

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 MAR -7 P 1:50

1. Minutes, City Council Meeting, February 25, 2019.
2. Minutes, Joint Convention Meeting, February 25, 2019.
3. PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Mark Bourbeau on behalf of Marlborough Hub, LLC, re: Rezoning of land off Valley Street, Order No. 19-1007552.
4. PUBLIC HEARING On the Proposed Order relative to changes to Municipal Aggregation, Order No. 19-1007578.
5. PUBLIC HEARING On the Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area, Order No. 19-1007533.
6. Communication from City Council President Clancy, re: Reappointment of Councilor Michael Ossing to the OPEB Board of Trustees for a two-year term.
7. Communication from City Council President Clancy, re: Temporary Appointment of Steven Kerrigan as City Clerk effective upon the retirement of Lisa M. Thomas on March 15, 2019 at 5:00 PM.
8. Communication from the Mayor, re: Proposed Acquisition of Property off Berlin Road, identified as Map 41, Parcel 37B, which also includes a transfer request in the amount of \$150,000.00 from Stabilization-Open Space to Open Space Acquisition.
9. Communication from the Mayor, re: OPEB Trust Update.
10. Communication from the Mayor, re: Reappointment of Alfred Weaver to the OPEB Board of Trustees for a 3-year term to expire on March 11, 2022.
11. Communication from City Solicitor, Donald Rider, re: Proposed Rezoning of land off Williams Street, identified as Map 113, Parcels 5 & 6 sponsored by Council President Clancy on behalf of the Mayor.
12. Communication from the Planning Board, re: Favorable Recommendation of the Proposed Zoning Amendment to Chapter 650, §5 & §22 relative to Retirement Community Detached and Townhomes, and Retirement Community Multifamily, Order No. 18/19-1007452B, X18-1007198G.
13. Communication from the Planning Board, re: Recommendations and comments relative to the Proposed Zoning Amendment, Chapter 650, §15, §17 & §18 relative to Home Offices & Contractor Yards, Order No. 18/19-1007500A.
14. Application for Renewal of Junk Dealer's/Second Hand Dealer's License, ecoATM, LLC, 601 Donald J. Lynch Boulevard.
15. Communication from Attorney Michael Dolan, re: New Cingular Wireless PCS, LLC ("AT&T") Small Cell Facility Petitions – Veto of City Council Orders, Order No. 17/18/19-1007034E, 18/19-1007321D & 18/19-1007322D.

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.

16. Minutes, School Committee, January 22, 2019.
17. Minutes, Historical Commission, February 14, 2019.
18. Minutes, High School Council, March 5, 2019.
19. Minutes, Library Trustees, June 5, 2018, September 4, 2018, October 2, 2018, November 6, 2018, December 4, 2018 & January 8, 2019.
20. Minutes, License Board, January 30, 2019.
21. Minutes, OPEB Trust, February 21, 2018 & March 5, 2019.
22. Minutes, Planning Board, February 11, 2019.
23. Minutes, Retirement Board, January 29, 2019.
24. Minutes, Traffic Commission, January 30, 2019.
25. Minutes, Zoning Board of Appeals, February 19, 2019.
26. CLAIMS:
 - a) Kohar Berberian, 315 Sudbury Street, residential mailbox claim (2b).
 - b) Paul Fiore, 111 Denoncourt Street, pothole or other road defect.
 - c) Jason Irish, 46 Pleasant Street, pothole or other road defect.
 - d) Steven Kludt, 6 Abigail Drive, Hudson, other property damage and/or personal injury.
 - e) Paige Moreland-Bousquet, 10 Kelly Circle, Douglas, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 MAR -5 P 3:38

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

FEBRUARY 25, 2019

Regular meeting of the City Council held on Monday, February 25, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:59 PM.

ORDERED: That the Communication from the Mayor, re: Request to address the City Council to provide an update on the state of the City, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting FEBRUARY 11, 2019, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Attorney Sem Aykanian to modify existing Special Permit issued to Main Street Bank, 81 Granger Boulevard on June 22, 2009, Order No. 09-1002152C, to modify permit to allow for an electronic digital display (electronic message board) sign, Order No. 18/19-1007461A, X09-1002152C, X12-1004081C, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

Councilor Delano recused.

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

ORDERED: That the **PUBLIC HEARING** On the Application for Sign Special Permit, from Main Street Bank, 81 Granger Boulevard to operate an electronic message center sign at its bank located at 81 Granger Boulevard, Order No. 18/19-1007423B, X18-1007461A, all were heard who wish to be heard, hearing closed at 8:16 PM; adopted.

Councilor Delano recused.

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

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive, Order No. 19-1007512, all were heard who wish to be heard, hearing closed at 8:19 PM; adopted.

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

ORDERED: That the Transfer request in the amount of \$510,832.30 which moves funds from PEG Fees to Marlborough Cable Trust to fund the operation of WMCT for FY20, refer to **FINANCE COMMITTEE**; adopted.

Councilor Ossing read a Disclosure of Appearance of Conflict of Interest into the record.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Mayor				FISCAL YEAR:		2019		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$545,477.04	\$510,832.30	27000	33010	Receipts Reserved-PEG Funds	\$510,832.30	89000	25581	Marlboro Cable Trust	\$0.00	
	Reason:	To fund WMCT operations with PEG fees								
	\$510,832.30	Total			\$510,832.30	Total				

ORDERED: That the Transfer request in the amount of \$182,500.00 which moves funds from Free Cash to IT Equipment to purchase, install and maintain security cameras at the Jaworek and Richer Elementary Schools, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		IT				FISCAL YEAR:		2019		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$7,101,961.00	\$182,500.00	10000	35900	Undesignated Fund	\$182,500.00	19300006	58618	IT Equipment	\$14,806.58	
	Reason:	Security camera related projects								
	\$182,500.00	Total			\$182,500.00	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$825.00 from the Massachusetts Cultural Council awarded to the Mayor's Office to be used to beautify an electrical box utilizing the wrap technique; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Amendments to the Master Concept Plan and Development Agreement relative to the Results Way Mixed Use Overlay District (RWMUOD), in proper legal form, Order No. 18/19-1007313A, **MOVED TO ITEM 29**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Site Plan Approval with conditions for AvalonBay Communities, Inc. for 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the RWMUOD, in proper legal form, Order No. 18/19-1007315A, **MOVED TO ITEM 30**; adopted.

ORDERED: Communication from City Solicitor, Donald Rider, re: Special Permit for AvalonBay Communities, Inc., for a 123-unit Luxury Apartment Community located on a portion of Forest Street within the RWMUOD, in proper legal form, Order No. 18/19-1007314E, **MOVED TO ITEM 31**; adopted.

ORDERED: Communication from City Solicitor, Donald Rider, re: Special Permit for Marlborough TOTG, LLC, to construct a mixed-use project at 57 Main Street to exceed by 4% the maximum lot coverage of 80% allowed in the Marlborough Village District, in proper legal form, Order No. 18/19-1007424D, **MOVED TO ITEM 32**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Site Plan Approval with conditions for Marlborough TOTG, LLC, to construct a mixed-use project at 57 Main Street, in proper legal form, Order No. 18/19-1007425A, **MOVED TO ITEM 33**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation of Cider Mill Estates Subdivision, Acceptance of Goodwin Street and McDermot Way as Public Ways, Order No. 19-1007530, **FILE** and refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY MARCH 25, 2019** as **DATE FOR PUBLIC HEARING** On Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, all work to remain in the public way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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 St. Mary's Credit Union, 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". Said Zoning Map is amended by including Assessors Map 82, Parcels 112 and 113, and adjacent portions of John Street to the center line, in the Business District.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, APRIL 8, 2019**; adopted.

Councilor Delano recused.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 8, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Fabricio DaSilva, to construct a new 5 x 18 front porch on an existing structure, 3 Jonas Court, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 8, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Falk on behalf of Vincenza Sambataro, re: Updated Site Plan Approval, E on Main, 161-175 Main Street, to build a mixed-use development in the Marlborough Village District, X16-1006668A, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Minutes, Ad-Hoc Municipal Aggregation Committee, February 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, December 3, 2018 & January 14, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, January 10, 2019 & January 24, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, January 8, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 28, 2019, **FILE**; adopted.

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

- a) Rocco DeVito, 39 Girard Street, pothole or other road defect.
- b) Matheus DeSouza, 109 Edinboro Street, pothole or other road defect.
- c) Paul Graves, 239 Ridge Road, other property damage and/or personal injury.
- d) William MacCormac, 168 Farm Road, residential mailbox claim (2b).
- e) Corey Marsh, 96 Bunker Hill Parkway, West Boylston, pothole or other road defect.
- f) Chanchal Patil, 37 Littlefield Lane, residential mailbox claim (2b).
- g) Neftali Pena, 302 North Street, Leominster, pothole or other road defect.
- h) Naila Ramirez, 201 Broad Street, #2L, pothole or other road defect.
- i) Majid Sairafi, 81 Woodland Drive, pothole or other road defect.
- j) Lan Sun, 102 Milk Street, Westborough, other property damage and/or personal injury.
- k) Andrew Zupan, 14 Brigham Road, Framingham, pothole or other road defect.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 11, 2019** as the **DATE FOR PUBLIC HEARING** On the proposal relative to Municipal Aggregation Order, refer to **FINANCE COMMITTEE & ADVERTISE**; adopted.

1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
 - The Mayor
 - Two City Councilors (appointed by the City Council President)
 - The Chief Procurement Officer
 - The DPW Commissioner (or designee)
 - A quorum shall consist of a minimum of 3 members
4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

BACKGROUND:

On October 15, 2018, the City Council approved Order #18-1007435 to have the Ad-Hoc Municipal Aggregation Committee review Council Order 17-1006881 regarding item #2 "The goal of Municipal Aggregation is to require that the R-1 (residential) class rates be lower than the prevailing National Grid Fixed Basic Service Rate" and report back to the City Council. The purpose of the review was to determine if there may be a financial benefit to the residents of Marlboro by entering into agreements for longer electricity supply contracts that may contain savings over the long run but may be occasionally higher than the National Grid Fixed Basic Service Rate. The Ad-Hoc Municipal Aggregation Committee meeting minutes from February 11, 2019 document the Committee's unanimous decision to revise the order to allow the City to enter into longer electrical supply contracts to provide stability and predictability for electrical supply rates while potentially providing greater savings to Marlboro residents than the current process. Recommend the above order be referred to the Finance Committee, set a public hearing for March 11, 2019 and advertise. Submitted by Councilor Ossing

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

that ALLIS ROAD be accepted as a public way

from Framingham Road at Station 0+00 and intersecting Bemis Road (Station 0+00) at Station 1+71.75, and

that BEMIS ROAD be accepted as a public way

from Allis Road (Station 1+71.75) at Station 0+00 and terminating at Station 1+57.88 to the south and Station 1+81.31 to the north,

and that their appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Allis, Bemis Road and Municipal Easements, Marlborough, Massachusetts," Prepared for: The City of Marlborough; Prepared By: Bruce Saluk & Associates, Inc., Civil Engineering & Land Surveying, 576 Boston Post Road East, Marlborough, MA 01752; Dated: June 1, 2018, last revised December 12, 2018; Scale: 1"=120' (Sheet 1 of 2), 1"=60' (Sheet 2 of 2), which plan is to be recorded herewith.

Title to the roadways shown as ALLIS ROAD and BEMIS ROAD on said plan, and title to all the municipal easements shown on said plan as:

Drain Easements:

- Drainage Easement #1, over Parcel "A", containing 920 square feet
- Drainage Easement #2, over Lot #9 (1 Bemis Road), containing 730 square feet
- Drainage Easement #3, over 87 Framingham Road, containing 81 square feet
- Drainage Easement #7, over 87 Framingham Road, containing 328 square feet
- Drainage Easement #8, over Lot #9 (1 Bemis Road), containing 4,407 square feet
- Drainage Easement #9, over Lot #4 (4 Allis Road), containing 822 square feet

Flowage Easements

- Flowage Easement #4, over 79 Framingham Road, containing 5,059 square feet
- Flowage Easement #5, over 87 Framingham Road, containing 2,882 square feet
- Flowage Easement #6, over Lot #9 (1 Bemis Road), containing 2,751 square feet

Sewer Easements:

- Sewer Easement #10, over Lot #8 (7 Bemis Road), containing 1,953 square feet
- Sewer Easement #11, over Lot #9 (1 Bemis Road), containing 467 square feet

Landscape Easements:

- Landscape Easement, over Lot #4, containing 3,035 square feet
- Landscape Easement, over Lot #5, containing 2,829 square feet
- Landscape Easement, over Lot #6, containing 1,130 square feet
- Landscape Easement, over Lot #7, containing 1,427 square feet
- Landscape Easement, over Lot #8, containing 1,450 square feet
- Landscape Easement, over Lot #9, containing 1,255 square feet

has been granted to the City of Marlborough in a quitclaim deed from Melanson Development Group, Inc., a Massachusetts corporation with a principal place of business at 5 Robertson Way, Woburn, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

ALLIS ROAD and BEMIS ROAD be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

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, **APPROVED;** adopted.

BUDGET TRANSFERS --										
DEPT.	POLICE	FROM ACCOUNT:				TO ACCOUNT:				
		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
Available Balance										
\$816,832.65	\$62,800.00	11990006	57820	Reserve for Salaries	\$62,800.00	12100003	51920	Sick Leave Buy back		\$9,910.41
	Reason:	Budgeted retirement payment to officer				Contractual sick leave retirement payment				
	\$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, **APPROVED**; adopted.

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	
\$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: That the City Council of the City of Marlborough hereby **APPROVES** the following; adopted.

- 1) By a super majority (2/3) vote pursuant to Chapter 650-33.C(1)(c) of the City’s Zoning Ordinance, the City Council hereby approves the Master Concept Plan presented by Atlantic-Marlboro Realty LLC on a plan entitled, “Marlborough Hills, Concept Master Plan,” dated January 23, 2019;” and
- 2) By a super majority (2/3) vote pursuant to Chapter 650-33.C(2) of the City’s Zoning Ordinance, the City Council hereby approves the First Amendment to Development Agreement by and between Atlantic-Marlboro Realty LLC and the City of Marlborough, as consented to by Avalon Marlborough, LLC.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Amendment to condition number 22 of the proposed Site Plan Approval for AvalonBay Communities, Inc., Order No. 18/19-1007315A, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough does hereby approve and adopt, pursuant to § 650-33.B(1) of the Marlborough Zoning Ordinance, the Site Plan Review Committee’s Site Plan Permit #SC-2019-01, which sets forth the Committee’s recommended approval, with conditions, of the site plans submitted by AvalonBay Communities, Inc., and most recently revised on January 30, 2019, to construct 123 multifamily dwelling units, together with parking and associated improvements, at 0 Simarano Drive, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Amendment to Special Permit deleting paragraph 2 and substituting with new language as provided for AvalonBay Communities, Inc., Order No. 18/19-1007314E, **APPROVED**; adopted.

ORDERED:

DECISION ON A SPECIAL PERMIT
AVALONBAY COMMUNITIES, INC.
0 Simarano Drive, Marlborough, MA
CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 18/19-1007314F

The City Council of the City of Marlborough (the “**City Council**”) hereby **GRANTS** the Application for Special Permit of Applicant, as provided in this Special Permit Decision (the “**Special Permit**”) and **SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS**:

EVIDENCE

1. On May 21, 2018, AvalonBay Communities, Inc., a duly organized and existing Maryland corporation with a principal place of business of 600 Atlantic Avenue, 20th Floor, Boston, Massachusetts 02110 (the “**Applicant**”), filed with the City Clerk of the City of Marlborough, an Application for Special Permit (the “**Application**”) seeking authorization to construct: (i) 123 multifamily dwelling units; and (ii) parking and improvements associated therewith (collectively, the “**Project**”).
2. The Project is proposed on a property located on the corner of Simarano Drive and Forest Street in Marlborough, MA, more particularly identified on the City of Marlborough Assessor’s Maps as Parcel 1 on Map 100, and furthermore particularly shown as Lot 1D-4 on that certain plan entitled, “Plan of Land in Marlborough, Massachusetts (Middlesex County),” Scale: 1”= 100’, dated February 7, 2019, prepared by BSC Group, Inc. (the “**Site**”). Said Plan of Land is being submitted to the Marlborough Planning Board at its February 25, 2019 meeting; is subject to revision by the Marlborough DPW Engineering Division prior to any vote of endorsement by the Board; and, as may be so revised, is anticipated to be voted upon by the Board for endorsement purposes at its March 11, 2019 meeting. If and when said Plan of Land is so revised and endorsed, this Special Permit shall adopt said Plan of Land, with its latest date of revision, as identifying the Site for purposes of this Special Permit.
3. The Site is owned by Atlantic-Marlboro Realty LLC, a duly organized Delaware limited liability company (the “**Owner**”). The Owner has consented to the Applicant filing the Application.
4. The Site is located within the Results Way Mixed Use Overlay District (the “**RWMUOD**”), subject to § 650-33 of the Zoning Ordinance of the City of Marlborough (the “**Zoning Ordinance**”), which allows multifamily dwelling use up to 350 units as-of-right and in excess of 350 units pursuant to a Special Permit issued by the City Council.

5. In accordance with Zoning Ordinance § 650-33.C(1), on May 6, 2013 the City Council approved a Master Concept Plan setting forth the general development plan governing development in the RWMUOD, which Master Concept Plan is proposed by the Owner to be amended by a vote of the City Council scheduled for its February 25, 2019 regular meeting, and to be replaced with that certain plan entitled, “Marlborough Hills, Concept Master Plan,” dated January 23, 2019 (as so amended, the “**Amended Master Concept Plan**”).
6. In accordance with Zoning Ordinance § 650-33.C(2), on May 7, 2013 the City Council and the Owner entered into a Development Agreement setting forth restrictions, proposed phasing, and all required mitigation for development within the RWMUOD, including a one-time per-unit financial contribution associated with residential development within the RWMUOD (the “**Residential Development Contribution**”), which Development Agreement is proposed by the Owner to be amended by a vote of the City Council scheduled for its February 25, 2019 regular meeting (as so amended, the “**First Amendment to Development Agreement**”).
7. Pursuant to Site Plan Permit #SC-2013-0012 dated September 23, 2013, an affiliate of the Applicant constructed 350 multifamily dwelling units on adjacent property also located within the RWMUOD.
8. As a result, pursuant to Zoning Ordinance § 650-33.E(2)(a), the Project requires a Special Permit from the City Council because it involve the construction of a total number of multifamily dwelling units within the RWMUOD in excess of 350 units.
9. On May 21, 2018, the Building Commissioner, acting on behalf of the City Planner, provided to the City Council a Certificate of Completeness of Application as required by Paragraph 7 of the Rules and Regulations of Application/Petition for Special Permit set forth in Zoning Ordinance § 650-59.
10. The City Council held a public hearing on August 27, 2018, in compliance with the requirements of the Code of the City of Marlborough and by the provisions of M.G.L. Chapter 40A, as amended, and all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough. Following testimony by the Applicant and members of the public, the City Council closed the public hearing and the matter was referred to the Urban Affairs & Housing Committee. By agreement of the parties, the time for the Council to take final action on the Application has been extended to April 9, 2019.
11. The Urban Affairs Committee held open meetings on the matter on January 22, 2019 and February 4, 2019, following which the Urban Affairs Committee voted to recommend that the City Council approve the Application, as amended.

12. At each of the August 27, 2018 City Council public hearing and the January 22, 2019 and February 4, 2019, Urban Affairs Committee open meetings, the Applicant presented oral testimony and demonstrative evidence representing that the Project meets all applicable Special Permit criteria provided by M.G.L. Chapter 40A, as amended, and the Code of the City of Marlborough including, without limitation, Zoning Ordinance § 650-18(A)(4) and § 650-59, and that the use sought and its impact and characteristics are not in conflict with public health, safety, convenience and welfare and not detrimental nor offensive so long as the conditions, safeguards or limitations imposed herein are complied with.
13. Together with the Application, the Applicant submitted a plan set, including site plans and architectural plans, entitled, "Avalon Marlborough II, 200 Forest St. (Map 100, Parcel 1), Marlborough, MA - Application for Special Permit & Site Plan Approval," consisting of 39 sheets: T0.01-T0.03; ALTA/NSPS Land Title Survey - Lot 1D-3 (1 of 1); Civil Drawings: C1-C5, C6A-C6B, C7-C12; Landscape Drawings: L1.0, L2.0, L4.1, L5.2, L6.2, L7.1, L9.1, L10.0, L10.1, L11.0, L11.1, L11.2; D1.0, D5.0-D6.0; Architectural Drawings: A1.01-A1.07," prepared by H.W. Moore Associates, Inc. (Civil Engineer) and The Architectural Team, Inc. (Architect), dated May 17, 2018, last revised January 30, 2019 (the "Plans").
14. The Applicant has complied with all the Rules and Regulations promulgated by the City Council as they pertain to the Application.
15. The Plans are attached hereto as "Attachment A."

BASED ON THE ABOVE EVIDENCE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:

FINDINGS OF FACT

- A. The Applicant has complied with all the Rules and Regulations promulgated by the City Council as they pertain to the Application for a Special Permit to construct the Project on the Site.
- B. All necessary fees for the proposed Special Permit have been paid.
- C. The Application was properly completed and filed by Applicant, and all necessary abutters were provided notice as required by law, as certified by the Assessor's Office of Marlborough prior to Application submission.
- D. The Plans accompanying the Application were completed in accordance with the all applicable Rules and Regulations.
- E. The Summary Impact Statement filed with the Application is sufficient for the Application and no further studies or requirements, other than the Traffic Impact Evaluation dated April 11, 2018 and conducted by VHB for the Applicant, are necessary.
- F. The City Department reports, as required by the Code of the City of Marlborough, have been received and incorporated as deemed appropriate by the City Council into this Special Permit.

