

REGULAR MEETING
NOVEMBER 18, 2019
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 NOV 14 P 1:40

1. Minutes, City Council meeting, October 28, 2019.
2. PUBLIC HEARING On Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, Order No. 19-1007808.
3. PUBLIC HEARING On the Application for Fuel Storage License, One Energy, Inc., for Underground storage of 24,000 gallons of Gasoline and 4,000 gallons of Diesel fuel, 121 Bolton Street, identified as Map 57, Parcel 289, Order No. 19-1007823.
4. PUBLIC HEARING On the Application for Pool Table License, Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East, Order No. 19-1007839.
5. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of David Skarin, to construct a new residential community to be known as Trailside Terrace at 19 Ash Street, Order No. 19-1007809.
6. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, Order No. 19-1007824.
7. Communication from the Mayor, re: Transfer Request in the amount of \$13,226.30 from Receipts Reserved TNC Surcharge to Capital Outlay-Police Equipment, to fund the purchase of additional traffic enforcement equipment.
8. Communication from the Mayor, re: OPEB (Other Post Employment Benefits) Trust Liability Update.
9. Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East, in proper legal form, Order No. 19-1007670A.
10. Communication from the MA State Lottery Commission re: Installation of Keno monitor at an existing Keno to Go agent, Pete's on The Main, 121 Main Street.
11. Communication from various retirees of the City of Marlborough re: Support for increase in COLA pursuant to MGL Chapter 32 §103(j), Order No. 19-1007689.
12. Communication from Cynthia J. Gleason on behalf of Tigercat Properties LLC, re: Request for a one-year extension of time on Special Permit to construct a multifamily dwelling at 487 Lincoln Street, Order No. 16/17-1006735H.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

13. Minutes, School Committee, September 24, 2019.
14. Minutes, Commission on Disabilities, September 3, 2019 & October 1, 2019.
15. Minutes, High School Council, October 24, 2019.
16. Minutes, Retirement Board, August 27, 2019 & September 24, 2019.
17. Minutes, Traffic Commission, September 25, 2019.
18. Minutes, Zoning Board of Appeals, October 22, 2019.
19. CLAIMS:
 - a) Alexandra Francois-Saint Cyr, 196 Blanchette Drive, pothole or other road defect.
 - b) Rodger Weismann, 14 Todd Pond Road, Lincoln, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

20. **Order No. 19-1007670A: Application for Sign Special Permit from Atty. Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East.**

The Urban Affairs Committee met with Christine DiBiase of Adler, Pollock, & Sheehan on behalf of Colbea Enterprises on their application for a sign special permit for the Shell Station, 342 Boston Post Road. Chairman Delano explained that video display and pump topper regulations were approved at the City Council meeting on October 21, 2019 and no longer require approval for pump toppers which are allowed by right. The freestanding sign will comply with the sign ordinance and be turned off when the facility is closed. The petitioner has amended the Special Permit decision to remove language regarding pump toppers.

Motion made by Councilor Juaire, seconded by the Chair, to approve. The motion carried 5-0.



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2019 NOV 14 A 11:50

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Steven W. Kerrigan
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723

OCTOBER 28, 2019

Regular meeting of the City Council held on Monday, October 28, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Robey, Delano, Doucette, Tunnera, Irish and Landers. Absent: Ossing, and Dumais. Meeting adjourned at 8:53 PM.

ORDERED: That the Minutes of the City Council meeting, OCTOBER 21, 2019, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738C, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

Councilors Absent: Dumais & Ossing.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716A, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

Councilors Absent: Dumais & Ossing.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$124,805.00 from the Executive Office of Public Safety and Security for the Police Department which will be used to offset overtime costs in the Public Safety Dispatching Center; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$35,964.84 from the Executive Office of Public Safety and Security for the Police Department as reimbursement for mandated training for Dispatch personnel; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount \$29,877.63 from the Executive Office of Public Safety and Security for the Police Department which will be used to purchase a new CAD system/EMD software to conduct dispatch quality assurance reviews; adopted.

ORDERED: That the Communication from the Mayor, re: Update on Library Renovation Project, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, in proper legal form, Order No. 19-1007756C, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, in proper legal form, Order No. 19-1007779A, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Jay Piques, re: Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, in proper legal form, Order No. 19-1007757B, **MOVED TO ITEM 24**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Application for Pool Table License by Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East, refer to **PUBLIC SERVICES COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Application for Renewal of Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Amended Request for Signs, Approach Student Center, 58 Apex Drive, within the HRMUOD, **APPROVED**; adopted.

ORDERED: That the Minutes, Conservation Commission, July 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 7, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 1, 2019, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Transfer Request in the amount of \$322,873.25 which moves funds from Reserved for Salaries to various accounts within the Fire Department to fund the contract with the Firefighters Local 1714, for the period July 1, 2018 to June 30, 2021, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH

BUDGET TRANSFERS –

DEPT:		Comptroller				FISCAL YEAR:		2020	
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$990,000.00</u>	<u>\$322,873.25</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$16,702.67</u>	<u>12200001</u>	<u>50334</u>	<u>Battalion Chief</u>	<u>\$239,387.84</u>
	Reason:	<u>Fund contractual obligations</u>				Reason:	<u>Contractual Obligation</u>		
					<u>\$156,922.75</u>	<u>12200001</u>	<u>50450</u>	<u>Firefighters</u>	<u>\$2,472,816.18</u>
	Reason:	<u></u>				Reason:	<u>Contractual Obligation</u>		
					<u>\$14,617.33</u>	<u>12200001</u>	<u>50800</u>	<u>Fire Captains</u>	<u>\$219,147.72</u>
	Reason:	<u></u>				Reason:	<u>Contractual Obligation</u>		
					<u>\$1,887.50</u>	<u>12200001</u>	<u>50805</u>	<u>Fire Inspector</u>	<u>\$75,500.00</u>
	Reason:	<u></u>				Reason:	<u>Contractual Obligation</u>		

