

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB - 11 P 2: 25

1. Minutes, City Council Meeting, January 28, 2019.
2. PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Lacombe Business Center, LLC, re: Rezoning land off Lacombe Street, Order No. 18-1007483.
3. PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, re: Rezoning land off Mill Street South, Order No. 18-1007484.
4. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive, Order No. 18-1007452A.
 - a. Communication from Richard Lodi, The Regency at Assabet Ridge, re: Letter of support for Proposed Zoning Ordinance Amendment, Multifamily Retirement Community, 90 Crowley Drive.
5. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards, Order No. 18-1007500.
6. Communication from Councilor Ossing, re: Proposed Zoning Ordinance Amendment, Chapter 650, §5, §17, §18 & §48 relative to adding Food Trucks to the Table of Uses.
7. Communication from the Mayor, re: Various Mid-Year Transfer requests as detailed in the communication and on the attached spreadsheets.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$5,350.00 from the National Association of City and County Health Officials (NACCHO) awarded to the Board of Health for improvements to our food protection program and to send an employee to the National Environmental Health Association Conference.
9. Communication from the Mayor, re: Acceptance of Gift to the Council on Aging in the amount of \$985.00 in memory of Francis Kane, Bruce Campbell and Terry Lupien to be used for various programs.
10. Communication from the Mayor, re: Amendment to Senior Citizen Property Tax Work Off Program, to increase number of allowed participants.
11. Communication from the Mayor, re: Proposed increase in spending limit for the Council on Aging Revolving Fund.
12. Communication from the Mayor, re: Appointment of Josh Daigle to the Community Development Authority for a three-year term to expire from date of confirmation.
13. Communication from the Mayor, re: Appointment of Andrea Bell Bergeron to the Historical Commission for a three-year term to expire from date of confirmation.
14. Communication from the Mayor, re: Reappointment of Public Works Commissioner John Ghiloni for a five-year term to expire from date of confirmation.

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.

15. Communication from City Solicitor, Donald Rider, re: Proposed TIF Agreement, Candela Corporation and BAC Locke LLC, in proper legal form, Order No. 18/19-1007497A.
16. Communication from Attorney Mark Bourbeau on behalf of Marlborough HUB LLC, re: Proposed Rezoning of land off Valley Street.
17. Communication from Central MA Mosquito Control, re: Notice of Preliminary Proposed Budget for FY20.
18. Minutes, Board of Assessors, November 28, 2018.
19. Minutes, Historical Commission, January 10, 2019.
20. Minutes, License Board, December 19, 2018.
21. Minutes, Planning Board, January 7, 2019.
22. Minutes, Retirement Board, December 21, 2018.
23. Minutes, Traffic Commission, December 19, 2018.
24. Minutes, Richer School Council, January 14, 2019 & February 4, 2019.
25. CLAIMS:
 - a) Linda Campbell, 647 Pleasant Street, residential mailbox claim (2a).
 - b) Linda Colleton, 15 Sidney Street, residential mailbox claim (2a).
 - c) Ethel Cutting, 240 Main Street, other property damage and/or personal injury.
 - d) Janice Johnson & Walter McGrail, 780 Stevens Street, residential mailbox claim (2a).
 - e) William & LeAnn Neal Reilly, 28 Littlefield Lane, residential mailbox claim (2b)
 - f) Deborah & Eric Richard, 4 Belleview Avenue, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

26. **Order No. 18-1007497 – Candela Corporation Tax Increment Financing (TIF):** The Finance Committee reviewed the Mayor's letter dated December 13, 2018 requesting the approval of the Candela Corporation Tax Increment Financing agreement with the City of Marlborough. The Finance Committee voted 5 – 0 to approve the following:

- The TIF agreement
- The City Council Resolution

The Finance Committee Chair will request a suspension of the rules at the January 28, 2019 City Council meeting to have the Solicitor place the Candela Corporation TIF in proper format for the February 11, 2019 City Council meeting.

From City Council

27. **Order No. 17/18/19-1007034E** – Mayoral Veto, relative to the Petition of AT&T to deploy one small cell site on a utility pole at 319 East Main Street, **TABLED UNTIL FEBRUARY 11, 2019.**
28. **Order No. 18/19-1007321D** – Mayoral Veto, relative to the Petition of AT&T to deploy one small cell site on a utility pole #11-50 at Francis and East Main Streets, **TABLED UNTIL FEBRUARY 11, 2019.**
29. **Order No. 18/19-1007322D** – Mayoral Veto, relative to the Petition of AT&T to deploy one small cell site on a utility pole #1 at 10 Neil Street, **TABLED UNTIL FEBRUARY 11, 2019.**



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB -7 A 11:27

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

JANUARY 28, 2019

Regular meeting of the City Council held on Monday, January 28, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Delano. Meeting adjourned at 8:51 PM.

ORDERED: That the Minutes of the City Council meeting JANUARY 7, 2019, **FILE**; adopted.

ORDERED: That the City Council Regular Meeting Schedule & Committee Assignments, **FILE**; adopted.

ORDERED: That the Communication from the Mayor, re: Veto of Council Orders 17/18/19-1007034D, 18/19-1007321C & 18/19-1007322C, relative to Petitions of AT&T to place small cell sites on utility poles at various locations in the city, **TABLED UNTIL FEBRUARY 11, 2019**; adopted.

ORDERED: That the Police Department transfer request in the amount of \$62,800.00 which moves funds from Reserved for Salaries account to Sick Leave Buy Back account to fund the sick leave retirement benefit of a retired Police Officer, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --

DEPT.	POLICE		FY:		2019				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
		FROM ACCOUNT:				TO ACCOUNT:			
\$816,832.65	\$62,800.00	11990006	57820	Resene for Salaries	\$62,800.00	12100003	51920	Sick Leave Buy back	\$9,910.41
		Reason: <u>Budgeted retirement payment to officer</u>				<u>Contractual sick leave retirement payment</u>			
	\$62,800.00	Total			\$62,800.00	Total			

ORDERED: That Police Department transfer request in the amount of \$11,000.00 which moves funds from Educational Incentive account to Initial Equipment account to pay for the initial equipment and clothing for new officers, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --

DEPT.	POLICE		BUDGET TRANSFERS --				FY: 2019		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$310,434.44	\$11,000.00	12100003	51440	Educational Incentive	\$11,000.00	12100006	51975	Initial Equipment	\$225.72
	Reason:	Account surplus				Equipment for three new officers			
	\$11,000.00	Total			\$11,000.00	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$100.00 from John & Margaret Dowling to the Police Department to be used for service awards to Police Officers; adopted.

ORDERED: That the Reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the request to extend time limitations on Application for Special Permit from Avalon Marlborough II, to increase the number of units from 350 to 473 on a portion of 200 Forest Street within the Results Way Mixed Use Overlay District (RWMUOD), until 10:00 PM on April 9, 2019, **APPROVED**; adopted.

ORDERED: That the Communication from City Clerk, Lisa Thomas, re: Notice of her resignation/retirement effective March 18, 2019, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss litigation strategy involving property off Williams Street, **MOVE TO END OF AGENDA**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that GOODWIN STREET be accepted as a public way

from Dufresne Drive at Station 0+25 to Goodwin Street's terminus, and

that MCDERMOT WAY be accepted as a public way

from Dufresne Drive at Station 0+25 to and terminating at Goodwin Street,

and that their appurtenant easements be accepted as municipal easements,
as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, “ ‘Cider Mill Estates’ - Acceptance Plan of Goodwin Street, McDermot Way, and Municipal Easements, Marlborough, Massachusetts,” Owner: West Hill, LLC, 120 Quarry Drive, Milford, MA 01757; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Prepared By: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757; Dated: July 19, 2018; Scale: 1"=40', which plan is to be recorded herewith.

Title to the roadways shown as GOODWIN STREET and MCDERMOT WAY on said plan, and title to all the municipal easements shown on said plan as:

- Goodwin Street - Flowage Easement, over Lot #1, Lot #2, Lot #5 and Lot #6, containing 19,386 square feet
- McDermot Way - Drainage Easement over Lot #1 and Lot #2, containing 4,895 square feet

has been granted to the City of Marlborough in a quitclaim deed from West Hill, LLC, a Massachusetts limited liability corporation with a principal place of business at 120 Quarry Drive, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

GOODWIN STREET and MCDERMOT WAY be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: That the Communication from Community Development Director, Douglas Bushman, re: Notice to the Council of his resignation as Executive Director effective January 10, 2019 **FILE**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation of Walker Brook Estates Subdivision, Acceptance of Allis Road and Bemis Road as Public Ways, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable recommendation of Proposed Zoning Amendment, Section 650 §12 & §58 relative to Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the City of Marlborough does hereby approve, and accept the gift thereof, the Open Space Covenant and Restriction for the perpetual conservation and preservation of open space, passive recreation, and assurance that the subject land will be retained in perpetuity in its natural, scenic, wetlands and wooded conditions in accordance with the terms of said Open Space Covenant and Restriction, concerning that certain land designated and labeled as “Open Space” on a plan entitled “Open Space Exhibit, for Apex Center, 240 Boston Post Road West, Marlborough, MA, Marlborough, Massachusetts, Prepared for Walker Realty, LLC, 4 Lan Drive, Westford, MA, Scale 1’= 200”, dated March 21, 2018, prepared by Hancock Associates, 315 Elm Street, Marlborough, MA 01752”, said Plan to be recorded as Exhibit A to the Open Space Covenant and Restriction, and this Order to be recorded as Exhibit B to the Open Space Covenant and Restriction, with the Middlesex County South Registry of Deeds, refer to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Douglas Rowe, re: Clarification as to ownership of real estate located at 57 Main Street and permitting authorization granted to TOTG, LLC, **FILE**; adopted.

ORDERED: That the Communication from Attorney Mark Bourbeau on behalf of Marlborough HUB LLC, re: Rezoning land off Valley Street, refer **BACK TO THE APPLICANT FOR RESUBMISSION**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JANUARY 28, 2019 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by adding a new §650-36, Executive Residential Overlay District, as follows:

§650-36 – EXECUTIVE RESIDENTIAL OVERLAY DISTRICT

A. Purpose and Objectives

The Executive Residential Overlay District (“EROD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the EROD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare by promoting integrated, pedestrian-friendly, residential and mixed-use development with convenient access to employment options in Marlborough’s southwest quadrant and along Interstate 495.

B. Location of EROD; Development Phasing

1. For the purposes of this Section (§650-36 et. seq.), the EROD is located on the easterly side of Simarano Drive between the Interstate 495 Interchange and Cedar Hill Road containing approximately 43 acres as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.

2. Within the EROD, there may be one or more phases of development (“ERO Phase”). Each ERO Phase may consist of one or more parcels of land and may include any eligible use set forth in Subsection D below, which may be commingled within a single structure or located in separate structures on one or more parcels. Parcels within the EROD may be combined or subdivided and held under separate ownership or leaseholds. Each ERO Phase shall be subject to Site Plan Approval.
3. Upon the issuance of Site Plan Approval for an ERO Phase on a parcel or parcels in the EROD, this Section (§650-36 et. seq.) shall govern said parcel as developed in accordance with the Site Plan Approval.
4. Except as specifically provided herein, the provisions of the Zoning Ordinance relating to the underlying zoning districts not otherwise impacted by this Section (§650-36 et. seq.) shall continue to remain in full force and effect. In the event of any conflict between the provisions of this Section (§650-36 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-36 et. seq.) shall govern and control.

C. Authority of Permit Granting Authority

1. The City Council shall be the Permit Granting Authority for Special Permits and Site Plan Approvals in the EROD. Special Permits shall require a two-thirds vote of the City Council; Site Plan Approvals shall require a simple majority vote.
2. At the request of an applicant as part of an initial application or as part of a modification pursuant to Subsection H, the City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to an ERO Phase by Site Plan Approval upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this Section (§650-36 et. seq.).
3. An application for Site Plan Approval for an ERO Phase shall comply with the City Council’s Rules for Site Plan Approval. An application for a Special Permit for a use in the EROD shall comply with the requirements of §650-59 of the Zoning Ordinance.

D. Eligible Uses

1. The following uses are permitted BY-RIGHT in the EROD:
 - a. Multifamily Dwellings, up to 450 dwelling units.
 - b. Restaurant, café with or without table service (including outside seating and service) with or without drive-thru, provided that said facilities have no dedicated driveway with a curb cut on a public way.
 - c. Co-working or shared working spaces.
 - d. Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - e. Retail sales and services.
 - f. Offices, professional offices, banks, insurance, and financial institutions.
 - g. Consumer service establishments complementary to the other principal uses.

- h.
 - i. Brew pubs.
 - j. Distilleries with attached restaurants.
 - k. Accessory solar energy installations, including but not limited to roof-top systems and solar parking canopies.
 1. Uses allowed by right in the underlying zoning district.
 - m. Accessory uses.
2. The following additional uses are permitted BY SPECIAL PERMIT in the EROD:
 - a. Multifamily Dwellings in excess of 450 dwelling units.
 - b. Uses allowed by special permit in the underlying zoning district.
 3. All uses not specified in Subsection D.1 and Subsection D.2 above shall be deemed prohibited in the EROD.
 4. Once an ERO Phase receives Site Plan Approval, individual uses within the ERO Phase may be changed without further Site Plan Approval, unless such change otherwise requires Site Plan Approval under §270-2 of the Marlborough City Code or a modification to a Site Plan Approval under Subsection H.3.
 5. Multifamily dwellings in the EROD shall be subject to Section 650-26 of the Zoning Ordinance.

E. Dimensional Requirements

1. Notwithstanding any provisions of the Zoning Ordinance to the contrary, development in the EROD shall be subject to the following dimensional standards:
 - a. Minimum lot area: none.
 - b. Minimum Lot Frontage: none.
 - c. Minimum Front Yard or Setback from a Public Way: 20 feet.
 - d. Minimum Side and Rear Yard: 25 feet.
 - e. Maximum Building Height: 80 feet, no limitation on stories.
 - f. Maximum Lot Coverage: 60%, over the entire EROD.
2. Notwithstanding anything contained herein to the contrary, there shall be no yard or setback requirements or planting strips required as to internal lot lines within the EROD.

F. Parking Requirements

1. Parking Locations – Parking may be provided at ground level, underground, or in parking garages. Parking garages may be free standing or part of buildings dedicated to other permitted uses. Parking garages may contain accessory solar energy installation.