- G. The uses sought by Applicant, and their impacts and characteristics, are not in conflict with the public health, safety, convenience and welfare and are not detrimental or offensive to the neighborhood, so long as the conditions, safeguards or limitations imposed herein are complied with; and further, the construction of the Project on the Site is appropriate for the Site and is in harmony with, and does not derogate from, the intent and purpose of M.G.L. Chapter 40A and/or the Zoning Ordinance for the City of Marlborough.
- H. The Project is consistent with the Amended Master Concept Plan and the First Amendment to Development Agreement.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council, pursuant to its authority under M.G.L. Chapter 40A and the Code of the City of Marlborough, therefore **GRANTS** to the Applicant a Special Permit to construct the Project on the Site, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall pertain to Applicant, its parent company(ies), subsidiaries, successors and assigns:

CONDITIONS

1. The City Council conditions its approval of the Special Permit on its site plan review of the Project, as delegated in part to the Site Plan Review Committee for administrative site plan review as provided under Chapter 270 of the City Code entitled, "Building and Site Development." Conditions imposed by administrative site plan review, as approved by the City Council pursuant to Zoning Ordinance § 650-33.B(1), shall be conditions of this Special Permit, and any violations of those conditions shall be violations of this Special Permit. The Plans may be subject to further modification by the City Council to the extent allowed by the Code of the City of Marlborough; and insofar as so modified, would be subject to further administrative site plan review. Other conditions and limitations which are not inconsistent with any term or condition attached to this Special Permit may be imposed at the time of the final site plan approval by the City Council, and any violations of those conditions and limitations shall be violations of this Special Permit.
2. All plans, floor plans, photos, renderings, site evaluations, studies, reports, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
3. All work performed at the Site under the Special Permit shall be in compliance with this Special Permit. No other building or construction under the Special Permit shall occur or happen without a change or modification of the Special Permit as approved by the City Council, except if the Building Commissioner deems a change to the Plans to be minor in nature as per General Provision 1 in the Site Plan Review Committee's recommended conditions.
4. Construction of the Project shall be in accordance with all applicable building codes currently in effect in the City of Marlborough. The Applicant shall comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

5. The Applicant shall satisfy all applicable conditions or mitigation requirements set forth in the First Amendment to Development Agreement, including the payment of the Residential Development Contribution associated with the additional 123 units included in the Project. In accordance with Zoning Ordinance § 650-33.C(2) and as contemplated by the First Amendment to Development Agreement, these payments shall be the only mitigation payments required for the construction, use or occupancy of the Project; provided, however, that for purposes of this Condition 5, the \$25,000 payment recited in Condition 22 of the Site Plan Review Committee's recommended conditions shall not be considered as a mitigation payment nor as any part of the Residential Development Contribution, but shall be considered as separate and distinct therefrom.
6. The architectural design of the Project shall be reasonably consistent with the architectural plans, floor plans and renderings submitted by Applicant to the City Council and the Urban Affairs Committee.
7. The exterior features of the Project, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the plans submitted and representations made to the City Council.
8. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the Project. The Applicant shall provide a copy of the recorded Special Permit to the City Council's office, the Building Commissioner's office, and the City Solicitor's office.

Yea: 11 – Nay: 0

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

ORDERED:

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

**MARLBOROUGH TOTG, LLC
57 Main Street, Marlborough, MA**

**CITY OF MARLBOROUGH
CITY COUNCIL ORDER No. 18/19-1007424E**

The City Council of the City of Marlborough hereby **GRANTS** the Application for Special Permit of Applicant (the "Application"), as provided in the Decision and SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:

EVIDENCE

1. The Applicant is Marlborough TOTG, LLC ("TOTG"), a duly organized and existing Massachusetts Limited Liability Corporation with a principal mailing address of 206 Ayer Road, Suite 5, Harvard, MA 01451 (the "Applicant"). Mark C. O'Hagan is the manager of the Applicant.

2. The location of the proposed project is 57 Main Street, Marlborough, MA and more particularly identified on the City of Marlborough Assessor's Map 70 on Parcels 291, 293, 294, and furthermore particularly described in deeds recorded with the Middlesex South District Registry of Deeds, Book 14539, Page 250; Book 14548, Page 518; and Book 28065, Page 95 (the "Site").
3. The owners of the Site are John P. Rowe Funeral Home, Inc. (as to Parcels 291 and 294); and John P. Rowe, Jr. and J. Peter Rowe, as tenants in common (as to Parcel 293).
4. The commercial structure currently housing a funeral home on the Site was constructed in approximately 1850. The Site is located within the Marlborough Village (MV) zoning district.
5. The Applicant proposes to construct a mixed use project with a total of approximately 86,600 square feet within a 5-story building, which will include approximately 11,000 square feet of commercial space (office and restaurant) on the ground floor, 55 residential housing units on floors 2 through 5, and 83 parking spaces in the basement and at ground level (the "Project"). The Project is in general accordance with the requirements of the MV zoning district in chapter 650-34 of the Marlborough Zoning Ordinance; however, the proposed lot coverage for the Site is 84% as compared to the maximum of 80% as set forth in Chapter 650-41 of the Zoning Ordinance. The incremental increase in lot coverage is attributable to the proposed widening of Exchange Street, a proposed exterior patio for commercial use, and associated access ramps required by the Americans with Disabilities Act. The incremental increase in lot coverage requires a special permit from the City Council, pursuant to footnote 13 to the table in Chapter 650-41.
6. At present, Exchange Street is approximately nineteen feet wide near its intersection with Main Street. The City Engineer expressed concerns that the roadway could not safely accommodate the increase in traffic that the Project will generate. As there is no room within the right-of-way limits to widen the street, the Applicant has agreed to grant, on the Site, a permanent easement to the City of Marlborough for the purpose of widening the street. An Easement Plan has been drafted and submitted to the DPW Engineering Division for review. The Site Plans show that, with the proposed widening, Exchange Street would be a consistent twenty-three feet wide from Main Street to High Street. The encroachment of the street pavement onto the Site contributes to the increase in lot coverage for which the Special Permit is sought. The Applicant has also agreed to make other improvements to Exchange Street, both at its intersection with Main Street where the concrete apron will be removed and the wheelchair ramps will be replaced, as well as at its intersection with High Street where the radius of the rounding will be increased.

7. West of the Site and adjacent thereto lies Union Common. Although this area is owned by the First Church of Marlborough (Congregational), it is an important City landmark and many City-sponsored events are hosted on the Common. The Applicant has worked with City staff to review and limit necessary tree clearing and has agreed to upgrade the fencing separating the two properties. The Applicant has executed a Memorandum of Understanding with the First Church for the fence updates, and is working with the First Church to secure a recordable agreement. Said agreement will be provided to the Marlborough City Council upon execution and recordation.
8. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for permission to increase lot coverage at the proposed mixed use building by 4% above the 80% maximum set forth in Chapter 650-41 of the Marlborough Zoning Ordinance. Specifically, the Application filed on October 2, 2018 with the City Clerk's office consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit; (b) Special Permit-Summary Impact Statement; (c) filing fee check; (d) plan delivery certification; (e) tax payment certification; (f) abutters list; (g) the proposed site plans and architectural plans, further described hereinbelow; and (h) the certification of the Building Commissioner on behalf of the Planning Director as to the Application's having complied with the provisions of Section 650-59C(7) (a), (b) and (c) of the City's Zoning Ordinance.
9. A public hearing was held on December 3, 2018, in compliance with the requirements of the City's Zoning Ordinance and the provisions of MGL Chapter 40A, as amended. All necessary abutters were provided notice as required by law, as certified by the Marlborough Assessors office. The time for the City Council to take final action on the Application is March 3, 2019.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing and represented that the proposed increase in lot coverage meets all applicable special permit criteria provided by MGL Chapter 40A, as amended, and the City's Zoning Ordinance.
11. The site plans submitted with the Application are entitled, "Tavern on the Green, 57 Main Street, Marlborough, MA Site Plan;" owner: John P. Rowe Funeral Home, Inc., 57 Main Street, Marlborough, MA 01752; applicant: Mark O'Hagan, MCO & Associates, Inc., 206 Ayer Road – Suite 5, Harvard, MA 01451; prepared by: Bruce Saluk & Assoc., Inc., Civil Engineering & Land Surveying, 576 Boston Post Road East, Marlborough, MA 01752; last revised: February 4, 2019; scale: 1" = 60' (7 sheets plus cover sheet) (the "Site Plans"), attached hereto as "Attachment A."
12. The architectural plans submitted with the Application are entitled "57 MAIN STREET - Marlborough;" Architect: Reeves Design Associates; last revised: February 4, 2019 (6 sheets plus cover sheet) (the "Architectural Plans"), attached hereto as "Attachment B."

BASED ON THE ABOVE EVIDENCE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:

- A. The City Council finds that it may grant a special permit (“Special Permit”) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the “City”).
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or MGL c. 40A.
- C. The City Council finds the coverage area being utilized beyond the 80% represents an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. In particular, the proposed coverage increase is necessary and appropriate for site access and traffic improvements, and works towards enhancing the goals of the MV zoning district.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and MGL c. 40A, §§ 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Chapter 650, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall pertain to Applicant, its successors and assigns:

1. Since the Project exceeds 10,000 square feet, the City Council, acting pursuant to Chapter 650-34.B(3) of the Zoning Ordinance, conditions its approval of the Special Permit on its site plan review of the Project, as delegated in part to the Site Plan Review Committee for administrative site plan review under Chapter 270 of the City Code. Conditions imposed by administrative site plan review, as approved by the City Council, shall be conditions of this Special Permit, and any violations of those conditions shall be violations of this Special Permit. The Site Plans may be subject to modification by the City Council to the extent allowed by the Code of the City of Marlborough; and insofar as so modified, would be subject to further administrative site plan review. Other conditions and limitations may be imposed at the time of the final site plan approval by the City Council which are not inconsistent with any term or condition included in this Special Permit, and any violations of those conditions and limitations shall be violations of this Special Permit.

2. All plans, floor plans, photos, renderings, site evaluations, studies, reports, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
3. Construction of the proposed building and related site improvements is to be done in accordance with all applicable codes in effect in the City of Marlborough as of the time when the building permit application is submitted to the Building Commissioner. The Applicant shall comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
4. All work performed at the Site shall be in compliance with this Special Permit decision, including but not limited to the Site Plans and the Architectural Plans.
5. The Special Permit is conditioned on the Applicant's signing a permanent easement, in a form satisfactory to the City Solicitor's office, granting the City the right to use the Site to widen and, as widened, to maintain and repair, the roadway of Exchange Street, said easement being subject to eventual acceptance by the City Council.
6. In accordance with the provisions of MGL c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit. The Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department, and to the City Solicitor's office.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais

ORDERED: That the City Council of the City of Marlborough does hereby approve and adopt, pursuant to § 650-34.B(3) of the Marlborough Zoning Ordinance, the Site Plan Review Committee's Site Plan Permit #SC-2019-02 (attached hereto), which sets forth the Committee's recommended approval, with conditions, of the site plans submitted by Marlborough TOTG, LLC, and most recently revised on February 4, 2019, to construct a mixed use project at 57 Main Street, **APPROVED**; adopted.

Councilor Dumais recused.

ORDERED: The City Council further approves, pursuant to § 650-34.H(4) of the Marlborough Zoning Ordinance, the LLC's request, made as part of its site plan approval application, for a waiver of from the requirement, set forth in § 650-34.H of the Marlborough Zoning Ordinance, that would otherwise require the LLC to provide a total of 5,500 sf of private open space at the proposed project. Due to site-specific circumstances, the waiver is granted for 2,750 sf of private open space that would otherwise be required on the ground level of the project; the LLC will provide the remaining 2,750 sf of private open space within the proposed building, **APPROVED**; adopted.

Councilor Dumais recused.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:59 PM; adopted.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 MAR -5 P 3:38

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

FEBRUARY 25, 2019

JOINT CONVENTION

MARLBOROUGH CITY COUNCIL AND MARLBOROUGH SCHOOL COMMITTEE

Joint Convention of the City Council and School Committee was held Monday, FEBRUARY 25, 2019 at 7:00 PM in City Hall, Council Chambers, 140 Main Street, Marlborough, MA.

Mayor Arthur G. Vigeant presided over the meeting.

Councilors present: Clancy, Delano, Doucette, Dumais, Tunnera, Irish, Landers, Juairé, Oram, Ossing and Robey.

School Committee members present: Bodin-Hettinger, Geary, Hennessy, Matthews and Ryan.

Clerk called roll call for attendance in alphabetical ascending order by last name. In attendance and stated present were Mrs. Bodin-Hettinger, Councilor Clancy, Councilor Delano, Councilor Doucette, Councilor Dumais, Mr. Geary, Mrs. Hennessy, Councilor Irish, Councilor Juairé, Councilor Landers, Mrs. Matthews, Councilor Oram, Councilor Ossing, Councilor Robey, Mrs. Ryan, Councilor Tunnera and Mayor Vigeant.

ORDERED: The Mayor entertained a motion to accept the Rules presented to the City Council and School Committee, as presented, **APPROVED**; adopted.

ORDERED: That the City Clerk read the Notice of Meeting in Joint Convention in accordance with provisions of the City Charter, Division 1, Section 36, **FILE**; adopted.

ORDERED: That the Mayor opened nominations for the Election of a School Committee member:

Councilor Delano nominated Darren McLaughlin.

Mrs. Hennessy nominated Rajan Patel.

Councilor Irish nominated Danielle Langer.

Councilor Clancy nominated Heidi Wellman.

Councilor Doucette nominated Daniel Caruso.

And there being no further nominations, nominations are declared closed.

Each nominee was afforded an opportunity to address the Joint Convention for two minutes, all except Danielle Langer (not present) spoke.

ORDERED: Mayor requested first ballot be called, the votes cast by each member of the convention were:

Mrs. Bodin-Hettinger	Daniel Caruso
Councilor Clancy	Darren McLaughlin
Councilor Delano	Darren McLaughlin
Councilor Doucette	Daniel Caruso
Councilor Dumais	Darren McLaughlin
Mr. Geary	Darren McLaughlin
Mrs. Hennessy	Rajan Patel
Councilor Irish	Darren McLaughlin
Councilor Juaire	Daniel Caruso
Councilor Landers	Darren McLaughlin
Mrs. Matthews	Darren McLaughlin
Councilor Oram	Daniel Caruso
Councilor Ossing	Darren McLaughlin
Councilor Robey	Darren McLaughlin
Mrs. Ryan	Darren McLaughlin
Councilor Tunnera	Darren McLaughlin
Mayor Vigeant	Darren McLaughlin

Darren McLaughlin received 12 votes, Daniel Caruso received 4 votes, Rajan Patel received 1 vote and Danielle Langer received 0 votes via roll call.

ORDERED: Councilor Ossing moved to make the vote unanimous for Darren McLaughlin. A voice vote was taken and Darren McLaughlin received 17 votes; adopted.

ORDERED: In compliance with provisions of the City Charter, Division 1, Section 36 – Charter and Related Laws – The General Code of Marlborough, and in accordance with MGL, Chapter 43, Section 36, DARREN MCLAUGHLIN HAVING RECEIVED 17 VOTES IS HEREBY DECLARED TO HAVE BEEN ELECTED AS A MEMBER OF THE SCHOOL COMMITTEE, **APPROVED**; adopted.

The City Clerk administered the OATH to newly elected School Committee member Darren McLaughlin.

Mayor Vigeant turned the floor over to School Committee Vice-Chair Bodin-Hettinger and School Committee member Matthews for the purpose of making a presentation to Councilor Landers from Akiruno City Japan.

ORDERED: That the meeting in Joint Convention is herewith adjourned at 7:20 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., _____ FEBRUARY 11, 2019

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 Marlborough HUB, 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, what is presently zoned partly Residence C (RC) and partly Industrial (I), be rezoned entirely as Residence C (RC) as said Industrial (I) portion of Assessor' Map 82, 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.

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

ADOPTED

ORDER NO. 19-1007552



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 25, 2019

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 11, 2019** as the **DATE FOR PUBLIC HEARING** On the proposal relative to Municipal Aggregation Order, be and is herewith refer to **FINANCE COMMITTEE & ADVERTISE**

1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
 - The Mayor
 - Two City Councilors (appointed by the City Council President)
 - The Chief Procurement Officer
 - The DPW Commissioner (or designee)
 - A quorum shall consist of a minimum of 3 members
4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

BACKGROUND:

On October 15, 2018, the City Council approved Order #18-1007435 to have the Ad-Hoc Municipal Aggregation Committee review Council Order 17-1006881 regarding item #2 "The goal of Municipal Aggregation is to require that the R-1 (residential) class rates be lower than the prevailing National Grid Fixed Basic Service Rate" and report back to the City Council. The purpose of the review was to determine if there may be a financial benefit to the residents of Marlboro by entering into agreements for longer electricity supply contracts that may contain savings over the long run but may be occasionally higher than the National Grid Fixed Basic Service Rate. The Ad-Hoc Municipal Aggregation Committee meeting minutes from February 11, 2019 document the Committee's unanimous decision to revise the order to allow the City to enter into longer electrical supply contracts to provide stability and predictability for electrical supply rates while potentially providing greater savings to Marlboro residents than the current process. Recommend the above order be referred to the Finance Committee, set a public hearing for March 11, 2019 and advertise. Submitted by Councilor Ossing

ADOPTED

ORDER NO. 19-1007578

X 17-1006881

X06-1001337A



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 1

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.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 2

ORDERED:

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. Brew pubs.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 3

ORDERED:

- i. Distilleries with attached restaurants.
 - j. Accessory solar energy installations, including but not limited to roof-top systems and solar parking canopies.
 - k. Uses allowed by right in the underlying zoning district.
 - l. 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.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 4

ORDERED:

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.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 5

ORDERED:

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.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 28, 2019
PAGE 6

ORDERED:

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.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 28, 2019
PAGE 7

ORDERED:

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

Be and is herewith **SET A PUBLIC HEARING FOR MARCH 11, 2019, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 19-1007533



City of Marlborough
Office of the City Council

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Edward J. Clancy
PRESIDENT

Joseph F. Delano, Jr.
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

March 5, 2019

Marlborough City Council
City Hall
Marlborough, MA 01752

Reference: OPEB Board of Trustees Appointment

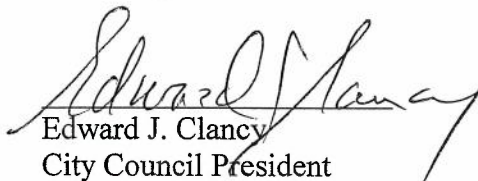
Dear Councilors:

The reappointment of Councilor Mike Ossing to the OPEB Board of Trustees has expired, and he has notified me once again of his willingness to stay on the board.

As you may recall, this will be his second reappointment after being first appointed by former President Pope. I cannot say enough about Mike's desire to safeguard the finances of the City through his efforts to work with the City's finance team as Chairman of the Finance Committee, the OPEB Board of Trustees and as a member of the Municipal Aggregation Committee.

I would entertain a motion to accept and file the reappointment of Councilor Ossing to the OPEB Board of Trustees for two years.

Sincerely,


Edward J. Clancy
City Council President

EJC/kb

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR - 6 A 10 37



City of Marlborough

Office of the City Council

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Edward J. Clancy
PRESIDENT

Joseph F. Delano, Jr.
VICE-PRESIDENT

Karen H. Boule
CITY COUNCIL SECRETARY

March 4, 2019

Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -7 A 11:38

Reference: Temporary Appointment of Steven Kerrigan as City Clerk

Dear Honorable Members:

I hereby submit for your confirmation this evening the temporary appointment of Steven Kerrigan as City Clerk effective immediately upon the retirement of City Clerk Lisa Thomas on March 15, 2019 at 5:00PM.

I believe Lisa has worked tirelessly to ensure that members of her staff are cross trained and well acquainted with all aspects of the busy City Clerk's Office. I have spoken to Mr. Kerrigan who has agreed to the temporary appointment while the necessary functions to fill the position are properly completed.

Again, your approval this evening is appreciated to guarantee a smooth transition.

Sincerely,

Edward J. Clancy
Edward J. Clancy
City Council President



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Kate Flanagan
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2019

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

RE: Berlin Road Property Acquisition (#41-37B)

Dear President Clancy and Councilors:

On the March 11, 2019 agenda, there is an item regarding unique acquisition of a parcel off Berlin Road. It is my recommendation that the City Council approve the proposed acquisition.

The above-identified parcel satisfies the requirements of said M.G.L. c. 30B, § 16(e)(2), for the following reasons: (i) the parcel is uniquely situated because it abuts Map 41, Parcel 25, both of which are classified as Agricultural and Horticultural land pursuant to M.G.L. c. 61A; (ii) include wetlands and seasonal wetlands which feed Flagg Swamp and Flagg Brook which fall within the City's 2011-1018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas; (iii) feeds into the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition and (iv) supports a variety of wildlife.

The attached order also authorizes me to negotiate a Purchase and Sale not to exceed \$150,000.00. Please also find enclosed a letter from Chief Procurement Officer Beverly Sleeper that further outlines why this proposed purchase is a unique acquisition under the proper procurement laws.

In addition, I have enclosed an order to transfer \$150,000.00 out of Open Space Stabilization in order to make a deposit on any negotiated purchase and sale. As with the proposed purchase final approval to purchase this parcel must come from City Council. This order does not authorize me to purchase the parcel without your approval.

I am available to discuss this proposal with you further. In the meantime, if you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -7 A 11:53

City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752

DIRECT DIAL (508) 460-3707

BSLEEPER@MARLBOROUGH-MA.GOV

March 6, 2019

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

RE: Unique Acquisition of Real Property – Watershed Protection Off Berlin Road

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City is interested in acquiring a parcel of land off Berlin Road and identified on Assessors' Map 41, Parcel 37B (the "Land") containing approximately 10.09 acres. As the proposed acquisition of real property involves more than 2,500 square feet, an advertisement must be published at least 30 days prior to executing a binding agreement to acquire the property.

For the City Council's deliberation and approval, I have determined that the location and qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, (i) the parcel is uniquely situated because it abuts Map 41, Parcel 25, both of which are classified as Agricultural and Horticultural land pursuant to M.G.L. c. 61A; (ii) include wetlands and seasonal wetlands which feed Flagg Swamp and Flagg Brook which fall within the City's 2011-1018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas including rivers, streams and ponds; (iii) feeds into the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition and (iv) supports a variety of wildlife.

In light of the foregoing, it is my opinion that it is proper to acquire this Land by unique acquisition due to its unique location and for watershed protection. I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City enters into a binding agreement with the current owners to purchase real property identified above under a unique acquisition determination.

Sincerely,

A handwritten signature in black ink that reads "Beverly J. Sleeper". The signature is written in a cursive style.