					<u>\$27,532.88</u>	<u>#12200001</u>	<u>50810</u>	<u>Fire Lieutenants</u>	<u>\$405,154.29</u>
	Reason:							Contractual Obligation	
					<u>\$224.00</u>	<u>#12200001</u>	<u>51210</u>	<u>Civil Defense Director</u>	<u>\$8,960.00</u>
	Reason:							Contractual Obligation	
					<u>\$4,299.95</u>	<u>#12200003</u>	<u>51226</u>	<u>Fire Depart/First Responder</u>	<u>\$39,236.81</u>
	Reason:							Contractual Obligation	
					<u>\$20,359.09</u>	<u>#12200003</u>	<u>51300</u>	<u>Additional Gross Overtime</u>	<u>\$303,861.59</u>
	Reason:							Contractual Obligation	
					<u>\$1,924.32</u>	<u>#12200003</u>	<u>51324</u>	<u>Overtime/Vehicle Maintenance</u>	<u>\$26,100.85</u>
	Reason:							Contractual Obligation	
					<u>\$3,451.41</u>	<u>#12200003</u>	<u>51328</u>	<u>Call Fire Overtime</u>	<u>\$70,810.60</u>
	Reason:							Contractual Obligation	
					<u>\$4,747.50</u>	<u>#12200003</u>	<u>51412</u>	<u>Hazmat Pay</u>	<u>\$7,500.00</u>
	Reason:							Contractual Obligation	

					<u>\$8,352.61</u>	<u>12200003</u>	<u>51430</u>	<u>Longevity</u>	<u>\$176,057.15</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$12,848.16</u>	<u>12200003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$253,762.58</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$6,279.49</u>	<u>12200003</u>	<u>51450</u>	<u>Night Shift Differential</u>	<u>\$58,325.20</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$9,227.66</u>	<u>12200003</u>	<u>51480</u>	<u>Emergency Medical Training</u>	<u>\$178,993.66</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$427.42</u>	<u>12200003</u>	<u>51481</u>	<u>Training Special Services</u>	<u>\$9,361.72</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$19,609.50</u>	<u>12200003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$345,363.30</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$9,074.61</u>	<u>12200003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$184,000.00</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
					<u>\$4,384.40</u>	<u>12200003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$74,262.86</u>
	Reason:					Reason:		<u>Contractual Obligation</u>	
	<u>\$322,873.25</u>	<u>Total</u>			<u>\$322,873.25</u>	<u>Total</u>			

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: October 22, 2019

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

Convened: 5:33 PM – Adjourned: 5:55 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; Jeffrey Cooke, Building Commissioner

Order No. 19-1007670: Application for Sign Special Permit from Atty. Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East.

The Urban Affairs Committee met with Christine DiBiase of Adler, Pollock, & Sheehan on behalf of Colbea Enterprises on their application for a sign special permit for the Shell Station, 342 Boston Post Road. Chairman Delano explained that video display and pump topper regulations were approved at the City Council meeting on October 21, 2019 and no longer require approval for pump toppers which are allowed by right. The freestanding sign will comply with the sign ordinance and be turned off when the facility is closed. The petitioner has amended the Special Permit decision to remove language regarding pump toppers.

Motion made by Councilor Juaire, seconded by the Chair, to approve. The motion carried 5-0.

Order No.19-1007779: Application for Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels, LLC (Gulf Station) 114 East Main Street.

The Urban Affairs Committee met with Suneet Sharma who appeared on behalf of Blue Hills Fuels on their application for a sign special permit for the Gulf Station at 114 East Main Street. The sign plan does not include an electronic message board; only changeable, electronic gas prices. The proposed sign meets the City's sign regulations according to the Building Department. The ordinance will allow two colors for gas prices, one for regular and another for diesel to conform with industry standards, upon the grant of a special permit. The gas pricing sign will be turned off when the station is closed. The station's video displays include audio which is not permitted and shall be turned off when the City Council votes on the permit. Mr. Sharma contacted the technicians who will be out this week to turn off the audio.

Motion made by Councilor Juaire, seconded by the Chair, to approve. The motion carried 5-0.

Motion made and seconded to request a Suspension of the Rules at the October 28, 2019 City Council meeting to vote on the Application for Sign Special Permit for the Gulf Station at 114 East Main Street. The motion carried 5-0.

Reports of Committee Continued:

Order No. 19-1007756A: Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, regarding Proposed Zoning Amendment relative to the definition of Home Office/Home Occupation.

The Urban Affairs Committee met with Jeffrey Cooke, the City of Marlborough Building Commissioner, regarding the proposed zoning amendment adding Home Office to the Home Occupation definition. The changes to the DEFINITION were recommended by the Building Commissioner to allow him to issue business certificates for home offices, currently not permitted as written. The Commissioner is satisfied with the proposed language without further edit. The current zoning regulation contains explanatory language in the notes section so there is no need to further amend the proposed definition which simply adds Home Office to the longstanding definition of Home Occupation.

Motion made by Councilor Juaire, seconded by the Chair, to approve. The motion carried 5-0.

Motion made and seconded to request a Suspension of the Rules at the October 28, 2019 City Council meeting to vote on the Proposed Zoning Amendment relative to the definition of Home Office/Home Occupation. The motion carried 5-0.

Motion made by Councilor Juaire, seconded by the Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 5:55 PM.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, in proper legal form, Order No. 19-1007779A, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED:

**DECISION ON A LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Blue Hills Fuels, LLC – Gulf Station
Order No. 19-1007779B

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 19-1007779B**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Sign Ordinance Special Permit to Blue Hills Fuels, LLC – Gulf Station (the “Applicant”) for the property located at 114 East Main Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 114 East Main Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 57, Parcel 194 (the “Site”) and maintains a filling station with a convenience store and car wash.

2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, "Electronic Message Center Signs and Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate a digital display sign (the "Sign") at the Site (the "Application").
3. The Sign is a 72.5" x 54.6" double-faced sign, with a monochrome digital display consisting of two (2) 20" x 42" LED Numerals displaying the price of fuel (the product specifications are attached hereto as Exhibit A). The total digital display area is 11.6 ft². The Sign is to be located below an internally-illuminated sign at the premises (as shown in Exhibit B).
4. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit C).
5. The Marlborough City Council held a public hearing on the Application on October 21, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all rules and regulations promulgated by the Marlborough City Council as they pertain to application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, in proper legal form, Order No. 19-1007756C, **FILE**; adopted.

Suspension of the Rules requested – granted.

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:

1. Section 650-5(B), entitled “Definitions; word usage,” is hereby amended, as follows (new text shown as underlined, deleted text shown as ~~striketrough~~):

HOME OFFICE / HOME OCCUPATION

An occupation customarily conducted in the place of residence of the operator or of a professional person, or in a building accessory thereto, such as dressmaking, millinery, home cooking, handcraft, specialized cultivation and propagation of houseplants, insects, fish, birds and animals, limited to one litter at a time, or the offices of a physician, surgeon, dentist, real estate agent, teacher, clergyman, artist, lawyer, architect, musician, landscape architect, land surveyor, City planner, broker, engineer, beautician or member of any other recognized profession including an office for an off-premises business, provided that not more than three persons are engaged in the activity on the premises at any one time.