2. Required Parking Spaces – An ERO Phase shall provide parking as follows: 1 parking space per bedroom; 1 parking space per 250 square feet of office or co-working / shared working space; 1 parking space for every 3 seats plus 1 parking space for every 3 employees for a restaurant or other food/beverage service use; and 1 parking space for each 100 square feet of public floor area of other commercial space; provided, however, that the City Council may, through Site Plan Approval, authorize a reduction in the required number of parking spaces upon finding that the parking provided for the ERO Phase is sufficient to meet demand.
3. Parking Space Dimensions – Each parking space shall be no less than 9' x 18' except that the use of compact spaces (no smaller than 8' x 16') may be utilized throughout provided that no more than 33% of the total parking spaces within an ERO Phase shall be compact spaces.
4. Except as otherwise provided in this Section (§650-36 et. seq.), parking and circulation requirements in the EROD shall conform with the provisions of §650-48 and §650-49 of the Zoning Ordinance.

G. Design Standards

1. Design Criteria – An application for Site Plan Approval under this Section (§650-36 et. seq.) shall adhere to the design criteria specified in §270-2 of the Marlborough City Code.
2. Roadways – To the extent feasible, internal roadways shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the subdivision standards or dimensional requirements thereof, provided that those roadways shall be adequate for the intended vehicular and pedestrian traffic. The design of ways and parking circulation should be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
3. Landscaping – Landscaping in the EROD shall conform with the provisions of §650-47 of the Zoning Ordinance, except that continuous landscaped strips shall be provided along all public ways with an average minimum width of 10 feet, with at least one tree per 50 linear feet of planting area length on average or with groups of trees spaced no further apart than 100 linear feet on average.
4. Storm Water Management System – An ERO Phase shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City, the Department of Environmental Protection's Storm Water Management Guidelines, and the City's Stormwater Ordinance, §271 of the Marlborough City Code.
5. Signage – Except as otherwise provided in this Section (§650-36 et. seq.), signage shall conform to the provisions of §526 of the Marlborough City Code.

H. Modifications

1. After approval, applicants may seek modifications to any approved Special Permits or Site Plan Approvals.
2. Special Permits – Major modifications to a Special Permit may be granted by a two-thirds vote of the City Council, and minor modifications to Special Permit may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Special Permit is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Special Permit is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Special Permit is not minor, per §650-59 of the Zoning Ordinance, an application for a revised Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application.
3. Site Plan Approvals – Major modifications to a Site Plan Approval may be granted by a majority vote of the City Council, and minor modifications to a Site Plan Approval may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Site Plan Approval is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Site Plan Approval is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Site Plan Approval is not minor, an application for a revised Site Plan Approval shall be filed in accordance with the City Council's Rules for Site Plan Approval.

EXHIBIT A

The Executive Residential Overlay District shall include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

- Assessors Map 116, Parcel 5
- Assessors Map 116, Parcel 11
- Assessors Map 116, Parcel 12

SET A PUBLIC HEARING FOR MARCH 11, 2019, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That a communication be sent to the MA State Lottery Commission, re: Keno to Go, Marlboro Smoke Shop, 170 Pleasant Street, outlining the concerns of the City Council, **APPROVED;** adopted.

ORDERED: That the Minutes, School Committee, November 27, 2018, December 11, 2018 & January 8, 2019, **FILE;** adopted.

ORDERED: That the Minutes, Council on Aging, December 11, 2018, **FILE;** adopted.

ORDERED: That the Minutes, Conservation Commission, November 1, 2018 & December 6, 2018, **FILE;** adopted.

ORDERED: That the Minutes, Planning Board, December 17, 2018, **FILE;** adopted.

ORDERED: That the Zoning Board of Appeals, December 19, 2018, **FILE;** adopted.

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

- a) Judith Graff, 52 Dudley Road, Berlin, other property damage and/or personal injury.
- b) Robert Miller, 163 Kings Grant Road, pothole or other road defect.
- c) Philip Raymond, 43 Chase Road, residential mailbox claim (2a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday January 14, 2019
In Council Chambers**

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

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilors Landers and Doucette.

The meeting convened at 7:00 PM.

Reports of Committee Continued:

- 1. Order #18-1007497 – Candela Corporation Tax Increment Financing (TIF):** The Finance Committee reviewed the Mayor’s letter dated December 13, 2018 requesting the approval of the Candela Corporation Tax Increment Financing agreement with the City of Marlboro. The Finance Committee voted 5 – 0 to approve the following:

- The TIF agreement
- The City Council Resolution

The Finance Committee Chair will request a suspension of the rules at the January 28, 2019 City Council meeting to have the Solicitor place the Candela Corporation TIF in proper format for the February 11, 2019 City Council meeting.

The Finance Committee adjourned at 7:42 PM.

Suspension of the Rules requested – granted

ORDERED: That the Tax Increment Financing Agreement (“TIF”) with Candela Corporation, refer to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE FEBRUARY 11, 2019 COUNCIL MEETING;** adopted.

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

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

APPROVED; adopted.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Delano

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:51 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, upon the petition of Lacombe Business Center, LLC, the Zoning Map established under Chapter 650, the City of Marlborough's Zoning Ordinance, in Article III, entitled "Establishment of Districts" is hereby amended in subsection 8 thereof, entitled "Boundaries Established; Zoning Map," by rezoning, from the Industrial (I) zoning district to the Commercial Automotive (CA) zoning district, the parcels shown on the Marlborough Assessors Map as Map 82, Parcel 42 and Map 82, Parcel 42E.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 11, 2019.**

ADOPTED

ORDER NO. 18-1007483



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, upon the petition of Stephen Vigeant, Trustee of the 22 Englewood Trust, the Zoning Map established under Chapter 650, the City of Marlborough's Zoning Ordinance, in Article III, entitled "Establishment of Districts" is hereby amended in subsection 8 thereof, entitled "Boundaries Established; Zoning Map," by rezoning, from the Industrial (I) zoning district to the Commercial Automotive (CA) zoning district, the parcels shown on the Marlborough Assessors Map as Map 104, Parcel 29 and Map 104, Parcel 29A.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 11, 2019.**

ADOPTED

ORDER NO. 18-1007484



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

PAGE 1

ORDERED:

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

1. Section 650-5, entitled Definitions; word usage, is hereby amended to read:

RETIREMENT COMMUNITY – DETACHED AND TOWNHOMES

A community consisting of detached or attached (only along side walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

[Amended 1-6-2003 by Ord. No. 03-9821B; 1-6-2003 by Ord. No. 03-9821-1B; 1-6-2003 by Ord. No. 03-9821-2B]

RETIREMENT COMMUNITY – MULTIFAMILY

A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

1. Section 650-22.A, entitled “Purpose” is hereby amended to read: Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community



IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 3, 2018~~

PAGE 2

ORDERED:

2. Section 650-22.C, entitled "Permitted uses" is hereby amended to read: Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a Retirement Community - Detached and Townhomes, or a Retirement Community – Multifamily, as defined in § 650-5, consistent with the following provisions:

(i) Retirement Community – Detached and Townhomes (RCO-D/T)

(1)

No building in a RCO-D/T community shall be more than 2 1/2 stories in height.

(2)

Each building in a RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by air line distance between the nearest points of the buildings.

(3)

No dwelling in a RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.

(4)

All dwelling units in a RCO-D/T community shall be detached from the others or attached only along side walls in the so-called "townhouse" style.

(5)

The lot or lots on which a RCO-D/T community and any approved ancillary residential community are located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.

(6)

No part of any principal building in a RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

PAGE 3

ORDERED:

(7)

Each dwelling unit in a RCO-D/T community shall have its own attached yard area.

(8)

Required off-street parking for each dwelling unit in a RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in a RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.

(9)

Maximum combined lot coverage in a RCO-D/T community and in any permitted ancillary residential community shall not exceed 40% of the total lot size.

(10)

Each lot or contiguous lots upon which a RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.

(11)

The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

PAGE 4

ORDERED:

(12)

The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(13)

No unit in a RCO-D/T community shall have more than three bedrooms.

(ii) Retirement Community – Multifamily (RCO-MF)

(1)

The total area of the tract of contiguous parcels to be developed as a RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial and be located within the area that lies within the perimeter of the following roadways: commencing at the Fitchburg Street intersection at the Rte. 85/290 Connector Road; then west along the Rte. 85/290 Connector Road to the intersection of Rte. 495; then south along Rte. 495 to where it passes over the intersection with Berlin Road; then southeasterly along Berlin Road to the intersection with Pleasant Street; then north along Pleasant Street to the intersection with Fitchburg Street; then north along Fitchburg Street to the intersection with the Rte. 85/290 Connector Road. All of said land being in reasonable proximity to the UMass Memorial Marlborough Hospital and the interstate highway intersection of Rte. 495 and Rte. 290.

(2)

A RCO-MF may contain one (1) and two (2) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.

(3)

No building in a RCO-MF shall be more than 3 stories in height.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

PAGE 5

ORDERED:

(4)

The total number of dwelling units in a RCO-MF shall be limited to 12 units per acre.

(5)

No part of any principal building in a RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.

(6)

Maximum combined lot coverage in a RCO-MF, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.

(7)

The tract or contiguous parcels upon which a RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

(8)

The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.

(9)

The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(10)

A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF. Attached and detached garages shall count toward this parking requirement.

(11)

No dwelling unit in a RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 3, 2018

PAGE 6

ORDERED:

(12)

No building in a RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

(13)

In a RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

Be and is herewith **REMOVE FROM TABLE UNDER SUSPENSION OF RULES-CARRIES & refer to URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 11, 2019.**

ADOPTED

ORDER NO. 18-1007452A
X18-1007198G

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

February 6, 2019

2019 FEB -7 A 8:00

Marlborough City Council
City Hall
Main Street
Marlborough, MA 01752

Dear City Council Members,

I am writing you today on behalf of the Regency at Assabet Ridge located on Crowley Drive. It is my understanding that the City Council will be addressing the senior apartment project on Crowley Drive at the upcoming meeting.

As you may know, the LFB building has been sitting vacant for over a year and a half. Residents from The Regency at Assabet Ridge have had to live with this situation which does not exactly help with property values. We do not want another office or industrial type building going in which has the potential to go vacant during an economic down turn.

As a 55+ condo association it is clear that this would be a great fit in the current community. Many of our owners have had concerns about increased traffic that could occur if another office or industrial building were to be built. The type of complex proposed would most definitely bring less traffic, as well as a more appealing building to the community.

The type complex proposed brings in additional tax dollars to the city and no added cost to schools. It also brings in potential jobs for local residents, as well as, additional housing. It's a "win, win" for everyone involved.

I would hope that the City Council vote yes and support the next steps to move this project to the next level. The Board of Trustee's at The Regency at Assabet Ridge thanks you for considering a "yes" vote on the proposed zoning amendment an approval of the project.

Regards,

Richard A. Lodi
President
The Regency at Assabet Ridge



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 17, 2018

PAGE 1

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:

a. By amending the definition in subsection B of "HOME OCCUPATION," by inserting at the end thereof the following sentence:

A home occupation shall not include a home office, as defined in Section 650-5.

b. By amending the definition in subsection B of "OUTDOOR STORAGE," by inserting at the end thereof the following sentence:

Outdoor storage shall not include either a contractor's storage yard or a landscape contractor's storage yard, as defined in Section 650-5.

c. By inserting the following new definitions: -

CONTRACTOR - Any person or firm engaged in construction, building trades, landscaping services or maintenance, on a contract basis, either licensed or unlicensed.

CONTRACTOR'S STORAGE YARD - An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, and excavation; but not including a landscape contractor's storage yard. A contractor's storage yard shall not include outdoor storage, as defined in Section 650-5.

HOME OFFICE - An activity customarily conducted by the residents of a dwelling unit, inside the dwelling unit or an accessory building. Home offices are permitted if they conform to each of the conditions set forth in Section 650-18(47).



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 17, 2018

PAGE 2

ORDERED:

LANDSCAPE CONTRACTOR’S STORAGE YARD – An outdoor area used for the storage of equipment and/or materials used by a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors, and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements, but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the grounds being otherwise landscaped. A landscape contractor’s storage yard shall not include outdoor storage, as defined in Section 650-5.

II. Section 650-17, entitled “Table of Uses,” is hereby amended by adding the following new uses:-

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV	NB
Contractor’s Storage Yard (48)	N	N	N	N	N	N	N	N	N	SP	SP	N	N
Home Office (47)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Landscape Contractor’s Storage Yard (48)	N	N	N	N	N	N	N	N	N	SP	SP	N	N

III. Section 650-18, entitled “Conditions for uses,” is hereby amended as follows:

a. By inserting in subsection A thereof a new paragraph (47), pertaining to home offices:-

(47) Home offices.

Home offices are permitted if they conform to each of the following conditions:

- (a) The home office use must be secondary to the principal use of the property as a residence.
- (b) The proprietor of the home office, whether a contractor or otherwise, must reside in the dwelling unit comprising the principal building.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 17, 2018

PAGE 3

ORDERED:

- (c) Anyone associated with the home office must reside in the dwelling unit comprising the principal building, except that not more than two (2) non-residents may be permitted when the home office is on a property principally used as a residence by the proprietor, whether a contractor or otherwise, unless it is located in the Industrial or Limited Industrial zoning districts.
- (d) No more than 25% of the floor area of the residence is to be used for the purpose of the home office.
- (e) There shall be no external evidence of the home office except for a sign that conforms to the requirements for a home occupation sign set forth in City Code Section 526-8.A(2), and no major structural change shall be made to the exterior so as to alter the appearance and character of the residence or that of the accessory building if used for the home office.
- (f) Not more than two (2) commercial vehicles, including trailers, shall be permitted in connection with the home office, whether those vehicles are used by the proprietor of the home office and/or by anyone associated with the home office, except that not more than three (3) commercial vehicles, including trailers, may be permitted when the home office is on a property located in the Industrial or Limited Industrial zoning districts. No such vehicle shall exceed a gross vehicle weight rating (GVWR) of 14,000 pounds. No such vehicle, nor any vehicle owned or operated by any employee of the business associated with the home office, shall be parked on the street(s) fronting the premises where the home office is located, but instead shall be parked on the premises.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 17, 2018

PAGE 4

ORDERED:

(g) A home office shall be permitted to store equipment and/or materials, but only indoors in the principal building or accessory building. In no event shall a home office be used for a contractor's storage yard or a landscape contractor's storage yard, except when such a yard is permitted by special permit in the Industrial or Limited Industrial zoning districts. No activity in conjunction with the business associated with the home office, including but not limited to loading and unloading of equipment and/or materials, is permitted Monday through Saturday except from 7:00 a.m. until 7:00 p.m., and no such activity is permitted on Sunday at any hour; provided, however, that all such activity, when permitted during these hours, shall otherwise comply with Chapter 431 of the City Code, entitled "Noise."

b. By inserting in subsection A thereof a new paragraph (48), pertaining to contractor's storage yards and landscape contractor's storage yards: -

(48) Contractor's storage yards and landscape contractor's storage yards. Contractor's storage yards and landscape contractor's storage yards are allowed in certain zoning districts by special permit only. Applications for such a special permit shall comply with City Code Section 650-59, as well as with the following additional requirements and design standards.

