Gregory P. Brewster
Chairman



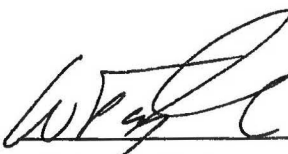
David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor

Marlborough Historical Commission
July 26, 2018
Marlborough Public Library – Reading Room
7:00-8:00 p.m.

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CITY OF MARLBOROUGH
2018 SEP 10 P 7 35

Attendees: Robert Fagone, Samantha Khosla, Lee Wright

Member of the public Peter Coppola

The meeting was called to order.

1. 197 Stow Road

Mr. Coppola owns the "Uriah Eager House," located at 197 Stow Road in Marlborough. The property is subject to preservation restriction agreement that requires the owner to retain and maintain substantially the architectural, historical and cultural significance of the property. The owner appeared before the MHC to request permission to replace the windows, to repair the porch substructure, and to update the electrical system to repair internal damage to the house.

Upon inquiry and consultation with historic building preservationists, it was determined that the windows that are currently on the house are approximately forty years old and therefore, not an original feature of the house. The owner presented a plan to replace the current windows with custom windows that will preserve the current casing of the house. The owner informed the MHC that the porch substructure is rotting and needs to be replaced. The current footprint of the porch will be preserved. The property has knob and tube wiring and inspection has revealed that there is internal damage to the structural elements of the house. The owner requested permission to replace the old wiring system with one that will be as seamless as possible and not disturb the internal architectural features of the house.

A motion was made to approve Mr. Coppola's request to replace the windows, replace the porch substructure and update the electrical wiring system.

The motion was seconded.

There being a quorum, the motion passed unanimously.

2. Museum in the Streets

Ms. Khosla moved that Robert Fagone, in his capacity as chairman of the Marlborough Historical Commission, be hereby authorized to conduct negotiations with The Museum in the Streets, LLC and the Marlborough Historical Society as part of the proposed project to provide panels for the installation of the Museum in the Streets of the City of Marlborough, and to sign the parties' written agreement when it has been finalized.

The motion was seconded by Lee Wright.

There being a quorum, the motion passed unanimously.

There being no further business, the meeting was adjourned.

Marlborough Historical Commission
 August 8, 2019
 Marlborough Public Library, Reading Room (Lower level)

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 CITY OF MARLBOROUGH
 2018 SEP 10 P 7 35

Attendees: Robert Fagone, Samantha Khosla, Alan Slattery, Lee Wright

Member of the public: Melanie Whapam
 The meeting was called to order.

1. Proposed Main Street Project

Chair Fagone said that he met with the architect and discussed the design for the proposed project on Main Street. Chair Fagone pointed out architectural details of the surrounding buildings and suggested that these details might be incorporated into the proposed design. The architect was amenable to the suggestion and said he will provide an edited rendering of the design.

2. Future Planning

Chair Fagone said that he spoke with Russ Mangsen at Assabet Valley Regional Technical High School to develop a template for the students to produce signage for Marlborough's historic houses. Chair Fagone also spoke with the Department of Public Works about adding markers to road signs to label our historic (scenic) roadways.

The Site Plan Review Committee's membership is defined by ordinance and does not include the MHC. However, Chair Fagone spoke earlier with Committee members and they discussed re-writing its application form to include input from the MHC.

3. Open Discussion

The MHC talked briefly about what should be considered an architecturally significant building in Marlborough, i.e. what is the historic character that we wish to preserve for the community? Lee Wright suggested that the MHC should hold a public meeting and to engage the community in a discussion about this.

The following historic buildings are scheduled to be demolished: 57 Main Street (Rowe Funeral Home) and 28 Bolton Street. The MHC discussed the need for a demolition delay ordinance ("DDO"). A DDO would provide an opportunity for a conversation about the fate of a historic building and also perhaps afford an opportunity to find an interested party to re-locate a building that is scheduled for demolition. The MHC agreed that a DDO is an opportunity for reasonable time to have a conversation and try to find a solution to preserve a historic building.

Melanie Whapham expressed interest in serving on the MHC. Chair Fagone said he would write a letter to Mayor Vigeant to recommend her appointment to the Commission.

There being no further business, the meeting was adjourned.

MEETING: Council on Aging Board of Directors Meeting

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

DATE: March 20, 2018

2018 SEP 10 P 12:50

Time: 8:30 AM

LOCATION: Senior Center Conference Room
40 New Street
Marlborough, MA

ATTENDANCE: Leslie Biggar, Joseph Bisol, Jim Confrey, Richard Cygan, Marie Elwood, Pat Gallier, Judy Kane, Jeanne McGeough, Michael Ossing, and Trish Pope. Richard Collins and Brenda Costa both excused.

1. Called to Order 8:25AM.
2. Approval of February 13th Minutes.
3. Director's Update:
 - a. St Patrick's Day Party is being rescheduled because of weather:
 - i. New date will be in Newsletter.
 - ii. Having trouble rescheduling McMurphy Band.
 - iii. Waiting for parking lot to be clear of snow.
 - iv. We have started to return Senior's \$10.
 - b. Boston Museum of Fine Arts Trip and Downsizing & Selling From Daunting To Done are also to be rescheduled.
 - c. Our Orlando Green House is planned for a mid-summer install:
 - i. Seniors will have section to plant flowers and vegetables as that is one of the activities missing in moving into housing.
 - ii. We will be able to have a vegetable basket for Seniors to take free vegetables at the front desk and also the kitchen will be able to use these vegetables.
 - iii. The Cummings Grant is where we are getting money for the Green House.
 - d. Budget meeting with the Mayor has been moved:
 - i. If no volunteers the drivers will need to be paid:
 1. Payment will be out of EOEA Formula Grant.
 2. Working on new plan as there has been a lost rider or two.
 - e. BayBath has two grants funding start up for the next three years which is already done.

- f. **February 2018 BayPath Board Meeting Highlights** has been handed to Trish to be scanned (Att. #1).
- g. Due to overwhelming demand **FISH** cannot accept new riders until further notice:
- i. Riders need to be Seniors 65 years old or older and Friends of Marlborough Seniors or residents of Marlborough Housing, Christopher Heights, and Academy Knoll.
 - ii. Ad for new drivers in our Newsletter has brought us 2 new volunteer FISH drivers.
 1. To add an additional page in the newsletter you really need to add 4 to have even number of pages.
 2. Senior Center pays for postage on newsletter.
- h. We have free **Durable Medical Equipment** of transport chairs, rolling walkers, wheelchairs and canes. We even had a power wheelchair that we gave to one of our Seniors.
- i. **Transportation Report (Att. #2):**
- i. Total 109 one-way trips.
 - ii. 27 to shopping.
 - iii. 54 to Senior Center.
 - iv. 4 using MWRTA (MWRTA does drive to Boston as FISH does not.).
 1. Riders must be 60 years or older.
 2. Based on first come first served.
 3. Service is provided by grant through BayPath Services and Title 111 Older American Act Funding.
 4. We have had Seniors wanting to go the same day as their friends were going to Chick Filet and we have had to say not available that the rules say you need to have more of a notice.
- j. **Friends of Marlborough Seniors** have their own separate funds:
- i. Gift shop brings in about \$200 per month.
 - ii. Membership \$10 individuals or \$15 for couples which gets the seniors their newsletter copy.
 - iii. Giving Tree in lobby. With a \$100 or more donation a printed leaf is added to the tree.
 - iv. Both the Senior Center and Friends pay \$400 a month to process the newsletter.
 - v. October Friends will be running a Hoedown Dance.
 - vi. Friends plan to run another No-Show Advent.
 - vii. Hudson Friends did pay for the new van.
- k. **The DayBreak Program**

- i. Northborough will hold program on Tuesdays.
 - ii. Marlborough will hold program on Wednesday.
 - iii. Hudson will hold program on Thursday.
 - iv. Attendees need to be older than 55 and able to feed and toilet themselves.
 - v. Hours are 11:30 to 2:00 to give care taker time off from duties at a voluntary donation.
 - vi. There could be a total of 15 people with 1 paid leader and 1 volunteer.
- l. **COA Board Trainings** will be held here on March 23rd. Talk is given by Mr. Emmett Schmarsow. We have about 5 people from our center planning to attend. It will run 9:15 to noon covering COA services, activities, roles and responsibilities.
- m. **42nd Senior of the Year Dinner** is scheduled for May 23rd:
- i. Will have High School Jazz Band.
 - ii. Nomination must be resident of Marlborough, 85 years old or older and have history of community service in the City of Marlborough.
 - iii. Nominations must be returned to Senior Center by noon on May 4th 2018 which is convenient as our May COA meeting is on May 8th.
- n. Senior Center was open as a **Warming Station** Thursday morning at 8AM to Friday evening at 7PM during snow storm as many citizens did not have electricity.
- i. If center is open after 10 PM there has to be a police detail here.
 - ii. The difference between a Warming Station and a Shelter is that a shelter supplies hot food, Red Cross Services and sleeping area.
 - iii. People did come in with their own equipment.
- o. **Upstairs' walls** are for a big area or lounge/ office, yoga area, conference room and card game area.
- p. Glad to say Seniors are discovering **Bigelow parking area**.