HOME OCCUPATION

See definition of “home office / home occupation.”

APPROVED; adopted.

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

ORDERED: That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Northborough Capital Partners, LLC, a Rhode Island limited liability company the attached deed of land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as “OPEN SPACE” on Sheet 2 of 2 in a plan entitled “DEFINITIVE PROPERTY PLAN - GOODALE ESTATES - MARLBOROUGH, MA” Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016 and October 14, 2016, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 1099 of 2016 (the “Plan”) to which reference is made for a more particular description of said “OPEN SPACE” parcel.

Said Open Space parcel contains 5.06 acres, more or less, according to said Plan.

Said Open Space parcel is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

And further, that the City accepts a payment of \$5,000.00 to be allocated to the City's Conservation Maintenance Fund as required by the Special Permit granted by the Planning Board for the Open Space Development at Goodale Street, in accordance with MGL c. 44, s. 53A.

APPROVED; adopted.

ORDERED: That the Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Reappointment of Pamela Wilderman to the Historical Commission for a three-year term from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Reappointments of Brenda Costa, Rose Marie Elwood, Jeanne McGeough, Leslie Biggar and Patricia Gallier, to the Council on Aging Board, for three-year terms from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Appointment of Wayne E. Stanley, Sr. to the Commission on Disabilities for a two-year term from date of confirmation, **APPROVED**; adopted.

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

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-12. Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.

B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent. Pre-existing nonconforming structures or uses may be extended or altered, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3), and subject, however, to the following provisions:

- (1) ~~Such~~ Any nonconforming use or structure which has not been abandoned, or not used for a period of two years or more, shall lose its protected status and be subject to this chapter, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
- (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except that any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.
- (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:
 - (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
 - (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
- (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.

- (5) The provisions of the above Subsection B(1), (2) and (4)(3) shall not apply to a single-family dwelling.

APPROVED; adopted.

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

ORDERED: Communication from Assistant City Solicitor, Jay Piques, re: Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, in proper legal form, Order No. 19-1007757B, **FILE**; adopted.

ORDERED:

IN CITY COUNCIL

**DECISION ON A SPECIAL PERMIT
ARIES LABORATORIES LLC d/b/a INDO LABORATORIES.**

**CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 19-1007757C**

DECISION ON AN APPLIATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to Aries Laboratories LLC, d/b/a Indo Laboratories, (the "Applicant") to build and operate an Independent Marijuana Testing Laboratory at 257 Simarano Drive, Suite 100, Marlborough, Massachusetts, as provided in the Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aries Laboratories LLC, d/b/a Indo Laboratories is a limited liability company organized, and existing under the laws of the Commonwealth of Massachusetts having a usual place of business at 257 Simarano Drive, Suite 100, Marlborough, MA 01752 (the "Applicant").
2. The Applicant is a lessee of the property located at 257 Simarano Drive, Suite 100, Marlborough, MA 01752, as shown on Marlborough Assessors Map 112 and Parcel 4 (the "Site"). The Site's owner is 257 Simarano LLC, with a business address of 336 Baker Avenue, Concord, MA 01742.
3. The Applicant, on or about August 2, 2019 filed with the City Clerk of the City of Marlborough, an Application To City Council for Issuance of Special Permit (the "Application") pursuant to Chapter 650 (Zoning Ordinance) of the Code of the City of Marlborough, specifically the provisions of Section 650-59 (Special Permit Procedures) and the provisions of Section 650-32, to permit the applicant to conduct a business with the purpose of operating a Independent Marijuana Testing Laboratory (the "Use").

4. The "Table of Uses" states that the intended use requires a Special Permit (SP)/ Zoning Relief issued by the Marlborough City Council.
5. The facility is located in the industrial (I) zoning district, Map 112, Parcel 4.
6. The Use will occupy an existing laboratory at the Site with an area of 10,565 +/- square feet.
7. The Special Permit application filed on August 2, 2019 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 for the proposed use of a Marijuana Independent Testing Laboratory, (c) Filing Fee check in the amount of \$250.00, (d) Plan Delivery Certification, (e) Tax Payment Certification, (f) Abutters List, (g) Facility Site Plan (the "Plan"), and (h) Planning Department Certification. Twelve sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer and the Conservation Officer, all in accordance with Chapter 650 Section 650-59 of the Zoning Code of the City of Marlborough.
8. Under the provisions of Massachusetts General Laws Chapter 40A, on August 2, 2019, Applicant filed with the City Clerk to be placed on the City Council Agenda for August 23, 2019
9. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established September 23, 2019 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws Chapter 40A.
10. All abutters certified by the Office of the Board of Assessors of Marlborough were sent official legal notification of the Public Hearing, via certified mail. Prior to the Public Hearing on September 23, 2019, the green/white certified mail slips were submitted to the City Clerk's office.
11. The Marlborough City Council held a public hearing on the Application on September 23, 2019 in accordance with the published notice, (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of testimony the hearing was closed on said date.
12. The Applicant presented testimony at the Public Hearing detailing the business operational plans for facility, especially as it pertained to security, waste disposal, hiring practices, community and economic impact, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. There was no opposition from the members of the public.
13. The Site has 24-hour off-site monitoring of security cameras, as well as multi-tiered levels of security clearance within the building.

14. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the facility, operations, security and waste disposal.
15. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
16. According to the Applicant, the facility has been inspected and received written confirmation by the Fire Chief that all safety and building codes are met.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit. The City Council finds that it may grant a Special Permit subject to such terms 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 General Laws. c. 40A, et. seq. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The Applicant provided to Urban Affairs written and oral documentation as to the handling of the waste materials. In summation, all marijuana samples will be rendered unusable for human consumption immediately upon sample intake. All waste product is weighed and recorded prior to being destroyed. The waste material will be rendered unusable in an alcohol solution inside of a 55-gallon container. Any material not used for testing will be immediately treated in the same manner. The waste container will be stored within facility inside of a secured and monitored waste room. When the waste container reaches capacity, a licensed waste hauler will be scheduled to retrieve and remove the container from inside the facility.
- D. The applicant commits to work with city officials and the Marlborough Police Department to address any and all reasonable security concerns. Surveillance cameras shall be capable of twenty-four-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises.
- E. The City Council finds that the use of the Site for the purposes of a marijuana independent testing laboratory is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The proposed business will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

- F. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:

1. Social, economic, or community needs which are served by the proposal:

Finding: The Use will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

2. Traffic flow and safety, including parking and loadings:

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

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

4. Neighborhood character and social structures:

Finding: The use is consistent with the area in the vicinity of the Site.