(a) Applications.

(1) A scaled site plan shall show the following information:

- i. Outdoor storage areas for materials and equipment.
- ii. Parking and maintenance areas for commercial vehicles.
- iii. Location of all buildings and structures on the site.
- iv. Vehicular and pedestrian circulation on the site, including points of access to the site from a public road, loading and unloading areas, and areas for employee and customer parking.
- v. Required or proposed landscaping and buffer areas.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 17, 2018
PAGE 5

ORDERED:

- vi. Required or proposed screening and fencing of storage yards.
 - vii. Proposed lighting plan, including location and specifications of light standards, lighting fixtures and lighting directions.
 - viii. All residential abutters within 200 feet of the proposed site.
 - ix. Any other information as might reasonably be required by the City Council for use in making a thorough evaluation of the proposal.
- (2) A description of all vehicles, trailers, and equipment stored, maintained or used on site by the business.
 - (3) A description of all fuel, chemicals or commodities and the amount of each that will be stored on site by the business.
 - (4) The range of number of employees throughout the year and the average number of employees at any time.
 - (5) A noise mitigation plan.
- (b) Design Standards.
- (1) Proximity to existing residential zoning districts. The proposed storage yard shall be not less than two hundred (200) feet from a residential zoning district.
 - (2) Screening. The proposed storage yard shall be adequately screened from the street and adjacent properties to obscure the equipment and/or materials stored therein.
 - (3) Minimum parcel size. The minimum area of the parcel shall be 22,500 square feet.
 - (4) Maximum size of storage area. The maximum size of the contractor's storage yard or landscape contractor's storage yard, when combined with all structures, parking and driveways on the lot being proposed for the storage yard, shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the parcel is located.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 17, 2018

PAGE 6

ORDERED:

- IV. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that are in existence in the City of Marlborough on the effective date of the above amendments to the Zoning Ordinance of the City of Marlborough, shall submit to the City Council a special permit application, conforming with the provisions of Section 650-18(48), within six (6) months of said effective date.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 11, 2019.**

ADOPTED

ORDER NO. 18-1007500



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB -7 A 10:03

Marlborough City Council
Michael H. Ossing
City Councilor-at-Large
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

February 7, 2019

Edward J. Clancy, President
Members of the City Council
City Hall
Marlborough, MA 01752

Re: Zoning Petition – Proposed Amendment to Add Food Trucks to the Table of Uses

Dear President and Members:

I have attached, for your consideration, a proposed zoning amendment to permit motorized food establishments in the City of Marlborough. This legislation is submitted on behalf of the Mayor. I look forward to working with the Urban Affairs Committee to create zoning regulations that will ensure food trucks are in harmony with the character of the neighborhood in which they are located.

In recent history, the so-called ‘hot dog truck’ was certainly not a desired establishment in some areas of the city, including our entranceways. I would like to work with members of the City Council to ensure that the final language adopted to bring about a return of food trucks will ensure their placement and appearance are welcome additions to the City by residents and visitors alike.

In closing, I would ask that the proposal be referred to the Planning Board and the Urban Affairs Committee, and that you set a date for a public hearing by the body to be properly advertised as required.

Sincerely,


Michael H. Ossing
Councilor-at-Large

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 by inserting the following new definition:

MOBILE FOOD TRUCK

A food establishment that is located upon a motorized vehicle or is pulled by a motorized vehicle where food is prepared, cooked, and served for retail sale in individual portions.

II. Section 650-18, entitled “Conditions for uses,” is hereby amended by inserting in subsection A thereof a new paragraph (49), pertaining to mobile food trucks:

(49) Mobile food trucks shall be operated in accordance with all applicable Marlborough regulations and state and federal food codes. Mobile food trucks shall not park within 20 feet of a fire hydrant or within five feet of a fire alarm box or other comparable emergency communication device, or within five feet of a marked crosswalk, public or private driveway, or handicapped accessible curb cut.

- (a) Mayor is authorized to issue 1 to 3 day permits in the zones requiring a special permit.
- (b) City Council issues special permits for longer duration permits addressing duration of permit, periodic review to ensure quality mobile food truck and compliance with city and state regulations.

III. Section 650-48, entitled “Off-street parking” is hereby amended by inserting in subsection A thereof a new paragraph (17), pertaining to mobile food trucks:

(17) Mobile food trucks: two spaces per mobile food truck. Each mobile food truck is required to provide two parking spaces for customer use and provide documentation to the Building Commissioner identifying the two spaces.

II. Section 17 of Chapter 650, entitled “Table of Uses,” is hereby amended by inserting the following:

	RR	A1	A2	A3	RB	RC	RCR	NB	B	CA	LI	I	MVD
Mobile food trucks (49)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP

ADOPTED



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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 FEB -7 A 11:20
Michael J. Milano
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Mid-year Transfer Requests

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval mid-year transfer requests from several City Departments.

As always, Department Heads who have requested transfers will be in attendance at a future Finance Committee meeting to discuss these requests with you in greater detail. The transfer proposed for my department will fund the termination benefits for an employee who resigned.

Thank you in advance for your consideration and please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Marlborough Public Schools
Information Technology

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



February 5, 2019

TO: Mayor's Office
FROM: Mark Gibbs, Information Technology Director

Transfer Request – Information Technology Department

Mayor,

Due to unexpected personnel changes, money is owed for unused vacation and sick leave pay in the amount of \$13,086.85.

I am requesting a transfer to cover this unexpected cost for the current fiscal year.

Please feel free to contact me with any questions or concerns. I can be reached at 508-460-3763 or mgibbs@marlborough-ma.gov.

Sincerely,

Mark Gibbs,
Information Technology Director



City of Marlborough
Personnel Department

140 MAIN STREET
MARLBOROUGH, MA 01752
TELEPHONE (508) 460-3705, FACSIMILE (508) 481-6354

DAVID BRUMBY
HR DIRECTOR

MARY WARD
HR ASSISTANT

DIANE REGO
SENIOR CLERK

February 5, 2019

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

Re: Transfer Request

Dear Mayor Vigeant,

Enclosed, please find a transfer request for the Human Resources Department totaling \$17,000. I respectfully request the Human Resources Conference and Training Account (11520006-57380) be credited \$12,000 of the \$17,000. The \$12,000 represents \$4,000 for newly mandated OSHA training for the DPW. The DPW did not receive an anticipated grant that would have covered this expense. \$4,000 to cover an unbudgeted management conference out of state and an additional \$4,000 for management training for Department Heads. The remaining \$5,000 of the \$17,000 request would be directed to the HR Contract Services Account (11520004-53140) to cover the promotional exam expense for a Police Officer who retired earlier than anticipated.

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

Sincerely,

David Brumby
Human Resources Director

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: HR

FISCAL YEAR: 2019

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$75,000.00</u>	<u>\$17,000.00</u>	<u>12200001</u>	<u>50805</u>	<u>Fire Inspector</u>	<u>\$12,000.00</u>	<u>11520006</u>	<u>57380</u>	<u>Conference & Training</u>	<u>\$8,153.50</u>
	Reason:	<u>Surplus</u>			Reason:	<u>OSHA Training Course for DPW</u>			
	<u>\$0.00</u>				<u>\$5,000.00</u>	<u>11520004</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$20,053.31</u>
	Reason:				Reason:	<u>Police Assessment Center</u>			
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$0.00</u>				<u>\$0.00</u>				<u>\$0.00</u>
	Reason:				Reason:				
	<u>\$17,000.00</u>	Total			<u>\$17,000.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

David Krumbly
Aimee
Bobby
Kingreen



City of Marlborough POLICE DEPARTMENT

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



DAVID A. GIORGI
Chief of Police

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

February 4, 2019

Dear Mayor Vigeant:

Per the attached transfer request form, I am requesting three transfers to allow sufficient funds to be properly allocated to the appropriate line items within the police department budget. There is a request to transfer funds into the Sick Leave Buyback account from the Reserve for Salaries account to fund two impending retirements this month. In addition, I am requesting two transfers from the Educational Incentive account into the Office Supplies/Expenses account, as well as the Vehicle Repair and Maintenance account to allow for sufficient funds to fully cover these accounts for the remainder of the fiscal year. The attached request form contains a brief reason for each transfer request. Although the Reserve for Salaries account is outside of our budget, the remaining two transfer requests are from within the existing police department budget and I do not anticipate any other significant surpluses or deficits.

Please let me know if you have any questions.

Sincerely,

David A. Giorgi
Chief of Police

Cc: D. Smith; B. Doheny

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	POLICE							FY: 2019	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$816,832.65	\$93,400.00	11990006	57820	Reserve for Salaries	\$93,400.00	12100003	51920	Sick Leave Buyback	\$9,910.41
Reason:		Budgeted retirement of two officers				Contractual sick leave retirement payment			
\$274,701.57	\$5,000.00	12100003	51440	Educational Incentive	\$5,000.00	12100005	54220	Office Supply/Expenses	\$9,911.00
Reason:		Surplus in account				Deficit due to increase training classes			
\$274,701.57	\$5,000.00	12100003	51440	Educational Incentive	\$5,000.00	12100006	52560	Vehicle Repair & Maintenance	\$21,687.06
Reason:		Surplus in account				Maintenance to existing fleet of cruisers			
Reason:									
Reason:									
Reason:									
\$103,400.00	Total				\$103,400.00	Total			
Department Head signature:									
Auditor signature:									
Comptroller signature:									



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

February 4, 2019

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

RE: Transfer Request

Enclosed herewith is a transfer request to cover a short fall in the Assistant Plumbing Inspector account. The Assistant Plumbing Inspector account was budgeted with no expectation of the individual using excessive amount of sick leave due to unforeseen surgeries. The first time the Plumbing/Gas Inspector was out of work due to surgery, I was able to cover that expense from within my department's budget, however the Inspector is schedule to go out on sick leave for a second surgery. I do not have available funds from within my wage budget, so I will be using surplus funds from within the Inspectional Services budget. The Inspectional Services has surplus funds in the Contract Services account.

Please contact me if you should have any further questions regarding this information.

Sincerely,

Jeffrey K. Cooke, C.B.O.
Building Commissioner

Mission Statement

To promote the safe and compatible development of the community through the fair and consistent enforcement of the building codes and zoning ordinances

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Building

FISCAL YEAR: 2019

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$10,000.00

\$8,000.00

12410004

53140

Contract Services

\$8,000.00

12410001

50960

Asst. Plumbing Inspector

\$0.00

Reason:

Surplus from unused

Reason:

Funds needed to cover potential shortfall.

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

Reason:

\$8,000.00

Total

\$8,000.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:



Three handwritten signatures in blue ink are present. The top signature is the Department Head's, the middle is the Auditor's, and the bottom is the Comptroller's. Each signature is written over a horizontal line.



City of Marlborough
Office of the Comptroller

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

February 7, 2019

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

RE: TRANSFER REQUEST

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for various City Accounts under the discretion of the City Comptroller. These transfers are being submitted in three sections. The first section is to cover a potential shortfall in both the school health and Medicare insurance accounts from the City's health insurance account. These accounts are running very close to the budgeted amounts and this transfer will be used to cover any possible shortage that may arise. The second section is to reclassify the long-term debt accounts. The items will be adjusted for posting errors which will allow accurate recorded loan payments. The third section is to correctly reclassify the short-term loan borrowing in June 2018. This reclassification correctly allocates the actual short-term interest cost to the appropriate accounts.

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

Sincerely,

Brian Doheny
Comptroller

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Comptroller

FISCAL YEAR: 2019

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,250,000.00</u>	<u>\$185,000.00</u>	<u>17110006</u>	<u>59968</u>	<u>2018 Muti Purpose</u>	<u>\$185,000.00</u>	<u>60071106</u>	<u>59966</u>	<u>2016 Multi Purpose</u>	<u>\$205,000.00</u>
	Reason:	<u>Reclassify for Borrowing June 2018</u>			Reason:	<u>Reclassify for account error correction</u>			
<u>\$400,000.00</u>	<u>\$100,000.00</u>	<u>17110006</u>	<u>59967</u>	<u>2017 Muti Purpose</u>	<u>\$100,000.00</u>	<u>61071106</u>	<u>59965</u>	<u>MWRA WRA 13-13-258</u>	<u>\$100,000.00</u>
	Reason:	<u>Reclassify for Borrowing June 2018</u>			Reason:	<u>Reclassify for account error correction</u>			
<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>
	Reason:	<u>_____</u>			Reason:	<u>_____</u>			
<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>
	Reason:	<u>_____</u>			Reason:	<u>_____</u>			
<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>
	Reason:	<u>_____</u>			Reason:	<u>_____</u>			
<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>
	Reason:	<u>_____</u>			Reason:	<u>_____</u>			
<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$0.00</u>
	Reason:	<u>_____</u>			Reason:	<u>_____</u>			
	<u>\$285,000.00</u>	Total			<u>\$285,000.00</u>	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

February 1, 2019

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

RE: Transfer Request

Enclosed herewith is a transfer request to cover a short fall in the Principal Clerk account. The Principal Clerk account was budgeted with the expectation of the individual starting at step 0. The individual hired came from within the City already employed as a Principal Clerk at the maximum step. I do not have available funds from within my budget, so I will be using surplus funds from within the Council on Aging's budget. The Council on Aging has surplus funds in the Contract Services account due to increased grant funding from the Department of Elderly Affairs.

Please contact me if you should have any further questions regarding this information.