See you at our next meeting on April 8th 2018 at 8:30AM, Senior Center Conference Room, 40 New Street, Marlborough, MA.

Respectfully Submitted,
Leslie Biggar, Fill-in

Board Meeting Highlights – February 28, 2018

Att. #1

Schedule of Meetings February-June 2018

March 28, 2018

April 25, 2018

May 23, 2018

June 27, 2018

Money Management Program

BayPath's Money Management program has been providing bill paying support to the community since 1991. We currently have 53 volunteers. Last year our audit score was 98. Consumers are very positive about the program and the help that it provides them.

Caterer's Kitchen

Ms. Menzendorf – Nutrition Director provided an update on the caterer's site. The kitchen started producing meals on Tuesday 2/20/18. Everything went well during the transition and we look forward to Bateman maximizing the use of the

Healthy Living Program

Ms. Dominguez Bodie, our CDSME Coordinator has scheduled over a dozen healthy living workshops in many of our towns and also some outside our catchment area, as she is a regional coordinator for the Healthy Living Center of Excellence.

New Director of Client Services at BayPath

BayPath introduces our new Director of Client Services, Ms. Theresa Eckstrom. Ms. Eckstrom has been involved with elder network for a long time. She is the chair of the commission on elder affairs of Worcester and previous to coming to BayPath sat on the board of Central Mass Area Agency on Aging in Worcester.

kitchen and all of the new equipment to produce a high quality product for us and our consumers.

MCCN

MCCN is a partnership of many human service providers that will be contracting with ACOs. The Community Partner contract with MassHealth is expected to go live on June 1, 2018. At that time the consortium will begin receiving referrals from the ACO's. BayPath has committed one half time case manager to work with the partnership and the MH ACO's in providing long term services and supports.

Avidia Bank

BayPath will be partnering With Avidia Bank with our Caregiver program. Avidia currently has a team that delivers Meals on Wheels in the community. We are hoping to increase our collaboration with them and also begin work at their new Framingham location. This partnership should help us get the word out more about our Caregiver program.

Board Meeting Highlights – February 28, 2018

Town Analysis January 2017

TOWN	ECOP	CHOICES	TOWN	ECOP	CHOICES
Ashland	12	1	Natck	31	26
Dover	0	0	Northborough	8	3
Framingham	74	45	Sherborn	0	0
Holliston	15	4	Southborough	4	4
Hopkinton	8	2	Sudbury	5	4
Hudson	25	7	Wayland	10	4
Marlborough	30	17	Westborough	9	3

ECOP Total = 231

Choices Total = 120

MEAL Days - 18

TOWN	TOTAL	TOWN	TOTAL
Ashland	367	Northborough	362
Dover	24	Sherborn	97
Framingham	4603	Southborough	448
Holliston	627	Sudbury	510
Hopkinton	202	Wayland	506
Hudson	1104	Westborough	353
Marlborough	2500		
Natick	1187		

Nutrition - January 2018 (18 meal days) (2 holidays & 3 snow days)

Total Home Delivered – 11,112 New HDM consumers – 37

Shelf-stable emergency meals delivered – 1,920

Congregate – 950

New congregate consumers– 14

Marlborough Supportive Meals – 245 meals, 49 consumers

Chinese home delivered meal consumers – 31

Nutrition Intake Assessments – 19

Reassessments – 13

Total # volunteers – 380

Total # volunteer hours – 2,302

MNT (Nutrition Consult) – 7

Community Nutrition Education – 0

Lasagna Dinner @ Hudson COA – 35 attendees

Marlborough COA Latino lunch – cancelled due to snow

MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT
MONTH OF FEBRUARY, 2018

Scan to Panda

TOTAL NUMBER OF TRIPS = 109

BROKEN DOWN

SUPERMARKET/SHOPPING/RESTAURANTS = 27

SENIOR CENTER = 54

CITY VAN- OTHER = 23

MWRTA = 4

EMPLOYMENT OPTIONS = 0

NEW APPLICANTS = 6 – 5 FEMALE, 1 MALE

NEW RIDERS = 1

RETURNING = 25

CITY OF MARLBOROUGH MEETING MINUTES

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 10 P 12:50

MEETING: Council on Aging Board of Directors Meeting

DATE: April 10, 2018

TIME: 8:30 A.M.

LOCATION: Sr. Center Conference Rm, 40 New Street, Marlborough, MA

ATTENDANCE: Leslie Biggar, Joseph Bisol, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Pat Gallier, Jeanne McGeough, Mike Ossing, Trish Pope

EXCUSED: Richard Collins, Judy Kane

1. CALL TO ORDER at 8:30 a.m.

2. MARCH 13, 2018 MINUTES were approved.

3. DIRECTOR'S UPDATE – Trish Pope

- Illness hit the COA staff hard last month.
- There is a new locking system for the front door, which has been in use for about a month. The kinks are being worked out.
- The Marlborough Daybreak program starts on the April 18th. Program coordinator is Christine D'Angelo. So far there are 2 individuals signed up.
- Senator Eldridge's Annual Senior Conference is on April 19th at Assabet Valley Regional Technical High School. There will be a memory cafe information table. In September the Time Out Café will meet monthly (currently bi-monthly).
- The St. Patrick's Day party was cancelled due to weather and will not be rescheduled. Next year a snow date will be planned for.
- The Clean Sweep program is on Saturday, April 28th.
- The Senior Dinner signup will start at the beginning of April.
- The Volunteer Appreciation lunch is scheduled for May 2nd.
- The greenhouse has been ordered and we are waiting on delivery.

4. BOARD UPDATES:

A. BAYPATH ELDER SERVICES UPDATE – Richard Cygan

- See Att. #1.
- See Richard's Notes, Att. #2.
- Trish noted that she will submit to Baypath Elder Services for a LGBT grant with

Northborough.

B. TRANSPORTATION REPORT FOR MARCH – Jeanne McGeough

- See Att. #3.
- Jeanne reported that weather issues brought 32 cancellations.

5. NEW/ OLD BUSINESS

- Richard brought up the gifts program for veterans in Southborough. Trish suggested focusing on the veterans in Marlborough.

6. DISCUSS SENIOR CENTER ISSUES

- Pat Gallier, who volunteers at the Marlborough senior center, reported how busy the front desk was the day before. Volunteers cannot accept any money and there was a hoard of people with payments for programs.
- Councilor Mike Ossing reported that the football program used to store equipment in storage building at Ward Park. Temporarily, their equipment is being stored in the Walker Building. They have requested to put a 10' x 10' shed on the field at Ward Park. Pros and cons were discussed by the board and a suggestion was made that the equipment room be located adjacent to the bathroom building at the park.

7. DISCUSS MAYOR'S SENIOR OF THE YEAR AWARD, MAY 23, 2018

May 5th deadline for nominations for Senior of the Year.

8. ADJOURNMENT: 9:05 am.

The next board meeting will be held on May 8th at the Marlborough Sr. Center Conference Rm, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

BayPath Board Meeting Highlights – March 28, 2018

Att. #1

Author: Kim Ketron, BayPath **Schedule of Meetings April-June 2018**

April 25, 2018

June 27, 2018

May 23, 2018

Adult Family Care Accreditation

New regulations past last year stipulate that AFC providers in Massachusetts will be required to have accredited status as of July 1, 2019. BayPath has chosen CARF (Commission on Accreditation of Rehabilitation Facilities) as the accrediting body to assist throughout the process.

LGBTQ+ Initiative

BayPath sponsored an information table at the Regional Transgender Conference. Employees are working on the first BayPath Elder Services LGBTQ+ Newsletter.

Housing

Mission Springs management has started the ONE CALL NOW system for simultaneous telephone communication to residents. Tribune Apartments is planning a MOB (Matter of Balance) class – Spanish version for residents in May.