5. Impacts on the natural environment:

Finding: The use will have no greater impact than the established uses in the area.

6. Potential fiscal impact, including impact on City services, tax base and employment:

Finding: The Use will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

7. Hours of operation:

Finding: The hours of operation of the Use are generally similar to other laboratory uses.

8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:

Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: Notwithstanding any terms negotiated in a Host Community Agreement, no impact fee shall be assessed by the City Council.

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

11. Requiring regular inspections by City officials or their agents, and access of the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: All staff of Indo Labs comply with all Cannabis Control Commission hiring requirements including, but not limited to, any background and CORI check requirements. The requirements are specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: The Use shall not include retail sales of any kind.

15. The ability for the Business to:

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

Finding: The use is a laboratory. Further, security is specially conditioned below.

16. Signs and signage:

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

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

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

- G. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Independent Marijuana Testing Laboratory, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted reviewed and approved by the City Council as the Special Permit Granting Authority.
4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Applications, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Compliance with State Requirements. In accordance with § 650-18(47)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Independent Marijuana Testing Laboratory.

6. Security. The Applicant has and shall continue to comply with the City Council requirement that a written Security Plan be approved and signed by the City of Marlborough Police Chief or his designee. Any substantive changes to Security Plan will receive written approval from Police Chief or his designee. The Applicant, its successors and/or assigns, shall utilize surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images in, on, around, or at the premises.
7. Processing. There shall be no retail sales permitted at the site. All waste product shall be rendered unusable in an alcohol solution inside of a 55-gallon container. Any material not used for testing will be immediately treated in the same manner. The waste container will be stored within the facility inside of a secured and monitored waste room. When the waste container reaches capacity, a licensed waste hauler will be scheduled to retrieve and remove the container from inside the facility.
8. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
9. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.
10. Job Applicants. The Applicant commits to considering local applicants for employment and independent contract purposes. A job applicant's residency will be one positive consideration among many considerations such as experience and educational background.
11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that all staff of undergo a criminal background check, as required by the Cannabis Control Commission hiring requirements.
13. Compliance with Health Regulations. Applicant will comply with all current marijuana regulations and any future changes proposed and implemented by the City of Marlborough Board of Health.
14. Signs and Signage. The Applicant shall not utilize signs or signage that mention, imply, or refer to in any way, shape, or form, involvement in the marijuana business.

15. Recording of Decision. 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 Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Solicitor's Office, the Building Department, and the City Council's Office.

Yea: 9 – Nay: 0 – Absent: 2

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

Absent: Dumais, Ossing.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:53 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

ADOPTED

ORDER NO. 19-1007808



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Fuel Storage License, One Energy, Inc. for Underground storage of 24,000 gallons of Gasoline and 4,000 gallons of Diesel fuel, 121 Bolton Street, identified as Map 57, Parcel 289, be and is herewith refer to **PUBLIC SERVICES COMMITTEE & ADVERTISE.**

ADOPTED

ORDER NO. 19-1007823
X 19-1007780



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 28, 2019

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Application for Pool Table License by Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East, be and is herewith refer to **PUBLIC SERVICES COMMITTEE & ADVERTISE.**

ADOPTED

ORDER NO. 19-1007839



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin) to convert a preexisting, nonconforming contractor's yard to an 11-unit residential townhouse project, and convert an existing single family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 02/16/20 which falls on a Sunday, therefore 02/17/20 would be considered the 90th day.

ADOPTED

ORDER NO. 19-1007809



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Councilor Robey recused.

Ninety days after public hearing is 02/16/20 which falls on a Sunday, therefore 02/17/20 would be considered the 90th day.

ADOPTED

ORDER NO. 19-1007824



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.marlbrough-ma.gov

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
2019 NOV 14 A 9:58

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 14, 2019

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

Re: Transfer Request - Marlborough Police Department

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$13,226.30 that moves funds to the Marlborough Police Department for the purchase of additional traffic enforcement equipment.

These funds are available to the City of Marlborough due to the per-ride assessment on rides taken on transportation network companies that originate in Marlborough. In 2018, 132,263 Transportation Network Company rides originated in Marlborough. These funds may be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program.

The Marlborough Police Department Traffic Division has been working hard to ensure that Marlborough's streets are safe for all users, pedestrians, cyclists, and drivers. I recommend transferring these funds to the Police Department for the purchase of additional equipment, such as portable speed signs, portable speed humps, and other equipment used by officers on traffic patrols.

The City must file a report with the state identifying how the funds are used and we will provide a copy of the report to the City Council once it is filed.

Please do not hesitate to contact me or Chief Giorgi with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

	DEPT:	Police				FISCAL YEAR:	2020		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$13,226.30</u>	<u>\$13,226.30</u>	<u>27000</u>	<u>33088</u>	<u>Receipts Reserved-TNC Surcharge</u>	<u>\$13,226.30</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police Equip</u>	<u>\$13,354.25</u>
	Reason:	<u>Traffic enforcement equipment purchase</u>				<u></u>			
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
		<u></u>				<u></u>			
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
	Reason:	<u></u>				<u></u>			
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
	Reason:	<u></u>				<u></u>			
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
	Reason:	<u></u>				<u></u>			
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
	Reason:	<u></u>				<u></u>			
		<u></u>				<u></u>			
	\$13,226.30	Total			\$13,226.30	Total			



Local Finance Opinion

LFO-2018-1

July 11, 2018

TOPIC: Transportation Network Company Per-ride Assessment Distribution

ISSUE: Municipal finance and accounting treatment of money received from the Commonwealth Transportation Infrastructure Fund

This LFO addresses questions relating to the municipal finance and accounting treatment of moneys distributed to a city, town or district from the Commonwealth Transportation Infrastructure Fund.

1. What is the Commonwealth Transportation Infrastructure Fund?

Under Chapter 187 of the Acts of 2016, certain transportation network companies must submit to the Transportation Network Company Division of the Department of Public Utilities (DPU) the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20. The assessment is credited to the Commonwealth Transportation Infrastructure Fund (Fund), which was established by the Act. St. 2016, c. 187, § 8(a). Each year, one half of the amount credited to the Fund will be distributed by the DPU proportionately to each city and town based on the number of rides that originated in that city or town. St. 2016, c. 187, § 8(c)(i).