Sincerely,

Diane Smith
City Auditor



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

Nicholas J. Milano
EXECUTIVE AIDE

2019 FEB - 7 A 11: 20

Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Grant Acceptance – Board of Health

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant from the National Association of City and County Health Officials (NACCHO) for the Board of Health in the amount of \$5,350.00.

These funds will be used to work with a peer community to develop improvements to our food protection program and to send an employee to attend the National Environmental Health Association conference in July 2019. It is important for the Board of Health to continuously evaluate its standards and this partnership with the FDA through NACCHO will help the Health Department do just that.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me or Cathleen Liberty.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH

BOARD OF HEALTH
140 Main Street, Lower Level
Marlborough, Massachusetts 01752
Facsimile (508) 460-3625 TDD (508) 460-3610

Robin Williams, Chairman
Jim Griffin, Vice Chairman
Joe Tennyson, MD, Member
Tel (508) 460-3751

December 6, 2018

Dear Mr. Mayor,

The City of Marlborough health department is one of 23 sites within the country selected to receive a 9- month Mentorship Program grant from the National Association of City and County Health Officials (NACCHO) who represent health departments nationwide. The mentorship program provides peer-to-peer assistance and technical support to help enforce the FDA standards to improve our food protection program.

The goal is to have a regulatory inspection system that identifies risk factors most commonly associated with foodborne illness in food establishments and to obtain immediate and long-term corrective action for recurring risk factors.

The grant award is for \$5,350.00 slated for consultant fees to work on the standards and for an employee to attend the National Environmental Health Association in July 2019.

It is exciting for the health department to collaborate and partner directly with NACCHO through support from the Food and Drug Administration (FDA). A notice of the grant award and a grant cover spreadsheet is attached. Therefore, I would like to request that these documents be submitted to City Council for approval to expend the funds received for the grant.

Sincerely,


Cathleen Liberty

Director of Public Health

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

Department: Board of Health Date: 2/7/2019
Person responsible for grant expenditure: Cathleen Liberty
Name of grant: NACCHO Mentorship Program
Grantor: National Association of City and County Health Officials
Grant amount: \$5,350.00
Grant period: Expires August 31, 2019

Scope of grant/items funded To provide funds for the Board of Health to work with a peer community to to develop improvements to our food protection program and to send an employee to attend the National Environmental Health Association conference in July 2019

Is a position being created: No

If yes, can fringe benefits be paid from the grant? No

Are matching city funds required? If so, how much? 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
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Nicholas J. Milano
EXECUTIVE AIDE

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

2019 FEB - 7 A 10 21
Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Grant Acceptance – Council on Aging/Senior Center

Honorable President Clancy and Councillors:

Please find enclosed for your acceptance donations for the Council on Aging/Senior Center in the amount of \$985.00. These donations were made in memory of longtime senior center members Fran Kane, Bruce Campbell, and Terry Lupien.

As the letter from Executive Director Trish Pope notes, we are honored and thankful that their families requested donations be provided to the Senior Center in their memory. The funds will be used for the Men's Group and for musical entertainment.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



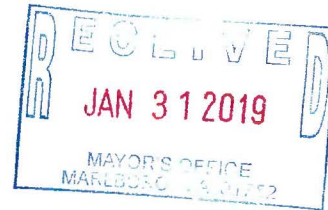
City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
EXECUTIVE DIRECTOR

January 31, 2019

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



Re: Memorial Donations

Dear Mayor Vigeant,

The Council on Aging/Senior Center has received \$985.00 in donations in memory of longtime senior center members Fran Kane, Bruce Campbell and Terry Lupien. We are honored that the families of these wonderful people requested donations be sent to the Senior Center. The money will be used for the Men's Group and for musical entertainment.

Sincerely,

Patricia A. Pope
Executive Director

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

Department: Council on Aging/Senior Center Date: 2/7/2019
Person responsible for grant expenditure: Trish Pope
Name of grant: Memorial Donations
Grantor: Various individuals
Grant amount: \$985.00
Grant period: N/A

Scope of grant/items funded In memory of Fran Kane, Bruce Campbell, and Terry Lupien to provide funds for the Men's Group and musical entertainment.

Is a position being created: No

If yes, can fringe benefits be paid from the grant? No

Are matching city funds required? If so, how much? 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
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
2019 FEB -7 A 11:20

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Senior Citizen Property Tax Work Off Program

Honorable President Clancy and Councilors:

Please find enclosed for your review an order to amend the City Council order that created the Senior Citizen Property Tax Work Off Program. This program has been a success in recent years, with numerous seniors taking advantage of the property tax credit by working in various City departments.

Due to its popularity and being beneficial both for our seniors and for City services, I am requesting that we increase the cap on the program from 25 positions to 30 positions. We may not use all 30 positions each fiscal year, but this would give us additional flexibility in case we have increased need and an increased number of interested residents.

Another change we are submitting is to replace the income requirements with the income requirements for the senior citizen circuit breaker tax credit, which is annually calculated by the Department of Revenue. This will allow the income limits to grow over time alongside inflation and will tie it to a metric that many senior citizens are already familiar with.

In addition, since sections K, L, and M of the original City Council Order have not been done consistently, I am requesting that we delete these sections as well. Any information the City Council would like about the program will be furnished upon request.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City Council of the City of Marlborough hereby amends City Council Order No. 12-1004062A, as follows:

1. By deleting provision f) in its entirety and inserting in place thereof the following:
The applicant seeking the reduction must have annual gross income, as calculated by the Department of Revenue, that qualifies for the senior circuit breaker tax credit in the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations.
2. By deleting provision i) in its entirety and inserting in place thereof the following:
If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 30 (fractional volunteers can be combined to equal one participant) without prior City Council approval.
3. By deleting provisions k), l) and m) in their entirety.
4. By re-numbering provision n) as provision k).

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 23, 2012
PAGE 1

ORDERED:

Suspension of the rules requested – granted

THAT the City Council for the City of Marlborough hereby accepts the provisions of M.G.L. c. 59, § 5K, which authorizes the City to establish a program for persons over the age of sixty (60) to volunteer their services to the City in exchange for a reduction, not to exceed \$1,000.00 in a given tax year, in the real property tax obligations of such persons;

AND, FURTHER, THAT, pursuant to M.G.L. c. 59, § 5K, the City Council for the City of Marlborough hereby adopts the following provisions regarding the implementation of this program:

- a) The program is to begin in Fiscal Year (tax year) 2013;
- b) The individual applying to participate in the program must have attained the age of sixty (60) years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation;
- c) The applicant seeking the reduction must have resided in the City for at least five (5) consecutive calendar years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation;
- d) The property as to which the tax reduction is sought must be owned by, or serve as the primary residence of, the applicant seeking the reduction. Qualified rental properties must be owner-occupied;
- e) The property as to which the tax reduction is sought shall be eligible for only one (1) abatement per tax year, no matter how many individuals may be the record owners of that property;
- f) The applicant seeking the reduction must have an annual gross income less than \$52,000 if a single filer, less than \$65,000 if filing as Head of Household, or less than \$78,000 if filing married or jointly, for the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations;
- g) No individual is eligible to seek a reduction in his or her real property tax obligations if, for the tax year he or she would otherwise be eligible, he or she is employed by the City of Marlborough on either a full-time or part-time basis;
- h) All individuals will be required to disclose any potential or perceived conflicts of interest on their application, including but not limited to, residing in the same residence or household with a full or part-time City employee, and working for a business or entity that performs contractual services for the City;



IN CITY COUNCIL

JULY 23, 2012

Marlborough, Mass., _____ PAGE 2

ORDERED:

- i) If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 25 (fractional volunteers can be combined to equal one participant) without prior City Council approval;
- j) The Council on Aging, in cooperation with the Assessor's Office and the Personnel Department of the City, shall have the responsibility to maintain a record for each applicant participating in the program, including but not limited to records for the number of hours of service volunteered by each applicant and the total amount by which his or her real property tax obligation has been reduced on his or her tax bill. A copy of such records shall be provided to the applicant prior to the issuance of his or her actual tax bill;
- k) The Mayor's office will approve and authorize the placement of all program participants and the corresponding departments in which they are placed, and shall make such authorizations known to the City Council within 30 days of placement;
- l) Prior to the end of each fiscal year, the Mayor's office shall furnish an annual report and summary of this program to the City Council;
- m) During the annual Tax Classification process, the Mayor shall forward a request to the City Council to fund the program through the Overlay Account; and
- n) No provisions of this order shall be changed unless approved by the Mayor and City Council.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ADOPTED

In City Council

Order No. 12-1004062A

Approved by Mayor

Arthur G. Vigeant

Date: July 26, 2012

A TRUE COPY

ATTEST:

Luc M. Spina

City Clerk

Senior Circuit Breaker Tax Credit

Certain seniors who own or rent residential property as their principal residence are eligible for a refundable tax credit. Find out if you qualify.

What to know

As a senior citizen, you may be eligible to claim a refundable credit on your personal state income tax return. The Circuit Breaker tax credit is based on the actual real estate taxes paid on the Massachusetts residential property you own or rent and occupy as your principal residence.

The maximum credit amount for tax year 2018 is \$1,100. If the credit you're owed exceeds the amount of the total tax payable for the year, you'll be refunded the additional amount of the credit without interest.

Visit: [TIR 18-10: Annual Update of Real Estate Tax Credit for Certain Persons Age 65 and Older](#)

Attend a [Senior Circuit Breaker Credit information session](#).

Another great resource is the [Senior Circuit Breaker Tax Credit Video Tutorial](#).

Who is eligible

- You must be a Massachusetts resident or part-year resident.
- You must be 65 or older by December 31.
- You must file a Massachusetts personal income tax return.
- You must own or rent residential property in Massachusetts and occupy it as your primary residence.
- For tax year 2018, your total Massachusetts income doesn't exceed:
 - \$58,000 for a single individual who is not the head of a household.
 - \$73,000 for a head of household.
 - \$88,000 for married couples filing a joint return.
- If you are a homeowner, your Massachusetts property tax payments, together with half of your water and sewer expense, must exceed 10% of your total Massachusetts income for the tax year.
- If you are a renter, 25% of your annual Massachusetts rent must exceed 10% of your total Massachusetts income for the tax year.



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
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

February 7, 2019

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

Re: Council on Aging Revolving Fund - Fiscal Year 2019 Increase

Honorable President Clancy and Councilors:

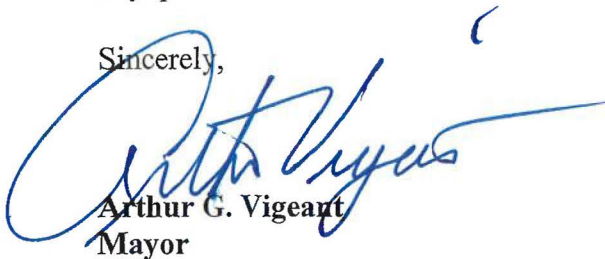
Please find enclosed for your review an order to increase the spending limit for the Council on Aging Revolving Fund for the remainder of Fiscal Year 2019 to \$60,000.00. Due to steady revenues and the wide variety of programs available through the Council on Aging, we have experienced an increased need for funds from this account.

Council on Aging Executive Director Trish Pope will be available to discuss the revolving fund in detail. As you may recall, we also increased the revolving fund limit last year. The revenues in this fund are generated by fees associated with programs, classes, and trips run through the Senior Center. The funds are used on instructors, entertainment, trips, and program supplies.

The Council on Aging continues to expand programs and classes and will soon be physically expanding into the second floor of the Senior Center. While it has been used for some classes in the past, the Facilities Department has work underway on the second floor and we are looking forward to putting the area to even greater use.

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

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That no more than sixty thousand dollars (\$60,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2019, unless otherwise authorized by City Council and Mayor.

ADOPTED
In City Council
Order No 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
EXECUTIVE DIRECTOR

January 23, 2019

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

Re: FY'19 Revolving Account

Dear Mayor Vigeant,

The Council on Aging is approaching the spending limit for the Revolving Account (Program Funding) 26254101-57072 set forth by the City Council. The spending limit on this account was set at \$40,000.00 for FY'19. A lot of discussion took place at the City Council Finance Committee meeting and it was decided to leave the spending limit as originally set at \$40,000.00, with the very real possibility of returning to the City Council during FY'19 to request an increase in the spending limit.

The current amount expended and encumbered currently is: \$33,527.25 with five and a half months remain in our current fiscal year. Therefore, I am requesting that the spending limit on this account be raised an additional \$20,000 bringing the spending limit to \$60,000.00 for FY'19.

Since the authorization of this revolving account in October 2015 these funds have been used solely for Program funding. The revenue generated represents the fees associated with programs, classes and trips run through the Council on Aging/Senior Center. The expenditures represent payment for Fitness Instructors, Computer Training, Entertainment, Bus Trips along with program supplies and associated food costs. We are extremely fortunate in the City of Marlborough to be able to supplement the costs associated with Program Funding through this account.

As always, I am available to answer any questions or concerns.

Sincerely,

Patricia A. Pope
Executive Director



Memo

To: Mayor Arthur Vigeant
From: Patricia A. Pope
Date: January 23, 2019
Re: Council on Aging Revolving Account

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

Balance as of 7/18	\$	66,598.00
Total revenue generated (7/18 – 1/23/19)	\$	26,045.48
Funds expended (7/1/17 – 1/23/19)	\$	30,144.88
Funds encumbered	\$	<u>3,382.37</u>
Current Balance:	\$	59,115.84

Revolving Account spending cap Fy'19:	\$	40,000.00
Current Amount Expended & Encumbered	\$	<u>33,527.25</u>
Amount available before cap is reached	\$	6,672.75



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
Nicholas J. Milano
EXECUTIVE AIDE
2019 FEB -7 A 11:20
Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Appointment to the Marlborough Community Development Authority

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the appointment of Josh Daigle to the Marlborough Community Development Authority for a term of three years to begin upon City Council confirmation.

Josh contacted our office with an interest in serving on a board or a commission as he is a young Marlborough resident eager to be involved in the City's governance. After meeting with him and discussing his background and experience, we felt that he would bring a valuable perspective to the Marlborough Community Development Authority. The MCDA is currently planning and designing a total rehabilitation of the Pleasant Street Housing units.