Healthy Living Program

Workshops continue in the community. MOB (Matter of Balance) was held at Foxboro Senior Center and CDSMP (Chronic Disease Self-Management) was held at the Family Community Health Center.

Town Analysis

Town	Consumer #	Town	Consumer #
Ashland	47	Natick	129
Dover	2	Northborough	37
Framingham	242	Sherborn	2
Holliston	47	Southborough	14
Hopkinton	32	Sudbury	40
Hudson	79	Wayland	22
Marlborough	93	Westborough	34

BayPath Board Meeting Highlights – March 28, 2018

Author: Kim Ketron, BayPath

Enhanced Community Options Program (ECOP)	236
Choices Program	123

MEAL Days - 18

TOWN		TOTAL	TOWN		TOTAL
Ashland		367	Northborough		214
Dover		20	Sherborn		76
Framingham		3646	Southborough		367
Holliston		563	Sudbury		454
Hopkinton		173	Wayland		358
Hudson		923	Westborough		360
Marlborough		2054			
Natick		1943			
Total	10,518				

Nutrition - February 2018 (18 meal days) (1 snow day)

Total Home Delivered – 10,518

New HDM consumers – 53

Congregate – 876

New congregate consumers– 7

Marlborough Supportive Meals – 208 meals 51 consumers

Chinese home delivered meal consumers – 28

Nutrition Intake Assessments – 20

Reassessments – 4

Total # volunteers – 378

Total # volunteer hours– 2,604

MNT (Nutrition Consult) – 3

Community Nutrition Education – Callahan Center – Heart Health – 25 participants

Rose Kennedy Lane Community Room (FHA) – Heart Health – 12 participants

Framingham Green Apartments – How to Lower Your Sodium – 10 participants

Hudson Senior Center Healthy Potato Bar Lunch – 35 participants

Cy's Notes from the March 2018 BayPath Board Meeting: 4/9/18

President's Report:

- BayPath nurses are now supporting patient care and rights thru their Ombudsman Outreach programs at 22 Metrowest nursing homes. This is a very large group, considering similar company's in Worcester only work with (typically) less than a dozen local nursing homes.
- Staffing levels at BayPath are going very well, with new hires coming on board regularly and the new wages which were authorized will enable BayPath to be more competitive in the area.
- Work has begun on meeting the AFC accreditation (see below)
- The BayPath Strategic Plan may become an asset towards attaining AFC accreditation

Adult Family Care Accreditation –

There is a new State regulation which requires all AFC providers In Mass. to have “accredited” status as of July 1, 2019.

- BayPath has chosen Commission on Accreditation of Rehab. Facilities (CARF**) to help them manage the process which begins with a **400-page** procedure!
- This work has begun by establishing work groups and teams within BayPath.

**CARF is an independent non-profit company with significant experience In Mass. CARF serves as a catalyst for improving the quality of life of the persons/companies served.

MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT
MONTH OF MARCH, 2018

TOTAL NUMBER OF TRIPS = 86

BROKEN DOWN

SUPERMARKET/SHOPPING/RESTAURANTS = 16

SENIOR CENTER = 43

CITY VAN- OTHER = 22

MWRTA = 5

EMPLOYMENT OPTIONS = 0

NEW APPLICANTS = 5, 4 Female, 1 Male

NEW RIDERS = 2

RETURNING = 19

ATTACHED IS THE LEGEND FOR THE BAY PATH REPORT

City of Marlborough Meeting Minutes

Meeting: Council on Aging Board of Directors Meeting

Date: May 8th, 2018

Time: 8:30 AM

Location: Senior Center Conference Room; 40 New Street, Marlborough, MA

Attendance: Leslie Biggar, Joseph Bisol, Richard Collins, Jim Confrey, Richard Cygan, Marie Elwood, Pat Gallier, Judy Kane, Jeanne McGeough, Mike Ossing, Trish Pope

Excused: Brenda Costa

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 10 P 12:50

1. Called to Order at 8:30 AM
2. April 10th Minutes approved
3. Directors Update:
 - a. Day Break Program, meets every Wednesday
 - i. There are 2 people signed up.
 - ii. Christine D'Angelo is the coordinator of this program.
 - iii. We will be billing no shows.
 - iv. Marlborough, Northborough and Hudson together receive a grant from MetroWest Health Care Foundation.
 - b. Trish has been working on grants and compared us to surrounding towns. Trish handed out a copy of a letter to Mayor Vigeant regard the requested budget for 2019.
 - i. LGBT is with three communities (Natick, Framingham and Marlborough). Runs in the evening.
 - ii. We need another volunteer during open enrollment with Shine knowledge.
 - iii. Cummings Foundation and BayPath Services fund our bus drivers.
 - iv. Working on educational materials for roll out in September.
 - c. 100 Volunteer Thank You Invitations went out. We had 57 responded, 9 no show and 23 no response.
 - d. Looking in to learn how to have Robo calls from My Senior Center
 - i. We need 20% more Seniors signing in to make grant reports form My Senior Center reporting system.
 - e. Compared to Framingham Senior Center we are understaffed.
 - f. Transportation needs to come inhouse for Senior Center to get more grant money.

- g. April 25 2018 BayPath Board Meeting Highlights was handed out showing Home Care Programs, Meals on Wheels of all surrounding towns.
 - h. April's Transportation Report was handed out, showing total trips went from 86 trips to 117 this month. We are still increasing new applicants monthly.
 - i. Hoarder's Support Group looking into evening meetings.
 - j. Help on Second Saturday stopped over a year ago and we don't know where to send them for help but the Marlborough Building Dept has a vended list of names.
 - k. Started Time Out Memory Café at Welly's on the 3rd Sunday of the month.
4. Board Updates:
- a. Richard Cygan handed out BayPath Board Meeting Highlights of April 25, 2018.
 - b. Note that 734 more meals were delivered in March than February's meals.
 - c. Transportation Report was handed out by Jeanne McGeough showing a total of 31 more trips were made in April 2018 than from March 2018.
 - d. Two nomination forms for Senior of the Year were reviewed to send our suggestion to the Mayor

The next Marlborough COA Board Meeting is Tue, June 12th at 8:30 am in the Senior Center Conference Room, 40 New Street, Marlborough.

Respectfully Submitted,

Leslie Biggar, Fill-in

Board Meeting Highlights – April 25, 2018

Schedule of Meetings May - June 2018

May 23, 2018

June 27, 2018

Area Agency on Aging

BayPath is encouraging the Councils on Aging and Senior Centers in our area to look at services and programs that could be enhanced with additional funding, or can be started with seed funding, and submit an application to Fran Bakstran, Assistant AAA Director. The deadline is June 2, 2018 and paperwork is available on the BayPath website. The process has been streamlined to make it easier to apply.

Strategic Planning

BayPath continues to work on the strategic plan for the next 3 – 5 years. Community and stakeholder input is encouraged! Thoughts and comments should be e-mailed to Christine Alessandro.

Housing

Tribune Apartments in Framingham - The BayPath Tenant Resource Counselor has started at Tribune.

Healthy Living Program – Scheduled Workshops

Matter of Balance – Foxboro Senior Center

Chronic Disease Self-Management – Family Community Health Center (1 for Patients and 1 for Staff)

Tomando – Family Community Health Center for patients

Town Analysis – Home Care Programs

Town	Consumer #	Town	Consumer #
Ashland	45	Natick	122
Dover	2	Northborough	35
Framingham	231	Sherborn	1
Holliston	47	Southborough	14
Hopkinton	30	Sudbury	40
Hudson	79	Wayland	22
Marlborough	88	Westborough	32

Board Meeting Highlights – April 25, 2018

Enhanced Community Options Program (ECOP)	236
Choices Program	123

MEAL Days - 19

TOWN	TOTAL	TOWN	TOTAL
Ashland	358	Northborough	206
Dover	19	Sherborn	83
Framingham	3918	Southborough	345
Holliston	561	Sudbury	454
Hopkinton	193	Wayland	424
Hudson	1087	Westborough	420
Marlborough	2114		
Natick	1070		
Total	11,252		

Nutrition - March 2018 (19 meal days, 3 snow days)

Total Home Delivered – 11,252 New HDM consumers – 46

Congregate – 1085

New congregate consumers– 6

Marlborough Supportive Meals – 350 meals 59 consumers

Chinese home delivered meal consumers – 28

Nutrition Intake Assessments – 23

Reassessments - 4

Total # volunteers – 383

Total # volunteer hours– 2,953

MNT (Nutrition Consult) – 6

Community Nutrition Education –

Mission Springs – Holliston – Healthier Snack Alternatives – 10 participants

Hudson Senior Center Spaghetti Dinner – 50 seniors

MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT
MONTH OF APRIL, 2018

TOTAL NUMBER OF TRIPS = 117

BROKEN DOWN

SUPERMARKET/SHOPPING/RESTAURANTS = 17

SENIOR CENTER = 62

CITY VAN- OTHER = 28

MWRTA = 10

EMPLOYMENT OPTIONS = 0

NEW APPLICANTS = 9, 5 Female, 4 Male

NEW RIDERS = 6

RETURNING = 21

ATTACHED IS THE LEGEND FOR THE BAY PATH REPORT



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP 11 P 2:19

BOH MEETING MINUTES –8/13/18

Attending

Robin Williams, Chairwoman
James Griffin, Vice Chair
Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health, Tina Nolin, Clerk

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Review of July meeting minutes, accepted with amendment by Chair Williams, Vice Chair Griffin, and Member Tennyson.