2. What is the general rule related to the receipt of money by a city, town or district officer or department?

All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless a general or special law provides an exception, *i.e.*, expressly restricts use for a particular purpose or allows expenditure by a department or officer without appropriation. G.L. c. 44 § 53.

3. Is there an exception to the general rule for money received from the Commonwealth Transportation Infrastructure Fund?

Yes. Money distributed to cities and towns from the Commonwealth Transportation Infrastructure Fund is special revenue earmarked for use by cities and towns “to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation.” St. 2016, c. 187, § 8(c)(i). However, the statute establishing the distribution does not authorize any particular department or officer to spend the distributed money without “specific” or “further” appropriation for any of those

statutory purposes. See, *e.g.*, G.L. c. 40, § 3 (municipal and school rental revenues); G.L. c. 44, § 53A (money gifts and grants); G.L. c. 44, § 53E½ (departmental fees and charges); and G.L. c. 71, § 47 (school activity fees and charges). Therefore, the general rule requiring an appropriation in order to use the money still applies. The accounting officer must establish a receipts reserved for appropriation account for this distribution and credit the money received to that account. To use the money for any allowable purpose, the legislative body must appropriate from available funds in the account.

Additionally, please note that each city or town receiving a distribution from the Commonwealth Transportation Infrastructure Fund must submit a report to the Transportation Network Company Division of the DPU not later than December 31 of each year that details the allowable transportation-related projects conducted, including amounts used or planned to be used for those projects. St. 2016, c. 187, § 8(d). The Division is required to compile the reports and post the projects and amounts of money used on its website. St. 2016, c. 187, § 8(d).



Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC:KW

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
ABINGTON	46,512	\$4,651.20
ACTON	29,906	\$2,990.60
ACUSHNET	1,721	\$172.10
ADAMS	139	\$13.90
AGAWAM	31,993	\$3,199.30
ALFORD	1	\$0.10
AMESBURY	17,394	\$1,739.40
AMHERST	338,842	\$33,884.20
ANDOVER	116,797	\$11,679.70
AQUINNAH	396	\$39.60
ARLINGTON	342,793	\$34,279.30
ASHBURNHAM	696	\$69.60
ASHBY	43	\$4.30
ASHFIELD	2	\$0.20
ASHLAND	31,637	\$3,163.70
ATHOL	121	\$12.10
ATTLEBORO	83,287	\$8,328.70
AUBURN	38,897	\$3,889.70
AVON	25,409	\$2,540.90
AYER	5,848	\$584.80
BARNSTABLE	160,010	\$16,001.00
BARRE	67	\$6.70
BECKET	53	\$5.30
BEDFORD	50,947	\$5,094.70
BELCHERTOWN	4,062	\$406.20
BELLINGHAM	9,797	\$979.70
BELMONT	255,457	\$25,545.70
BERKLEY	1,223	\$122.30
BERLIN	5,016	\$501.60
BERNARDSTON	38	\$3.80
BEVERLY	165,270	\$16,527.00
BILLERICA	90,906	\$9,090.60
BLACKSTONE	2,345	\$234.50
BLANDFORD	37	\$3.70
BOLTON	2,143	\$214.30
BOSTON	42,201,375	\$4,220,137.50
BOURNE	15,710	\$1,571.00
BOXBOROUGH	5,732	\$573.20
BOXFORD	3,375	\$337.50
BOYLSTON	4,602	\$460.20
BRAINTREE	417,577	\$41,757.70
BREWSTER	12,529	\$1,252.90
BRIDGEWATER	34,882	\$3,488.20
BRIMFIELD	128	\$12.80
BROCKTON	706,754	\$70,675.40
BROOKFIELD	252	\$25.20
BROOKLINE	2,347,570	\$234,757.00
BUCKLAND	17	\$1.70
BURLINGTON	240,194	\$24,019.40

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
CAMBRIDGE	7,827,584	\$782,758.40
CANTON	94,089	\$9,408.90
CARLISLE	3,332	\$333.20
CARVER	2,906	\$290.60
CHARLEMONT	4	\$0.40
CHARLTON	3,675	\$367.50
CHATHAM	29,309	\$2,930.90
CHELMSFORD	78,025	\$7,802.50
CHELSEA	848,347	\$84,834.70
CHESHIRE	98	\$9.80
CHESTER	5	\$0.50
CHESTERFIELD	19	\$1.90
CHICOPEE	127,167	\$12,716.70
CHILMARK	1,913	\$191.30
CLARKSBURG	13	\$1.30
CLINTON	7,589	\$758.90
COHASSET	8,087	\$808.70
COLRAIN	3	\$0.30
CONCORD	47,892	\$4,789.20
CONWAY	88	\$8.80
CUMMINGTON	2	\$0.20
DALTON	1,095	\$109.50
DANVERS	121,860	\$12,186.00
DARTMOUTH	46,355	\$4,635.50
DEDHAM	204,011	\$20,401.10
DEERFIELD	2,017	\$201.70
DENNIS	41,161	\$4,116.10
DIGHTON	1,384	\$138.40
DOUGLAS	1,285	\$128.50
DOVER	9,187	\$918.70
DRACUT	45,906	\$4,590.60
DUDLEY	2,577	\$257.70
DUNSTABLE	473	\$47.30
DUXBURY	9,169	\$916.90
EAST BRIDGEWATER	12,721	\$1,272.10
EAST BROOKFIELD	318	\$31.80
EAST LONGMEADOW	23,207	\$2,320.70
EASTHAM	3,753	\$375.30
EASTHAMPTON	15,479	\$1,547.90
EASTON	36,288	\$3,628.80
EDGARTOWN	55,987	\$5,598.70
EGREMONT	20	\$2.00
ERVING	31	\$3.10
ESSEX	2,026	\$202.60
EVERETT	1,024,778	\$102,477.80
FAIRHAVEN	12,283	\$1,228.30
FALL RIVER	134,119	\$13,411.90
FALMOUTH	72,551	\$7,255.10
FITCHBURG	59,813	\$5,981.30
FLORIDA	21	\$2.10