As an architect with experience in rehabilitation of older buildings, Josh will bring his professional insight to the MCDA and assist us in our decision-making on the project. In addition, much of the work the MCDA works on is ensuring that all of our housing units and buildings remain in good condition.

Josh looks forward to meeting with the Personnel Committee, but please do not hesitate to contact me in the meantime if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

JOSHUA A. DAIGLE

23 Vine St. Marlborough, MA 01752

EDUCATION

2017-18 NORWICH UNIVERSITY M. Arch

2013-17 NORWICH UNIVERSITY Bs. Arch

Graduated Cum Laude with a Bachelors in Architecture. Played on the Men's Lacrosse team for two years. Was a member of the SoA+A Lecture Committee and Building Committee.

EXPERIENCE

2018- Studio DRAW

Architectural designer, Associate AIA, I work on all phases of the design process from pre-design to con-docs to construction administration. Our office specializes in residential and small scale commercial and restaurant design.

2017-18 E.F. WALL CONSTRUCTION

Was part of a six person crew building a power plant for Goddard College in Plainfield, VT.

2016-17 BENJAMIN NUTTER ARCHITECTS

Interned at BNA in Topsfield, MA, for two summers since the summer of '16. I was responsible for generating 3D models, construction drawings, and participated in many client meetings, as well as site visits, measure-draws, and other tasks. Only being a firm of roughly ten people, I often got to work closely with the Principal Ben.

2008-15 JENNIFERS GOURMET

Worked as a server and runner mainly, but was a part of every aspect of event execution, from prep, to the actual event, and to cleanup. We catered many high profile and upscale events.

2014 MARLBOROUGH CITY BUILDING DEPARTMENT

Worked as an intern at the City of Marlborough's Building Department where I worked hands on with the Commissioner, Head Building Inspector, and local Code Enforcer. I organized MEP documents and permits, inspected drawing submittals, made phone-calls, and participated in building inspections.

AWARDS

2016 AIA VERMONT PEOPLE'S CHOICE AWARD

My fellow students and I won the AIA Vermont's People's Choice Award for the design of the micro CASA, an affordable and sustainable micro home. The design was aimed at confronting the housing problem in Vermont.

SKILLS

AUTOCAD, SKETCHUP, RHINO, REVIT, ADOBE SUITE, FINAL CUT PRO, ARTLANTIS, OFFICE SUITE, STELLARIUM

HOBBIES

DRUMMING, CARS, METAL/ROCK+ROLL MUSIC, SNOWBOARDING, MOUNTAIN BIKING, RUNNING, PAINTING



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
Nicholas J. Milano
EXECUTIVE AIDE
2019 FEB - 7 A 11: 20

Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Appointment to the Historical Commission

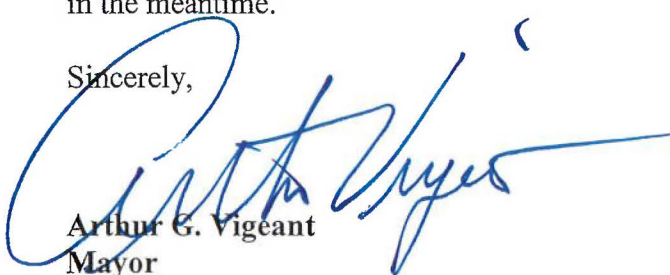
Honorable President Clancy and Councilors:

I am pleased to submit for your review and confirmation the appointment of Andrea Bell Bergeron to the Marlborough Historical Commission for a term to expire three years from the date of City Council confirmation.

Although she is a relative newcomer to Marlborough, Andrea has been involved with the Historical Commission since arriving and is eager to join as a full member. As Chairman Bob Fagone's letter indicates, she will bring valuable skills and experience as the Historical Commission continues to work on exciting projects to connect residents with fascinating historical information about our City.

Andrea looks forward to meeting with the Personnel Committee, but please do not hesitate to contact me in the meantime.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosure



February 4, 2019

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

Re: Andrea Bell Bergeron, Marlborough Historical Commission

Dear Mr. Mayor,

I've had the good fortune of acquiring Melanie Whapham as a member of the Historical Commission, and now I look forward to seeing Andrea Bell Bergeron become a permanent member of the Commission.

Andrea's interest in our proceedings has already proved fruitful; she has worked to get the Marlborough High School Principal and Wood Working Director directly involved with our "Historic Homes" Signage project. She has done this as an "Associate Member" of the Commission, meaning she has no voting rights, but simply participates as an interested observer.

Please consider her resume and her skills and forward this request to the City Council's Personnel Committee. I can attest to her interest, her professional expertise, and her overall commitment to the Commission's mandate "Preservation by Education." She will be an asset to the City of Marlborough.

Sincerely,

Robert Fagone, Chair
Marlborough Historical Commission

cc: Andrea Bell Bergeron
encl: Resume

Experience

Stoneman, Chandler & Miller LLP
Attorney- Partner

September 2003 -- Current

- Advise and represent public school districts in all school-related matters, including labor and employee relations, special education, OCR investigations, student discipline, and policy development.
- Investigate alleged misconduct of students and employees, draft reports for clients, and recommend course of action
- Negotiate collective bargaining agreements and work with administrators in grievance processing with teachers and other unionized staff.
- Represent schools in arbitration setting, special education hearings and court. Provide litigation assistance at appellate level school law cases.
- Present at school law conferences, collaborative schools, and firm-sponsored seminars.
- Write for publication including chapter MCLE's School Law in Massachusetts.

**National Association of Secondary
School Principals**
General Counsel

July 2000 – September 2003

- Advised the Executive Director and Board of Directors on all non-profit corporate matters.
- Managed and expanded membership legal insurance program.
- Provided consultation to members (34,000 members) on legal issues.
- Counsel to the National Honor Society, National Junior Honor Society, National Association of Student Councils, and Common Application.
- Drafted and reviewed contracts, e.g. sponsorship contracts, hotel contracts, product development contracts, trademark licensing agreements.
- Managed relationships with outside counsel e.g. litigation counsel, insurance counsel, trademark counsel.
- Contribute legal articles for membership publications including *Principal Leadership*, *Legal Memorandum* and *Leadership for Student Activities*.

George Mason University
Law Clerk

October 1998 – July 2000

- Research legal issues including the Family Educational Rights and Privacy Act and First Amendment.
- Review and negotiate contracts for campus performers and other student life activities.
- Draft handbook for university staff on legal issues, e.g. responding to subpoenas, managing student records.

Massachusetts Board of Bar Examiners
Grader

Current

- Grade essay portion of the February and July bar exams

Education

George Mason University- Arlington, VA
Bates College- Lewiston, ME

Juris Doctorate, 2000
Bachelor of Arts, 1997

- Major in American Cultural Studies
- Secondary concentration in Spanish

Professional Associations

Massachusetts Bar Association, January 2001
Frank J. Murray Inn of Court, 2014 - Present



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 FEB -7 A 11:21
Arthur J. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 7, 2019

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

Re: Reappointment of Public Works Commissioner John Ghiloni

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the reappointment of Public Works Commissioner John Ghiloni for a five-year term effective beginning the day after his confirmation.

Over the past five years, we have made remarkable progress in upgrading Marlborough's infrastructure and investing in our future. In that time, thanks to funding and support from you, we have completed numerous projects, including the following:

- Construction of a new senior center
- Renovation of Ward Park
- Construction of the city's first turf field, the John G. Noble Field at the 1LT Charles W. Whitcomb School
- Construction of the city's second turf field, the all-purpose field at Marlborough High School
- Installation of the city's first splash pad at Ghiloni Park, with funding assistance through a state grant. The city's second splash pad will be installed in 2019 at Stevens Park, again with funding assistance from the state.
- Net-metering agreements to green Marlborough and reduce our dependence on fossil fuels
- Purchase of the city's first electric vehicles
- Revitalization of Memorial Beach
- Reconstruction, milling, and overlaying of numerous City streets
- Upgrading existing water and sewer infrastructure and expanding infrastructure into new neighborhoods
- Removal of all lead service lines in the city is underway
- Design, bidding, and construction of a new school that is currently being built ahead of schedule and under budget.

This is just a small sample of the projects that Commissioner Ghiloni has played a major role in monitoring and delivering for our residents. Behind the scenes, Commissioner Ghiloni has tackled the bureaucracy and operational shortcomings that affected the Department of Public Works' ability to efficiently provide services.

I am sure you agree with me that the City of Marlborough and its taxpayers benefit with Commissioner Ghiloni leading the Department of Public Works and I strongly urge you to confirm his reappointment.

We look forward to discussing this reappointment with you further in the Personnel Committee, but please do not hesitate to contact me or Commissioner Ghiloni with any questions in the meantime.

Sincerely,

A handwritten signature in blue ink, reading "Arthur G. Vigeant". The signature is fluid and cursive, with a large initial "A" and "V".

Arthur G. 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

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CITY OF MARLBOROUGH

2019 FEB -7 A 10:15

DONALD V. RIDER, JR.
CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

February 7, 2019

Edward Clancy
President
Marlborough City Council

RE: Proposed TIF Agreement –
Candela Corporation and BAC Locke LLC
Order No. 18/19-1007497A

Dear President Clancy and Members:

Enclosed please find the proposed tax increment financing (TIF) agreement with Candela Corporation and BAC Locke LLC, the owner of the property at 251 Locke Drive.

I am also enclosing the Council resolution previously submitted to the Council with the Mayor's letter dated December 13, 2019. Please note that the TIF agreement would be Exhibit 1 to the resolution.

Both documents have been reviewed for proper legal form, and are ready for a vote.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures (resolution, TIF agreement)

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 53, Parcel 81 on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve Candela Corporation's application for an EDIP Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for residents of Marlborough;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of new jobs and not merely replace or relocate current jobs within the Commonwealth, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves Candela Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for seven (7) years.

2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing and the submission to the Massachusetts Economic Assistance Coordinating Council of the tax increment financing agreement (attached hereto as Exhibit 1).

ADOPTED
In City Council
Order No. 18/19-1007497B
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH, CANDELA CORPORATION**

AND

BAC LOCKE LLC

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), Candela Corporation (the "**Company**"), and BAC Locke LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a for-profit corporation having its global and U.S. headquarters currently located at 530 Boston Post Road, Wayland, MA 01778, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is a domestic limited liability company and the fee owner of the parcel of land located at 251 Locke Drive, Marlborough, MA 01752, as further depicted on Marlborough City Assessor's Map 53, Parcel 81 (the "**Property**"); and

WHEREAS, the Company intends:

- 1) to lease from the Owner approximately 50,000 square feet of space of the approximately 159,703 square foot building, located at 251 Locke Drive, Marlborough together with parking facilities and other improvements located thereon (hereinafter, the leased space is defined as the "**Project Area**"); and
- 2) to make improvements to the Project Area by developing the site into a state-of-the-art research and development lab and office site and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham - Marlborough Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, as amended, and referred to below as the "**ETA**"); and

WHEREAS, the Company expects to have based in the Project Area approximately 200 permanent, full-time jobs presently located throughout Massachusetts and beginning on the effective date of this agreement, to create and, over the term of the TIF Agreement, to maintain at the Project Area 100 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA; and

WHEREAS, the improvements to the Project Area are estimated to result in an initial capital investment by the Company of \$5 million in combined soft, real property and personal property costs (the "**Project**"); and

WHEREAS, the Owner shall make additional improvements to the Project Area in accordance with the terms of the lease agreement; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area and not to any other portion of the Property, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, by letter dated December 13, 2018, the Mayor recommended the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2019 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company and the Owner by the City in accordance with Chapter 23A, Section 3E, as amended; Chapter 40, Section 59, as amended; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of seven (7) years (the "Exemption Term"), commencing on July 1, 2019 (the beginning of fiscal year 2020) and ending on June 30, 2026 (the end of fiscal year 2026). The Exemption shall pertain to real and personal property taxes for the Project Area, according to the following schedule:

**PROJECT AREA'S REAL AND PERSONAL PROPERTY
TAX EXEMPTION SCHEDULE**

Fiscal Year	Real Property Exemption Percentage	Personal Property Exemption Percentage
2020	100%	100%
2021	80%	80%
2022	75%	75%
2023	60%	60%
2024	55%	55%
2025	40%	40%
2026	20%	20%

3. The base valuation for the Project Area shall be the Project Area's assessed valuation in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Plan which is expected to be March 20, 2019. Therefore, the exemption is expected to commence on July 1, 2019, which is the beginning of fiscal year 2020. Accordingly, the base year for this TIF Agreement will be fiscal year 2019.
4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will lease the Project Area from the Owner and develop the site into a state-of-the-art research and development lab and office site;
 - (b) As part of leasing the Project Area, the Company agrees that it will make capital improvements which are currently estimated to be approximately \$5 million in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvements and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate to the Project Area 200 permanent full-time jobs existing as of December 11, 2018 that are presently located throughout Massachusetts and following December 11, 2018 to hire and over the Agreement term maintain a minimum of 100 new permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Project Area as of the beginning of Fiscal Year 2020 (i.e., July 1, 2019) and whose employment by the Company commences on or after December 11, 2018 ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent Full-Time Employee Requirement
June 30, 2020	50
June 30, 2021	50

June 30, 2022	100
June 30, 2023	100
June 30, 2024	100
June 30, 2025	100
June 30, 2026	100

The Company shall work in good faith in accordance with Section B.1(e) below and shall maintain a base employment figure of 200 permanent full-time jobs and create net new 100 full-time jobs to the Commonwealth of Massachusetts over the period starting on December 11, 2018, and maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) Such New Permanent Full-Time Employees shall be exclusive of the Company's 200 permanent, full-time jobs located throughout Massachusetts as of December 11, 2018 and to be relocated to the Project Area. In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2020 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2020, ending on June 30, 2020, shall be submitted by the end of December 2020. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of ETA and Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
 - (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;
 - (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and

services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");

- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company and the Owner shall provide the City with any and all information related to the Project Area including the Company's and the Owner's improvements to the Project Area which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2022 is 25 instead of 100, then the real and personal property tax exemption percentage otherwise applicable for FY 2023 would be $(25/100) \times 60\%$, or 15%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 of this Section B below, and the City further determines that such failure continues or remains uncured for one hundred twenty (120) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to

terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at the Project Area's address. Said notice shall be effective upon receipt.

5. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations in the Project Area, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings, as to both real and personal property, that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at Project Area	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2020	n/a
2021	80%
2022	70%
2023	60%
2024	50%
2025	40%
2026	30%

Such pay-back amounts shall be paid back by the Company in full within thirty (30) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been received by the City.

The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public (specifically excluding any communications to the Owner or the Company's employees) of a proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company, and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company or the Owner.

6. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning

of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 6. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 6 shall be in the Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real and personal property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be March 20, 2019, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the EDIP Preliminary Application and TIF Agreement.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall, 4th Floor
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

COMPANY: Candela Corporation
Attention: Robert Blood, General Counsel

Current Address:
530 Boston Post Road
Wayland, MA 01778

Prospective Address:
251 Locke Drive
Marlborough, MA 01752

cc: Michael Johnson, Chief Financial Officer
Matthew Saucier, Facilities Director

OWNER: BAC Locke LLC
Attention: Renzo Pisa
Boston Andes Capital LLC
10 High Street, Suite 903
Boston, MA 02110

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

CANDELA CORPORATION

By: _____

Dated: _____, 2019

Michael Johnson
Chief Financial Officer
Candela Corporation

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2019, before me, the undersigned notary public, personally appeared Michael Johnson, as Chief Financial Officer of Candela Corporation, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

BAC LOCKE LLC

By Its Manager:
Boston Andes Capital LLC

By: _____

Dated: _____, 2019

James Hughes
Manager
Boston Andes Capital LLC

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2019, before me, the undersigned notary public, personally appeared James Hughes, as manager of Boston Andes Capital LLC, in its capacity as manager of BAC Locke LLC, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2019

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2019, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF VOTE

I, Geoffrey Crouse, Chief Executive Officer of Candela Corporation (the "Company"), hereby certify that, at a meeting of the Board of Directors of the Company duly held on _____, 2019, which date is earlier than the effective date of the Tax Increment Financing Agreement between the City of Marlborough, Candela Corporation, and BAC Locke LLC (the "Agreement"), at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"Voted: That Michael Johnson be and hereby is authorized, directed and empowered for, in the name of and on behalf of Candela Corporation (the "Company"), to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough, Candela Corporation, and BAC Locke LLC by said _____ to be valid and binding upon the Company for all purposes; that a certificate of the Clerk of the Company setting forth this vote shall be delivered to the Mayor for the City of Marlborough; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested to by the Clerk of the Company is delivered to the Mayor for the City of Marlborough."

I further certify that Michael Johnson is the duly-elected Chief Financial Officer of the Company.

Signed: _____

Dated: _____, 2019

Geoffrey Crouse
Chief Executive Officer
Candela Corporation

Current Place of Business: 530 Boston Post Road, Wayland, MA 01778
Prospective Place of Business: 251 Locke Drive, Marlborough, MA 01752

AFFIX SEAL

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the said Agreement for the Company, this Certificate must be counter-signed by another officer of the Company.

Countersignature:

DROHAN TOCCHIO & MORGAN, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200 ~ Facsimile: (781) 740-4335
www.dtm-law.com

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CITY OF MARLBOROUGH
2019 FEB -6 P 1:46

MARK S. BOURBEAU
mbourbeau@dtm-law.com

February 4, 2019

Via First Class Mail

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

**RE: Rezoning off Valley Street
Assessor's Map 82 Parcel 125, Marlborough HUB, LLC.**

Attn. President and Members:

On behalf of Marlborough HUB, LLC., we are writing to petition the City Council to rezone its land off Valley Street, being a portion of the parcel identified as Assessor's Map 82 Parcel 125, "Parcel 125." Said portion of Parcel 125 is currently zoned "Industrial," whereas the remaining Parcel 125 and the abutting property on its west side is zoned "Residence C," and on the east zoned "Business", as shown on the accompanying exhibit. As such, please submit this petition to the City Council for the rezoning of Parcel 125, owned by Marlborough HUB, LLC from part "Industrial" part "Residence C" to all "Residence C." This will maintain a consistent zoning use pattern for the subject area west of the Business Zone, and provide for a consistent use in conjunction with the residentially-zoned remainder of Petitioner's parcel, Map 82 Parcel 125. Further, the currently industrially-zoned portion of Parcel 125 consists of a long-abandoned railroad bed, which currently forms an isolated 50 foot-wide finger of industrially zoned land projecting east from Valley Street, but due to its size, configuration, and lack of connection to any other Industrial properties is totally impractical for any current or likely future industrial use.

We would suggest the language for the Zoning Amendment read as follows:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial use."

Edward Clancy, President
Marlborough City Council
February 4, 2019
Page 2

Thank for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the City Council Agenda for consideration, and remain available to provide and present support for this rezoning effort.

Sincerely,

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

Mark S. Bourbeau

/kks

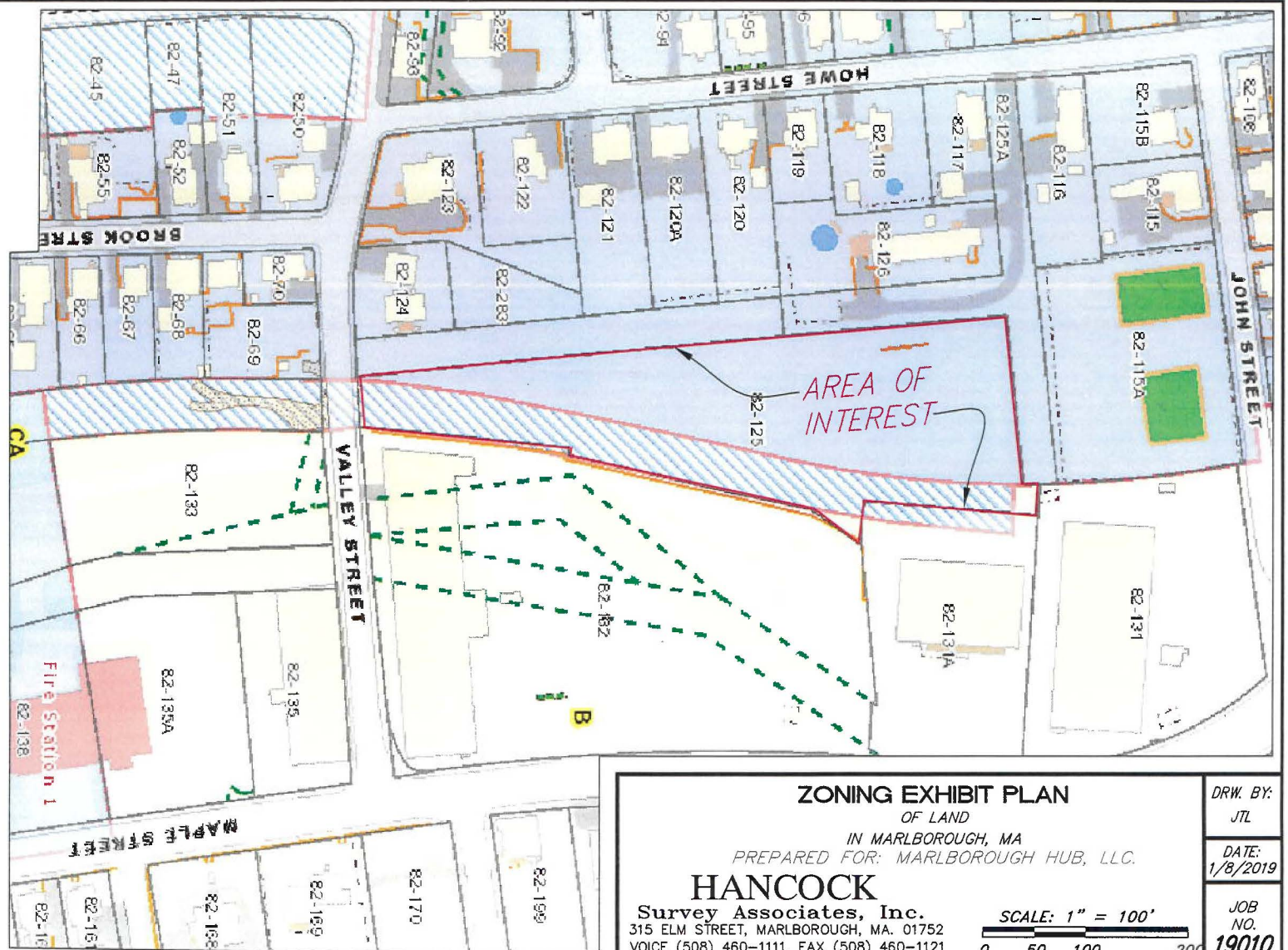
LEGEND:

	RC RESIDENCE C
	B BUSINESS
	CA COMMERCIAL AUTOMOTIVE
	I INDUSTRIAL


 MERIDIAN FROM MARLBOROUGH,
 MA GIS SYSTEM

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING LOCATION OF A STRIP OF INDUSTRIAL ZONED LAND BETWEEN HOWE STREET AND MAPLE STREET, AS WELL AS THE SURROUNDING ZONING DISTRICTS.
2. ALL ZONING AND PARCEL INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM THE MARLBOROUGH, MA GIS SYSTEM AS DEPICTED ON JANUARY 8, 2019.



ZONING EXHIBIT PLAN

OF LAND
 IN MARLBOROUGH, MA
 PREPARED FOR: MARLBOROUGH HUB, LLC.

HANCOCK

Survey Associates, Inc.
 315 ELM STREET, MARLBOROUGH, MA. 01752
 VOICE (508) 460-1111, FAX (508) 460-1121

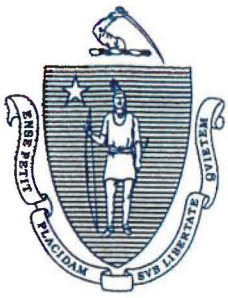
SCALE: 1" = 100'



DRW. BY:
 JTL

DATE:
 1/8/2019

JOB
 NO.
19010



THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD

CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT

111 Otis Street, Northborough, MA 01532 - 2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

January 29, 2019

Pursuant to the State Reclamation & Mosquito Control Board's (SRMCB) budget notification and compliance certification policy, as revised, please find enclosed Form SRB-1.

These documents show our preliminary proposed budget amount, increase from FY19 and estimated balance forward on page 1. Pages 3 and 4 show each member community's percentage of total budget, share amounts for CMMCP and SRMCB, and total assessment estimate for FY20.

There are no forms to be mailed back to our office. Please direct any questions, comments or concerns to me at (508) 393-8766 or timothy.deschamps@mass.gov before April 15, 2018.

For more information, please find budget information posted on our website at this link:
<https://www.cmmcp.org/budget-information>. Thank you.

Sincerely,

Timothy D. Deschamps
Executive Director

cc:
Town Administrators/ Town Managers
Select Board Chair
Finance Committee Chair
Board of Health Director/Agent

Project Name: Central Mass. Mosquito Control Project

NOTICE OF PRELIMINARY PROPOSED BUDGET FOR FY2020

Notice is hereby given that the Central Mass. Mosquito Control Project's (the "Project") preliminary proposed budget for **FY2020** is available online for viewing at <https://www.cmmcp.org/budget-information> and summarized below. Any questions, comments or concerns regarding this preliminary budget should be directed to the Project at cmmcp@cmmcp.org by *April 15th*.

1. The total preliminary dollar amount that the Project is proposing for FY2020 is **\$2,577,747**. The chart found below highlights the preliminary budget request by the Project for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the Project to expend in FY2020.

A.	B.	C.	D.	E.	F.	G.	H.	I.
Project Name	# of Employees	FY2020 Preliminary Proposed Budget Amount	FY2020 % Increase towards Operating Budget	FY2020 % Increase towards Capital Budget	FY2020 Total % Increase Over Certified FY2019 Budget (Add D + E)	FY2019 Estimated Balance Forward /Rollover Amount	FY2019 Actual Budget Revenues	FY2020 Total Est'd Funding Available in Trust Account (Add C + G)
Central Mass.	22	\$2,577,747	3.4%	%	3.4%	\$200,000	\$2,492,984	\$2,777,747

2. The member municipalities within the Project together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the Project is comprised of 42 municipalities as listed on Form SRB-1, Page 3.**

If the composition of the Project changes because one or more municipalities join or withdraw from the Project, the total preliminary budget will be adjusted pro rata.

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.

Project Name: Central Mass. Mosquito Control Project
FY2020 Proposed Cherry Sheet Assessments Estimates
Based on the preliminary proposed Project budget
(2018 Equalized Valuations)

Name of Municipality	Percentage of Total Budget	Project Share Amount*	State Reclamation Board Share Amount*	Total Assessment Estimate*
Acton	2.84%	\$73,147	\$3,048	\$76,195
Ashland	1.76%	\$45,301	\$1,888	\$47,189
Auburn	1.93%	\$49,660	\$2,070	\$51,730
Ayer	1.12%	\$28,878	\$1,203	\$30,081
Berlin	1.40%	\$36,033	\$1,502	\$37,535
Billerica	3.84%	\$98,861	\$4,120	\$102,981
Blackstone	1.26%	\$32,465	\$1,353	\$33,818
Boxborough	1.24%	\$32,089	\$1,337	\$33,426
Boylston	1.73%	\$44,529	\$1,856	\$46,385
Chelmsford	3.34%	\$86,044	\$3,586	\$89,630
Clinton	0.82%	\$21,233	\$885	\$22,118
Dracut	2.75%	\$70,901	\$2,955	\$73,856
Fitchburg	3.22%	\$82,910	\$3,455	\$86,365
Gardner	2.44%	\$62,782	\$2,616	\$65,398
Holliston	2.35%	\$60,583	\$2,525	\$63,108
Hopedale	0.66%	\$16,903	\$704	\$17,607
Hopkinton	3.35%	\$86,371	\$3,599	\$89,970
Hudson	1.65%	\$42,644	\$1,777	\$44,421
Lancaster	2.91%	\$75,098	\$3,130	\$78,228
Leominster	3.56%	\$91,886	\$3,829	\$95,715
Littleton	2.01%	\$51,864	\$2,161	\$54,025
Lowell	2.90%	\$74,806	\$3,118	\$77,924
Lunenburg	2.87%	\$74,076	\$3,087	\$77,163
Marlborough	3.19%	\$82,220	\$3,426	\$85,646
Milford	2.08%	\$53,733	\$2,239	\$55,972
Millbury	1.87%	\$48,148	\$2,007	\$50,155
Millville	0.55%	\$14,079	\$587	\$14,666
Natick	3.09%	\$79,758	\$3,324	\$83,082
Northborough	2.39%	\$61,641	\$2,569	\$64,210
Northbridge	2.02%	\$52,096	\$2,171	\$54,267

Sherborn	1.83%	\$47,052	\$1,961	\$49,013
Shrewsbury	3.19%	\$82,327	\$3,431	\$85,758
Southborough	1.88%	\$48,549	\$2,023	\$50,572
Stow	1.99%	\$51,291	\$2,138	\$53,429
Sturbridge	3.94%	\$101,563	\$4,233	\$105,796
Tewksbury	2.96%	\$76,398	\$3,184	\$79,582
Webster	1.54%	\$39,594	\$1,650	\$41,244
Westborough	2.82%	\$72,730	\$3,031	\$75,761
Westford	3.92%	\$101,089	\$4,213	\$105,302
Wilmington	2.56%	\$66,090	\$2,754	\$68,844
Worcester	6.22%	\$160,325	\$6,681	\$167,006
Totals	100.00%	\$2,577,747	\$107,426	\$2,685,173

*Assessment estimates are preliminary and will only be finalized after the State Reclamation & Mosquito Control Board budget certification meeting held annually in May/June.