Note: Amend July meeting minutes on Sperry's Liquors tobacco violation only affected the Lincoln Street location, where the violation occurred, and did not include their second location at E Main Street. This being their second violation the fine was \$200 and included removal of all their tobacco products for seven consecutive days.

ADMINISTRATIVE

Hearing – 11 High Street

Attorney Manny Rabbit, Thomas G. Vallas, Owner, Admandia E. Tsardounis, cousin to owner

Attorney Rabbit requesting that within six months from the day of this meeting the owner will remove items from the inside of the house, abate the violations from the July order to correct letter, have the dwelling assessed and put on the market. readying it for immediate sale after it has been appraised. Specifically, they are. If after six months the house does not sell, Ms. Tsardounis agreed that she would buy the house and put it on the market again. Attorney Rabbit agreed to draft an agreement and send to Ellen Stavropoulos in the city's legal department for review.

The Board agreed with to the six month proposal and the draft agreement for legal to review.

Motion-Vice Chair Griffin

Second-Member Tennyson

Board approval 3-0 Chairwoman Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

PUBLIC HEALTH ISSUES

Adult Use of Marijuana Regulation Discussion

The Board took up its initial review of the draft Adult Use of Marijuana Regulations. No decisions were made, and the Board will continue with a review at the next meeting in September.

MONTHLY REPORTS

- **Nurse's Report**

Director Liberty submitted the Public Health Nurse's report and accepted to be placed on file.

- **Sanitarians' Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file.

OTHER BUSINESS UNKNOWN AT TIME OF POSTING**Update of Marlborough Super Buffet**

Director Liberty updated the Board on the Marlborough Super Buffet. The consultant will work with Super Buffet until they are in compliance, at which point the Health Department will perform another inspection, Super Buffet is required to send their staff to Person in Charge Training offered free by the Health Dept.

In addition to agreeing to the steps noted above, the Board also voted that:

- The consultant will conduct monthly audits for a 6-month period following the reopening
- The consultant will submit monthly reports to the Health Department
- Sushi is off the menu until further notice
- If necessary to keep in compliance, a limited menu may be needed
- The Head Chef must be ServeSafe Food Protection Manager certified
- City inspections will be on a 3-month schedule, not the typical 6-month schedule.

Motion- Member Tennyson

Second- Vice Chair Griffin

Board approval 3-0 Chairwoman Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

ADJOURN

Motion – to adjourn the meeting at 7:30 PM – Vice Chair Griffin

Second – Member Tennyson

Board approval 3-0 Chairwoman Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

Next Board of Health meeting will be on September 10, 2018.

Respectfully submitted,



9/10/18

Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 SEP 13 A 9:33

Marlborough Public Schools

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

Call to Order

June 26, 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. Bodin-Hettinger, Mr. Walter, Mrs. Matthews, Mrs. Ryan and Mrs. Hennessy. Also present were Superintendent Maureen Greulich, Assistant Superintendent of Finance and Operations, Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy and Administrative Support Christine Martinelli.

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

3. Presentation:

A. Legislative Update

School Committee Vice-Chair, Michelle Bodin-Hettinger, invited Senator Eldridge, Representative Gregoire and Representative Gentile, for the evenings meeting so the Senator and two Representatives, who represent the Marlborough area, could give a legislative update on current topics. Each of them shared with the committee information on various legislative updates. Senator Eldridge updated that both the House and Senate have passed their budgets and now there is a conference committee to decide the final number in each area of education, he handed out a break down sheet of what the governor, House and Senate propose on all things from chapter 70 to charter reimbursement and, he reported that the House and Senate have passed the Foundation Budget Review Commission recommendations that adjust the state aid for health insurance costs for all school districts. Representative Gentile began his update by giving addition information about the findings of the Foundation Budget Review Commission that was spending more than 1 billion dollars. The health care cost was addressed and in the end the two-year total of implementing the health care component was brought down to 64 million. The House and Senate passed an act to promote and enhance civic engagement and to prepare students to learn about the constitution, be more involved in the political process, and complete a civic project before graduation. Also, a study and task force will be formed to consider the starting times and schedules for high schools and middle schools, before moving forward with any decisions or changes.

www.mps-edu.org

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



Marlborough Public Schools

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

Representative Gregoire gave her update last, sharing that she is very aware of the demands and requirements put on educators and districts every day while making sure the children get the best education. She assured the committee their budget priorities are taken seriously and they take these concerns to Beacon Hill and try to bring more money back to the districts to fund budget priorities. Representative Gregoire ended on a celebratory note, honoring Superintendent Maureen Greulich for her service to the district and her impact on so many children's lives. She presented the Superintendent with a proclamation from the Commonwealth of Massachusetts, the House of Representatives and the Senate with congratulations and recognition to Mrs. Greulich for her 25 years of service.

At the end of each update, School Committee members had the opportunity to ask clarifying questions to the guest speakers concerning their legislative updates.

B. MHS Update

Dan Riley, new Principal of MHS, presented a PowerPoint for the Committee, showing his vision for the high school and to put in place initiatives for student success. Mr. Riley shared the new updated and improved MHS schedule for 2018 – 2019 from the Scheduling Committee. The new MHS schedule extends out an additional day, maintains the benefits of the increased time on learning gained from last year's schedule adjustment, but also makes it easier to follow from day to day. One of the most important parts of the schedule is how it impacts the health of our learning organization at the high school. The new schedule provides five days of every seven days of school, with an hour each day, of Professional Learning Community (PLC), allowing staff an opportunity to learn at the secondary level. Mr. Riley continued to give highlights of the 9th and 10th grade schedule, clarifying information regarding electives and highlighting the MHS Literacy focus.

After, the School Committee members had the opportunity to ask Principal Riley clarifying questions about the updated MHS schedule.

4. Committee Discussion/Directives: None

5. Communications: None

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6. Superintendents Report:

Superintendent Greulich was very pleased to announce the names of the fourteen MPS MEA members who attained Early Professional Status and the twenty MPS MEA members who attained Professional Status.

MPS Hiring Guidelines - In the capable hands of Director of Human Resources, Patty Brown has made much needed changes to the HR office, from hiring and training capable staff, audits of certification and finger printing to occupying a seat in the Superintendent Council. Ms. Brown also trained our hiring managers in the use of on-line portal, Recruit and Hire and created the Hiring Procedures included in the SC packet.

Included in the Handouts with the Superintendents Report is the Class of 2018 Data Sheet. This is the second year in a row that Supervisor of Counseling Services, Sharon Buckley, has provided this information for the graduating class. Last year's graduating class had 223 students and this year's class had 283 students, possibly speaks of the transient nature of our high school.

City scholarships were awarded at this month's City Council meeting. Mrs. Greulich reiterated the need for students to apply and not chance leaving any money for scholarships on the table. Five scholarships were given, three were given to MHS students. Mrs. Greulich named and congratulated the three MHS students awarded.

Superintendent Greulich congratulated and wished Mike Bergeron good luck as he assumes the role of Superintendent of Schools. She is confident that under new Superintendent Bergeron, MPS will continue to ensure the academic success of all their students. Superintendent Greulich also thanked all the School Committee members for their dedication to the students and families of the district and went on to give special thanks to Mayor Vigeant for his partnership in helping foster a working relationship between the City and schools.

Information and Handouts for MPS Hiring Procedures and for the Class of 2018 Data Sheet can be found on the school website.