Beverly J. Sleeper
Chief Procurement Officer

ORDERED:

Pursuant to M.G.L. c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a parcel of land in fee simple interest will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

Land of proposed purchase of fee simple interest: The parcel identified on the Assessors Map of the City of Marlborough as Map 41 Parcel 37B, containing 10.09 acres, located on Berlin Road, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 27781, Page 51. The person having a beneficial interest in this parcel is Ernest A. Houde, Jr. of 399 Berlin Road, Marlborough, MA.

The above-identified parcel satisfies the requirements of said M.G.L. c. 30B, § 16(e)(2), because: (i) the parcel is uniquely situated because it abuts Map 41, Parcel 25, both of which are classified as Agricultural and Horticultural land pursuant to M.G.L. c. 61A; (ii) include wetlands and seasonal wetlands which feed Flagg Swamp and Flagg Brook which fall within the City's 2011-1018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas; (iii) feeds into the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition and (iv) supports a variety of wildlife.

It is further ordered that the Mayor is authorized to negotiate and enter into a purchase and sales agreement for the above-identified parcel subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed more than 25% of the average assessed value of the parcel during the previous three years; and (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



Map 41-37B

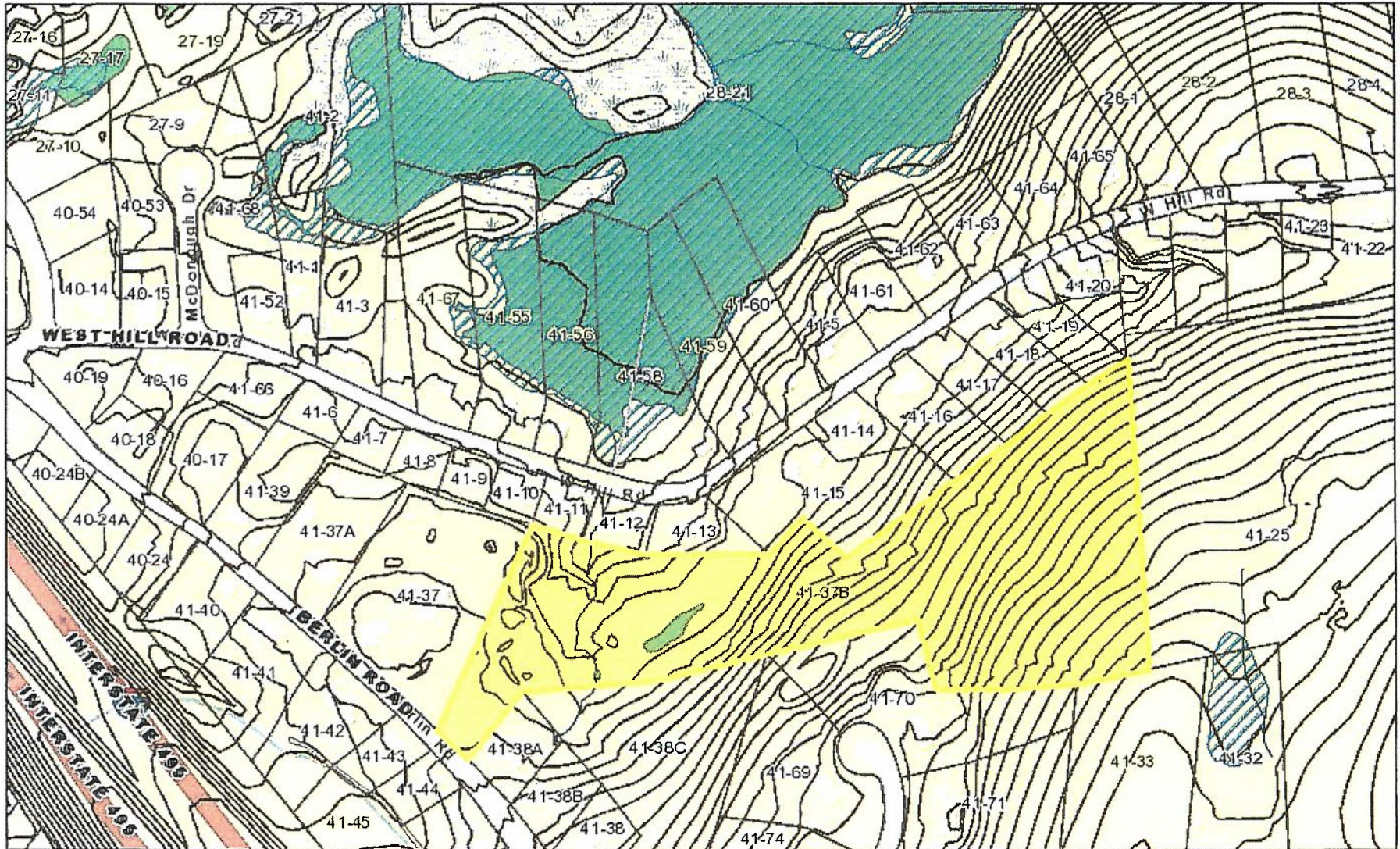
Marlborough, MA



March 6, 2019

1 inch = 268 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

.PURCHASE AND SALE AGREEMENT

This _____ day of March 2019

1. **PARTIES AND MAILING ADDRESSES** **Ernest Houde, Jr.**
322 Framingham Road, Marlborough, MA
hereinafter called the SELLER, agrees to SELL and
City of Marlborough
Main Street, City Hall, Marlborough, MA
hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises: **00 Berlin Road, Marlborough, MA**
2. **DESCRIPTION** All land located at **00 Berlin Road, Marlborough, MA – Assessors Map 41 – 37B**
and further described in the **Middlesex** Registry of Deeds **Book 27781** and **Page 51**.
3. **BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES** Included in the sale as a part of said premises are the improvements now thereon, and the fixtures belonging to the SELLER, if any, and used in connection therewith.
4. **TITLE DEED** Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

 - (a) Provisions of existing building and zoning laws, but not in violation thereof;
 - (b) Existing rights and obligations in party walls which are not the subject of written agreement;
 - (c) Such taxes for the then current year as are not due and payable on the date of delivery of such deed;
 - (d) Any liens for municipal betterments assessed after the date of this agreement;
 - (e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the current use of said premises;
5. **PLANS** If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.
6. **REGISTERED TITLE** In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.
7. **PURCHASE PRICE** The agreed purchase price for said premises is **\$150,000.00**
One Hundred Fifty Thousand dollars, to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or a check from an attorney's IOLTA account drawn on a Massachusetts bank.
8. **TIME FOR PERFORMANCE; DELIVERY OF DEED** Such deed is to be delivered at **12:00 o'clock P.M.** on the **on or before 60 days from the date of this Agreement**, at the **Middlesex District** Registry of Deeds, or at **buyer's lender's office**, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement. The deed may also be delivered at the office of the Buyer's bank's attorney. In the event of a default hereunder by the Buyer or if the Buyer fails to perform any of the Buyers obligations hereunder, the Seller shall have no obligation to tender a deed.
9. **POSSESSION and CONDITION of PREMISES** Full possession of said premises, free of all tenants and occupants, except as herein provided, is to be delivered at the time of delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) in compliance with the provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to enter said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.

10. **EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM** If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty days as long as there is no adverse affect to Buyer's financing.
11. **FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.** If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
12. **BUYER'S ELECTION TO ACCEPT TITLE** The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either
 (a) pays over or assigns to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less an amounts reasonably expended by the SELLER for any partial restoration, or
 (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
 (c) In the event of damage of/or destruction to the premises by fire, vandalism or other casualty in excess of \$5,000.00, at Buyer's option this Agreement may be terminated and all funds paid hereunder by Buyer shall be immediately refunded to Buyer.
13. **ACCEPTANCE OF DEED** The acceptance of a deed **and recording** by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed or within a reasonable period of time following the closing in conformity with local conveyancing practices.
14. **USE OF MONEY TO CLEAR TITLE** To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed or within a reasonable period of time following the date of closing in conformity with local conveyancing practices.
15. **INSURANCE** Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:
- | <i>Type of Insurance</i> | <i>Amount of Coverage</i> |
|--------------------------------|---------------------------|
| (a) Fire and Extended Coverage | \$ as presently insured |
| (b) | |
- All risk of loss to remain with the Seller until delivery and recording of the Deed.
16. **ADJUSTMENTS** Water and sewer use charges and taxes for the then current fiscal year shall be apportioned and fuel value shall be adjusted as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed.
17. **ADJUSTMENT OF UNASSESSED AND ABATED TAXES** If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of

obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

18. **BROKER's FEE** None/Deleted
19. **BROKER(S) WARRANTY** None/Deleted
20. **DEPOSIT** None/Deleted
21. **BUYER's DEFAULT; DAMAGES** If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages and this shall be the Seller's sole and exclusive remedy at law and in equity for any default by Buyer under this Agreement.
22. **RELEASE BY HUSBAND OR WIFE** The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
23. **BROKER AS PARTY** The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.
24. **LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.** If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.
25. **WARRANTIES AND REPRESENTATIONS** The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s):
NONE whatsoever.
26. **FINANCINT CONTINGENCY CLAUSE** The Sale of said premises shall be contingent upon the City of Marlborough obtaining all necessary votes and approvals to purchase said property , including but not limited to Approval of funding from the City Council of the City of Marlborough. Buyer shall obtain said approvals within 30 days of the date of this agreement or said agreement shall become null and void without recourse to either party.
27. **CONSTRUCTION OF AGREEMENT** This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.
28. **LEAD PAINT LAW** Deleted
29. **SMOKE DETECTORS** Deleted
30. **ADDITIONAL PROVISIONS** The following initialized and/or signed riders, if any, attached hereto, are incorporated by reference.
31. **POST CLOSING ADJUSTMENTS**

If any errors or omissions are found to have occurred in any calculations, figures, or adjustments used in the Settlement Statement signed by the parties (or would have been included if not for any such error or omission) and notice thereof is given within two months of the date of the delivery of the deed to the party to be charged, then such party agrees to make a payment to correct the error or omission. This provision shall survive the delivery of the deed.

32. AFFIDAVITS AND CERTIFICATES

At the closing, SELLER shall execute and/or deliver to BUYER the following documents:

- a) an affidavit stating that SELLER is not a foreign person under Internal Revenue Code Section 1445;
- b) an affidavit to BUYER and BUYER'S title insurance company completed and in the form and substance of the Real Estate Bar Association Title Insurance Affidavit, RBA Form Section 115;
- c) Completed Internal Revenue Code Section 1099 Forms;
- d) any other affidavits and certificates customary in the greater Worcester County area in connection with transactions of this type including any and all mechanic's lien affidavits.

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

SELLER: **Ernest Houde Jr.**

City of Marlborough

By: _____

BUYER:

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS

That, WE, ERNEST A. HOUDE, SR. and JANE F. HOUDE of the 167 West Main Street, Town of Marlborough, County of Middlesex, Commonwealth of Massachusetts, in consideration of Three Hundred Fifty Thousand and 00/100 (\$350,000.00) Dollars grants to ERNEST A. HOUDE, JR. of 399 Berlin Road, Town of Marlborough, County of Middlesex, Commonwealth of Massachusetts, individually

with QUITCLAIM COVENANTS the land in Marlborough, Middlesex, Commonwealth of Massachusetts as described in Schedule A attached hereto and made a part hereof.

Grantee and Property address: 399 Berlin Road, Marlborough, Massachusetts 01752

Executed as a sealed instrument this 15th day of October, 1997

Daniel R Perkins Witness
Ernest A. Houde, Sr. ERNEST A. HOUDE, SR.

Jane F. Houde JANE F. HOUDE

TAX 1596.00
CASH 1596.00
602 0015 08:35
EXCISE TAX
DEEDS REG 1
MIDDLESEX
10/20/97

399 Berlin Road, Marlborough

COMMONWEALTH OF MASSACHUSETTS)
)ss: Marlborough
COUNTY OF MIDDLESEX)

On this the 15th day of October, 1997 in said County, before me personally appeared ERNEST A. HOUDE, SR. and JANE F. HOUDE to me known and known to me to be the persons executing the foregoing instrument and acknowledged said execution to be their free act and deed.

Daniel R Perkins
Notary Public Daniel R. Perkins
My Commission Expires Nov. 7, 1997.

RETURN TO
Ernest A. Houde, Jr
399 Berlin Road
Marlborough, MA
01752

REC 10/20/97 09:50:50 60 25.00
*** REG. EXCISE TAX: 1596.00 ***

HOUDE
 399 BERLIN ROAD
 MARLBOROUGH, MA 01752

"EXHIBIT A"

The land in Marlborough, Middlesex County, Massachusetts, with the buildings thereon, on the Easterly side of Berlin Road, and being shown as Lot 4 on plan entitled "Plan of Land, Marlborough, Mass., Owned by Charles I. & Gertrude E. Hudson, Scale 1" = 80', March 29, 1968, Survey by Veo & Wheeler Inc., Hudson, Mass." to be recorded herewith, and being bounded and described as follows:

BEGINNING at the northwesterly corner of the premises at an iron pipe on the Easterly side of Berlin Road;

THENCE N. 49° 43' 08" E. by land of George L. & Marion Sasseville 326.30 feet to an iron pipe;

THENCE S. 51° 32' 15" E. by land of J. M. & K. E. Collachio 63.02 feet to a point;

THENCE S. 56° 46' 20" E. by land of A.A. & N.J. Hassapes 100.00 feet to a point;

THENCE S. 57° 20' 00" E. by land of M.G. Geldart; A.C. & M. M. Bennett; and Frances Kaufman 334.18 feet to an iron pipe;

THENCE S. 76° 18' 48" E. by land of J. J. & J. C. Brule 248.38 feet to an iron pipe;

THENCE N. 57° 52' 51" E. 98.33 feet to a point;

THENCE S. 32° 05' 00" E. 122.00 feet to an iron pipe;

THENCE N. 70° 39' 37" E. 396.78 feet to a point;

The last three courses being by land of Cecil E. & Grace E. Standish and land of G. L. & E. V. Berte;

THENCE N. 70° 02' 45" E. by land of H. H. & T. J. Noyes 100.41 feet to a point;

THENCE N. 70° 05' 65" E. by land of F. B. Jr. & C. E. Baker and J. M. & S. Padula 190.45 feet;

THENCE S. 12° 06' 06" W. by land of Dorothy E. Rowles 624.62 feet to a drill hole;

THENCE N. 88° 36' 51" W. by land of M. J. & A. M. Meschini 146.95 feet to a drill hole;

THENCE N. 76° 00' 29" W. 156.51 feet to a drill hole;

THENCE N. 74° 25' 41" W. 33.00 feet to a point;

THENCE N. 69° 39' 26" W. 26.12 feet to a drill hole;

THENCE N. 76° 15' 56" W. 67.84 feet to a drill hole;

THENCE N. 02° 37' 03" E. 164.99 feet to a drill hole;

The last five courses being along a stone wall by land of Demis W. S. Weagle;

THENCE N. 89° 47' 58" W. by land of said Demis W. S. Weagle and land of Charles I. & Gertrude E. Hudson 530.42 feet to a stone wall;

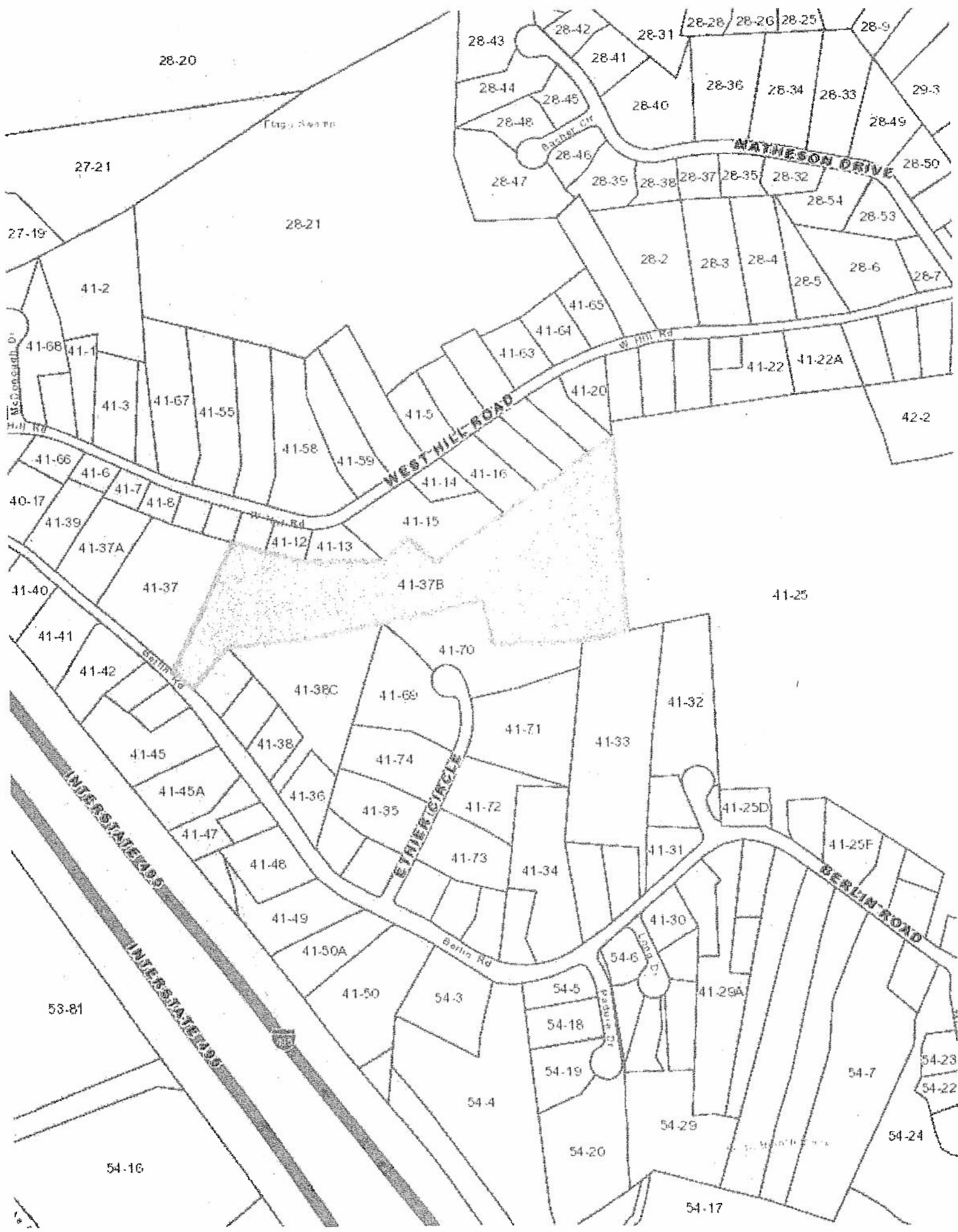
THENCE N. 76° 13' 27" W. by land of said Charles I. & Gertrude E. Hudson 280.61 feet to a point;

THENCE S. 57° 16' 30" W. by land of Thomas & Joann Thorburn 170.00 feet to a point at Berlin Road;

THENCE along the easterly side of Berlin Road northwesterly by a curve with a length of 103.13 feet to a point;

THENCE N. 32° 43' 47" W. along the easterly side of said Berlin Road 293.21 feet to the point of beginning.

For Title see Deed recorded in Book 11495, Page 748.



ORDERED:

That, pursuant to Mass. Gen. Laws c. 43, § 30 and c. 40, § 5B, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation from Stabilization – Open Space (account # 83600-32918) in the amount of \$150,000.00 as sufficient funds to pay for the proposed purchase of the parcel located at Berlin Road; provided, however, that the thirty-day period following the City's publication in the Central Register of the proposed purchase has expired as required by law.

ADOPTED

In City Council

Order No. 19-

Adopted

Approved By Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2019

FROM ACCOUNT:

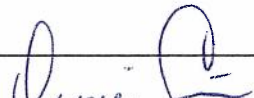


TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$668,824.31</u>	<u>\$150,000.00</u>	<u>83600</u>	<u>32918</u>	<u>Stabilization-Open Space</u>	<u>\$150,000.00</u>	<u>19300006</u>	<u>58170</u>	<u>Open Space Acquisition</u>	<u>\$0.00</u>
	Reason:	_____				For purchase of property on Berlin Rd			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	\$150,000.00	Total			\$150,000.00	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Kate Flanagan
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2019

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

Re: OPEB Trust Update

Honorable President Clancy and Councilors:

Please find enclosed for your information a letter from Comptroller Brian Doheny containing an update from the most recent OPEB Board of Trustees meeting on March 5, 2019. As you can see from the enclosed information, the balance of the OPEB Trust as of January 2019 was \$9,308,135.28. With your partnership, we have diligently made contributions to the OPEB Trust to ensure that we are in a strong position financially for future generations.

As we steadily move closer to fully funding our pension obligations, we will continue investing in the OPEB Trust to keep all future obligations at a manageable level.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -7 A 11:53



City of Marlborough

Office of the Comptroller

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

March 6, 2019

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

RE: OPEB TRUST

Dear Mayor Vigeant,

This memo is to update both yourself and the City Council as to the valuation of the OPEB Trust. The OPEB Board of Trustees met on March 5, 2019 to discuss the positive year end results of the trust as of Fiscal Year Ending June 30, 2018 along with the change in values on December 31, 2018 and January 31, 2019. I have enclosed three documents showing the balance in the trust for those dates. The balance in the fund as of June 30, 2018 was \$9,166,943.31. At that time the total contributions to the fund have been \$8,600,000.00. The trust since inception has had a net rate of return of 2.98% as of June 30, 2018. I have included December 30, 2018 value of \$9,078,702.40 and January 2019 value of \$9,308,135.28 so that you can see how external factors and market changes can cause the value in the fund to change. The Trustees still maintain a conservative steady approach in the investment portfolio.