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
FOXBOROUGH	69,507	\$6,950.70
FRAMINGHAM	442,384	\$44,238.40
FRANKLIN	30,815	\$3,081.50
FREETOWN	1,678	\$167.80
GARDNER	4,063	\$406.30
GEORGETOWN	3,687	\$368.70
GILL	137	\$13.70
GLOUCESTER	18,491	\$1,849.10
GOSHEN	21	\$2.10
GOSNOLD	1	\$0.10
GRAFTON	19,305	\$1,930.50
GRANBY	3,371	\$337.10
GRANVILLE	86	\$8.60
GREAT BARRINGTON	445	\$44.50
GREENFIELD	1,977	\$197.70
GROTON	3,327	\$332.70
GROVELAND	2,595	\$259.50
HADLEY	55,563	\$5,556.30
HALIFAX	2,917	\$291.70
HAMILTON	5,976	\$597.60
HAMPDEN	2,897	\$289.70
HANCOCK	186	\$18.60
HANOVER	20,272	\$2,027.20
HANSON	6,417	\$641.70
HARDWICK	13	\$1.30
HARVARD	4,080	\$408.00
HARWICH	28,739	\$2,873.90
HATFIELD	1,569	\$156.90
HAVERHILL	171,284	\$17,128.40
HAWLEY	-	\$0.00
HEATH	-	\$0.00
HINGHAM	71,492	\$7,149.20
HINSDALE	129	\$12.90
HOLBROOK	35,015	\$3,501.50
HOLDEN	13,527	\$1,352.70
HOLLAND	19	\$1.90
HOLLISTON	8,398	\$839.80
HOLYOKE	122,924	\$12,292.40
HOPEDALE	2,228	\$222.80
HOPKINTON	13,636	\$1,363.60
HUBBARDSTON	91	\$9.10
HUDSON	27,905	\$2,790.50
HULL	12,325	\$1,232.50
HUNTINGTON	28	\$2.80
IPSWICH	7,212	\$721.20
KINGSTON	18,179	\$1,817.90
LAKEVILLE	4,749	\$474.90
LANCASTER	2,594	\$259.40
LANESBOROUGH	901	\$90.10
LAWRENCE	454,682	\$45,468.20

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
LEE	1,693	\$169.30
LEICESTER	10,046	\$1,004.60
LENOX	4,137	\$413.70
LEOMINSTER	68,291	\$6,829.10
LEVERETT	405	\$40.50
LEXINGTON	165,044	\$16,504.40
LEYDEN	-	\$0.00
LINCOLN	17,709	\$1,770.90
LITTLETON	11,165	\$1,116.50
LONGMEADOW	15,606	\$1,560.60
LOWELL	677,225	\$67,722.50
LUDLOW	12,432	\$1,243.20
LUNENBURG	6,813	\$681.30
LYNN	740,885	\$74,088.50
LYNNFIELD	40,948	\$4,094.80
MALDEN	1,189,082	\$118,908.20
MANCHESTER	5,017	\$501.70
MANSFIELD	50,394	\$5,039.40
MARBLEHEAD	61,996	\$6,199.60
MARION	1,465	\$146.50
MARLBOROUGH	132,263	\$13,226.30
MARSHFIELD	16,795	\$1,679.50
MASHPEE	17,617	\$1,761.70
MATTAPOISETT	1,533	\$153.30
MAYNARD	9,684	\$968.40
MEDFIELD	10,229	\$1,022.90
MEDFORD	1,221,229	\$122,122.90
MEDWAY	6,294	\$629.40
MELROSE	172,571	\$17,257.10
MENDON	1,886	\$188.60
MERRIMAC	2,341	\$234.10
METHUEN	150,292	\$15,029.20
MIDDLEBOROUGH	11,114	\$1,111.40
MIDDLEFIELD	1	\$0.10
MIDDLETON	17,054	\$1,705.40
MILFORD	31,475	\$3,147.50
MILLBURY	32,023	\$3,202.30
MILLIS	4,483	\$448.30
MILLVILLE	486	\$48.60
MILTON	173,227	\$17,322.70
MONROE	-	\$0.00
MONSON	996	\$99.60
MONTAGUE	473	\$47.30
MONTEREY	3	\$0.30
MONTGOMERY	5	\$0.50
MOUNT WASHINGTON	1	\$0.10
NAHANT	11,600	\$1,160.00
NANTUCKET	295,596	\$29,559.60
NATICK	200,747	\$20,074.70
NEEDHAM	170,592	\$17,059.20

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
NEW ASHFORD	8	\$0.80
NEW BEDFORD	164,937	\$16,493.70
NEW BRAINTREE	9	\$0.90
NEW MARLBOROUGH	-	\$0.00
NEW SALEM	6	\$0.60
NEWBURY	5,838	\$583.80
NEWBURYPORT	40,848	\$4,084.80
NEWTON	1,292,503	\$129,250.30
NORFOLK	7,614	\$761.40
NORTH ADAMS	710	\$71.00
NORTH ANDOVER	74,917	\$7,491.70
NORTH ATTLEBOROUGH	45,627	\$4,562.70
NORTH BROOKFIELD	203	\$20.30
NORTH READING	25,839	\$2,583.90
NORTHAMPTON	83,128	\$8,312.80
NORTHBOROUGH	28,986	\$2,898.60
NORTHBRIDGE	7,230	\$723.00
NORTHFIELD	14	\$1.40
NORTON	17,089	\$1,708.90
NORWELL	17,305	\$1,730.50
NORWOOD	148,620	\$14,862.00
OAK BLUFFS	70,256	\$7,025.60
OAKHAM	56	\$5.60
ORANGE	40	\$4.00
ORLEANS	9,565	\$956.50
OTIS	3	\$0.30
OXFORD	8,302	\$830.20
PALMER	3,762	\$376.20
PAXTON	3,721	\$372.10
PEABODY	240,564	\$24,056.40
PELHAM	852	\$85.20
PEMBROKE	12,406	\$1,240.60
PEPPERELL	1,170	\$117.00
PERU	75	\$7.50
PETERSHAM	24	\$2.40
PHILLIPSTON	20	\$2.00
PITTSFIELD	27,189	\$2,718.90
PLAINFIELD	1	\$0.10
PLAINVILLE	14,869	\$1,486.90
PLYMOUTH	76,095	\$7,609.50
PLYMPTON	756	\$75.60
PRINCETON	345	\$34.50
PROVINCETOWN	48,862	\$4,886.20
QUINCY	1,245,094	\$124,509.40
RANDOLPH	204,084	\$20,408.40
RAYNHAM	21,624	\$2,162.40
READING	62,540	\$6,254.00
REHOBOTH	3,686	\$368.60
REVERE	94,044	\$9,404.40
RICHMOND	227	\$22.70