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A. Assistant Superintendent of Finance and Operations Report

Mr. Bergeron reported on the thirteen capital projects for the 2018 summer, that will be completed at various district schools and the District Education Center. He briefly discussed each capital project being completed this summer. He also reported on the Cafeteria Budget finishing the year with \$2,785 in deficit. He noted last year the budget ended at \$2,586 in deficit, and stated the policy change did impact the balances, but not in a substantial way. Mr. Bergeron ended his report by extending his appreciation to Superintendent Greulich for her mentorship and help as they have been transitioning the past several months and he wished her well in Indiana.

After, the School Committee members had the opportunity to ask Mr. Bergeron clarifying questions about his report.

7. Acceptance of Minutes:

A. Minutes of June 12, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as submitted, the School Committee minutes of June 12, 2018.

Motion passed 6-0-0.

8. Public Participation: None

9. Action Items/Reports:

A. MHS Football Preseason Overnight at Eagle Hill School

The MHS Football team is requesting to spend Friday, August 24, overnight at the Eagle Hill School in Hardwick, MA. The trip will be highly supervised with six adults. The school has first class facilities, unlimited food and it is a great team bonding opportunity that has run smoothly in the past years. This would be the fourth year the team has stayed for the night. A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the August 24 overnight trip for the MHS Football team.

Motion passed 6-0-0.

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B. Memorandum of Agreement between Marlborough School Committee and the Paraeducators

The Negotiations subcommittee and the Paraeducators have completed successful negotiations for a three-year contract, for 2018 – 2021. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the agreement between the Marlborough School Committee and the Paraeducators.

Motion passed 6-0-0.

C. Transfer in the FY18 Operating Budget

Mr. Bergeron is recommending two transfers within the FY18 operating budget for balance purposes. A motion was made by Mrs. Bodin-Hettinger and seconded by Chairman Vigeant to approve the transfers as recommended.

Motion passed 6-0-0.

D. Policies for First Read

The following policies have been reviewed by the Policy Subcommittee and are being recommended for First Read by the full School Committee: Policy #7.300 Field Trips/Excursions and Policy #8.300 Restraint. Mrs. Hennessey discussed a change in the restraint policy she wanted to make public, regarding a waiver form the state no longer needs. This is a first read and will be discussed at the School Committees first meeting in August.

E. School Improvement Plans (SIP)

Each year the site managers submit their School Improvement Plans (SIP) to the superintendent for approval. The district has transitioned to a timeline that aligns the SIP to the budget, and each year the SIP's are presented in June for the following school year. Richer Elementary student demographics and additional data from grade 3 and 4 MCAS data that was combined will be forwarded to the committee members Wednesday morning. School Committee members asked for more time to review the School Improvement Plans and discuss later after the extensive information can be read in more detail.

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F. District Improvement Plan – Year One Update

Year One of the 2017 – 2020 District Improvement Plan has been cycled through and an update to the status at the end of Year One is submitted for the School Committee review. The School Committee members had the opportunity to ask the Superintendent clarifying questions about her Year One Update.

G. Acceptance of Donations and Gifts

Avidia Charitable Foundation donated \$200.00 to the Pathways Program, who they are partnering with, to provide athletic activities to students during the Extended Year Program this summer. The activities are designed to promote “Healthy Living”. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$200.00 donation from the Avidia Charitable Foundation.

Motion approved 6-0-0.

Bioridge Pharma EpiPen4Schools Program donated \$4,915.68 for 14 pediatric and 14 adult dosage auto injector medication for all schools. This donation will supplement the cost of the stock epi-pens for the school. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$4,915.68 of donated Epi-pens from Bioridge Pharma.

Motion approved 6-0-0.

Whitcomb PTO donated \$1,759.56 to be spent for programs and materials that benefit the Whitcomb School. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$1,759.56 from the PTO.

Motion approved 6-0-0.

Middlesex District Attorney Donation was donated in the amount of \$500.00 to be used to help defray expenses associated with the school sponsored, substance-free celebratory All-Nighter event. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$500.00 donation from the Middlesex District Attorney.

Motion approved 6-0-0.

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Metro West Health Foundation gave a grant in the amount of \$132,349.00 to the MHS Transitions Program. The grant funds will be available over a 36-month period beginning September 1, 2018. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$132,349.00 grant from the Metro West Health Foundation.

Motion approved 6-0-0.

10. Reports of School Committee Sub-Committees: None

11. Members' Forum:

Mrs. Hennessey spoke regarding the discussion earlier about changes around Media Arts and Art Foundations, asking if the SC could get a better understanding in August about how that is affecting the program of studies. Mr. Bergeron suggested MHS Principal Dan Riley could come back and discuss this with the committee in September.

Mrs. Ryan asked if the committee could get an update on enrollment at the elementary levels over the summer or when they meet in August. Mr. Bergeron will send the information over the summer.

The School Committee showed a memory video in honor of Maureen Greulich and her 25 years of service to the district and the students.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 9:17 pm.

Motion passed 6-0-0

Respectfully submitted,

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

Heidi Matthews
 Secretary, Marlborough School Committee

HM/cm

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Call to Order

August 28, 2018

1. Mrs. Bodin-Hettinger 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 Mr. Walter, Mrs. Matthews, Mrs. Ryan and Mr. Geary. Also present were Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, and Assistant Superintendent of Teaching and Learning, Mary Murphy.
2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.
3. **Presentation: None**
4. **Committee Discussion/Directives: None**
5. **Communications: None**
6. **Superintendents Report:**

Superintendent Bergeron began his update by thanking all the custodial crew who worked so hard over the summer preparing the schools for another year in a clean and inviting environment for learning.

He included his draft entry plan for the committee to review and accept at the September 11 scheduled meeting. Mr. Bergeron also asked that it be tied into his first year's goals for the Superintendent Evaluation Process.

The Superintendent went on to discuss a recently established connection with Chris Duane and the Boys and Girls Club in Marlborough. He is excited about the partnership possibilities and working relationship with Chris Duane and working with the Assistant Superintendent Murphy to use entitlement grant funds to support kids at the Boys and Girls Club.

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On September 11, Mr. Bergeron will introduce MPS new administrators to the School Committee. They are: Shamus Brady, Assistant Principal at Kane; Tara Sobaleski, Educational Team Leader at Whitcomb; Jeanne Nisbet, Educational Team Leader at Kane; Marisa Evonsion, Educational Team Leader at MHS, Carol Poulin, Educational Team Leader for OOD, and Aimee Studders, Educational Team Leader at Whitcomb.

Superintendent Bergeron ended his report by including a Memorandum of Understanding that Police Chief David Giorgi and he are working on. The two have met to review the current staffing, as well as create a plan moving forward to increase staffing so Whitcomb can have a dedicated School Resource Officer in place. The Superintendent stated his strong advocacy for creating and fostering positive connections between the Marlborough Police Department and the youth in Marlborough.

Included in the packet were Information/Handouts for the Memorandum of Understanding (MPS and MPD) and Superintendent of Schools Entry Plan/Draft. Both are posted on the MPS website.

Before closing his report, Mr. Bergeron praised Jill Morin, the Social Media Coordinator, for the video she created to kick off the 2018 – 2019 school year. He spoke highly of the great work and time that went in to making such a positive video, which has been viewed over 11,000 times.

A. Director of Finance and Operations Report

Mr. Dias' report listed the eleven capital projects successfully completed this summer at Kane, Whitcomb, MHS, ECC, District Education Center as well as the district wide printer upgrades. The entire list of projects is included in his report posted on the MPS website. Work continues for capital projects at Richer and Hildreth as well as security cameras as continuation of existing work.

Director Dias reported, the Department of Elementary and Secondary Education approved the food service contract extension for one year. This contract expires in FY19 and an RFP will be conducted in the spring for FY20 services.

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Preparing for a new transportation contract and the new elementary school in FY21, MASBO will perform a Transportation Review of current operations to identify operational improvements that can be implemented before the new school opens.

The Summer Program for Food Services was a success, with 2,596 breakfasts and 2,787 lunches served over the 19 days across three building sites. All the meals were served at no costs to students.

Mr. Dias ended his report expressing his gratitude to everyone for his warm welcome during his first two months in Marlborough.

7. Acceptance of Minutes:

A. Minutes of June 26, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to approve as submitted, the School Committee minutes of June 26, 2018.

Motion passed 5-0-0.