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

Sincerely,

Brian Doheny
Comptroller



CITY OF MARLBOROUGH
OPEB TRUST

ACCOUNT NUMBER	FUND NAME	BEGINNING MARKET VALUE	BEGINNING PRINCIPAL	BEGINNING EARNINGS	NET INCOME	REALIZED GAIN/LOSS	NET EARNINGS	TRANSFERS OF PRINCIPAL	TRANSFERS OF EARNINGS	ENDING PRINCIPAL	ENDING EARNINGS	ENDING CASH VALUE	CHANGE IN UNREALIZED GAIN/LOSS	UNREALIZED GAIN/LOSS	ENDING MARKET VALUE
<i>OPEB FUNDS</i>															
	OPEB TRUST	\$9,162,984.18	\$8,600,000.00	\$491,900.15	\$12,609.19	(\$11,702.13)	\$907.06	\$0.00	\$0.00	\$8,600,000.00	\$492,807.21	\$9,092,807.21	\$3,052.07	\$74,136.10	\$9,166,943.31
	OPEB HOUSING DIVISION	\$2,630.41	\$2,603.63	\$6.37	\$3.62	(\$3.36)	\$0.26	\$0.00	\$0.00	\$2,603.63	\$6.63	\$2,610.26	\$0.87	\$21.28	\$2,631.54
	SUBTOTALS	\$9,165,614.59	\$8,602,603.63	\$491,906.52	\$12,612.81	(\$11,705.49)	\$907.32	\$0.00	\$0.00	\$8,602,603.63	\$492,813.84	\$9,095,417.47	\$3,052.94	\$74,157.38	\$9,169,574.85
	GRAND TOTALS	\$9,165,614.59	\$8,602,603.63	\$491,906.52	\$12,612.81	(\$11,705.49)	\$907.32	\$0.00	\$0.00	\$8,602,603.63	\$492,813.84	\$9,095,417.47	\$3,052.94	\$74,157.38	\$9,169,574.85

Securities and advisory services offered through Commonwealth Financial Network, Member FINRA/SIPC, a Registered Investment Adviser. Past performance is no guarantee of future results.

CURRENT ACCRUAL:	\$5,163.88
TRANSFER IN TRANSIT:	\$0.00
UNREALIZED GAIN/LOSS:	\$74,157.38
MONTH ENDING STATEMENT VALUE:	\$9,169,574.85



CITY OF MARLBOROUGH
OPEB TRUST

ACCOUNT NUMBER	FUND NAME	BEGINNING MARKET VALUE	BEGINNING PRINCIPAL	BEGINNING EARNINGS	NET INCOME	REALIZED GAIN/LOSS	NET EARNINGS	TRANSFERS OF PRINCIPAL	TRANSFERS OF EARNINGS	ENDING PRINCIPAL	ENDING EARNINGS	ENDING CASH VALUE	CHANGE IN UNREALIZED GAIN/LOSS	UNREALIZED GAIN/LOSS	ENDING MARKET VALUE
<i>OPEB FUNDS</i>															
	OPEB TRUST	\$9,229,105.84	\$8,700,000.00	\$569,498.24	\$132,703.56	\$0.00	\$132,703.56	\$0.00	\$0.00	\$8,700,000.00	\$702,201.80	\$9,402,201.80	(\$283,107.00)	(\$323,499.40)	\$9,078,702.40
	OPEB HOUSING DIVISION	\$5,633.06	\$5,603.63	\$54.08	\$166.89	\$0.00	\$166.89	\$6,000.00	\$0.00	\$11,603.63	\$220.97	\$11,824.60	(\$382.20)	(\$406.86)	\$11,417.75
	SUBTOTALS	\$9,234,738.90	\$8,705,603.63	\$569,552.32	\$132,870.45	\$0.00	\$132,870.45	\$6,000.00	\$0.00	\$8,711,603.63	\$702,422.77	\$9,414,026.40	(\$283,489.20)	(\$323,906.25)	\$9,090,120.15
	GRAND TOTALS	\$9,234,738.90	\$8,705,603.63	\$569,552.32	\$132,870.45	\$0.00	\$132,870.45	\$6,000.00	\$0.00	\$8,711,603.63	\$702,422.77	\$9,414,026.40	(\$283,489.20)	(\$323,906.25)	\$9,090,120.15

Securities and advisory services offered through Commonwealth Financial Network, Member FINRA/SIPC, a Registered Investment Adviser. Past performance is no guarantee of future results.

CURRENT ACCRUAL:	\$6,038.32
TRANSFER IN TRANSIT:	\$0.00
UNREALIZED GAIN/LOSS:	(\$323,906.25)
MONTH ENDING STATEMENT VALUE:	\$9,090,120.15



CITY OF MARLBOROUGH
OPEB TRUST

ACCOUNT NUMBER	FUND NAME	BEGINNING MARKET VALUE	BEGINNING PRINCIPAL	BEGINNING EARNINGS	NET INCOME	REALIZED GAIN/LOSS	NET EARNINGS	TRANSFERS OF PRINCIPAL	TRANSFERS OF EARNINGS	ENDING PRINCIPAL	ENDING EARNINGS	ENDING CASH VALUE	CHANGE IN UNREALIZED GAIN/LOSS	UNREALIZED GAIN/LOSS	ENDING MARKET VALUE
OPEB FUNDS															
	OPEB TRUST	\$9,078,702.40	\$8,700,000.00	\$702,201.80	\$30,775.42	\$0.00	\$30,775.42	\$0.00	\$0.00	\$8,700,000.00	\$732,977.22	\$9,432,977.22	\$198,657.46	(\$124,841.94)	\$9,308,135.28
	OPEB HOUSING DIVISION	\$11,417.75	\$11,603.63	\$220.97	\$38.70	\$0.00	\$38.70	\$0.00	\$0.00	\$11,603.63	\$259.67	\$11,863.30	\$249.84	(\$157.01)	\$11,706.29
	SUBTOTALS	\$9,090,120.15	\$8,711,603.63	\$702,422.77	\$30,814.12	\$0.00	\$30,814.12	\$0.00	\$0.00	\$8,711,603.63	\$733,236.89	\$9,444,840.52	\$198,907.30	(\$124,998.95)	\$9,319,841.57
	GRAND TOTALS	\$9,090,120.15	\$8,711,603.63	\$702,422.77	\$30,814.12	\$0.00	\$30,814.12	\$0.00	\$0.00	\$8,711,603.63	\$733,236.89	\$9,444,840.52	\$198,907.30	(\$124,998.95)	\$9,319,841.57

Securities and advisory services offered through Commonwealth Financial Network, Member FINRA/SIPC, a Registered Investment Adviser. Past performance is no guarantee of future results.

CURRENT ACCRUAL:	\$6,846.34
TRANSFER IN TRANSIT:	\$0.00
UNREALIZED GAIN/LOSS:	(\$124,998.95)
MONTH ENDING STATEMENT VALUE:	\$9,319,841.57



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Kate Flanagan
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2019

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR - 7 A 11: 53

RE: OPEB Board of Trustees Appointment

Dear President Clancy and Councilors:

Please consider this notification that I have appointed Alfred G. Weaver to the OPEB Trust Board for a three-year term to expire on March 11, 2022.

Thank you for your cooperation and do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2019

Alfred G. Weaver
6 Stone Hill Road
Marlborough, MA 01752

Re: Reappointment to the OPEB Trust

Dear Mr. Weaver:


I am pleased to inform you that I have reappointed you to the OPEB Trust Board for the City of Marlborough for a three-year term to expire on March 11, 2019.

Thank you for your continued efforts on behalf of the City of Marlborough. I believe that our financial planning and prudent budgeting, which includes annual contributions to fund our OPEB liabilities puts us on firm financial footing for many years to come.

Please continue to bring your expertise to helping us ensure that Marlborough's sound financial condition lasts for future generations.

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

Sincerely,


Arthur G. Vigeant
Mayor

Cc: Marlborough City Council



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR - 7 A 11: 53

DONALD V. RIDER, JR.
CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

March 7, 2019

Edward J. Clancy
President
Marlborough City Council

RE: Proposed Zoning Map Amendment –
Parcels Off Williams Street

Dear President Clancy and Member:

You have asked that I submit, at the request of Mayor Vigeant, a proposal to re-zone, as Residence A-1, two parcels off Williams Street that are currently zoned Limited Industrial (Map 113, Parcel 5) or Limited Industrial/Retirement Community Overlay (Map 113, Parcel 6). The proposed re-zoning would be in keeping not only with the Residence A-1 zoning which has long been in existence across the Street for the homes located on Stearns Road, but also with the Crane Meadow condominiums abutting to the north.

Please let me know if you have any questions or concerns on the above. Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Arthur Vigeant, Mayor

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 650-8, entitled “Boundaries established; Zoning Map,” is hereby amended:
 - a. by re-zoning the following property, presently zoned within the Limited Industrial District, as being zoned within the Residence A-1 District:

Map 113, Parcel 5.
 - b. by re-zoning the following property, presently zoned within the Limited Industrial District and the Retirement Community Overlay District, as being zoned within the Residence A-1 District:

Map 113, Parcel 6.
- II. The effective date of this zoning map amendment shall be the date passed by the City Council and signed by the Mayor.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder

Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

February 28, 2019

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

RE: Council Order No. 18-1007452A Proposed Zoning Amendment,
Retirement Community- Detached and Townhomes, Retirement Community-Multifamily

Honorable President Clancy and Members:

At its regularly scheduled meeting on February 25, 2019, the Planning Board took the following action regarding the above-referenced Council order:

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

In its decision, the Board referenced its previous statements (on Council Order #18-1007198D) in reaching its recommendation:

- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing an age- restricted (Age 55+) housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

The Board continues to express its reservations relative to section 650-22C (ii) 10 – *A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF.* While we acknowledge the developer's expressed effort to negotiate additional overflow parking with an abutting property, the Board's preference is for the developer to establish an on-site property "land bank" for future parking needs.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson

City Clerk
William Pezzoni
Brian Blaesser

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -5 P 3:50



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

March 1, 2019

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

RE: Council Order No. 18-1007500 Proposed Zoning Amendment,
Home Offices and Contractor and Landscaper Storage Yards

Honorable President Clancy and Members:

At its regularly scheduled meeting on February 25, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to forward the following comments to the City Council on the proposed zoning amendment:

The Board agrees that the City of Marlborough should regulate home offices and contractor and landscape contractor storage yards.

Recommendations include:

- Requiring annual Code Enforcement review as a condition of any special permit and a certificate from Code Enforcement that the subject property is free from blight;
- Consider a more thorough ordinance that would permit Contractor Storage Yards and Landscaper Storage Yards as-of-right in Limited Industrial (LI) zones only;
- Reduce to the extent possible, the number of applicants requiring special permits. As written, the currently proposed ordinance places a potentially onerous burden on a large applicant pool. Requiring a special permit from all may also place an undue burden on the City Council;
- Clearly define the grandfather clause;
- Clarify the language in (47) Home Offices (c);
- Harmonize the current anti-blight ordinance with this current proposal;
- Consider additional site requirements to keep residential neighborhoods looking like residential neighborhoods.

Motion carried.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson

City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -5 P 3:50

125
ck # 21417



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

2019 MAR -4 A 9:27

Lisa M. Thomas
City Clerk

MARLBOROUGH, MA

DATE: 02/19/19

To the City Council:

Owner Name: ecoATM, LLC

Residential Address: 10121 Barnes Canyon Road, San Diego, CA 92121

Telephone Number: (858) 766.7244

Business Name: ecoATM, LLC

Business Address: 601 Donald Lynch Blvd, Marlborough, MA 01752

Business Telephone Number: (858) 766.7244

Email Address: hunter.bjorkman@ecoatm.com

Owner Signature: 

The above-signed David Maquera respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council

March 1, 2019

2019 MAR -5 P 1:11

VIA EMAIL AND OVERNIGHT DELIVERY

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

Re: New Cingular Wireless PCS, LLC ("AT&T") Small Cell Facility Petitions - Veto of City Council Orders – 18/19-1007322C; 18/19-1007321C; and, 17/18/19-1007034D (the "Orders")

Dear Honorable President Clancy and City Councilors:

As you know, the City Council has made it clear that they have concerns with the proposed location of AT&T's small cell equipment on the three (3) above-referenced utility poles. Specifically, the Council requested that AT&T coordinate with NGRID to gain their permission to move the AT&T equipment higher up on the poles. We are pleased to advise that we have successfully secured the approval of NGRID to move the Electric Meter, Disconnect and Equipment Cabinet each up three feet (3') higher on the subject poles (please see attached revised plans of each of the three (3) small cell facilities). In short, the bottom of the lowest item of equipment on the poles (the Electric Meter) will now be 11' above ground level as opposed to 8' above ground level as had been the previous design, and the bottom of the Equipment Cabinet is now fourteen feet, six inches (14'6") above ground level.

We are also happy to report that NGRID has informed us that the double pole situation at the Neil Street location has been remedied.

AT&T is pleased that they have been able to satisfy the Council's design concerns and we hope that our applications are now in a position to be approved.

Thank you.

Respectfully,

BROWN RUDNICK LLP

Michael R. Dolan (fid)
Michael R. Dolan

MRD/jad

cc: Donald V. Rider, Jr., Esq. (email only)

63308665 v1-WorkSiteUS-024519/1016

APPROXIMATE COORDINATES: LAT: 42.350350° N LONG: 71.541444° W



CHECKED BY: AT

APPROVED BY: DJC

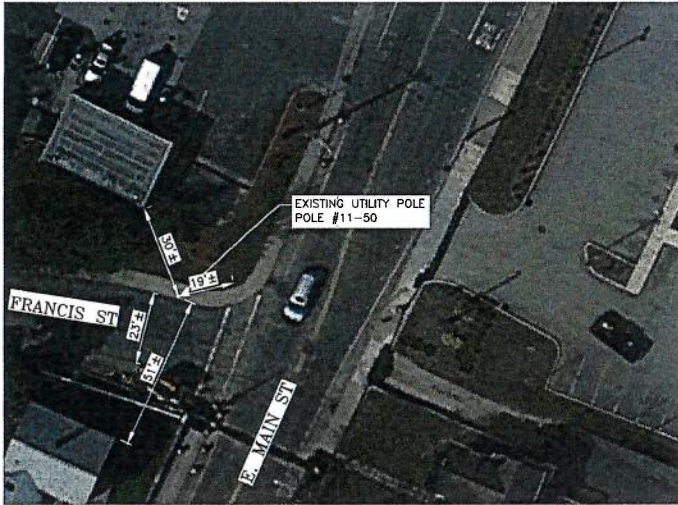
SUBMITTALS

Table with columns: REV, DATE, DESCRIPTION, BY. Row 1: 1, 02/26/18, ISSUED FOR REVIEW, ME

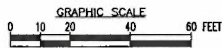
CLUSTER AND NODE NUMBER: AREA 5_144A
SITE ID: AREA 5_144A
SITE ADDRESS: FRANCIS ST & E MAIN ST MARLBOROUGH, MA 01752 MIDDLESEX COUNTY

SHEET TITLE: KEY PLAN AND ELEVATION

SHEET NUMBER: A-1

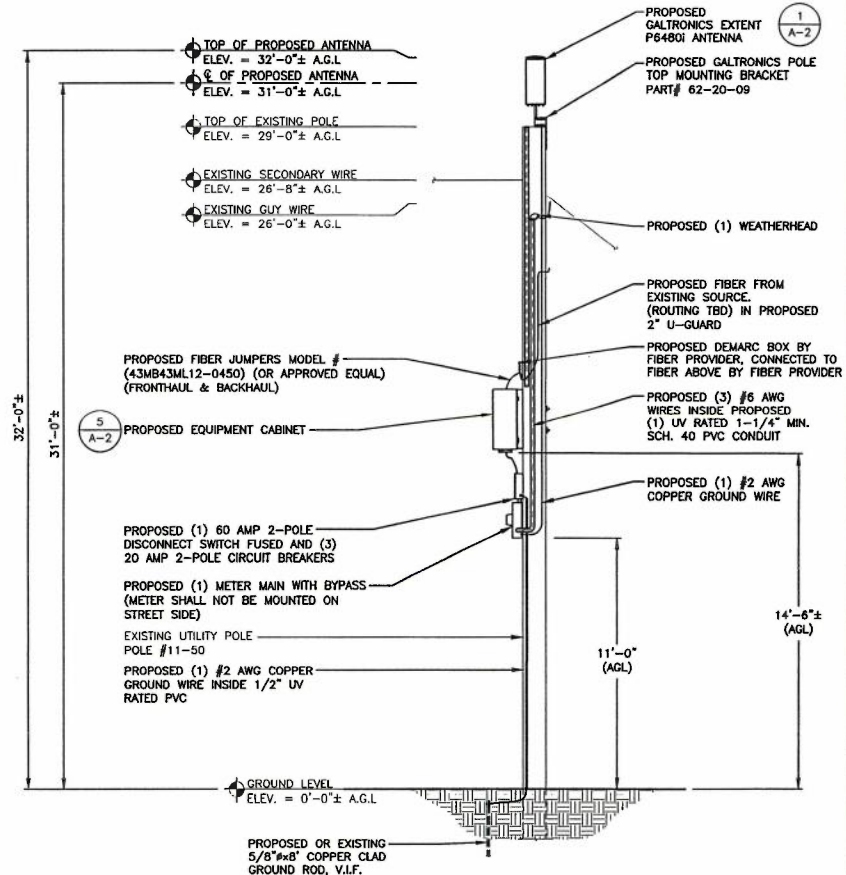


KEY PLAN 1 A-1
22x34 SCALE: 1"=20'
11x17 SCALE: 1"=40'

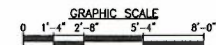


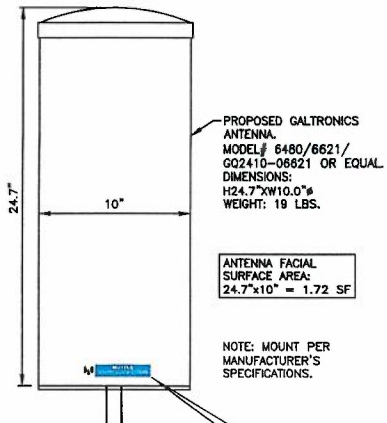
EXISTING CONDITIONS PHOTO DETAIL 2 A-1
SCALE: N.T.S.

EXISTING SECONDARY WIRE
EXISTING GUY WIRE
EXISTING UTILITY POLE POLE #11-50



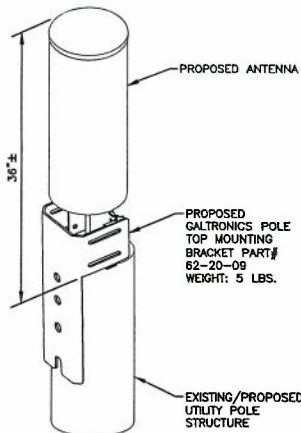
ELEVATION 3 A-1
22x34 SCALE: 3/8"=1'-0"
11x17 SCALE: 3/16"=1'-0"



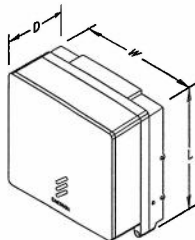


N01-C0-16 1"x6" NOTICE DECAL
PLACE THREE NOTICE STICKERS EQUALLY SPACED
AROUND THE BOTTOM OF ANTENNA RADOME

ANTENNA DETAIL
SCALE: N.T.S.

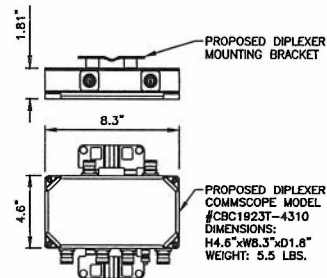


ANTENNA MOUNT DETAIL
SCALE: N.T.S.

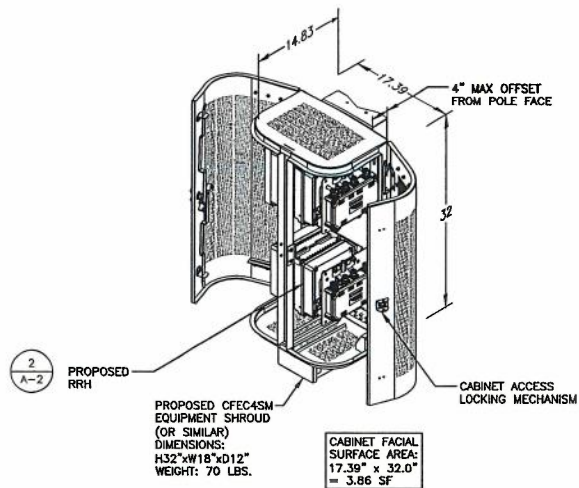


MODEL	QTY	L	W	D	WGT.
2203	2	8.0"	8.0"	4.0"	11 LB
2205	1	8.0"	8.0"	4.0"	11 LB

RRH DETAIL
SCALE: N.T.S.



DIPLEXER DETAIL
(AS REQUIRED)
SCALE: N.T.S.



EQUIPMENT CABINET DETAIL
SCALE: N.T.S.