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
ROCHESTER	258	\$25.80
ROCKLAND	44,289	\$4,428.90
ROCKPORT	2,604	\$260.40
ROWE	-	\$0.00
ROWLEY	3,012	\$301.20
ROYALSTON	2	\$0.20
RUSSELL	140	\$14.00
RUTLAND	1,574	\$157.40
SALEM	384,148	\$38,414.80
SALISBURY	14,661	\$1,466.10
SANDISFIELD	5	\$0.50
SANDWICH	10,038	\$1,003.80
SAUGUS	212,729	\$21,272.90
SAVOY	1	\$0.10
SCITUATE	8,595	\$859.50
SEEKONK	30,616	\$3,061.60
SHARON	29,103	\$2,910.30
SHEFFIELD	20	\$2.00
SHELBURNE	41	\$4.10
SHERBORN	5,289	\$528.90
SHIRLEY	1,476	\$147.60
SHREWSBURY	96,014	\$9,601.40
SHUTESBURY	137	\$13.70
SOMERSET	7,867	\$786.70
SOMERVILLE	3,323,087	\$332,308.70
SOUTH HADLEY	24,713	\$2,471.30
SOUTHAMPTON	1,672	\$167.20
SOUTHBOROUGH	23,344	\$2,334.40
SOUTHBRIDGE	4,307	\$430.70
SOUTHWICK	2,025	\$202.50
SPENCER	4,287	\$428.70
SPRINGFIELD	682,690	\$68,269.00
STERLING	2,275	\$227.50
STOCKBRIDGE	1,143	\$114.30
STONEHAM	99,293	\$9,929.30
STOUGHTON	109,030	\$10,903.00
STOW	3,389	\$338.90
STURBRIDGE	4,511	\$451.10
SUDBURY	22,384	\$2,238.40
SUNDERLAND	6,768	\$676.80
SUTTON	4,215	\$421.50
SWAMPSCOTT	68,911	\$6,891.10
SWANSEA	9,145	\$914.50
TAUNTON	74,694	\$7,469.40
TEMPLETON	371	\$37.10
TEWKSBURY	72,663	\$7,266.30
TISBURY	34,798	\$3,479.80
TOLLAND	-	\$0.00
TOPSFIELD	4,830	\$483.00
TOWNSEND	704	\$70.40

2018 TNC Municipality Rides and Revenue Disbursement

Municipality	2018 Rides	2018 Revenue
TRURO	4,897	\$489.70
TYNGSBOROUGH	13,040	\$1,304.00
TYRINGHAM	13	\$1.30
UPTON	2,392	\$239.20
UXBRIDGE	3,288	\$328.80
WAKEFIELD	97,261	\$9,726.10
WALES	9	\$0.90
WALPOLE	55,839	\$5,583.90
WALTHAM	922,776	\$92,277.60
WARE	490	\$49.00
WAREHAM	11,825	\$1,182.50
WARREN	148	\$14.80
WARWICK	-	\$0.00
WASHINGTON	16	\$1.60
WATERTOWN	565,760	\$56,576.00
WAYLAND	29,368	\$2,936.80
WEBSTER	7,854	\$785.40
WELLESLEY	248,019	\$24,801.90
WELLFLEET	6,314	\$631.40
WENDELL	8	\$0.80
WENHAM	7,126	\$712.60
WEST BOYLSTON	9,429	\$942.90
WEST BRIDGEWATER	15,218	\$1,521.80
WEST BROOKFIELD	102	\$10.20
WEST NEWBURY	1,802	\$180.20
WEST SPRINGFIELD	82,955	\$8,295.50
WEST STOCKBRIDGE	163	\$16.30
WEST TISBURY	9,745	\$974.50
WESTBOROUGH	75,544	\$7,554.40
WESTFIELD	41,549	\$4,154.90
WESTFORD	22,752	\$2,275.20
WESTHAMPTON	166	\$16.60
WESTMINSTER	1,862	\$186.20
WESTON	61,691	\$6,169.10
WESTPORT	3,739	\$373.90
WESTWOOD	81,981	\$8,198.10
WEYMOUTH	225,559	\$22,555.90
WHATELY	567	\$56.70
WHITMAN	21,609	\$2,160.90
WILBRAHAM	9,658	\$965.80
WILLIAMSBURG	747	\$74.70
WILLIAMSTOWN	594	\$59.40
WILMINGTON	60,737	\$6,073.70
WINCHENDON	222	\$22.20
WINCHESTER	100,812	\$10,081.20
WINDSOR	1	\$0.10
WINTHROP	139,418	\$13,941.80
WOBURN	303,055	\$30,305.50
WORCESTER	1,266,401	\$126,640.10
WORTHINGTON	-	\$0.00
WRENTHAM	17,603	\$1,760.30
YARMOUTH	41,673	\$4,167.30



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
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR
2019 NOV 11 A 9:50
Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 14, 2019

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

Re: OPEB Trust Liability 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 actuarial evaluation report, completed by Odyssey Advisors for the fiscal year ending June 30, 2019. Our OPEB liability has increased over the last two years, but this was not due to lack of significant investment and effort on our part. There are several variables that can affect liability while working towards full funding as indicated in the attached letter. I look forward to continuing our work as we move further down that path towards a fully funded OPEB Trust.

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

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Office of the Comptroller

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

November 12, 2019

RE: OPEB TRUST

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

Dear Mayor Vigeant

The purpose of this letter is to provide both yourself and the City Council with insights from the recently completed Other Post Employment Benefits (OPEB) actuarial evaluation report. The actuarial evaluation was completed by Odyssey Advisors for the fiscal year ending June 30, 2019.

	June 30, 2019	June 30, 2017
Total OPEB Liability	\$129,391,274	\$117,850,069
Trust Fund Balance	\$10,647,105	\$7,781,650
Net OPEB Liability	\$118,744,169	\$110,068,419
Percent Funded	8.23%	6.6%
Number of Participants	1925	1788
Fully Funded date	June 30, 2045	June 30, 2041

The Total OPEB Liability increased over the last two years by \$11,541,205. Items contributing to the increased OPEB liability include:

- Increase in the number of plan participants
- Funding schedule adjustments due to the Pension fund "fully fund" date moving out 3 years from 2025 to 2028
- Mortality table adjustments
- Expected long term medical trend

While the City continues to set aside funding each year for the OPEB Trust (10% of free cash and \$250,000 in this year's annual budget), the OPEB liability will continually need to be addressed until it is fully funded.