8. Public Participation: None

9. Action Items/Reports:

A. FY19 Operating Budget Transfers

Mr. Diaz is recommending transfers within the FY19 operating budget. The monies are being transferred for balance purposes. A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve the transfers as recommended.

Motion passed 5-0-0.

B. Policy #7.300 Field Trips/Excursions – for Acceptance

Policy #7.300 Field Trips/Excursions, was brought forward for first read on June 26, 2018, to the full School Committee, and is now being moved forward for acceptance. A motion to approve, as amended, was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve Policy #7.300 Field Trips/Excursions with amendments.

Motion passed 5-0-0.

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C. Acceptance of Donations and Gifts

The First Congregational Church donated 77 backpacks filled with school supplies by church members, in memory of Katy Mahoney, the daughter of a church member. A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept with gratitude the 77 filled backpacks donated by the First Congregational Church.

Motion passed 5-0-0.

Saint-Gobain Corporation donated \$1,800.00 for the Whitcomb School to be used in the engineering department for Kelly Hall's engineering/steam classroom at Whitcomb School. A motion was made by Mrs. Matthews and seconded by Mrs. Bodin-Hettinger to accept with gratitude the \$1,800.00 donation from Saint-Gobain Corporation.

Motion approved 5-0-0.

Lifetouch Photography donated \$1,050.89 commission check to Jaworek Elementary School, as part of the commission for Spring 2018 photos. A motion was made by Mrs. Matthews and seconded by Mrs. Bodin-Hettinger to accept with gratitude the \$1,050.89 commission check from Lifetouch Photography.

Motion approved 5-0-0.

Lifetouch Photography donated \$913.02 commission check to Kane Elementary School, as part of the commission for individual and class photos. A motion was made by Mrs. Matthews and seconded by Mrs. Bodin-Hettinger to accept with gratitude the \$913.02 commission check from Lifetouch Photography.

Motion approved 5-0-0.

Lifetouch Photography donated \$778.63 to Whitcomb School, from school picture sales after each time they have a photo session with students. A motion was made by Mrs. Matthews and seconded by Mrs. Bodin-Hettinger to accept with gratitude the \$778.63 donation from Lifetouch Photography.

Motion approved 5-0-0.

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Jaworek Consignment buy-back program with Follett, \$528.09 was earned by Jaworek Elementary School in a buyback program where MPS's obsolete books were sold to Follett. A motion was made by Mrs. Matthews and seconded by Mrs. Bodin-Hettinger to accept with gratitude the \$528.09 paid by Follett for the books purchases.
 Motion approved 5-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews informed the committee that they have come to a tentative agreement with Unit B and a date to vote is scheduled. Also, negotiations with the Cafeteria Union will be completed in the next 2 weeks.

Mrs. Ryan informed the committee that the new school building committee has a meeting this week and she will give an update at the next SC meeting.

11. Members' Forum:

Mr. Walter welcomed Rupal Patel back as MEA president. He also, spoke about Camp Invention STEM Camp that his daughter attended. He spoke highly about her experience attending the camp, and how other parents and their children who attended, shared the same wonderful and positive experiences from attending the camp.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to adjourn at 7:58 pm.
 Motion passed 5-0-0

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/cm

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2018 SEP 17 A 9:38
 August 27, 2018

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, Assistant City Solicitor, Cynthia Panagore Griffin, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. July 23, 2018

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of July 23, 2018. Motion carried.

2. Chair's Business

- A. With regret, Chairperson Fenby informed the Board that long-time member, Colleen Hughes, has decided to retire from her position on the Board. Colleen has contributed much during her 23 years on the Planning Board, and her commitment and dedication to serving the City will be sorely missed. Barbara extended the Board's well wishes to Colleen in her future endeavors and thanked her for her many years of exemplary service. Ms. Fenby requested that George LaVenture serve as Clerk for the meeting. Ms. Hughes's retirement creates a vacancy on the Board. Interested parties should reach out to the Board and Mayor's Office.
- B. Set Public Hearing Date: Council Order 18-1007337, Proposed Zoning Amendment Section 650, §7, §17, new §39 & §41 relating to the Neighborhood Business District (Lincoln St.) **The public hearing was set for Monday, September 24, 2018 at 7:00 p.m.**
- C. Set Public Hearing Date: Council Order 18-1007338, Proposed Zoning Amendment Section 650, new §40 relating to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District. **The public hearing was set for Monday, September 24, 2018 at 7:10 p.m.**

3. Approval Not Required (None)

4. Public Hearings

- A. Council Order 18-1007287, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Ancillary Residential Community, Section 650-17, entitled "Table of Uses" and addition to Section 650-22 Subsection C (14) Ancillary Residential Community requirements. Proponent, Attorney Arthur Bergeron, Mirick O'Connell.

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

Presentation:

Mr. Bergeron of Mirick O'Connell introduced the proposed zoning amendment. Mr. Bergeron explained that the intent of the zoning amendment was to allow the addition of a single multifamily building as an ancillary community either as part of a retirement community (in a Retirement Community Overlay District) or located on a lot adjacent to a retirement community. Specifically, his presentation is addressing his client's desire to add an ancillary community to the 2-acre parcel adjacent to the Crane Meadow development on Williams St.

Attorney Bergeron offered that members of the Crane Meadow Condominium Community may reach a stage in their lives when home ownership may not be desired. The option of apartment-style living in an adjacent parcel may be preferred by some residents seeking amenities such as underground parking and elevator service while remaining near their existing community setting.

Mr. Bergeron explained that ancillary residential communities were once allowed within the Retirement Community Overlay Districts, but at some point, that option was eliminated from the ordinance.

Unfortunately, the City's service (E360), failed to incorporate that change into the City's code. Plans to create an ancillary residential community adjacent to Crane Meadow were progressing when the zoning issue was discovered. This discovery necessitated the zoning amendment proposed this evening, which restores the ancillary use. Attorney Bergeron went on to explain that the amendment incorporates controls in the special permit process. The proposed special permit application to build the ancillary residential community must contain written consent of the organization governing the adjacent retirement community. Attorney Bergeron praised the Crane Meadow Association for their participation and majority support of the proposal, stating that approximately 70% of the 91-unit ownership expressed support.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Favor of the Amendment:

Norman Zinman of 52 Healthwood Dr. expressed his support for the zoning amendment. He has served on the Board for the past 15 years. In a non-binding poll of residents, Mr. Zinman stated that 76% of polled residents favored the ancillary use. He feels that the residential use is preferred to any other use allowed by right in the limited industrial zone.

Janet Mayor of 77 Deerfield Run spoke in favor of the amendment. She also stated that residential use is preferred to a potential limited industrial use. She praised the Board for keeping residents apprised of this project, while acknowledging that some buildings are more impacted than others.

George Clymas of 58 Heatherwood Dr. has lived in the Crane Meadow development since 2002. He is a past president of the Association. He echoed that this ancillary proposal has the greatest advantage over other uses on the adjacent parcel.

Charles Pross of 72 Deerfield Run similarly expressed his approval of the proposed amendment stating that the residential use was preferred over any limited industrial use.

Speaking in Opposition to the Amendment:

Charles Trombetta of 42 Whispering Brook Rd. spoke in opposition to the amendment. He disagreed with Attorney Bergeron's characterization of the community meeting as cordial and overwhelmingly in favor of the proposal. He stated that many in opposition left the meeting in frustration, because they were not allowed to speak on the matter. Mr. Trombetta opposes this zoning amendment arguing that an additional amendment complicates an already complicated zoning ordinance. Regulations seem to change with each new development opportunity, making it much harder to understand and recognize impacts throughout the City. He stated that a City Planner would make the regulations much more cohesive. He expressed that zoning amendments should be formulated by the City, not by the developers.

Gerry Turcotte of 47 Whispering Brook Rd. informed the Board that his property sits only 30 feet from the property line of the abutting parcel proposed for this multifamily apartment building. He stated there are 19 abutters to this proposed large building who remain opposed to this amendment. Mr. Turcotte does not feel the neighborhood is suited for this type of development, noting that the streets in the area are narrow and lack sidewalks. With no additional persons wishing to be heard, Chairperson Fenby declared this portion of the public hearing closed.