CITY OF MARLBOROUGH BOARD OF ASSESSORS

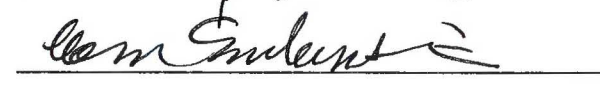
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CITY OF MARLBOROUGH

MEETING MINUTES: November 28, 2018

2019 FEB -5 P 12:27

1. CALL TO ORDER: 9:32 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, Dave Manzello
Also in attendance: Jonathan Frank & Harald Scheid, Regional Assessors, Michael Ossing, City Councilor, Paula Murphy, Head Clerk
3. MOTION TO ACCEPT: Minutes of the August 28, 2018 meeting
Mr. Arruda, second Ms. Silverstein
Vote: 3-0
4. APPROVE AND SIGN: Motor Vehicle Excise Abatements from 8/25/18 to 11/16/18
Motion to Approve: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
5. APPROVE AND SIGN: Overlay Release for Fiscal 2019
Motion to Approve: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
6. Mr. Scheid gave the Board an update on how the Certification process with the Department of Revenue was progressing and information on updated values in various land class codes.
7. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein
MEETING Adjourned – 10:00





Marlborough Historical Commission
January 10, 2019
Marlborough Public Library, Reading Room (Lower level)

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CITY OF MARLBOROUGH

2019 JAN 30 A 11: 11

Attendees: Robert Fagone, Lee Wright, Melanie Whapham
Associate Member Brendan Downey, Associate Member Andrea Bell Bergeron

Absent: Alan Slattery

The meeting was called to order at 7:05 PM

1. Bob Fagone introduced two Associate Members: Brendan Downey and Andrea Bell Bergeron. Both Associate members will be put forward to the City Council Personnel Committee by the Mayor's office for approval as Full members of the Marlborough Historical Commission. Samantha Khosla's resignation has been accepted by the Commission with regrets.
2. Correspondence in reference to residential properties at 64 Pleasant Street, 115 Union Street, and 37 Fairmount Street were discussed. Chair Fagone handled the correspondence himself. No further action taken.
3. Committee suggested we create a website or other resource for homeowners in reference to historical restoration of houses including woodworkers and window restoration specialists. Lee Wright noted the Marlborough Historical Society has a webpage listing any number of resources. Website page distributed to Committee members.
4. Assabet Vocational HS Historic Homes Sign Project: Progress seems to be stalled. Andrea Bell Bergeron suggested contact with Marlborough High School Principal Dan Riley. Chair Fagone will contact MHS and report back to committee.
5. John Ghiloni Marlborough DPW has started a file on the Scenic Roads Sign Project. This is on a "To Do" List in his office at this time. Fagone will keep in contact.
6. Discussion focused on "Preservation by Education" as opposed to "Preservation by Ordinance." Chair Fagone's emphasis places the future roll of the Historical Commission to focus on public education. Public meetings and awareness measures. Outreach projects. Maps. Site Plan Review application check-lists.
7. "Preservation by Ordinance." Melanie Whapham distributed her Project on Demolition Delay to each member of the Committee. The Committee was awed by the amount of work she put into the project. We were asked to review her work and get back to her re: editorial comments. This project will start as an informal outreach to the Mayor and City Council, then open the project to the Public for their input.

No further business, Meeting adjourned 8:20PM.

Respectfully submitted,
Brendan Downey, Associate Member

**City of Marlborough
Licensing Board**

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

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CITY OF MARLBOROUGH

2019 FEB -6 P 12: 26

Minutes of the Licensing Board Meeting Held Wednesday, December 19, 2018
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member;
Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

• **Masonic/Jacobs Hall – 8 Newton St. (2)**

Tabled until next meeting as no one from Masonic Hall was present

• **Council on Aging (12)**

Member Mitrakas motioned for approval, seconded Member Bouvier
Board vote: 3-0 approved

2. Change of Manager Application – David Purvis, Longhorn Steakhouse, 191 Boston Post Road W

David Purvis Attended

Member Mitrakas motioned for approval of the change of manager application with David Purvis as the manager, Longhorn Restaurant, Member Bouvier seconded; Board vote was 3-0 to approve.

3. Change of Manager & Change of Officers Application – Michael Thompson, AMVETS Post 1980, 17 Fitchburg St.

Michael Thompson was present to represent the AMVETS

Member Mitrakas motioned for approval of both the change of manager application with Michael Thompson as manager, AMVETS and the change of officers application; Member Bouvier seconded; Board vote was 3-0 to approve.

4. Application for new Wines and Malt Beverages License, Lalo's Mexican Restaurant, Inc. 64 Pleasant Street, Geraldo I.T. Guzman-Ortega, Manager

John Del Prete, Esq. and Geraldo I.T. Guzman-Ortega, Manager attended

- Public Meeting opened: 7:45 pm
- There were no comments (positive or negative)
- Public Meeting closed: 7:58 pm

Member Mitrakas motioned for approval of the new Wines and Malt Beverages License with the stipulation of Tips Training being completed prior to receiving the license; Member Bouvier seconded; Board vote was 3-0 to approve.

5. New Farmer's Brewery Pouring License Application – John Gallagher, Lost Shoe, 19 Weed St.

John Gallagher and Melynda Gallagher attended

- Public Meeting opened: 8:10 pm
- There were no comments (positive or negative)
- Public Meeting closed: 8:13 pm

Member Mitrakas motioned for approval of the new Pouring License; Member Bouvier seconded; Board vote was 3-0 to approve.

6. Pledge of Liquor License Application - Welly's Restaurant, 153 Main St.

Jose Moreira, Esq. represented

Member Mitrakas motioned for approval of the pledge of the Welly's All Alcohol Liquor License; Member Bouvier seconded; Board vote was 3-0 to approve.

7. Application for a transfer of an Innholder All Alcoholic Beverages License from Midland Hotel Corp. (DBA Holiday Inn Marlborough) to Spire Hospitality, LLC (DBA Holiday Inn Marlborough), 265 Lakeside Ave. Jon Aieta, Esq. and Shawn Rodriquenz, manager

Application withdrawn until the Board's January meeting per request of applicant

8. Transfer of License & Pledge of License - Bertucci's Restaurant LLC, 601 Donald Lynch Blvd.

Member Mitrakas motioned for approval of transfer of license and pledge of license to Bertucci's Restaurant LLC; Member Bouvier seconded; Board vote was 3-0 to approve.

9. Informational meeting new Liquor License Application – Solange Moura, Tropical Café, 22 Rawlin's Ave.

Solange Moura attended for a discussion of obtaining a Wines and Malt Beverages license for her restaurant Tropical Café.

Board welcomed her to apply but did express concern about the time they would be serving to in the evening as the location is a late-night spot for food. Ms. Maura agreed that they would serve alcohol with last call about 12:30 – but continue to remain open for food service until their usual 3:00 am time. Board agreed.

10. Informational meeting for a liquor license for their Pleasant Street Pizza Expansion to the old Papa Gino's site at Hannaford Plaza, John Vozikis, 166 Pleasant Street

Item not addressed as applicant was a no show to meeting

11. Reports from Chairman – there were no reports

12. Misc. Correspondence and Open Issues

- Draft letter re: new application process for car dealerships
Member Bouvier motioned for approval of the letter and to have the clerk send it, Member Mitrakas seconded, Board vote: 3-0
- Doc regarding boarding house licensing fees (FYI) – presented as an FYI to the Board

13. Review minutes –

November 15, 2018 regular meeting - Member Bouvier motioned to approve meeting minutes and place on file, Member Mitrakas seconded the motion; Board vote: 3 – 0.

Member Mitrakas motioned to adjourn the meeting at 8:26 pm. Member Bouvier seconded; Board vote: 3-0.

The next meeting of the Licensing Board is Wednesday, January 30, 2019.

Respectfully submitted,



Walter Bonin, Chairman

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
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CITY OF MARLBOROUGH
January 07, 2019
2019 FEB -5 A 9:56

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, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. Sean Fay absent. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

First order of business: Organizational Votes

Mr. Elder opened the meeting requesting nominations for Chair.

On a motion by Mr. Elder, Ms. Barbara Fenby was nominated for 2019 Chair of the Marlborough Planning Board. There were no further nominations. The motion was seconded by Mr. LaVenture. Motion carried. The meeting was opened for nominations for Clerk. On a motion by Ms. Fenby, seconded by Mr. Hodge, the Board voted to elect George LaVenture as Clerk of the Marlborough Planning Board for 2019. There were no further nominations. Motion carried.

1. Meeting Minutes

A. December 17, 2018

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the meeting minutes of December 17, 2018. Motion carried.

2. Chair's Business

- A. Council Order 18-1007478A Appointment of Matthew Elder to the Planning Board Exp. First Monday, Feb. 2024 (02-05-24) Mr. LaVenture read the order into the record. On a motion by Mr. Hodge, seconded by Mr. LaVenture, the Board voted to accept and file the notice. Carried. Ms. Fenby and members welcomed Mr. Elder to the Planning Board.
- B. Set Public Hearing Date: Council Order 18-1007500, Proposed Zoning Amendment, Sections 650-5, 650-17 & 650-18 Relative to Home Offices and Contractor Storage Yards. Chair Fenby set the Public Hearing Date for Monday, February 11, 2019.

3. Approval Not Required (None)

4. Public Hearings

- A. Proposed Zoning Amendment, Council Order #18-1007460 Modification of Jurisdiction: Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures.

Ms. Fenby opened the public hearing. Mr. LaVenture read the public hearing 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:

Ward 1 Councilor Joseph Delano presented the proposed amendment. Mr. Delano provided some background on the proposed amendment. The zoning amendment proposes to vest the Zoning Board of Appeals (ZBA) with jurisdiction over applications for special permits that seek to increase or intensify the existing nonconforming nature of single or two-family residential structures. Currently, that jurisdiction rests with the City Council. By vesting the ZBA with authority to act on special permit applications seeking to increase or intensify the existing nonconforming nature of single or two-family residential structures, the amendment offers a less inefficient and less inconvenient method for zoning relief, particularly when an appearance to the ZBA (for Variances) and an appearance to City Council (for Special Permits), may be required.

Speaking in Favor: No person spoke in favor of the proposed amendment. Chair Fenby closed that portion of the hearing.

Speaking in Opposition: No person spoke in opposition to the proposed amendment. Chair Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Ms. Fenby questioned what defines a "Lawful pre-existing, nonconforming" structure? Solicitor Rider explained that the Building Commissioner is the zoning enforcement officer for the City, and it is his responsibility to make those determinations. There were no additional comments or questions from the Board. Chairperson Fenby declared the public hearing closed.

On a motion by Mr. Hodge, seconded by Mr. Elder, the Board voted to make a favorable recommendation to City Council on the proposed zoning amendment. Motion carried.

(See 7A for Continued discussion on the Marlborough Hub)

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Cider Mill Estates – City Engineer DiPersio reminded the Board of the subdivision maintenance period ending on January 22, 2019. There is one remaining punch list item (grass is not yet established in a roughly 8'x3' patch). The current bond of \$185,000 exceeds the requirement to secure the completion of the subdivision. All requested acceptance plans are submitted. The developer is agreeable to securing the completion with the subdivision by placing a check on deposit with the City. \$500 was suggested, but the Board was more comfortable with \$1,000. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to reduce the maintenance bond securing the completion of the subdivision from one hundred eighty-five thousand dollars (\$185,000) to a cash bond (check) of one thousand dollars (\$1000). Motion carried. Mr. DiPersio also explained that there was some initial uncertainty whether a Certificate of Compliance was necessary. Mr. DiPersio explained that the Cider Mill Estates is a separate subdivision created as an extension of the West Ridge Estates Subdivision, which *did* have an Order of Conditions and a Certificate of Compliance. An Order of Conditions was not required as part of the Cider Mill Estates, as there are no wetlands on the Cider Mill Estates Subdivision.

B. Walker Brook Estates – Council Order 18-1007499 Acceptance of Allis Road and Bemis Road as Public Ways, and their Appurtenant Easements Accepted as Municipal Easements.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the favorable recommendation of the City Engineer, Thomas DiPersio, that the roadways of the Walker Brook Estates be considered for acceptance as public ways and to reduce the maintenance bond securing the completion of the subdivision from sixty-three thousand dollars (\$63,000) to zero (\$0). Motion carried.

On a motion by Mr. Hodge, seconded by Mr. LaVenture, the Board further voted to recommend to the Marlborough City Council that Allis Road and Bemis Road be accepted as public ways and their appurtenant easements (drainage, flowage, sewer and landscape) be accepted as municipal easements in the City of Marlborough. Motion carried.

6. Preliminary/Open Space/Limited Development Subdivisions (None)

7. Definitive Subdivision Submission Updates

A. Marlborough Hub, Extension Request Letter- Jacob Lemieux, Hancock Associates (Votes)

Mr. LaVenture read into the record the (1-3-19 email) extension request letter of Jacob Lemieux of Hancock Associates on behalf of their client, Marlborough Hub, LLC. Mr. DiPersio informed the Board that DPW Engineering had recently met with Hancock to discuss Hancock's intent to move forward with an alternate "no waiver" plan. This new plan has not been presented to the Board. The new plan shared with Engineering includes a newly designed stormwater system.