750 WEST CENTER STREET,
SUITE# 301
WEST BRIDGEWATER, MA 02379



45 REECHWOOD DRIVE TEL: (978) 551-5353
N. ANDOVER, MA 01845 FAX: (978) 546-5262

CHECKED BY: AT

APPROVED BY: DJC

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A 02/20/19 ISSUED FOR REVIEW			

CLUSTER AND NODE NUMBER:
AREA 5_144A

SITE ID:
AREA 5_144A

SITE ADDRESS:
FRANCIS ST & E. MAIN ST
MARLBOROUGH, MA 01752
MIDDLESEX COUNTY

SHEET TITLE

EQUIPMENT DETAILS

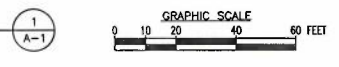
SHEET NUMBER

A-2

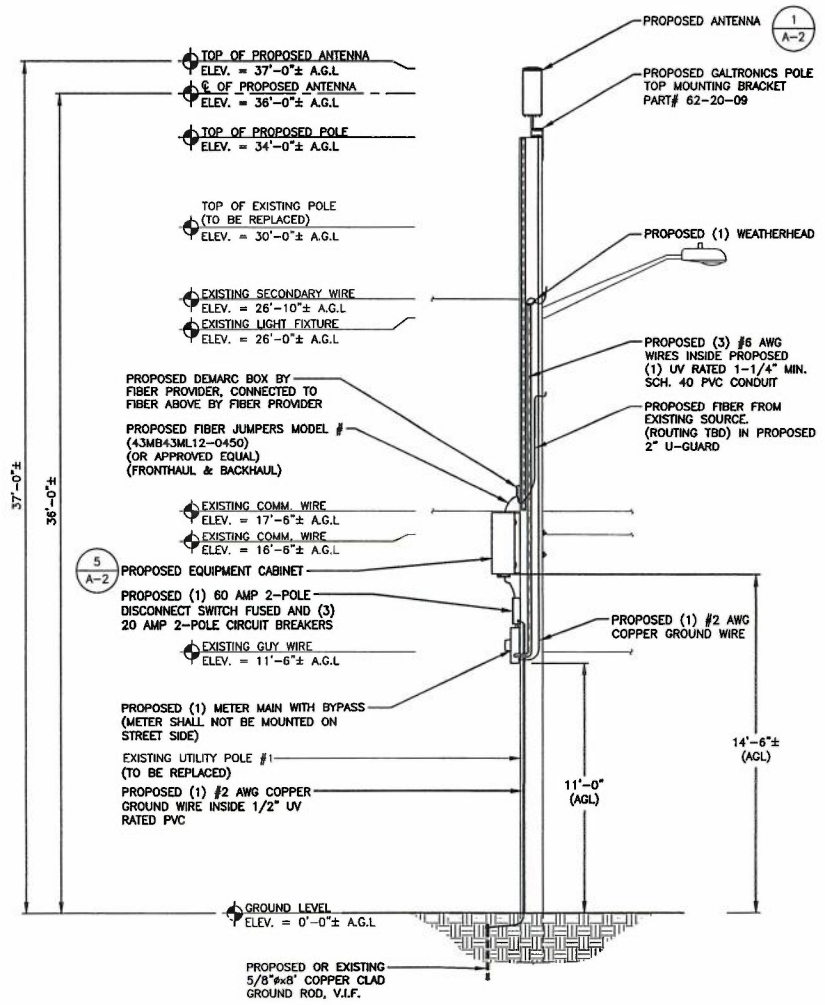
APPROXIMATE COORDINATES: LAT: 42.345494° N LONG: 71.547100° W



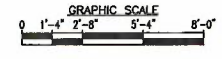
KEY PLAN
22x34 SCALE: 1"=20'
11x17 SCALE: 1"=40'



EXISTING CONDITIONS PHOTO DETAIL
SCALE: N.T.S



ELEVATION
22x34 SCALE: 3/8"=1'-0"
11x17 SCALE: 3/16"=1'-0"



CHECKED BY: AT
APPROVED BY: DJC

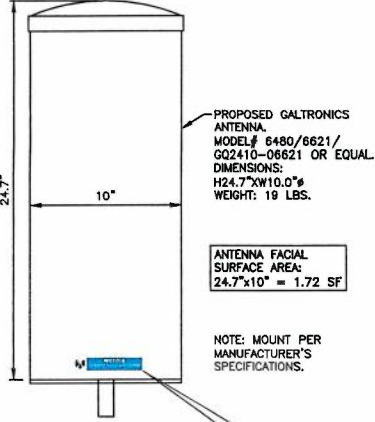
SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A	02/26/18	ISSUED FOR REVIEW	MF

CLUSTER AND NODE NUMBER:
AREA 5_46A
SITE ID:
AREA 5_46A
SITE ADDRESS:
**2 NEIL ST
MARLBOROUGH, MA 01752
MIDDLESEX COUNTY**

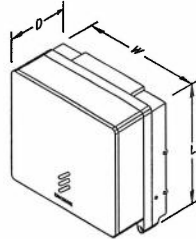
SHEET TITLE
KEY PLAN AND ELEVATION

SHEET NUMBER
A-1



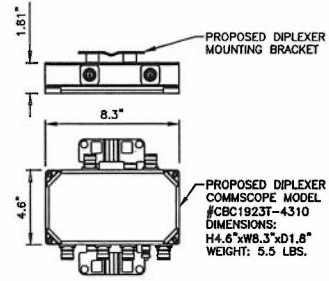
NOTICE
 NO1-CD-16 1"x6" NOTICE DECAL
 PLACE THREE NOTICE STICKERS EQUALLY SPACED AROUND THE BOTTOM OF ANTENNA RADOME

ANTENNA DETAIL
 SCALE: N.T.S.

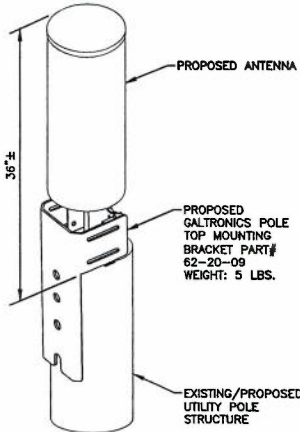


MODEL	QTY	L	W	D	WGT.
2203	2	8.0"	8.0"	4.0"	11 LB
2205	1	8.0"	8.0"	4.0"	11 LB

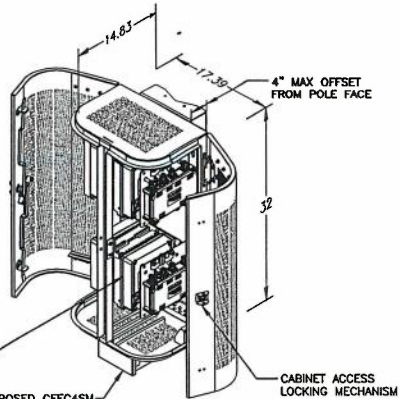
RRH DETAIL
 SCALE: N.T.S.



DIPLEXER DETAIL (AS REQUIRED)
 SCALE: N.T.S.



ANTENNA MOUNT DETAIL
 SCALE: N.T.S.



NO BATTERY BACKUP OR AUXILIARY OUTLETS FOR BACKUP POWER ARE BEING PROVIDED IN THIS DESIGN

NOTE: MOUNT PER MANUFACTURER'S SPECIFICATIONS.

EQUIPMENT CABINET DETAIL
 SCALE: N.T.S.



550 COCHITUATE ROAD
 FRAMINGHAM, MA 01701



750 WEST CENTER STREET,
 SUITE# 301
 WEST BRIDGEWATER, MA 02379



45 REEWOOD DRIVE TEL: (978) 537-5563
 N. ANDOVER, MA 01845 FAX: (978) 334-5563

CHECKED BY: AT

APPROVED BY: DJC

SUBMITTALS

REV.	DATE	DESCRIPTION	BY

CLUSTER AND NODE NUMBER:
 AREA 5_46A

SITE ID:
 AREA 5_46A
 SITE ADDRESS:
 2 NEIL ST
 MARLBOROUGH, MA 01752
 MIDDLESEX COUNTY

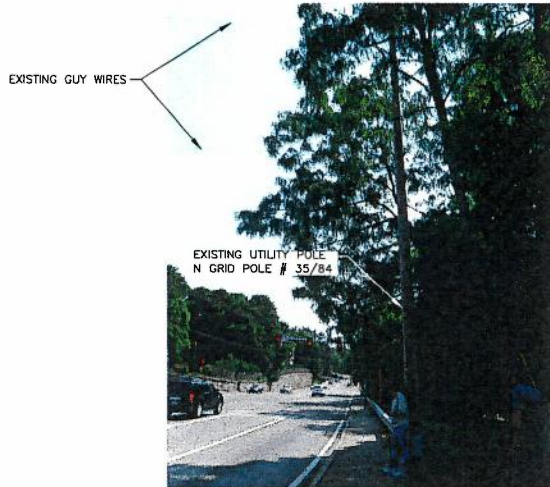
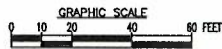
EQUIPMENT DETAILS

SHEET NUMBER

A-2

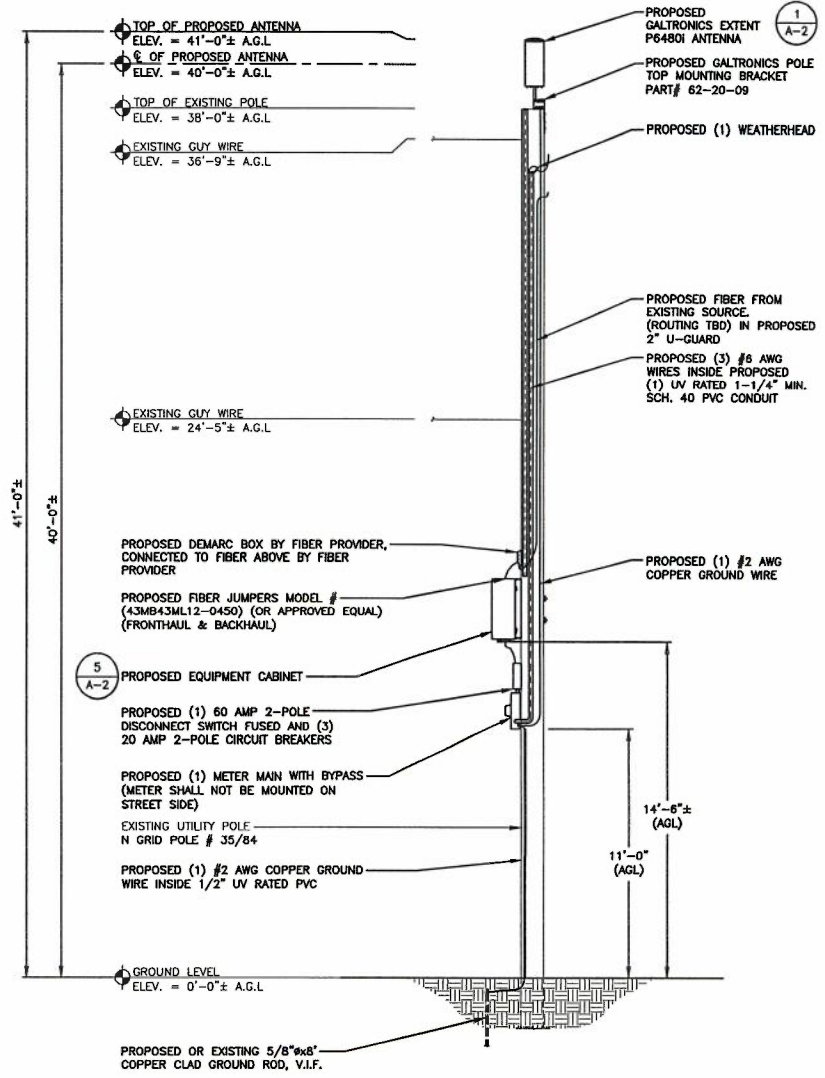


KEY PLAN
 22x34 SCALE: 1"=20'
 11x17 SCALE: 1"=40'




EXISTING CONDITIONS PHOTO DETAIL
 SCALE: N.T.S.

APPROXIMATE COORDINATES: LAT: 42.351319° N LONG: 71.533467° W




ELEVATION
 22x34 SCALE: 3/8"=1'-0"
 11x17 SCALE: 3/16"=1'-0"






550 COCHITUATE ROAD
FRAMINGHAM, MA 01701



750 WEST CENTER STREET, SUITE# 301
WEST BRIDGEWATER, MA 02379



45 BEECHWOOD DRIVE TEL: (978) 552-5553
N. ANDOVER, MA 01845 FAX: (978) 336-5565

CHECKED BY: AT

APPROVED BY: DJC

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
0	02/21/18	ISSUED FOR REVIEW	AW

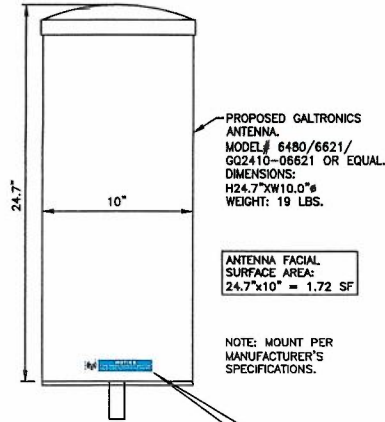
CLUSTER AND NODE NUMBER:
AREA 5_124B

SITE ID:
AREA 5_124B

SITE ADDRESS:
285 EAST MAIN ST
MARLBOROUGH, MA 01752
MIDDLESEX COUNTY

SHEET TITLE
KEY PLAN AND ELEVATION

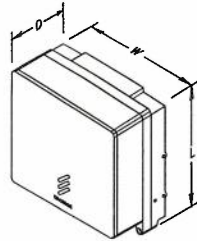
SHEET NUMBER
A-1



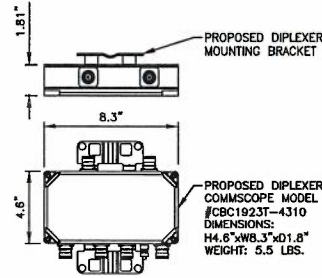
PROPOSED GALTRONICS ANTENNA
MODEL # 6480/6621/
G02410-08621 OR EQUAL
DIMENSIONS:
H24.7"xW10.0"
WEIGHT: 19 LBS.

ANTENNA FACIAL
SURFACE AREA:
24.7"x10" = 1.72 SF

NOTE: MOUNT PER
MANUFACTURER'S
SPECIFICATIONS.



MODEL	QTY	L	W	D	WGT.
2203	2	8.0"	8.0"	4.0"	11 LB
2205	1	8.0"	8.0"	4.0"	11 LB



DIPLEXER DETAIL
(AS REQUIRED)

SCALE: N.T.S.

RRH DETAIL

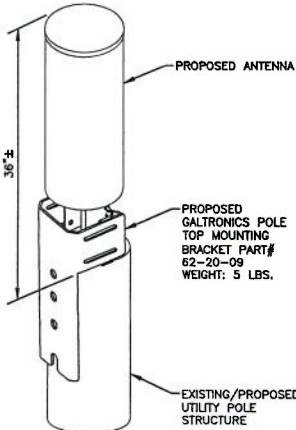
SCALE: N.T.S.



RF energy emitted by this device may exceed the FCC's general public exposure limits. Only use as intended. Stay at least 1 foot away from the device. Call 800-539-3972 for help if you need assistance with this device.

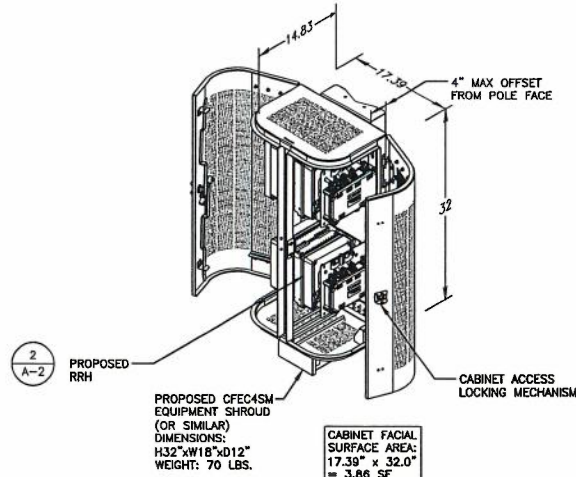
ANTENNA DETAIL

SCALE: N.T.S.



ANTENNA MOUNT DETAIL

SCALE: N.T.S.

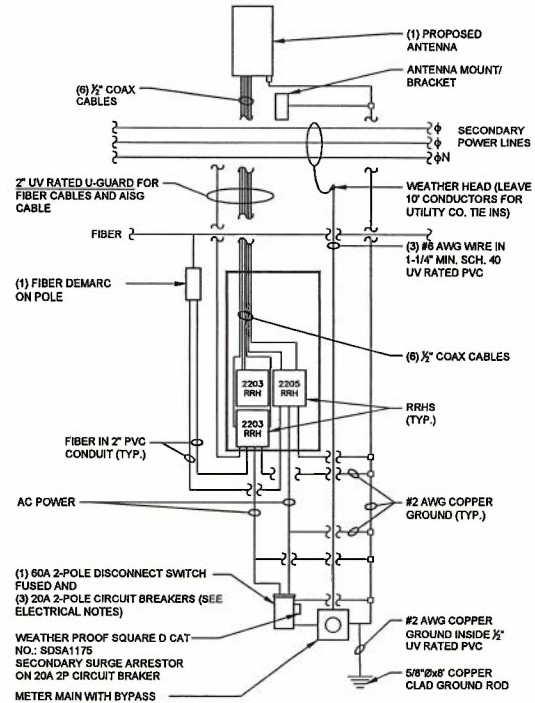


CABINET FACIAL
SURFACE AREA:
17.39" x 32.0"
= 3.66 SF

NO BATTERY BACKUP OR AUXILIARY OUTLETS
FOR BACKUP POWER ARE BEING PROVIDED
IN THIS DESIGN

NOTE:
MOUNT PER MANUFACTURER'S SPECIFICATIONS.
EQUIPMENT CABINET DETAIL

SCALE: N.T.S.



GENERAL WIRING DIAGRAM

SCALE: N.T.S.



550 COCHITUATE ROAD
FRAMINGHAM, MA 01701



750 WEST CENTER STREET,
SUITE # 301
WEST BRIDGEWATER, MA 02379



43 BEECHWOOD DRIVE TEL: (978) 557-5553
N. ANDOVER, MA 01851 FAX: (978) 336-5884

CHECKED BY: AT

APPROVED BY: DJC

SUBMITTALS

REV.	DATE	DESCRIPTION	BY

CLUSTER AND NODE NUMBER:
AREA 5_124B

SITE ID:
AREA 5_124B
SITE ADDRESS:
285 EAST MAIN ST
MARLBOROUGH, MA 01752
MIDDLESEX COUNTY

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-2



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 FEB 27 P 4:12

Marlborough Public Schools

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

Call to Order

January 22, 2019

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Matthews, Mrs. Bodin-Hettinger, Mrs. Ryan, Mrs. Hennessy and Mr. Geary.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were MEA Representative Rupal Patel, and Administrative Support Christine Martinelli.

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

2. **Pledge of Allegiance:** Five members of Boy Scout Troop 303 led the Pledge of Allegiance.
3. **Presentation: None**
4. **Committee Discussion/Directives: None**
5. **Communications: None**
6. **Superintendents Report**

1. Worcester County Superintendent's Association Scholars – Superintendent Bergeron recognized two MHS students, Esther De Araujo and Carrie Sibole, who were nominated by Principal Dan Riley, and selected as the Worcester County Superintendents' Association Scholars. Both young women participate in many clubs, and sports teams and have received acceptances to several colleges. Esther ranks 5th in her class and is interested in pursuing film production at college. Carrie is ranked 3rd in her class and is interested in becoming a physician's assistant. She attended tonight's meeting and was called to be recognized by the School Committee.

www.mps-edu.org

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



Marlborough Public Schools

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

2. **John and Abigail Adams Scholars** – Seven additional students were recognized tonight for their high achievement on the Comprehensive High School Assessment. David Breault, Kyle Cardetti, Angie Flores, Bailey Honer-Chavez, Anthony Rangel, Emma Sargent and Lorena Silva are all recipients of the John and Abigail Adams Scholars award.
3. **Education Funding and Equity** – On January 8, the Massachusetts Association of School Superintendents held public forums in three locations. This was to bring attention to the inequities in our schools in relation to the Chapter 70 funding formula and the funding issue relevant to education. It is anticipated that the Governor will address recent findings on this topic in his budget due late January. From FY14 to FY19, Marlborough’s Chapter 70 funding has increased \$8,780,499. As the legislation and information from the Governor’s office becomes available, the Superintendent will update the committee as to the progress.
4. **Principal Search Committee Timeline** – Below is the draft of timelines, should nothing interfere with the interviews or rounds.

Job Posted: January 5, 2019

Posting Closing Date: January 24, 2019

Paper Cut: January 25-29, 2019

Contact candidates to schedule a First Round interview: January 30, 2019

First Round Interviews: February 4-15, 2019

Second Round Interviews: February 25-March 1, 2019

Finalist Interviews: March 4-7, 2019

Offer Extended to Finalist: March 8 or 11, 2019

School Committee Meeting: March 12, 2019

A. Director of Finance & Operations

The administration and Superintendent Bergeron are reviewing and approving the budget requests. Also, meetings have started with principals to review their level service budget and additional budget requests. On February 12, the FY20 Superintendent’s budget request to school committee will be delivered.

www.mps-edu.org

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



Marlborough Public Schools

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

There is a negative balance of -\$3,163.80 as of 1/15-19, compared to a negative balance of -\$2,302.00 at the same period last year in the Food Services Account. The food service department and school administrators will continue to reach out to parents who have a balance as well as assist families in completing the f/r lunch forms as needed.

Andy White has identified the following facilities improvements that will aim to be completed during the school breaks.

- Installation of new windows in four Jaworek classrooms - completed during December break
- Window screens at Richer - scheduled for completion during February break
- Vestibule at Richer - scheduled for completion during February break
- Continuation of security camera upgrades - scheduled for completion during February break

Mr. Dias attached a list of budget transfer requests, for reconciliation purpose only, at tonight's meeting. He expects the FY19 fiscal spending to continue without issues and to have enough efficiencies to fund the technology plan for FY19. The complete list of these requests can be found in the School Committee packet of January 22, 2019.

Construction Update - The foundation work has started for the new elementary school and is currently ahead of schedule. The steel will be ordered soon, utility work is being done on Poirier Road and Administration continues to attend the weekly construction meetings. Mr. Dias closed saying he and the Superintendent are very grateful for the support of Commissioner Ghiloni and all city personal who attend these meetings with them.

Chairman Vigeant spoke to the committee about the security camera upgrades. In addition to the funding they have for the two buildings that are being equipped with the upgrades during February vacation, Chairman Vigeant has asked Mr. Ghiloni to continue the security camera upgrades for all the schools. He stated he will find the \$150,000 needed to complete these upgrades to all the schools.

www.mps-edu.org

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



Marlborough Public Schools

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

7. Acceptance of Minutes:

A. Minutes of January 8, 2019 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the School Committee minutes of January 8, 2019.

Motion passed 6-0-0.

8. Public Participation: None

9. Action Items/Reports:

MHS Principal, Dan Riley introduced members of the Development Committee and then gave a brief presentation about the proposed EMT course for high school seniors. The students would spend three hours in school and be dismissed at 10:30 to spend the remainder of their school day with the professionals at Patriot Ambulance. They would be working to earn an EMT certification, training in emergency medical dispatch, and completing a 90-hour internship throughout the school year. This is a 12-credit course of study and curriculum developed for seniors. The aim is for a pilot program of 10 students going into next year and the costs will be covered by the district. Mr. Riley hopes to build out these opportunities, not just in health care, but in manufacturing and IT as well. A power point designed for this presentation can be found in the School Committee packet of January 22, 2018; Action Item 9A.