Questions and Comments from the Planning Board:

Q: Mr. Fay, noted that the Board has seen other recent proposed modifications to the Retirement Community Overlay District. He questioned how this amendment differed from the previous proposed amendments. Attorney Bergeron stated that the ancillary use proposed in this amendment allows for the single multifamily building incorporated as part of a retirement community or located on a lot adjacent to the retirement community. He noted that the Crowley Drive proposal applies to a property that is "one parcel removed" from the existing retirement community development (not adjacent or contiguous); therefore, this proposed amendment would not apply. He could not offer any additional information regarding similarities or differences. Q: Mr. Fay expressed his opposition to the language under Section 3 (b) ... *shall be designed in a manner satisfactory to the City Council*. Mr. Fay is consistent in his belief that acceptable design criteria should be defined as explicitly as possible. While he expressed confidence in a thorough review by many of the "veteran councilors", leaving the subjective criteria to a Council with a future uncertain and changeable makeup is not ideal. Mr. Bergeron stated that the section only pertains to the street-facing portion of the building. Q: Mr. Fay felt that section (i) could be written more clearly. Mr. Bergeron suggested that his associate, Brian Falk., review the language for clarity. Mr. Fay asked how many parcels in the City would be impacted by the proposal. Mr. Bergeron stated that it would be limited to two.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to leave the public hearing open. Motion carried.

- B. Council Order 18-1007311, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Coffee Roastery and Section 650-17, entitled "Table of Uses".

Chairperson Fenby opened the hearing at 7:40 p.m. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

City Council President Clancy was present to provide an overview of the proposed amendment. Mr. Clancy explained that the City and the Marlborough Economic Development Corporation have worked to attract downtown businesses. The City has interest from a business wishing to establish a Coffee Roastery in the downtown area. Since coffee roasting is not currently an allowed use in the Marlborough Village District, the proposed zoning amendment establishes zoning regulations and emission standards for roasting operations. Councilor Clancy read Section 650-5, entitled "Definitions; word usage", COFFEE ROASTERY. Councilor Clancy indicated that the Urban Affairs Committee has reviewed the Section 650-17, entitled "Table of Uses" for recommendation of zones allowed by right and zones allowed by special permit. Modifications were suggested to remove siting in the Commercial Automotive zone and allow by special permit in the Business, Limited Industrial, Industrial and Marlborough Village District.

Speaking in Favor of the Amendment:

No individual spoke in favor of the amendment.

Speaking in Opposition to the Amendment:

No person spoke in opposition to the amendment.

Questions and Comments from the Planning Board:

There were no questions from the Board.

Chairperson Fenby declared the public hearing closed.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment, Council Order 18-

1007311. Motion carried.

5. Pending Subdivision Plans: Updates and Discussion (Engineer's Report)

- A. City Engineer DiPersio provided the following updates – Cider Mill: This subdivision is currently in the maintenance period (ending 1-22-19). Engineering/Legal is proactively working with the developer who is progressing with the necessary documentation to ensure a timely street acceptance. Mauro Farms: Legal Dept. has reviewed plans and deeds prepared for acceptance. Mauro Farms must still request the Certificate of Compliance from the Conservation Commission.
- B. Slocumb Lane (Blackhorse Farms) - Mr. DiPersio informed the Board that with Council Order 18-1007285B, the City Council voted to accept Slocumb Lane as a Public Way. (Mayor Vigeant approved the Council order on July 30, 2018). The developer has requested that the bond be reduced to zero. (Vote anticipated at the 09-10-18 Planning Board meeting.)
- C. Howe's Landing Subdivision - Mr. DiPersio informed the Board that Howe's Landing is nearing completion and the developer has requested that the subdivision bond be reduced to a maintenance level for a period of one year. For the next meeting, Engineering will prepare a recommendation letter for the Board. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept and file all related documents and refer the matter to Engineering for recommendation. Motion carried.
- D. Walker Brook Estates – The developer has requested a Certificate of Compliance from the Conservation Commission. The matter will appear on the Commissions September 6, 2018 agenda. Once the Conservation Commission makes its determination, Engineering will make its recommendation to the Board for bond reduction and acceptance.
- E. Mr. LaVenture read the July 26, 2018 letter from Assistant City Solicitor, Cynthia Panagore Griffin, into the record. The letter provides a determination of legal interests and easement rights of Marlborough Hub, LLC as well as the proposed development's abutters. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Motion carried.
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- A. 72 Hager St. (Open Space Special Permit continued discussion.)

Applicant representative, Peter Bemis of Engineering Design Consultants, was present for the discussion. Mr. Bemis showed the Board a new plan to meet the 5-acre open space development requirement. In the new plan, the 5-acre development includes an easement from an abutting neighbor. The Board discussed whether inclusion of the easement (in lieu of a fee interest in the additional land) satisfies the 5-acre requirement. Mr. Bemis said that if a fee interest was necessary, an ANR plan would be submitted to incorporate the additional land in the open space parcel. Mr. Bemis would like to expedite the process and suggested that once the Board makes its determination (easement or fee interest), it would be preferable to have the Board conditionally approve the special permit. Mr. DiPersio requested that the Board define what information the Board needs to approve the special permit. The Board discussed needing a legal determination on the easement, and they also discussed the applicant’s progress on the Conservation Restriction for the open space. Mr. DiPersio stated that the Conservation Restriction does not need to be fully defined at this point in the process, and the Board may make its determination on the merits of the special permit request.

7. Definitive Subdivision Submission (Discussion - Note: Moved from 8-27-18 Agenda item 6B to 7A in minutes)

- A. 215 Simarano Dr. (Partial review regarding subsurface stormwater treatment)

Mr. LaVenture read the City Engineer’s 8-22-18 letter Re: Definitive Subdivision Plan Submittal – 215 Simarano Drive into the record. Mr. DiPersio indicates that the subject property could be subdivided into two lots without a roadway, and that the current design includes subsurface stormwater systems for the roadway drainage (which is contrary to DPW policy that all roadway drainage systems utilize surface detention basins). For these reasons, Engineering recommends that the proposed roadway remain a private way. Mr. DiPersio states that this submission is procedural to enact a zoning freeze on the parcel. Since any eventual construction on the sites is subject to Site Plan Review, Engineering will leave its detailed review until such time. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Motion carried. Mr. LaVenture questioned whether the Board had any authority to deny the application for the subdivision since the applicant had no intention of completing the subdivision in the timeframe prescribed under subdivision control law. Assistant City Solicitor Panagore Griffin stated that Board may modify, amend or rescind a definitive subdivision approval but the zoning freeze would remain, and the Planning Board does not have the authority to deny the approval simply because the submission was made to provide a zoning freeze. Chairperson Fenby stated that the discussion would be continued in the next meeting.

8. Signs

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9. Informal Discussion (None)

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- A. Proposed Zoning Amendment 650 § 5B & 650 § 17 Ancillary Auto Sales, Council Order 18-1007224A, Proponent Brian Falk, Mirick O'Connell. Mr. Falk addressed the Board and requested that the Ancillary Auto Sales matter be continued until the next meeting, September 10. Mirick O'Connell is still working on the maps requested by the Board. On a motion by Mr. Fay and seconded by Mr. Hodge, the Board voted to continue the matter until September 10, 2018. Motion carried.

11. Correspondence

- A. Letters in opposition from Ernest Beer, 42 Birchwood Dr. and Pamela Strauss, 50 Commonwealth Ave., RE: Proposed Zoning Amendment, Section 650-8, Retirement Community Overlay District (Marlborough Airport)


12. Public Notices of other Cities & Towns

- A. Town of Hudson Planning Board – 1 Notice

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to accept and file items 11A and 12A and to adjourn the meeting of the Planning Board. Motion carried.

/kih

Respectfully submitted,



George LaVenture
Acting Clerk

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1A

2018 SEP 17 A 9:38
August 27, 2018

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, Assistant City Solicitor, Cynthia Panagore Griffin, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. July 23, 2018

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of July 23, 2018. Motion carried.

2. Chair's Business

- A. With regret, Chairperson Fenby informed the Board that long-time member, Colleen Hughes, has decided to retire from her position on the Board. Colleen has contributed much during her 23 years on the Planning Board, and her commitment and dedication to serving the City will be sorely missed. Barbara extended the Board's well wishes to Colleen in her future endeavors and thanked her for her many years of exemplary service. Ms. Fenby requested that George LaVenture serve as Clerk for the meeting. Ms. Hughes's retirement creates a vacancy on the Board. Interested parties should reach out to the Board and Mayor's Office.
- B. Set Public Hearing Date: Council Order 18-1007337, Proposed Zoning Amendment Section 650, §7, §17, new §39 & §41 relating to the Neighborhood Business District (Lincoln St.) **The public hearing was set for Monday, September 24, 2018 at 7:00 p.m.**
- C. Set Public Hearing Date: Council Order 18-1007338, Proposed Zoning Amendment Section 650, new §40 relating to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District. **The public hearing was set for Monday, September 24, 2018 at 7:10 p.m.**

3. Approval Not Required (None)

4. Public Hearings

- A. Council Order 18-1007287, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Ancillary Residential Community, Section 650-17, entitled "Table of Uses" and addition to Section 650-22 Subsection C (14) Ancillary Residential Community requirements. Proponent, Attorney Arthur Bergeron, Mirick O'Connell.