Mr. DiPersio indicated that the proposed drainage system would not be a design that the City would want to "own or maintain" should the applicant wish to have the subdivision accepted as a public way. There was a question whether establishing the development with a private way is, in fact, creating a waiver request. Assistant City Solicitor Panagore Griffin was present for the discussion. She asked permission to address the Board. Granted. Ms. Panagore Griffin referenced the City's Subdivision Rules and Regulations to provide background for consideration of a private way as a waiver from the City's Regulations. Ms. Panagore Griffin also questioned whether the new plan would constitute a substantial change, thus requiring a new public hearing. She explained that the threshold lies in whether the public interest would be served.

The Board discussed whether they should suggest that the applicant withdraw without prejudice and refile the new plan. The Board decided that it will take that issue under consideration when the new plan is presented to the Board. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the extension requests of Hancock Associates on behalf of Marlborough Hub, LLC and voted to continue discussion on the definitive subdivision application on January 28, 2019, and to grant the extension of the decision on the definitive subdivision application of Marlborough Hub, LLC until February 18, 2019. The Board further requests that the applicant provide a comparative analysis between the original filed plan and the new plan. The analysis will be used to determine whether the changes are substantial. Motion carried.

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

11. Calendar Updates

The Board requested calendar updates on the following items:

A. Public hearings under item 2B

February 11, 2019 Council Order 18-1007500, Proposed Zoning Amendment, Sections 650-5, 650-17 & 650-18 Relative to Home Offices and Contractor Storage Yards

B. Marlborough Hub – Extension of the decision on the definitive subdivision application until Feb. 18, 2019.

12. Public Notices of other Cities & Towns

A. Framingham Planning Board (7 Notices)

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the notices. Motion carried.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih

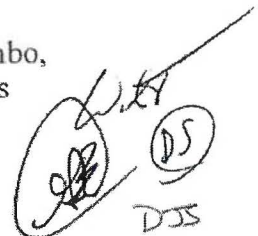
**Minutes
Retirement Board Meeting of
December 21, 2018**

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2019 JAN 30 A 8:17

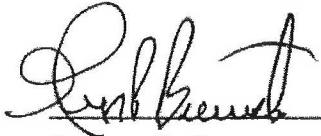
The monthly meeting of the Marlborough Retirement Board was held on December 21, 2018. Gregory Brewster, William Taylor, David Keene, Daniel Stanhope, and Margaret Shea were present.

1. The meeting was called to order at 8:15 a.m.
2. The Board reviewed the minutes of the meeting of November 27, 2018. A motion was made and seconded to approve. Vote unanimous.
3. The Board reviewed PERAC's memorandum regarding CRAB's Order of Partial Stay in the O'Leary Matter and discussed the impact on the membership.
4. The Board discussed reviewed Kerry Carlucci's DALA appeal. The director told the members that the issues in the appeal are straight-forward and are addressed by the Board's supplementary regulations. The Board reviewed a draft of a pre-hearing memorandum in response to Ms. Carlucci's filing. A motion was made and seconded to submit the memorandum to DALA. Vote unanimous.
5. Alyssa Stetson's medical panel certificate and narrative had not been received by PERAC. A motion was made and seconded to table the review. Vote unanimous.
6. Legal issues were the next topic for discussion. The Board has attempted to recoup retirement allowance paid to Brian Dailey after his death. His daughter, Heather Miranda, closed out his account, but has not reimbursed the Marlborough Retirement Board. Michael Sacco mailed her a demand letter and she responded by asking for a payment schedule. Ms. Miranda has missed the agreed upon December 1st payment. The director told the members that Mr. Sacco recommended that they file a claim in small claims court. After discussion, a motion was made and seconded to file a claim. Vote unanimous.
7. The director discussed the Board's RFP's. At the November 25th meeting, the Board voted to issue an RFP for non-core real estate fund. The Board had also voted to issue an RFP for private equity investment at the April meeting. The vote was not recorded in the April minutes. For that reason and because of the unplanned office move, the RFP was delayed. A motion was made and seconded to issue an RFP for private equity investment. Vote unanimous.
8. Approval of retirements was the next item on the agenda. Mark Estabrook had applied for superannuation retirement. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
9. The Board reviewed refunds and transfers. Eileen Blizzard and Dennis Zilembo, both of the School Department, had requested refunds of their annuity savings



accounts. Vote unanimous. The Massachusetts Teachers' Retirement Board requested the transfer of Ann Graham's annuity savings account. Vote unanimous.

10. Review of financial information was the next item on the agenda. The Board viewed the operating budget for December 2018 and the cash forecast for the period ending December 31, 2018. The Board also reviewed the November cash books, journals, and trial balance. The Board also reviewed the cash reconciliation for October and November. A motion was made and seconded to accept and place on file. Vote unanimous.
11. Old Business / New Business was the next item. There was no new or old business.
12. A motion was made and seconded to approve the following warrants: retiree payroll for December 2018, #012019 and #022019. Vote unanimous.
13. A motion was made and seconded to adjourn the meeting. Vote unanimous.

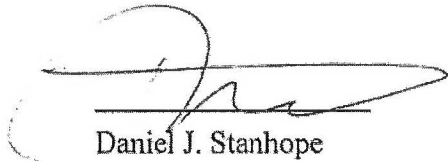


Gregory P. Brewster
Chairman

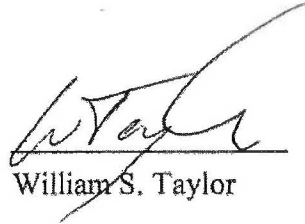
David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor

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2019 FEB - 1 P 3:40



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, December 19, 2018 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins and City Councilor Katie Robey. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, November 28, 2018.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File. (Lisa Thomas abstained from voting as she was not present at last meeting.)

2 - New Business

2a) Request for Parking Ban Exception on Monument Ave.

A local resident, Samantha Slattery, has made this request. She states in her letter that houses on the street are multi-family homes where residents do not have access to a driveway or off-street parking area. There is a cul-de-sac at the top of the street that is used for parking. She states, “in past years this cul-de-sac had been the sole place that the residents park who live on Monument Avenue during the Parking Ban”. She says there is no safety concern here as the area is large enough for cars and trucks to drive through even when cars are parked there. Residents understand that the Parking Ban Exception does not apply during snow storms. She is formally requesting that the cul-de-sac at Monument Ave. be granted an exception from the City’s Winter Parking Ban.

Chief Giorgi advised that his officers have been out issuing warnings on vehicles parked in the street during the winter parking ban. Tim Collins pulled up a photo of the area for review. Commissioner Ghiloni said that there was a question with the area around #24

and #26. The City owns this property (paved area behind #24). He believes that these two properties at one time had a license from the City to use this extra lot for parking. He would rather have this area used for parking. He needs to look into this further. Chief Giorgi asked if there was enough room for both houses to park here. Commissioner Ghiloni said that yes there is plenty of room for parking. He would like to clarify this issue before granting any exceptions to the parking ban. It was discussed that there were boats parked here at one time, however, the license is to use the lot for parking of cars, not boats.

Commissioner Ghiloni said this is really two separate issues. He thinks #24 and #26 could both have a license to park in the City owned paved area. Most of the other houses there have their own driveways for parking and one address is a business. Chief Giorgi said that he would call the resident and advise as to what was discussed. Commissioner Ghiloni said to let them know that they can also call him with any specific questions. Any exemption to the parking ban would also need to go before the City Council for approval.

MOTION was made, seconded, duly VOTED to REFER to Commissioner Ghiloni to research this issue further.

3-Old Business

3a) Our Future Learning Center - Traffic Concerns.

Update: Tim Collins advised that the State has agreed to the paint markings, however, they said they would do the actual painting themselves. He also said that the signs have been moved to a better location as discussed at the last meeting. This should help around the entrance.

MOTION was made, seconded, duly VOTED to REMOVE FROM THE AGENDA.

3b) Order No. 18-1007436 – Review about Veteran’s Space.

Update: All agreed that the best location for the veteran’s parking spot would be in back of City Hall next to the existing handicapped spot. Chief Giorgi drafted the Regulation for the veteran’s parking spot as per the wording provided by Tim Collins. The existing Ch. 586-27 “Bus stops and taxicabs stands” would be amended to include Veteran’s Only Parking spaces. The new title of Ch. 586-27 is now “Bus stops, taxicab stand and Veteran’s Only parking spaces. It includes a Subsection E which specifically relates to Veteran’s Only parking. Tim Collins also included an example of the sign language and numerous examples of specific veteran’s plates. The sign is very specific. It states, “Veteran’s parking only during city hall normal business hours. This space reserved for those who have served. RMV issued Veteran’s plates required”. It also includes a separate sign below this one which states “Unauthorized vehicles may be removed at the owner’s expense”.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation as per the wording provided by Mr. Collins and to FORWARD to Lisa Thomas for advertisement.

Chief Giorgi asked for a suspension of rules to bring up an item not on the Agenda.

Traffic Commission Meeting Schedule for 2019

Chief Giorgi drafted the schedule and brought it to the meeting. The members will review the dates and get back to Chief Giorgi with any conflicts. The meeting schedule will be officially added to the agenda for the next meeting on 1/30/19 so that it can be formally voted on and accepted.

Update on Old Business item – not formally on Agenda.

Crowley Drive – Speed & Parking Issues.

Update: Tim Collins advised that the No Parking signs are up but he has received some complaints on one of the signs. The two at the ends were installed on existing poles. The one in the middle required a new pole and the resident at that location does not like it there.

They were also asking for speed limit signs. They want to lower their liability and make the road as safe as possible. If the road was marked at 30 mph and someone was hurt while traveling at 50 mph they can still say that they tried to make it as safe but people still have to follow the rules. This is a private way and they would have to hire an engineer on their own to do a speed study. Mr. Collins can provide information on how speed regulations are set. Engineering would then review the findings and decide if the City wants to go forward with speed limit signs.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:20 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, December 19, 2018, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, November 28, 2018.
- Copy of a letter from Samantha Slattery to Chief Giorgi, re: Parking Ban/Exceptions.
- Copy of City Council Order regarding Veteran's Parking Space.

- Copy of Chapter 586, Article IV, Section 27 – Bus stops and taxicab stands.
- Wording for proposed regulation for Veteran’s parking.
- Examples of signage for veteran’s parking and specific plates for veterans.
- Proposed Regulation for adding Veterans Only Parking to the Rules and Regulations Manual.

Additional Handouts:

- Proposed Traffic Commission Schedule for 2019

RICHER School Council Meeting

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1/14/19

3:45- 4:25

Conference Room

2019 FEB -4 P 3:56

Attendees: R.J. Skaza, Lisa Richards, Wendy Tartarini, Isabel Nowlan, Julie Dalbec, Michael Klusacek, Lynne Doherty, Melanie Hanafin (for Rachel Timmons)

Minutes approved from 12/10/18

School Update

- We Survey will be administered this week.
- PLC meetings are going well. Jodi Reyes and Heather Kohn have requested to observe a meeting to watch the data-cycle in action.

Budget Update

- Level funded budget right now.
- Joint request from 3 elementary schools for an "attendance officer" to help proactively address high rate of absenteeism.
- Richer requesting an inclusion facilitator.
- Staff member for Safe Harbor room to support the program due to its level of usage.

School Improvement Plan Check

- Student Council newscast was great.
- There is a sub-council to focus on the environment.
- Lil' Protégés program is going well.
- RJ is requesting LCD boards (Smart TVs) in lieu of replacing projectors.

ACCESS & MCAS Testing Update

- ACCESS Testing is going on now in reading, writing, listening and speaking.
- Kids are taking the test seriously, working hard, and are applying learned strategies to the assessment.

MTSS Update (PBIS)

- PBIS Team will meet Wednesday. We are going to discuss activities teachers and paraeducators can engage in with students to help reduce the noise level.
- Focusing on spreading kindness throughout the school with staff and students.

Before School MCAS and EL Programs

- Targeting 50 students between both programs.
- Two mornings a week; Tuesdays and Thursdays to provide additional support in E

Attendance Discussion/Update

- Several students with 10 or more absences so far this year. A team meets weekly to try to support the students and families on an individual basis.

Open Council Discussion

- Homework: Research supports the argument for and against it. The reality is we have to prepare students for homework in the middle school.
 - We could have a discussion at each grade level to have a common policy.
- Parent asked about the amount of running in gym class. Classes consist of skill-based stations, which may be a result of space constraints.
- Parent Survey: Should we have one? What would be its focus?

Action Item

- RJ will address the topic at a faculty meeting to get a consensus on homework.
- RJ will talk to gym teachers about the opportunities for running.

Next meeting: February 4th

RICHER School Council Meeting

2/4/19

3:45- 4:25

Conference Room

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Attendees: R.J. Skaza, Lisa Richards, Isabel Nowlan, Julie Dalbec, Michael Nusacek, Rachel Timmons, Deb Winske, Melissa Erickson

NOV FEB - 5 A 4 24

Minutes approved from 1/14/18

School Update

- Running in gym: Warm-up to begin each class which includes movement in a variety of ways. Classes do run with stations and have structured activities that involve movement. Unorganized, free-for-all running isn't allowed for safety reasons.
- Homework: Ongoing conversations are taking place at other schools as well as here. It was communicated that teachers do not see a correlation with students' ability to complete homework if they have or have not had homework in previous grades.
- Leadership meeting with Paul Ash update. K focusing on information writing and word problems based on data that shows students in upper-grades are having trouble in these areas. We're also looking at attendance and how to increase attendance to help close the achievement gap. K is also focusing on phonemic awareness. The teacher leaders in grades K and 1 have been meeting to identify skills and strategies students need to know by the end of K to be successful in grade 1.
- Brain exercises will be used to help students focus on instruction.

Sensory Paths

- Three sensory paths have been placed throughout the school.
- R.J. showed them to members of the committee who have not seen them.

ACCES

- Testing is now finished.
- Students complete the test and have a sense of pride because of how hard they worked.
- Results won't be available until spring.
- Isabel attended an EL conference at Boston University last week. Statewide, speaking scores have dropped, so conversations from schools across the stat have been trying to identify why this is the case. Is it language, mumbling, an insecurity with "taking to a computer," etc.?

Next meeting: Monday, March 18th