Mrs. Hennessy voiced her concern about needing some flexibility around this program and others like it, to ensure it meets MASS Core and graduation requirements. She wants to give the students these wonderful opportunities and meet their educational needs.

Chairman Vigeant praised this program and Patriot Ambulance who has been partners with the City of Marlborough for years. He believes there is a great opportunity to work with 5 or 6 companies to develop curriculum and have students, who aren't ready to go to college, learn a specific skill during their high school years.

A. **EMT Course at MHS** – Beginning in August 2019, a new partnership with Patriot Ambulance and MHS. There was no vote on this at tonight's meeting but will instead wait to vote at the Program of Studies conversation at a later School Committee meeting.

www.mps-edu.org

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



Marlborough Public Schools

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

B. FY19 Operating Budget Transfers

Mr. Dias is recommending transfers within the FY19 operating budget, the monies are being transferred for balance purposes. The complete report can be found in the School Committee packet of January 22, 2018; Action Item 9B. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the FY19 Operating Budget Transfers.

Motion passed 6-0-0.

C. Policies Acceptance

A motion to move forward with accepting Policy 2.210 Powers & Duties, with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.210 Powers & Duties with amendments.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.333 Duties of Secretary, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.333 Duties of Secretary.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.340 School Committee-Superintendent Relationship, with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.340 School Committee-Superintendent Relationship.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.350 Sub-Committees with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.350 Sub-Committees.

Motion passed 6-0-0.

www.mps-edu.org

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



Marlborough Public Schools

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

A motion to move forward with accepting Policy 2.400 School Committee Meetings with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.400 School Committee Meetings.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.421 Regular Meetings with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.421 Regular Meetings.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.432 Special Meetings with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.432 Special Meetings.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.441 Rules of Order with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.441 Rules of Order.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.442 Order of Business, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.442 Order of Business.

Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.442.1 Presentation with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.442.1 Presentation.

Motion passed 6-0-0.

www.mps-edu.org

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



Marlborough Public Schools

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

A motion to move forward with accepting Policy 2.442.2 Communications, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 2.442.2 Communications.
Motion passed 6-0-0.

A motion to move forward with accepting Policy 2.442.3 Superintendent's Report, with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 2.442.3 Superintendent's Report.
Motion passed 6-0-0.

A motion to move forward with accepting Policy 7.191 Student Fees, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve as amended, Policy 7.191 Student Fees.
Motion passed 6-0-0.

A motion to move forward with accepting Policy 8.100 Attendance, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 8.100 Attendance with amendments.
Motion passed 6-0-0.

A motion to move forward with accepting Policy 9.200 Home Education, with amendments as noted, was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy 9.200 Home Education, with amendments.
Motion passed 6-0-0.

D. Acceptance of Donations and Gifts

Lifetouch National School Studios donated \$476.21 commission check to Early Childhood Center, as part of commissions to the school for individual and class photos. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to accept with gratitude the donation of \$476.21 from Lifetouch National School Studios.
Motion passed 6-0-0.

www.mps-edu.org

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



Marlborough Public Schools

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

Donor's Choose donation of \$287.35 in materials to Whitcomb School, in the maker space classroom and \$317.67 of materials donated to Hildreth School to improve their yoga practice. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donations from Donor's Choose.

Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews reviewed the warrant and signed it.

11. Members' Forum:

Mrs. Hennessy thanked Chairman Vigeant, for his earlier comment to the committee, regarding finding the \$150,000 to complete the upgrade of security cameras to all the schools.

She also asked if there could be any form of ramifications from the government shut down affecting any of our funding and programs.

Mrs. Matthews commented that anyone who is furloughed, can apply to get free and reduced lunch for their children at school.

Mrs. Bodin-Hettinger confirmed that on January 30 she and other School Committee members will meet with Dorothy Presser, MASC Field Director.

Mr. Bergeron asked Boy Scout Troop 303 to come to the front and take a picture with him and the School Committee.

www.mps-edu.org

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



Marlborough Public Schools

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

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:09 pm.
Motion passed 6-0-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi Matthews". The signature is fluid and cursive, with a large initial "H" and a long, sweeping tail.

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

Approved February 26, 2019

www.mps-edu.org

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

Marlborough Historical Commission
February 14, 2019
Marlborough Public Library, Reading Room (Lower level)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -1 A 7:51

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

Public Visitors: Melissa Peltier
Annmarie Peltier

Meeting called to order 7:08 PM

- 1.) Gary Brown inquired of Chair Fagone about future plans for Rowe Funeral home. Brown suggested a "location" he deemed compatible for moving the building before demolition. To Grainger Blvd. area across from Post Office and Parking Garage. Chair determined (per GIS mapping) location too tight a fit property-wise. Not a practical solution to an iconic façade. Also, chair received limited response from project architect reference an alternative "building move."

Indicates a perfect time to introduce the idea of a demo delay order to the public and to the municipal players.

- 2.) Information inquiries. 2-3 inquiries per month. Bob will circulate inquiries to the group as they come in for "FYI" purposes only. Need to manage the flow of information in between meetings. Effort needs to be made to keep Committee matters "public."
- 3.) Historic Signs. Fast and professional response from High School Wood Shop. 3 Excellent samples provided. Clear maple boards with deep-cut lettering. Committee very positive about "professional" appearance, but questioned the effectiveness of the "contrast" between the lettering and the board as viewed from a distance. Consensus was examples not suitable for outside display. Chair to get back to High School to explore the idea of greater "contrast." (Chair still places emphasis on using student participation as an educational tool as well as an historical tool.)
- 4.) Melanie Whapham's project: Demolition Delay Folder with PowerPoint demonstration. The demonstration was reviewed. The PowerPoint should be less wordy. This will be of value on presenting to City Council, Mayor, and the public. Melanie placed emphasis on graphics that show exactly how many municipalities around Marlborough already have demolition delay ordinances. Again, an ordinance comes with negative connotations; preservation by education still our priority. Melanie's project will help.
- 5.) Andrea Bell Bergeron will examine presentation documents from a legal perspective: terminology/format/verbiage before distribution from our group.

- 6.) Mention made that Chair attends Site Plan Review meetings as an observer. Site Plan Review Committee uses two “applications,” neither of which includes specific Historical Commission check-lists. This process has to be improved so that we are not always “re-acting” to projects already in progress. This should be an action item.
- 7.) Reviewed the progress on Museum in the Streets @ a joint Historical Society/Commission project. Memorial Day roll-out still in play. Members very enthusiastic about mock-ups and production demos.
- 8.) Preservation by Education and Preservation by Ordinance: time-lines for both should be established.
- 9.) Public Comments:
 - A.)The City of Marlborough website needs to be bulked up. Content is thin and current pages continually need to be refreshed.
 - B.)Peltier property on Pleasant Street is missing an historic home sign. Committee will pursue ways of replacing that sign in addition to the over-all Historic Signs Project city-wide.

Meeting adjourned 8:21 PM

Respectfully submitted,
Brendan Downey,
Associate Member

Marlborough High School
School Council
Meeting Minutes – March 5, 2019

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -6 P 2:03

In attendance – Dan Riley, Marlene Manell, Marcia Adams, Sue Pearl, Rita Smith, Ann Kinslow

Absent - David Friess, Edson Farias, Darren McLaughlin, Tino Pizzarella, Heather Kohn, Sheldon Vigeant
Gail Yosca

- I. Welcome and Sign-In
 - a) Introduction of Colby Young, intern for Dan Riley who is working on his Principal-ship.
- II. Review Budget (as of January 2019)
 - a) Follow-up on line items. Equity among the honor societies. Fund the graduation needs of each society. Lots of support from Mike and new finance guy Doug Dias. Meeting with class officers and reps. 3 years ago moved away from class dues. Students (seniors) paying for yearbooks, caps & gowns, senior breakfast, proms etc. Let's strike a balance, talk to vendors. Go to new model and collect, for example, \$15/year. Can then secure bulk pricing on senior year things. School can supplement for those who cannot/will not pay. Why is there not a letter being sent soliciting yearbook ads?
 - b) Built in support for four honor society dues and chords
- III. Update on school leadership team (Dec follow-up)
 - a) Grading. Working on creation of 2 draft documents: first document focuses on social and academic aspects of grading while second focuses on timing of grades being entered into Aspen. Current discussions on parent, student and teacher expectations on vaping. Lots of dependency on vaping devices. Not as easy to say, don't bring it to school. Want school council to tackle attendance. Don't want to tie attendance to grading or credits. Will work at next meeting on draft of school attendance policy. Needs to be some accountability. Why are some kids not coming to school? Why are they not engaged?
 - b) Midterms
- IV. NEASC Update
 - a) "Build the Graduate" survey
 - b) Should be getting information back shortly about survey results
- V. Building safety and facilities
 - a) ALICE trainings will be happening this month.
 - b) School is open at night. Yes, it is. 7:30am-1:45pm one point of entry for all teachers with the exception of admins and a few others. Changed check-in procedure for unfamiliar guests. People must wait until escort either comes to escort guest or retrieve something the guest might have for a student. Secured money for 10 additional cameras.
- VI. Family Engagement
 - a) Spanish and/or Portuguese family representation
 - b) Facilitated by Colby Young. At High Tech High (in CA where Colby worked) went out of its way for family engagement (500 student enrollment). Students would run midterm

conference whereby they would reflect on their growth. Parents would come in to listen. Date of midterm conference would be set far in advance. Issues with some parents not being able to come to school during the day due to work. Would need to have flextime to have conferences. Would need translators.

- c) Framingham Peer-to-Peer counselors. Dan will see if we can have some students come talk to our students about vaping. Students will more likely listen if other students are talking to them, not adults.

Meeting Minutes Respectfully Submitted by Sue Pearl

Marlborough Public Library Board of Trustees

Meeting Minutes

June 5, 2018

Bigelow Auditorium, Marlborough Public Library

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB 26 A 8:05

Meeting called to order by Ray Hale at 7:05pm

Board Members Present: Robyn Ripley, Ray Hale, William Brewin, Rustin Kyle, Karen Bento, Nena Bloomquist Samantha Khosla, Tom Abel, and Janice Merk

Also Present: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. May 1, 2018 meeting minutes
3. June Trust Fund/State Aid report
4. Director's Report

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the May 2018 meeting was passed (Bloomquist/Ripley).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for May 2018 was passed (Bloomquist/Khosla).*
3. **Director's Report:** (see attached for more details)
 - Margaret updated the board on the status of the library renovation grant. Once the city formally accepts the grant, construction needs to begin within a year. The Mass Board of Library Commissioners is aware that we will be updating our design because the purchase of the two adjacent properties took place after our original grant was submitted and has changed our site footprint. The MBLC needs to review and accept the new design. There will be a public comment period on the design for the Marlborough community prior to its being finalized. Samantha noted that historical commission is very interested in the project. Margaret said she is aware of their interest and will ensure that they have an opportunity for input.
 - The library staff has a full set of summer programs planned for patrons. The popular Summer Reading program will once again include programs for children, teens and adults. The "Lego Lunch" program, run in conjunction with Project Bread, will once again be offered. In addition, the teen librarian is lining up summer volunteer activities to engage teens and encourage summer reading. One idea involves creating recommended reading displays in the teen space, for

which the volunteers would be responsible for selecting the titles, reviewing them and creating social media posts.

- Another library clerk has resigned, citing low pay rate as the reason. She is taking a job in retail, which pays more. Margaret noted that most of the library clerks have a second job because of the library's low hourly rates.
- The new Scan Pro machine was installed on May 15. The library issued a press release to announce its arrival and publicly thank the Brigham Family Trust and DCU for their donations.
- Margaret expressed appreciation to the city's IT department for its excellent support in helping the library transition from the CW MARS network to the City Network. The new version of the Evergreen software was installed over the Memorial Day weekend. The new technology will automate PC updates, provide much needed storage capacity, and provide all staff with city email addresses, which will improve communication.
- The library's FY19 budget was approved with the \$1000 book budget increase as the only increase over the FY18 budget.
- Margaret met with Fire Chief Breen on May 24 to talk about emergency procedures. The Chief offered to provide staff training on AEDs and other topics. (See "New Business" for further information on this topic.) The Fire Department installed a Knox Box on the outside of the library so firefighters can quickly access the building in case of emergency. Per earlier discussions with the board, Margaret raised the issue of having NarCan available in the library. The Chief felt that because the library is so close to downtown emergency services, the staff can rely on the police and fire department in the event such treatment is needed.
- Margaret co-chaired the Marlborough Rotary Club's recent book donation project, which was organized in conjunction with the Davao City Rotary Club in the Philippines. Over 1,000 books were donated for distribution to the rural areas of the country.

Committee Reports:

- Foundation:
 - Nothing to report
- Friends:
 - The Friends' Annual Meeting will be held on June 13 at Employment Options at which time the new board will be elected. The theme of the evening is "A Night to Remember" and will be a tribute to the late Ray Johnson.

4. Old Business:

- No old business to discuss.

5. New Business:

- Margaret would like to schedule a staff safety training workshop. A major focus of the session would be educating the staff on strategies for dealing with patrons with mental illnesses, risk assessment, etc. The session will be conducted by an expert who has developed this program specifically for libraries. The cost is expected to be about \$1,000. Ideally, Margaret would like to host a half-day session for the full staff, which would require a delayed opening for the library on that day. She will check with the city to see if this is acceptable, and also to see if there are training funds available to cover the cost. In addition, Margaret would like to have additional safety training during this same session, as was recommended during Chief Breen's visit. *A motion was passed allowing Margaret to spend \$1,000 from state aid to cover the cost of the seminar if the city does not allocate the funds. (Hale/Brewin)*
- Ray Hale announced that he is resigning for the board as he is moving to Georgia. Board members expressed their sincere appreciation for his many years of service with the library. Vice Chair William Brewin will take over his role as Chairman in September.

6. Adjournment: *A motion to adjourn passed at 7:48pm (Abel/Brewin)*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees

Meeting Minutes

September 4, 2018

Bigelow Auditorium, Marlborough Public Library

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

FEB 26 A 8:05

Meeting called to order by William Brewin at 7:04pm

Board Members Present: Robyn Ripley, William Brewin, Rustin Kyle, Karen Bento, Nena Bloomquist Samantha Khosla, Tom Abel, and Janice Merk

Also Present: Margaret Cardello, Library Director and Dan Verrico, Vice President of the Marlborough Public Library Foundation and Capital Campaign Chair

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from our June 5 meeting
3. Trust fund/State Aid reports for June-August
4. Director's Report
5. Sample naming rights policy from Stoughton Public Library
6. Article on Human Libraries

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the June 2018 meeting was passed (Khosla/Ripley).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for June, July and August 2018 was passed (Khosla/Bloomquist).*
3. **Director's Report:** (see attached for more details)
 - Clerk turnover due to low salaries continues to be a challenge. Three part-time clerks resigned over the summer. Because it is difficult to find experienced clerks willing to accept positions at our current pay scale, Margaret frequently needs to invest in training clerks that join the staff, as was the case for all three of the clerks that resigned. One left for a full-time position, while the other two left for higher-paying part-time positions.
 - Margaret noted that we formally offered a construction grant for the library renovation in the amount of \$10,186,626. The city has until January 11, 2019 to accept the funds and commit to funding project.
 - Career Connections is a Marlborough High School program operating out of the Walker Building that prepares teens for work and college. They will be using our Teen Room to meet with teens for a short time while they relocate their offices.

They will use the room during school hours, when the library's teen room is not busy. An added bonus of this arrangement is that it will expose more teens to the library and the Teen Room.

- Bouvier Pharmacy has donated a wheelchair to the library, which will come in handy for certain library patrons. Margaret will make a sign to recognize the donation.
- The summer reading programs were extremely successful, with 525 children and 511 teens participating. Over 2,500 people attending summer programs, and more than 1,300 adults participated. The raffle was a very popular new element, with 3,495 entries submitted.
- A group of parents requested permission to organize a local Red Cross babysitting class, to be hosted at the library. The cost would be \$85/person to participate, which is the Red Cross fee. Since the library normally does not host programs that charge a fee, Margaret requested Trustee approval. Since the fee goes directly to the Red Cross, a non-profit, the board supported the request, assuming the organizers agree to open the event to other interested patrons. *A motion to approve was passed (Ripley/Merk).*
- The library transitioned from the CW MARS network to the City network over the summer. The city's IT director has asked the City Council for \$10,000 to upgrade the library's computers, which haven't been updated since 2012.

Committee Reports:

- Foundation:
 - Nena Bloomquist, who also serves as president of the Marlborough Public Library Foundation, shared that the mayor would like to see the foundation accelerate its fundraising efforts. While progress toward the \$2 million goal has been made, many major donors are waiting for the grant to be officially accepted before making a commitment. Dan Verrico, Vice President of the foundation, joined the meeting as a guest speaker. He has been leading the fundraising effort and stressed the need for the trustees to demonstrate their commitment to the project by helping to secure more conditional pledges from donors. He requested help from the trustees in making introductions to businesses and individuals. The foundation has submitted a grant request to the Brigham Family Trust and plans to submit another to the Ezra Cutting fund and the Cummings Foundation in the fall.
 - A city ordinance from 1985 specifies that public buildings and spaces must be named after local veterans. This ordinance may impact the foundation's ability to offer donors naming rights for the library building and/or inner spaces. For this reason, the foundation would prefer that the Trustees

retain naming rights for the library. It will be discussed at an upcoming Veteran's Affairs Committee.

- Friends:
 - The first meeting for the Friends of the MPL will take place on Sept 12.

4. Old Business:

- Margaret shared a preliminary construction timeline which she presented to the Mayor during a recent meeting.

5. New Business:

- No new business to discuss

6. Adjournment: *A motion to adjourn passed at 8:48pm (Abel/Ripley)*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees

Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

October 2, 2018

Bigelow Auditorium, Marlborough Public Library

2019 FEB 26 A 8:05

Meeting called to order by William Brewin at 7:03pm

Board Members Present: William Brewin, Rustin Kyle, Karen Bento, Nena Bloomquist
Samantha Khosla, Tom Abel, Robyn Ripley, and Janice Merk

Also Present: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from our October 2 meeting
3. Trust fund/State Aid reports for October
4. Director's Report
5. Marlborough Public Library Naming Policy Draft

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the October 2018 meeting was passed (Merk/Abel).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for June, July and August 2018 was passed (Abel/Khosla).*
3. **Director's Report:** (see attached for more details)
 - Margaret has received notification that our state aid for the new year is \$46,674, which will be dispersed in two installments. The first will be in December, the second in April.
 - Margaret has transferred \$2,000 from the part-time clerks' salary budget allocation to the part-time reference librarian allocation to cover the cost of substitutes needed when the librarians are absent due to vacation or illness.
 - The last open part-time clerk position has been filled. There are two page positions still open.
 - On October 19, a workshop was held to train staff on how to interact with patrons who have mental health issues. The program was funded by the city's HR department and presented by a retired social worker with experience in this area. The 20 staff members who participated found the training extremely informative as it deals with an issue they contend with on a regular basis.

- The library building project will be on the agenda for the City Council Finance Committee on November 13. The committee will discuss and vote on the bond as the next step in the project. If they approved, the full city council will vote on the bond at their January 7, 2019 meeting.
- Teen Librarian Christine Amatrudo will be spending time at the high school media center each month to promote library programs and provide students with library cards. The staff is very excited about the opportunity to work so closely with the school.
- A 30-day no trespass order was issued to a patron who was disruptive and frightening staff and other patrons. The police department was very supportive and helped serve the order.
- A staff team led by Morgan Manzella is heading an initiative to develop a new website which will be a subdomain of the city's site.

Committee Reports:

- Foundation:
 - Nena Bloomquist reported that the Foundation has received donation commitments of nearly \$400,000 to date. Many of these donations are contingent upon the city approving the building project.
 - Margaret noted that she is working submitting grants to a variety of organizations. The Cummings Foundation has invited the foundation to submit a grant for \$100,000.
- Friends:
 - The Friends are operating a reduced schedule of activities as they continue to craft a new direction for the organization.

4. Old Business:

- No old business to discuss

5. New Business:

- Margaret presented a draft of a naming policy which would allow the Foundation to recognize significant financial contributions. The trustees requested that the policy be reviewed by the city solicitor, and that guidance be shared at the board's December 2018 meeting.
- The Marlborough Historical Commission is creating a "Museum in the Streets" which will highlight historically important locations throughout the downtown

area. The MPL will be featured on the route and marked with a special plaque explaining the historical significance of the library.

6. Adjournment: *A motion to adjourn passed at 8:05pm (Kholisa/Abel)*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees

Meeting Minutes

November 6, 2018

Bigelow Auditorium, Marlborough Public Library

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB 26 A 8:05

Meeting called to order by William Brewin at 7:03pm

Board Members Present: William Brewin, Rustin Kyle, Karen Bento, Nena Bloomquist
Samantha Khosla, Tom Abel, and Janice Merk

Also Present: Margaret Cardello, Library Director

Absent: Robyn Ripley

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from our October 2 meeting
3. Trust fund/State Aid reports for October
4. Director's Report
5. Marlborough Public Library Naming Policy Draft

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the October 2018 meeting was passed (Merk/Abel).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for June, July and August 2018 was passed (Abel/Khosla).*
3. **Director's Report:** (see attached for more details)
 - Margaret has received notification that our state aid for the new year is \$46,674, which will be dispersed in two installments. The first will be in December, the second in April.
 - Margaret has transferred \$2,000 from the part-time clerks' salary budget allocation to the part-time reference librarian allocation to cover the cost of substitutes needed when the librarians are absent due to vacation or illness.
 - The last open part-time clerk position has been filled. There are two page positions still open.
 - On October 19, a workshop was held to train staff on how to interact with patrons who have mental health issues. The program was funded by the city's HR department and presented by a retired social worker with experience in this

area. The 20 staff members who participated found the training extremely informative as it deals with an issue they contend with on a regular basis.

- The library building project will be on the agenda for the City Council Finance Committee on November 13. The committee will discuss and vote on the bond as the next step in the project. If they approved, the full city council will vote on the bond at their January 7, 2019 meeting.
- Teen Librarian Christine Amatrudo will be spending time at the high school media center each month to promote library programs and provide students with library cards. The staff is very excited about the opportunity to work so closely with the school.
- A 30-day no trespass order was issued to a patron who was disruptive and frightening staff and other patrons. The police department was very supportive and helped serve the order.
- A staff team led by Morgan Manzella is heading an initiative to develop a new website which will be a subdomain of the city's site.