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

Presentation:

Mr. Bergeron of Mirick O'Connell introduced the proposed zoning amendment. Mr. Bergeron explained that the intent of the zoning amendment was to allow the addition of a single multifamily building as an ancillary community either as part of a retirement community (in a Retirement Community Overlay District) or located on a lot adjacent to a retirement community. Specifically, his presentation is addressing his client's desire to add an ancillary community to the 2-acre parcel adjacent to the Crane Meadow development on Williams St.

Attorney Bergeron offered that members of the Crane Meadow Condominium Community may reach a stage in their lives when home ownership may not be desired. The option of apartment-style living in an adjacent parcel may be preferred by some residents seeking amenities such as underground parking and elevator service while remaining near their existing community setting.

Mr. Bergeron explained that ancillary residential communities were once allowed within the Retirement Community Overlay Districts, but at some point, that option was eliminated from the ordinance. Unfortunately, the City's service (E360), failed to incorporate that change into the City's code. Plans to create an ancillary residential community adjacent to Crane Meadow were progressing when the zoning issue was discovered. This discovery necessitated the zoning amendment proposed this evening, which restores the ancillary use. Attorney Bergeron went on to explain that the amendment incorporates controls in the special permit process. The proposed special permit application to build the ancillary residential community must contain written consent of the organization governing the adjacent retirement community. Attorney Bergeron praised the Crane Meadow Association for their participation and majority support of the proposal, stating that approximately 70% of the 91-unit ownership expressed support.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Favor of the Amendment:

Norman Zinman of 52 Healthwood Dr. expressed his support for the zoning amendment. He has served on the Board for the past 15 years. In a non-binding poll of residents, Mr. Zinman stated that 76% of polled residents favored the ancillary use. He feels that the residential use is preferred to any other use allowed by right in the limited industrial zone.

Janet Mayor of 77 Deerfield Run spoke in favor of the amendment. She also stated that residential use is preferred to a potential limited industrial use. She praised the Board for keeping residents apprised of this project, while acknowledging that some buildings are more impacted than others.

George Clymas of 58 Heatherwood Dr. has lived in the Crane Meadow development since 2002. He is a past president of the Association. He echoed that this ancillary proposal has the greatest advantage over other uses on the adjacent parcel.

Charles Pross of 72 Deerfield Run similarly expressed his approval of the proposed amendment stating that the residential use was preferred over any limited industrial use.

Speaking in Opposition to the Amendment:

Charles Trombetta of 42 Whispering Brook Rd. spoke in opposition to the amendment. He disagreed with Attorney Bergeron's characterization of the community meeting as cordial and overwhelmingly in favor of the proposal. He stated that many in opposition left the meeting in frustration, because they were not allowed to speak on the matter. Mr. Trombetta opposes this zoning amendment arguing that an additional amendment complicates an already complicated zoning ordinance. Regulations seem to change with each new development opportunity, making it much harder to understand and recognize impacts throughout the City. He stated that a City Planner would make the regulations much more cohesive. He expressed that zoning amendments should be formulated by the City, not by the developers.

Gerry Turcotte of 47 Whispering Brook Rd. informed the Board that his property sits only 30 feet from the property line of the abutting parcel proposed for this multifamily apartment building. He stated there are 19 abutters to this proposed large building who remain opposed to this amendment. Mr. Turcotte does not feel the neighborhood is suited for this type of development, noting that the streets in the area are narrow and lack sidewalks. With no additional persons wishing to be heard, Chairperson Fenby declared this portion of the public hearing closed.

Questions and Comments from the Planning Board:

Q: Mr. Fay, noted that the Board has seen other recent proposed modifications to the Retirement Community Overlay District. He questioned how this amendment differed from the previous proposed amendments. Attorney Bergeron stated that the ancillary use proposed in this amendment allows for the single multifamily building incorporated as part of a retirement community or located on a lot adjacent to the retirement community. He noted that the Crowley Drive proposal applies to a property that is "one parcel removed" from the existing retirement community development (not adjacent or contiguous); therefore, this proposed amendment would not apply. He could not offer any additional information regarding similarities or differences. Q: Mr. Fay expressed his opposition to the language under Section 3 (b) ... *shall be designed in a manner satisfactory to the City Council*. Mr. Fay is consistent in his belief that acceptable design criteria should be defined as explicitly as possible. While he expressed confidence in a thorough review by many of the "veteran councilors", leaving the subjective criteria to a Council with a future uncertain and changeable makeup is not ideal. Mr. Bergeron stated that the section only pertains to the street-facing portion of the building. Q: Mr. Fay felt that section (i) could be written more clearly. Mr. Bergeron suggested that his associate, Brian Falk., review the language for clarity. Mr. Fay asked how many parcels in the City would be impacted by the proposal. Mr. Bergeron stated that it would be limited to two.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to leave the public hearing open. Motion carried.

- B. Council Order 18-1007311, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Coffee Roastery and Section 650-17, entitled "Table of Uses".

Chairperson Fenby opened the hearing at 7:40 p.m. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

City Council President Clancy was present to provide an overview of the proposed amendment. Mr. Clancy explained that the City and the Marlborough Economic Development Corporation have worked to attract downtown businesses. The City has interest from a business wishing to establish a Coffee Roastery in the downtown area. Since coffee roasting is not currently an allowed use in the Marlborough Village District, the proposed zoning amendment establishes zoning regulations and emission standards for roasting operations. Councilor Clancy read Section 650-5, entitled "Definitions; word usage", COFFEE ROASTERY. Councilor Clancy indicated that the Urban Affairs Committee has reviewed the Section 650-17, entitled "Table of Uses" for recommendation of zones allowed by right and zones allowed by special permit. Modifications were suggested to remove siting in the Commercial Automotive zone and allow by special permit in the Business, Limited Industrial, Industrial and Marlborough Village District.

Speaking in Favor of the Amendment:

No individual spoke in favor of the amendment.

Speaking in Opposition to the Amendment:

No person spoke in opposition to the amendment.

Questions and Comments from the Planning Board:

There were no questions from the Board.

Chairperson Fenby declared the public hearing closed.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment, Council Order 18-

1007311. Motion carried.

5. Pending Subdivision Plans: Updates and Discussion (Engineer's Report)

- A. City Engineer DiPersio provided the following updates – Cider Mill: This subdivision is currently in the maintenance period (ending 1-22-19). Engineering/Legal is proactively working with the developer who is progressing with the necessary documentation to ensure a timely street acceptance. Mauro Farms: Legal Dept. has reviewed plans and deeds prepared for acceptance. Mauro Farms must still request the Certificate of Compliance from the Conservation Commission.
 - B. Slocumb Lane (Blackhorse Farms) - Mr. DiPersio informed the Board that with Council Order 18-1007285B, the City Council voted to accept Slocumb Lane as a Public Way. (Mayor Vigeant approved the Council order on July 30, 2018). The developer has requested that the bond be reduced to zero. (Vote anticipated at the 09-10-18 Planning Board meeting.)
 - C. Howe's Landing Subdivision - Mr. DiPersio informed the Board that Howe's Landing is nearing completion and the developer has requested that the subdivision bond be reduced to a maintenance level for a period of one year. For the next meeting, Engineering will prepare a recommendation letter for the Board. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept and file all related documents and refer the matter to Engineering for recommendation. Motion carried.
 - D. Walker Brook Estates – The developer has requested a Certificate of Compliance from the Conservation Commission. The matter will appear on the Commissions September 6, 2018 agenda. Once the Conservation Commission makes its determination, Engineering will make its recommendation to the Board for bond reduction and acceptance.
 - E. Mr. LaVenture read the July 26, 2018 letter from Assistant City Solicitor, Cynthia Panagore Griffin, into the record. The letter provides a determination of legal interests and easement rights of Marlborough Hub, LLC as well as the proposed development's abutters. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Motion carried.
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George LaVenture
Acting Clerk