Committee Reports:

- Foundation:
 - Nena Bloomquist reported that the Foundation has received donation commitments of nearly \$400,000 to date. Many of these donations are contingent upon the city approving the building project.
 - Margaret noted that she is working submitting grants to a variety of organizations. The Cummings Foundation has invited the foundation to submit a grant for \$100,000.
- Friends:
 - The Friends are operating a reduced schedule of activities as they continue to craft a new direction for the organization.

4. Old Business:

- No old business to discuss

5. New Business:

- Margaret presented a draft of a naming policy which would allow the Foundation to recognize significant financial contributions. The trustees requested that the policy be reviewed by the city solicitor, and that guidance be shared at the board's December 2018 meeting.

- The Marlborough Historical Commission is creating a "Museum in the Streets" which will highlight historically important locations throughout the downtown area. The MPL will be featured on the route and marked with a special plaque explaining the historical significance of the library.

6. Adjournment: *A motion to adjourn passed at 8:05pm (Kholosa/Abel)*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees

Meeting Minutes

December 4, 2018

Bigelow Auditorium, Marlborough Public Library

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB 26 A 8:05

Meeting called to order by William Brewin at 7:04pm

Board Members Present: William Brewin, Rustin Kyle, Nena Bloomquist, Tom Abel, Robyn Ripley, and Janice Merk

Absent: Samantha Khosla, Karen Bento

Also Present: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the November 6 meeting
3. Trust Fund/State Aid reports for November
4. Director's Report
5. Marlborough Public Library Naming Policy Revised Draft

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the November 2018 meeting was passed (Abel/Ripley).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for November 2018 was passed (Abel/Bloomquist).*
3. **Director's Report:** (see attached for more details)
 - Margaret was pleased to report that with the hiring of a new Teen Assistant and two Page positions, the library is once again fully staffed.
 - The City Council Finance Committee approved the bond for the library renovation project 5-0 at their November 13 meeting. The city has advertised the bond, and the full Council will vote on the bond at their regular meeting on January 7, 2019.
 - A change to the city ordinance which will allow Trustees to name spaces in the proposed renovated library was approved at the City Council's November meeting.
 - Margaret has submitted an update to the library's Long-Range Plan to the MBLC. This is requirement of the grant process.

- Nena and Margaret will be attending the Brigham Family Trust awards ceremony in December to receive the first \$5,000 installment of the trust's \$25,000 pledge to the MPL Foundation's capital campaign. In addition, Margaret expects to hear by mid-December whether the MPL Foundation will be invited to apply for a \$100,000 grant from the Cummings Foundation.
- The wheelchair donated by Bouvier Pharmacy has been delivered. The generous donation will be recognized with a sign on the back of the chair.

Committee Reports:

- Foundation:
 - Nothing new to report beyond the information shared in the Director's Report.
- Friends:
 - Nothing new to report.

4. Old Business:

- The Trustees reviewed a revised draft of the Marlborough Public Library Naming Policy, which outlines the terms by which Trustees can recognize significant financial contributions that benefit the library. Several minor changes were recommended by board members. Margaret will submit these to the city solicitor and expects to have a final version of the policy ready for review at our January meeting.

5. New Business:

- Bill noted that a new slate of officers must be elected at the Trustees Annual Meeting on January 8, 2019.

6. Adjournment: *A motion to adjourn passed at 7:59pm (Kyle/Ripley)*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees

Meeting Minutes

January 8, 2019

Bigelow Auditorium, Marlborough Public Library

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB 26 A 8:05

Meeting called to order by William Brewin at 7:03pm

Board Members Present: William Brewin, Rustin Kyle, Nena Bloomquist, Tom Abel, Robyn Ripley, Karen Bento, and Janice Merk

Absent: Samantha Khosla

Also Present: Margaret Cardello, Library Director, and Fred Haas, a new library trustee expected to be sworn in at the January 8 City Council meeting

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the December 4 meeting
3. Trust Fund/State Aid reports for December
4. Director's Report
5. Marlborough Public Library Naming Policy Revised Draft

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the December 2018 meeting was passed (Bloomquist/Bento).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for December 2018 was passed (Ripley/Kyle).*
3. **Director's Report:** (see attached for more details)
 - Margaret introduced Fred Haas to the Trustees. Fred's appointment to the MPL Trustees has been approved by the City Council Personnel Committee and he is expected to be sworn in on January 8.
 - Margaret was delighted to report that the full City Council has unanimously approved the bond for the library renovation project. She has requested a certified copy of the vote, which must be delivered to the Mass Board of Library Commissioners by January 11. Once this is completed, the first installment of the grant will be sent to the city. Margaret will be working with the MBLC and the city to define the next steps in the project.

- The city is creating a new city-wide social media communications committee, and Morgan Manzella will be the library's representative.

Committee Reports:

- Foundation:
 - Nena and Margaret attended a reception by Brigham Family Trust reception with Nena on December 6 and accepted a check for \$5000, the first installment in a 5-year, \$25,000 pledge.
 - Nena reported that with the Council's acceptance of the grant, the Foundation's fundraising efforts will be kicking into high gear. The group has raised \$420,000 in commitments towards its \$2 million goal. The next meeting of the Foundation will take place on Tuesday, January 15 in the Walker Building.
- Friends:
 - Nothing new to report.

4. Old Business:

- Margaret has incorporated the changes requested by the board into the most recent draft of the Marlborough Public Library Naming Policy. The policy outlines the terms by which Trustees can recognize significant financial contributions that benefit the library. Margaret will submit these to the city solicitor and expects to have a final version of the policy ready for review at the February meeting.

5. New Business:

- Bill noted that the January meeting is also the Annual Meeting of the MPL Trustees. Per Article 3 in the board's bylaws, a new slate of officers must be elected at this meeting. A motion was made (Bloomquist/Ripley) and passed to nominate Tom Abel as Chair, Bill Brewin as Vice-Chair and Janice Merk as Secretary/Treasurer for the next term. The board unanimously voted to elect all nominees to these positions.

6. Adjournment: *A motion to adjourn passed at 7:47pm (Abel/Kyle)*

Minutes submitted by Janice Merk.

Minutes of the Licensing Board Meeting Held Wednesday, January 30, 2019
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2019 FEB 28 P 3:05

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)**
Member Bouvier motioned for approval, seconded Member Mitrakas
Board vote: 3-0 approved
- **Immaculate Conception School Parents Association (1)**
Member Mitrakas motioned for approval, seconded Member Bouvier
Board vote: 3-0 approved

- 2. Application Full Entertainment License - Labareda's Churrasco Buffet,
500 Boston Post Rd E**
Member Bouvier motioned for approval, seconded Member Mitrakas
Board vote: 3-0 approved

- 3. 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 Rodriquez, manager, attended

Member Bouvier motioned for approval of the transfer of an Innholder All Alcoholic Beverages License from Midland Hotel Corp. (DBA Holiday Inn Marlborough) to Spire Hospitality, LLC (DBA Holiday Inn Marlborough), Member Mitrakas seconded; Board vote was 3-0 to approve.

- 4. Application New Wine and Malt Beverages License – Half Axe, 21 Apex Drive,
Suite 4A**
Tabled until the February meeting at applicant's request

7. Reports from Chairman –

- **New England Sports Center's One-Day Permit Request**
Chairman Bonin reported that NE Sports Center is planning a large event to take place in April that it believes it will need a one-day permit for as it will occur outside on the building grounds. They are still clearing issues with other city departments but will formally apply when all the issues related to those departments have been addressed.

- **Class II Dealership Permit Process**

Chairman Bonin reviewed with the Board the licensing process that has been suggested for new Class II Dealerships. After much discussion, the Board agreed that they should not hold a hearing on such licenses until all other departments had signed off on the dealership; and that the fee and copy of the Bond would not be required until after the Board approved the license and the license was ready to be handed over to the dealership. Additionally, there was some discussion on finding out if the process outlined was to occur for each new owner versus in the case of a transfer of the license to another owner it would not be needed.

8. Misc. Correspondence and Open Issues

- There were no correspondence and open issues

9. Review minutes –

January 30, 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 9:05 pm. Member Bouvier seconded; Board vote: 3-0.

The next meeting of the Licensing Board is Wednesday, February 27, 2019.

Respectfully submitted,



Walter Bonin, Chairman

CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

February 21, 2018

Regular Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAR -6 P 4:36

Call to order: 10:00 am

Members Present: Brian Doheny, Diane Smith, Michael Bergeron, Michael Ossing, Alfred Weaver

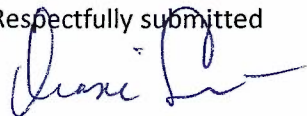
Members Absent:

- Motion made and seconded to accept the minutes of the October 27, 2017 meeting. Approved 5-0.
- Representatives Josh Paul and Doris Huard from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to January 31, 2018. The fund totaled \$8.1 million with a return of 3.88%. This information will be sent to the City Council for a future agenda.
- Bartholomew and Company discussed with the board the possibility of slightly modifying the current investment policy. The way it is written now states "all fixed income investment vehicles shall be United State Dollar denominated only" which is very restrictive. A motion was made and seconded to modify the policy to state "the majority" instead of all. Approved 5-0.
- Brian Doheny informed the board that the City Council approved a \$1.1 million transfer from free cash to the OPEB Trust based on the City's financial policies. This money along with a FY18 appropriation of \$100,000 will be invested within the next month.
- Brian Doheny presented the board with the current actuarial valuation done by Odyssey Advisors for fiscal year ending June 30, 2017. Over the two-year period, the Actuarial Accrued Liability went from \$115,430,044 as of June 30, 2015 to \$120,893,279 as of June 30, 2017.
- The Marlborough Community Development Board recently voted Brian Doheny the custodian of their OPEB Trust. The MCDA is looking to merge their OPEB funds with the City's for investment purposes. The City's OPEB trustees would act as an advisory board only to the MCDA. Funds for the two entities will be accounted for separately. Bartholomew & Company noted that the two entities have different tax id numbers and that this could be handled in several ways. It was recommended to seek the advice of the City's outside auditors for their thoughts and expertise. A motion was made and seconded to accept the MCDA funds and allow the Treasurer to invest on the recommendation of the City's outside auditors. Approved 5-0.
- The board discussed the Trust Agreement, Article 5, Trustees. The board is comprised of 5 members, including the Finance Director of the Marlborough Public School Department. The current Finance Director, Michael Bergeron, has accepted the Superintendent position effective July 1, 2018. The board congratulated Mike on his new position.
- The board discussed the Department of Local Services unveiling of the Municipal Finance Trend Dashboard that was highlighted in a recent City & Town publication. One of the areas the board found useful was the "Unfunded Liabilities" section. It is here that information can be found regarding trends in pension liabilities, OPEB liabilities and fund balances for those municipalities

that are self-insured for health insurance. Information can be viewed both at the individual community level and on a state-wide basis.

- Motion made and seconded to adjourn at 11:41 am. Approved 5-0.

Respectfully submitted

A handwritten signature in blue ink, appearing to read "Diane Smith", with a stylized flourish at the end.

Diane Smith

CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

March 5, 2019

Regular Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -6 P 4:36

Call to order: 11:08 am

Members Present: Brian Doheny, Diane Smith, Doug Dias, Michael Ossing

Others Present: Michael Bergeron

Members Absent: Al Weaver

- Motion made and seconded to accept the minutes of the February 21, 2018 meeting. Approved 4-0.
- The board welcomed new board member Doug Dias, Director of Finance & Operations for the School Department who replaced Michael Bergeron.
- Representatives Alex Bartholomew and Brian Jamros from Bartholomew & Company appeared before the board. The representatives first reviewed the City's portfolio performance from inception to June 30, 2018. The fund totaled \$9.16 million with an annualized return of 2.98%.
- Bartholomew and Company went on to discuss the portfolio's performance as of December 31, 2018. The third quarter did well but the fourth quarter did not. Different factors contributed to this – bad economic data, the Feds raising of interest rates and the government shutdown. The fund totaled \$9.07 million and was down 2%.
- Bartholomew and Company reported that the portfolio's performance for January 31, 2019 was positive and had rebounded. The fund totaled \$9.3 million at the end of January. Performance for February was positive as well.
- Brian Doheny will be sending the portfolio's performance as of June 30, 2018, December 31, 2018 and January 31, 2019 to the City Council on a future agenda.
- Brian Doheny informed the board that the City Council approved a transfer for \$887,745.00 from free cash to the OPEB Trust based on the City's financial policies. This money along with a FY19 appropriation of \$100,000 will be invested within the next month.
- Brian Doheny informed the board that an actuarial valuation for fiscal year ending June 30, 2019 will be done.
- The board discussed holding future meetings semi-annually in the February and September time frames.
- Motion made and seconded to adjourn at 12:26 pm. Approved 4-0.

Respectfully submitted



Diane Smith

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

RECEIVED
CITY CLERK'S OFFICE
FEBRUARY 11, 2019
2019 FEB 26 AM 9:07
CITY OF MARLBOROUGH

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, Philip 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.

1. Meeting Minutes

A. January 28, 2019

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the meeting minutes of January 28, 2019. Mr. Hodge Abstained. Motion carried.

2. Chair's Business

- A. Chair Fenby acknowledged the enclosed appreciation letter to Cynthia Panagore Griffin thanking her for her service to the Board and extending best wishes on her retirement.
- B. Set Public Hearing Date Order No. 19-1007533, Proposed Zoning Amendment-Chapter 650-36- Executive Residential Overlay District. The Public Hearing was set for March 11, 2019.
- C. Ms. Fenby informed members and public that she attended the City's recent joint workshop with the Metropolitan Area Planning Council (MAPC). She explained the focus of the workshop was municipal vulnerability preparedness in the face of climate change. The workshop was informative and impactful. The recommendations from the workshop will be compiled into a report that will be shared in a public listening session held at a future date.

3. Approval Not Required (None)

4. Public Hearings

Since there were many members of the public present for Public Hearing Item 4B, Ms. Fenby asked whether anyone objected to moving 4B up in the agenda. There were no objections.

- B. Proposed Zoning Amendment, Council Order No. 18-1007500, Sections 650-5, 650-17 & 650- 18 Relative to Home Offices and Contractor Storage Yards- Councilor Delano representative.

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:

Councilor Delano was present to represent the proposed zoning amendment. The amendment, supported jointly by the Building Commissioner, Mayor and Mr. Delano (Chair of the Urban Affairs Committee), bring forward this amendment out of necessity. There are issues throughout the City with certain businesses becoming public nuisances. Noise from equipment and radios, equipment storage, neighborhood houses being utilized as contractor rooming houses and equipment lots are contributing to blight, diminished safety and quality of life in the City. He acknowledged that there are many contractors operating without issue, but this ordinance provides support for contractors, since there is currently no allowed use for contractor or landscaper storage yards in Marlborough. This proposed zoning amendment is an effort to reasonably regulate home businesses as well as contractor and landscape contractor storage yards through a process that is equitable and levels the playing field for all. The proposed amendment will create a basis for consistent enforcement. The process will create transparency and eliminate the appearance of preferential treatment in the City. He acknowledged that there has been a strong reaction from pre-existing, non-conforming businesses, contractors running legitimate businesses and property owners leasing out spaces to contractors.

Speaking in Favor:

Mayor Vigeant was present to express his support for the proposed zoning amendment. He explained that he has traveled with the Building Commissioner to various sites throughout the City and seen issues first-hand. Without any ordinance on the books, these uses are not allowed. The proposed zoning amendment puts necessary rules in place. He said that the amendment is not targeted at the small business owner, such as a plumber or electrician who parks their equipment vehicle at their home and stores their equipment in their vehicle. He also acknowledged that some of these businesses and uses predate City zoning. He wants to be transparent and seek input in this public forum.

Question: Monique Duross of 261 DeSimone Drive. It wasn't clear how the contractor and landscape storage yards can legally operate. Must they run in conjunction with a primary business? What kinds of materials will be allowed to be stored on these sites? Mr. Delano said those were good questions and the details must be worked through such as what kinds of things will be allowed in outdoor storage and whether people can be allowed to use these yards to store things from other locations in the City or rented, for example, by people from outside the City.

Speaking in Opposition:

Pat Mauro, 91 Royce Rd. operates CMS at 379 South Street. His business would be affected by the proposed zoning amendment. He is particularly concerned that there appears to be no grandfather clause within the new ordinance. He would like to see a grandfather clause detailed. This clause was also requested by Charlie Trombetta, 42 Whispering Brook Rd., who operates a business at 655 Farm Road. He currently rents to landscape contractors. He indicated that the Marlborough Code Enforcement Officer sometimes refers contractors to his location to rent space. Gina DiMatteo of 721 Farm Rd. hosts small businesses and has a landscape contractor yard. She is also interested in how grandfathering would work. She also wants to better understand who would be required to go through site plan. She wishes to be counted in opposition to the amendment. Laura Barsamian, who operates a business at 655 Farm Rd., is in opposition. Dennis Demers of 49 Northboro Rd. has a 2-acre parcel used as a contractor's yard. He once owned 28 acres of land in the area but sold off the land over the years. He stores equipment in the yard and generally operates between the hours of 7am and 7pm. He said that during snow storms, however, "all bets are off". If equipment needs maintenance during a storm, it would not be uncommon that he will be in operation at any hour. His abutter does have a fence that they maintain. The problem is that fences are now dilapidated and contributes to a junkier appearance. Gary Lynde, 780 North Bigelow Street, operates Lakeside Sewerage Services. He said that small business owners struggle enough without having to incur the added burden of a special permit. Paul DiTullio of 274 Brigham Street operates the Lacombe Business Center. He has contractor yards that abut the City's Department of Public Works. He is concerned that contractor storage yards would not be allowed within Commercial and Automotive Zones, which is the current zoning in most of the Center. He is also opposed to the special permit process. Other members of the public expressing opposition include David Veron, 112 Forest Street and Patrick Mauro, 91 Royce. Toure Foster, 36 Bolton Street, operates an excavating company in a business zone on West Main St. Small businesses have a hard time "doing the dance". Grandfathering details are unclear. Charlie Trombetta further expressed that there was a disregard for the current businesses in operation. Jean Rabelo of 785 Boston Post Road (Post Road Auto) is opposed. She is in a business zone but rents to others. Business zone is excluded from contractor storage yards. Paul Connor, 297 DeSimone, identified himself as the brother-in-law of Mr. DiTullio. He would like to also register his opposition. The proposed zoning amendment has a clause that appears ominous in its retroactive application to currently operating businesses. He wondered what involvement there was from contractors or neighbors in formulating the ordinance. He would think that something far reaching like this proposed amendment would have more input. Additional members of the public expressing opposition include Rebecca Lynde, Michael Monteiro of 667 Farm Rd. and Jim Riessle of 245 Forest St. With no further input from the public, Ms. Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. Elder was concerned that the proposed zoning amendment may be a broad over-reach by the City. He believes blight is a zoning (code) enforcement issue. He felt that requiring applicants to list employees and hours, etc. is too specific and not helpful. He surmised that that employees, for example, would be a variable that is too difficult to track. He also felt that the wording of 47c under conditions for home offices is convoluted and not clear. He also felt that requiring a special permit is cumbersome.

Mr. LaVenture would like to commend the effort to impose some order in this area. As someone who ran a home office for 15-16 years, he felt that there were some legitimate concerns raised. He can appreciate the time and expense that may be involved in the process and hopes that this is an initial draft that is open for comment and discussion. He echoed the sentiments of many speakers who felt that a defined grandfather process is necessary. He asked Councilor Delano what can be done to make the process less onerous? He acknowledged the working history of the City and hoped that the City can work to accommodate existing business concerns.

Mr. Russ echoed Mr. LaVenture's comments and believes this proposed zoning amendment is an initial pass at adding some rules and order to these sites.

Mr. Hodge hoped the process would allow for input from those affected.

Ms. Fenby commented that the proposed ordinance obviously affects many in the City. She commented that the sentiment in the room was particularly centered around the details surrounding a grandfather clause. With no further comment from the Board, Ms. Fenby closed the public hearing.

- A. Proposed Zoning Amendment, Council Order No. 18-1007452A, Sec. 650-5, entitled Definitions; word usage: Retirement Community- Detached and Townhomes, Retirement Community- Multifamily; Section 650-22A, entitled "Purpose", and Section 650-22C, entitled "Permitted Uses". William Pezzoni, Day Pitney, on behalf of Jon Delli Priscoli.

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:

Mr. Pezzoni representing Jon Delli Priscoli told the Board that this proposed zoning amendment meets a demonstrated need for a diverse housing stock, particularly for the 55+ category. The previously proposed zoning amendment was a much larger overlay district than the current proposal. The area is a quadrant of approximately 10 acres, with an anticipated density of 12 units/acre. The zone was reduced to accommodate previous concerns yet remains large enough to avoid any potential spot zoning issues. Councilors had previously asked whether the proposed zone could "bleed" out from the current boundaries. Mr. Pezzoni stated no, the boundaries are clearly defined under this proposed amendment. He has also provided a traffic impact study and addressed parking concerns. He also stated that the financial impact is net positive for the City. While a townhouse-style development would net approximately \$114,000 in City tax revenue, this independent living community will generate approximately double that. Mr. Pezzoni identified Robert Micheau, PE, Managing Principal at MDM Transportation Consultants in Marlborough. Mr. Micheau explained that their study provided both baseline counts as well as 7-year projections for the independent living facility. This type of development is among the lowest in terms of traffic impact with less than a 2% differential. Their study identified no safety deficiencies. In fact, the area has 4-5x lower incidents than typical intersections in the City. There have been no crashes involving pedestrians. No infrastructure upgrades are necessary. Due to previously expressed concerns that peak parking requirements could exceed the "at least one space per unit" allotment, they will be pursuing discussions with the abutting property to provide potential overflow parking in their lot. The development will contain approximately 130 units.

Speaking in Favor:

Richard Lodi of 3 Bradford Circle spoke in favor of the proposed zoning amendment. Representing the 69-unit Regency at Assabet Ridge Condominium Association, Mr. Lodi stated that the proposed development on a parcel proximate to their development provides a logical transition for seniors downsizing from condo ownership to apartment-style living. He commented that the LFB industrial building sat vacant for two years with nothing going on. He fears the empty industrial parcel proposed for the 55+ community could suffer a similar fate and thinks that the current proposal offers a good fit with their property.

Charles Frank of 26 Bowood Lane also spoke in favor of the proposed zoning amendment. He is a member of the Trustees. He complimented Mr. Delli Priscoli's honesty. Mr. Frank indicates Mr. Delli Priscoli has been forthcoming and has openly communicated with the residents of the Regency at Assabet Ridge.

Questions and Comments from Board Members:

Mr. LaVenture asked whether the traffic studies were factored with an age-bias. Mr. Micheau stated that land use categories vary and carry an associated data set. Mr. LaVenture further asked if there was a target age for the development. Mr. Delli Priscoli answered the average age estimate was 75 years. Mr. LaVenture asked whether the proposed 1 car per unit was adequate. Mr. Micheau said studies support that number, but the adjacent parcel provides potential additional parking if necessary. Mr. Hodge commented that the City's past focus centered on single family homes, but multi-family seems to make a lot of sense for seniors.

Ms. Fenby felt that the development should consider a "land bank" on site for future additional parking. With no further questions or comments, Ms. Fenby closed the public hearing.

As item 7A relates to an open public hearing matter, Ms. Fenby requested that 7A be addressed at this time.

7. Definitive Subdivision Submissions / Updates

A. Marlborough Hub – Letter from Jacob Lemieux, Hancock Associates

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the February 8, 2019 letter signed by Jacob Lemieux of Hancock Associates on behalf of Marlborough Hub, LLC. The Planning Board further voted to grant Hancock Associates' requests in that letter to close the public hearing on the definitive subdivision application, which hearing had been opened at a regular meeting of the Planning Board on May 21, 2018, and to withdraw the application without prejudice. Motions carried.

4. Public Hearings (Continued)

C. Continued - Proposed Zoning Map Amendment, Council Order No. 18-1007483, Section 650-8, Rezoning Map 82, Parcels 42 and 42E (Lacombe St.) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district – Peter Bemis, Engineering Design Consultants, Inc.

Mr. LaVenture read the February 8, 2019 letter from Mr. Bemis on behalf of Lacombe Business Center, LLC. The applicant wishes to withdraw the proposed zoning amendment to address an omission in the filing and to understand possible implications of City Council Order 18-1007500 relative to home offices and contractor storage yards. On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to accept and file the February 8 letter and to grant the request to withdraw without prejudice. Motion carried.

D. Continued - Proposed Zoning Map Amendment, Council Order No. 18-1007484, Sec. 650-8, Rezoning Map 104, Parcels 29 and 29A (Mill St. South) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district.

Mr. LaVenture read both the February 8, 2019 email from Neal Vigeant and the February 8, 2019 letter from Peter Bemis on behalf of Stephen Vigeant, Trustee of 22 Englewood Trust into the record.

The correspondences request an extension of discussion on the proposed zoning map amendment until March 25, 2019. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondences and to grant the extension of discussion on the proposed zoning amendment, Council Order No. 18-1007484, until March 25, 2019. Motions carried.

5. Subdivision Progress Reports (Updates and Discussion)

A. Engineer's Report- Subdivision Status Report

City Engineer DiPersio indicated that he had no additional updates than those identified on the agenda.

B. Mauro Farms, Release of Tri-Partite Agreement

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the draft release of the Mauro Farms Tri-Partite agreement to the City's Legal Department. Motion carried.

C. Referral for Recommendation - Council Order 18-1007530 Acceptance of Goodwin Street and McDermot Way as public ways, and their appurtenant easements be accepted as municipal easements. (Cider Mill Estates).

Mr. DiPersio stated Engineering recommends the Board send a favorable recommendation to the City Council.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to recommend to the Marlborough City Council that Goodwin Street and McDermot Way be accepted as public ways, and that their appurtenant easements be accepted as municipal easements in the City of Marlborough, as shown on a plan thereof and as hereinafter described:

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 Mail 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'. Motion carried.

6. Preliminary/Open Space /Limited Development Subdivision Submissions / Updates

A. Hager St. Open Space Special Permit_ i) Draft Findings ii) Legal Opinion on Open Space Zoning

iii) Draft Conservation Restriction iv) Draft Declaration of Covenants Easements and Restrictions

i. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer item i, Draft Findings, to the Legal Department and Engineering. Motion carried.

ii. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer item ii, Legal Opinion on Open Space Zoning, to the Legal Departments and to the Building Commissioner. Motion carried.

iii. On a motion by Mr. Russ, seconded by Mr. Elder, the Board voted to refer item iii, Draft Conservation Restriction, to the Legal Department and the Conservation Officer. Motion carried.

iv. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer item iv, Draft Covenants, Easements and Restrictions to the Legal Department and Engineering. Motion carried.

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

11. Calendar Updates

- A. March 11, 2019, Public Hearing on Council Order No. 19-1007533, Proposed Zoning Amendment-Chapter 650-36- Executive Residential Overlay District.
- B. March 25-Continued Discussion Public Hearing- Proposed Zoning Map Amendment, Council Order No. 18-1007484, Sec. 650-8, Rezoning Map 104, Parcels 29 and 29A (Mill St. South) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district

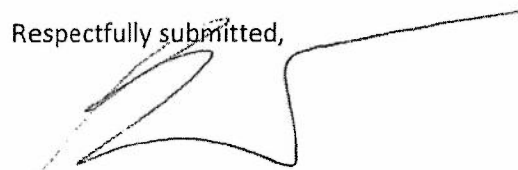
12. Public Notices of other Cities & Towns

- A. City of Framingham (3 notices)

On a motion by Mr. Elder, seconded by Mr. Russ, 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
January 29, 2019**

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH**

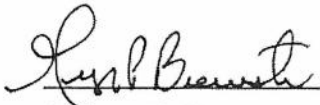
2019 FEB 26 P 4 12

The monthly meeting of the Marlborough Retirement Board was held on January 29, 2019. Gregory Brewster, William Taylor, Diane Smith, Daniel Stanhope, and Margaret Shea were present.

1. The meeting was called to order at 8:15 a.m.
2. The Board reviewed the minutes of the meeting of December 21, 2018. A motion was made and seconded to approve. Vote unanimous.
3. The asked the members if they had questions regarding the medical panel report of Alyssa Stetson. The director told the members if there was no need for clarification from the doctors, the hearing would be held at the regularly scheduled retirement board meeting on February 26, 2019.
4. The next item on the agenda was the approval of retirements. Janice Castagno had applied to retire effective December 20, 2018. After a review of pertinent information, a motion was made and seconded to accept and place on file. Vote unanimous.
5. The following members' accounts were scheduled to be transferred to other retirement systems: Ijen Chen, Dana Leavitt, Gloria Campos, and Erin Kartunen. A motion was made and seconded to approve transfers. Vote unanimous.
6. The Board discussed various issues concerning regular compensation including the O'Leary matter.
7. The Board reviewed the following financial materials: operating budget as of 12/31/18, cash flow analysis as of 01/31/2018, cash reconciliation for December 2018, and preliminary cash books, adjustment journal, trial balance, and general ledger for December 2019. A motion was made and seconded to accept and place on file. Vote unanimous.
8. The Board reviewed PERAC memoranda regarding FY20 COLA, 2019 Interest Rate, and Mandatory Training. A motion was made and seconded to accept and place on file. Vote unanimous.
9. New Business/Old Business was the next item on the agenda. The Board asked the director to discuss the status of the additional staff member. The Board also discussed the increase in board member stipend and the increase in the COLA base to \$14,000.
10. A motion was made and seconded to approve the following warrants: retiree payroll for January 2019, #032019 and #042019. Vote unanimous.

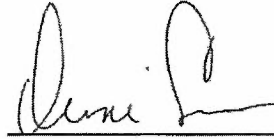
DS
WST

11. A motion was made and seconded to adjourn the meeting. Vote unanimous.

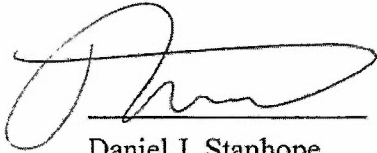


Gregory P. Brewster
Chairman

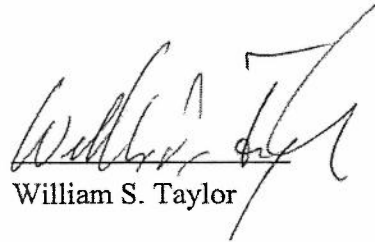
David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 FEB 28 P 1:26



**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, January 30, 2019 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, Officer Andy Larose – MPD Traffic Services Unit, City Councilor Katie Robey, City Councilor Christian Dumais and Assistant City Clerk Steve Kerrigan. Sgt. Dan Campbell – MPD Traffic Services Unit was present for second half of meeting. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, December 19, 2018.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File.

2 - New Business

2a) Public safety issue at the Apex Center.

Officer Bonina sent an email to Chief Giorgi on this issue. His concern is with the area in front of the Apex Center. There are two lanes, one east and one west, cars pull up in front of the building to drop off and pick up which narrows the area to one lane. He said, “couple that with the issue of people and kids crossing in between the parked cars, I fear someone is going to get struck crossing.” He said it becomes “a nightmare” when there is a medical call. He is asking if it is possible to make a no parking or fire lane out front and adding painted crosswalks from the building to the parking lot.

Tim Collins pulled up a diagram of the area for reference. He said that the Apex Center would have to give authority for this to be done, though he thinks the Fire Department can have a say if they feel a fire lane is needed. He noted in the diagram that there are

crosswalks shown, however, they were never actually installed. Site Plan (Priscilla Ryder) can get in touch with them on this issue.

MOTION was made, seconded, duly VOTED to REFER to Site Plan and speak to Priscilla Ryder and to Fire Chief Breen to review the site.

2b) Parking on Winthrop Street adjacent to 406 Lincoln Street – Follow up.

This follow up request came from Helen Donis-Keller of the Renaissance Lofts Condominium Association. In her email, she says that the parking restriction on Winthrop Street is unclear and visitors have been ticketed here and also that they had requested that the curb at the intersection of Winthrop St. and Lincoln Street be repainted yellow. They made the request a year ago and it has not been done yet.

Tim Collins passed out an aerial photo indicating the area for the parking restriction, which states “No Parking During Certain Hours (7:00 am – 6:00 pm).” He also included the specific section from the regulations manual. He noted that there should be a sign at each end of the restricted area, however, the post next to the loading dock had been knocked down. He advised that he has instructed the sign shop to add an arrow to the existing sign to clearly show the restricted area. They can add a sign with an arrow under the existing sign.

Tim Collins also advised that the City stopped painting the yellow curbing years ago as this requirement (no parking within 20 feet of an intersection) exists all over the City. Lisa Thomas said that we have advised them of this in the past and have provided them with all the necessary information to paint the curb themselves. It is not incumbent upon the City to paint this area for them.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to advise Ms. Donis-Keller as to the discussion. REMOVE from the AGENDA.

2c) Request for speed limit signs on Prospect Street.

This request was submitted by a resident of Prospect Street. He indicated that the main time of concern is Monday to Friday between 4pm and 7pm and all day Saturday and Sunday. He states that speed here is a growing concern and that too many cars, trucks and even buses fly through this road. Best case for them would be solar powered speed signs worst case would be at least a speed limit sign in each direction.

Officer Larose advised that he did put the electronic speed signs out for 4 days. He would normally have left them out longer but there was snow coming and he had to remove them. The summary over the four days (1/15/19 to 1/18/19) showed an average of 442 cars per day with an 85th percentile of 22.97 mph. The maximum speed was 46 mph. There is no special speed regulation here and it is an unposted 30mph roadway. Officer Larose advised that he can put the signs back out in the spring. They have now been stored for the winter as the cold drains the battery.

Sgt. Campbell advised that he spoke to the resident and that they are looking for the signs stating, “thickly settled – 30 mph”. Tim Collins advised that he thinks this area would meet the qualifications, however, every street in that area would also meet the

qualifications. Chief Giorgi asked if any approval was necessary to add these signs. Tim Collins said no approval is required because they are advisory only. The Chief recalled that we did this same thing on Northboro Road since it is used as a cut through. He thinks we could do the same thing here on Prospect.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review with regard to thickly settled requirements.

2d) Traffic Commission Meeting Schedule for 2019.

All agreed with the scheduled dates and times for 2019.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. Lisa Thomas advised that she would post the schedule on the Traffic Commission website.

2e) Request for a crosswalk at John Street and Maple Street.

This request was made by Ryan Lutz. He states in his email that the playground on John Street is heavily used and has been fully operational for a while, however, there is no crosswalk for pedestrians if they want to cross S. Bolton St./Maple St. at the intersection of John. The nearest crosswalk is at Howe St. and South Bolton.

Tim Collins pulled up a diagram of the area for reference. Part of the Maple Street Reconstruction project does include a crosswalk, however, it is currently under review by Engineering. The issue is that the proposed location is not the safest place to cross due to the turning movement coming out of John Street and Maple. A flashing beacon could be a possibility; however, cars are looking for oncoming traffic not for pedestrians crossing. He said that there is a crosswalk now at the corner of John, but there is no sidewalk in front of the park.

Chief Giorgi asked about the visibility when traveling North on Maple Street. It is a pretty wide open intersection. Mr. Collins said that they may put a raised island in the center making it safer.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for REVIEW. Chief Giorgi advised that he would contact Mr. Lutz and advise as to the discussion.

3-Old Business

3a) Request for Parking Ban Exception on Monument Ave.

Update: Commissioner Ghiloni said that a letter was sent to the residents at 26 Monument Ave. advising that they need to move the boat and trailer that were parked in the open lot. Both were moved and then later put back on the lot. The City may need to send a second letter stating that they are not meeting the specific requirements of the license to park there. The license may need to be reissued with very specific requirements.

Chief Giorgi asked if the City councilors had anything else they would like to add for discussion.

A brief discussion followed regarding plowing issues, specifically with regard to sidewalk plowing. There was also an issue regarding the intersection of Pleasant St. and Ash Street. Engineering advised that they would look into it further and bring it before the Traffic Commission as a formal agenda item if necessary.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:29 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, January 30, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, December 19, 2018.
- Email from Officer Bonina to Chief Giorgi, dated 1/6/19, re: Apex Center.
- Email from Helen Donis-Keller to Chief Giorgi, dated 1/3/19, re: Parking on Winthrop Street adjacent to 406 Lincoln Street, work not done, including 4 photos.
- Email from Joe Purretta to Sgt. Campbell, dated 1/3/19, re: Traffic Enforcement Request for Prospect Street.
- Traffic Commission Meeting Schedule for 2019.
- Email from Ryan Lutz to the Police Department, dated 1/4/19, re: Traffic Commission – Crosswalk at John St. and Maple St.

Additional Handouts:

- Diagram of Apex Center
- Copy of section of regulations re: Parking restriction on Winthrop Street including aerial photo.
- Diagram of Prospect Street Area
- Diagram of intersection of Route 85 (Maple Street) and John Street.
- Extended Speed Summary Report for Prospect Street.

City of Marlborough
Zoning Board of Appeals
Minutes
February 19, 2019 (Tuesday)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR -5 P 3:49

Members Present: Paul Giunta-Chairman, Thomas Golden, Thomas Pope and Robert Levine

Zoning Board of Appeals Case # 1451-2019

Applicant: Timothy LaFrankie

Location: 107 Kosmas St.

Representative Present:

- Timothy LaFrankie – Applicant

Petition: To construct a 22 ft. x 27 ft. addition to the existing house at 107 Kosmas St. (Map 32, Parcel 185) The proposed addition will be 16 ft. vs. the required 20 ft. to the side lot line, thus a deviation of 4 ft. Located in Zoning District A-1, Chapter 650, Article 41 "Table of Lot Area, Yards and Height of Structure of the City Code of Marlborough. The applicant is also proposing a 22 ft. x 10 ft. open deck off the proposed addition which does not need relief.

The property is located in Zoning District A-1.

This is a single-family home with a driveway at the front left of the house. At the rear of the house there is a shed, a patio and deck. The lot contains some 28,205 sq. ft. in lot area.

The shape of the lot is wider at the front (187 ft. frontage) with a gradual narrowing as it approaches the rear lot line (89 ft. wide for the rear lot line). As you face the lot, the right-side lot line gradually angles in towards the rear.

The surrounding lots are similar in lot shape and area. The location of the lot in question may be at the highest elevation in the neighborhood. The topography of the lot in question slopes slightly from front to rear. And it slopes slightly from side to side.

In the applicant's filing packet are the following:

- The denial letter from the Building Dept. dated Jan. 9, 2019.
- **Plan:** The applicant provided a plan entitled: Certified Plot Plan, 107 Kosmas St. Timothy LaFrankie, prepared by: Odone Survey & mapping, stamped by Glenn Odone, Jr. Dated Dec. 4, 2018
- Letter dated Jan. 9, 2019 written by the applicant
- Application form

The Board chairman stated how the hearing will proceed. The Board chairman also informed the audience that this is a 5-member board and there are only 4 Board Members present this evening. The applicant must receive a 4-0 vote in order to receive the variance. The applicant agreed to go forward with the 4 members this evening.

The applicant stated the following:

- He is proposing a 22 ft. x 27 ft. addition which will be at its closest point 16 ft. to the side lot line. (vs. the 20 ft. required for side yard setback). Thus, a deviation of 4 ft.
- He is also proposing an attached 22 ft. x 10 ft. open deck at the rear of the propose addition. An open deck can be 5 ft. from the lot line, so a variance will not be needed.
- According to his letter dated January 9, 2019 which is attached to his application, he stated he is unable to move the addition to the back of the house due to the irregular shape of the lot and ledge that was determined to be there which in turn would add financial hardship to have the ledge removed. Costing some \$15,000 - \$22,000 to remove.
- According to his letter dated January 9, 2019, the addition is to provide a larger family living area. (adding 2 additional bedrooms)
- The proposed addition will be an improvement to the house and will add value to the house. Also, the addition will be esthetically pleasing to the neighborhood.
- At the meeting, the applicant brought in some design layout plans for viewing. Not in Board's file.
- He stated his son will be graduating from college soon and will be moving back to the house thus needing more living space. The applicant works from the house and the additional living space will give him a room for his office. He will be getting married in the future and this addition will give him more living space.
- He stated he has a row of young arborvitaes, which are currently 8-10 ft. high and still growing on his property abutting the side lot line. These serve as a buffer between his neighbor's driveway at 97 Kosmas St.
- These arborvitaes are also 8-10 ft. ± from the proposed addition.
- He stated that his proposal is similar to his neighbor's across the street at 114 Kosmas St. who received a variance last year.

Board member asked if the proposed addition can be scaled down to an 18 ft. x. 27 ft. then a variance will not be required. Applicant stated – No.

HARDSHIP: The hardship as stated by the applicant:

- Because of the soil condition, being the amount of ledge located on his property, restricts him on where to place the proposed addition.
- The high cost of ledge removal prevents him from constructing at the rear of the house.
- The shape of the lot is preventing him to conform with the side yard setback, because of the slight angle of the right lot line which narrows the lot as you proceed towards the rear of the lot.
- He stated there is less room on the left side of the house to do the proposed addition.
- He stated when he dug for his patio at the rear of the house, there was evidence of ledge at the back of his house.
- Needing additional living space for his family.

Speaking in **Favor** of the petition – None

The Board read into the file a letter from the abutting neighbor, Renate Insani, 97 Kosmas St. Marlborough, MA - dated February 13, 2019. Stating her **opposition** to the petition. (Letter in Board's file)

Speaking in **Opposition** of the petition:

- Renate Insani – 97 Kosmas St. Marlborough, MA – She is the abutting neighbor to the right of the lot in question. She made the following comments:
 - She feels that the distance between the house in question and her house is less than most houses in the area. She stated that the applicant uses 114 Kosmas St. as an example of receiving a variance last year for a similar proposal as his. But, Ms. Insani stated you cannot compare that example to his proposal, because there is considerably more distance between those houses.
 - The applicant has a considerable amount of land to the rear of his house in which he can construct the proposed addition.
 - Her existing driveway is about 5-6 ft. lower than the applicant's lot, fearing water run-off into her garage from his addition.
 - The existing arborvitaes are baby in size being some 6 ft. high and 12 ft. wide which are already encroaching onto her property. When they are fully grown they will encroach onto her property more and they may pose a danger to her lot and home.
 - As the applicant stated, the addition will probably add to the value to his house, but it may not add value to her house. She feels it is not fair that the value of her house may depreciate, because of the proposed addition.
 - She asked the applicant what the loud noise from his house was. The applicant stated it may be the power vent on top of the water heater. He stated he planned to install a waterless tank.
 - She felt even if there was a restriction for the applicant to trim the arborvitaes, so they do not become a nuisance on her property. She felt the applicant will not comply.
 - The proposed addition should be placed on the other side of the existing house. She does not want to look at his addition from her bedroom windows.

- Robert Insani – 6 Andrews Way, Southborough, MA
 - Feels the applicant has no hardship and has not proven hardship thru his testimony.
- Deborah Insani – 6 Andrews Way, Southborough, MA – was present.

- Mary Insani – 74 Thomas Dr., Marlborough, MA – She stated the following:
 - The existing arborvitaes will grow larger causing more of a nuisance.
 - Water run-off from the proposed addition onto 97 Kosmas St. driveway, will freeze and cause a hazard.
 - Her mother will take a financial hit, while the applicant takes a financial gain by creating a larger house. Does not seem to be fair.

- Steve Delorey - 74 Thomas Dr., Marlborough, MA 01752. He stated the following:
 - Feels the applicant has no hardship.
 - The applicant seems to be financially sound as evidence thru the work he has done throughout his yard. So, he should be financially capable of placing his addition at the rear of his lot.
 - If a variance is granted, it will be a hardship on his mother-in-law.

Board member Robert Levine stated he supported the petition. He felt the applicant met the requirements for a variance, with ledge on the lot and the shape of the lot. The addition will improve the applicant's lot. The proposed addition will be ethically pleasing to the neighborhood, water run-off should not be an issue because water will shed as it currently does, the existing arborvitaes and the added arborvitaes will serve as a noise buffer to the neighbor at 97 Kosmas St.

With no other testimony taken or given, the public hearing was closed.

On a motion by Robert Levine and seconded by Thomas Pope to grant a variance with restrictions. The Board voted 4-0 to grant a variance with restrictions.

Respectfully submitted,


Paul Giunta
Chairman