Sincerely,

Brian Doheny
Comptroller



City of Marlborough

Legal Department

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

RECEIVED
JASON D. GROSSFIELD
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON M. PIQUES
2019 NOV 12 12:30
ASSISTANT CITY SOLICITOR
HEATHER H. GUTIERREZ
PARALEGAL

November 12, 2019

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

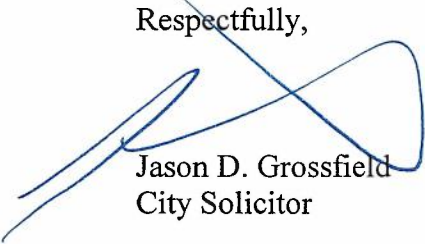
Re: City Council Order No. 19-1007670: Sign Special Permit – Colbea Enterprises, LLC – 342 Boston Post Road East

Dear Honorable President Clancy and Councilors:

Enclosed please find a proposed Decision on a LED Sign Special Permit with respect to the above-referenced application, as recommended by the Urban Affairs Committee at its meeting on October 21, 2019. I have reviewed the proposed decision and placed it into proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,


Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

ORDERED:

DECISION ON A LED SIGN SPECIAL PERMIT

IN CITY COUNCIL

LED Sign Special Permit

Colbea Enterprises, L.L.C.

342 Boston Post Road East

Order No. 19-

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 19-**

The City Council of the City of Marlborough hereby GRANTS the application for an LED Sign Ordinance Special Permit to Colbea Enterprises, L.L.C., 7 Starline Drive, Cranston, Rhode Island (the "Applicant"), as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 342 Boston Post Road East, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 59, Parcel 11 (the "Site") and operates/will operate a gasoline station.
2. The Applicant seeks an LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, "Electronic Message Center Signs and Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate an electronic message center sign (the "Sign") at the Site (the "Application").
3. The Sign is one (1) internally illuminated LED EMC sign with a 6'1" by 16'5 1/4" (100 sq. ft.) electronic message board on an existing pole.
4. In connection with the Application, the Applicant has submitted schematic design of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit A).
5. The Marlborough City Council held a public hearing on the Application on October 21, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

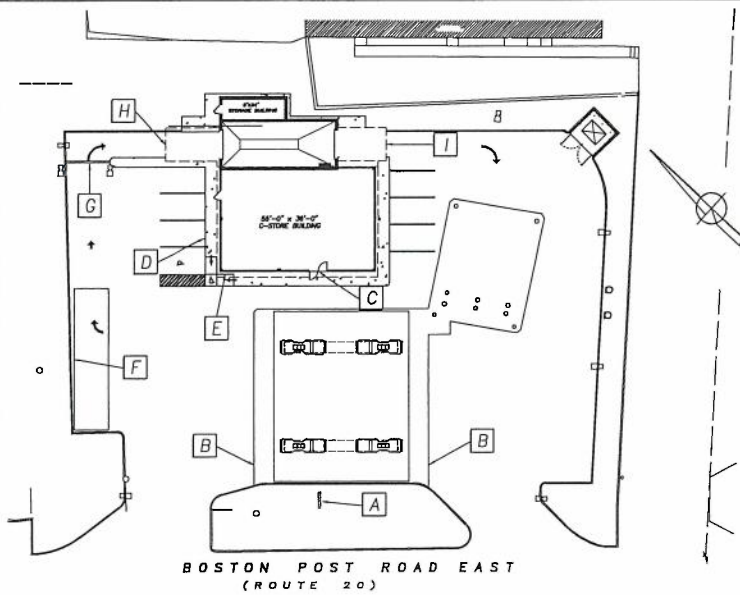
**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all rules and regulations promulgated by the Marlborough City Council as they pertain to application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough, and shall conform to the Sign Ordinance of the City of Marlborough.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

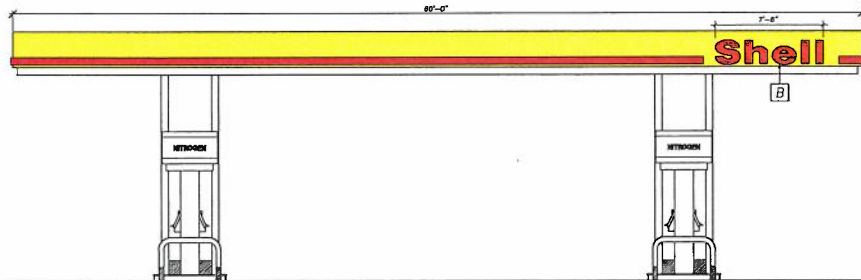
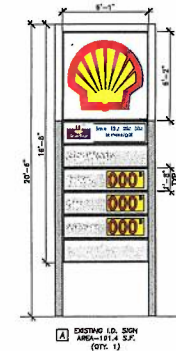
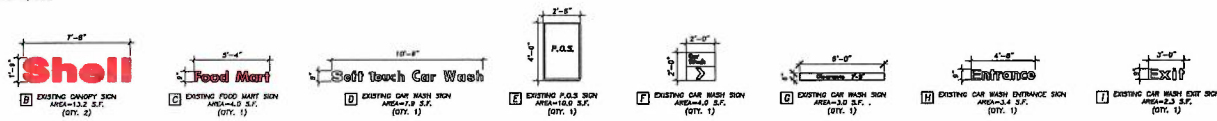
A TRUE COPY
ATTEST:



MARK	DESCRIPTION	SIZE	AREA	QUAN.	SQUARE FT.	INT. ILLUM'D.	REMARKS
A	I.D. SIGN	8'-1" X 16'-8"	101.4 S.F.	1	101.4 S.F.	YES	TO BE REFACED
B	"SHELL" CANOPY SIGN	7'-8" X 1'-9"	13.2 S.F.	2	26.4 S.F.	YES	TO BE REMOVED
C	TODD MART SIGN	5'-4" X 0'-9"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
D	"CAR WASH" SIGN	10'-8" X 0'-9"	7.9 S.F.	1	7.9 S.F.	NO	TO BE REMOVED
E	"P.O.S." SIGN	2'-8" X 4'-0"	10.0 S.F.	1	10.0 S.F.	NO	TO BE REMOVED
F	"CAR WASH" SIGN	2'-0" X 2'-0"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
G	"CAR WASH" SIGN	6'-0" X 0'-6"	3.0 S.F.	1	3.0 S.F.	NO	TO BE REMOVED
H	"ENTRANCE" SIGN	4'-6" X 0'-9"	3.4 S.F.	1	3.4 S.F.	NO	TO BE REMOVED
I	"CAR WASH" SIGN	3'-0" X 0'-9"	2.3 S.F.	1	2.3 S.F.	NO	TO BE REMOVED
TOTAL EXISTING SIGNAGE: 182.4 S.F.							

EXISTING SITE PLAN

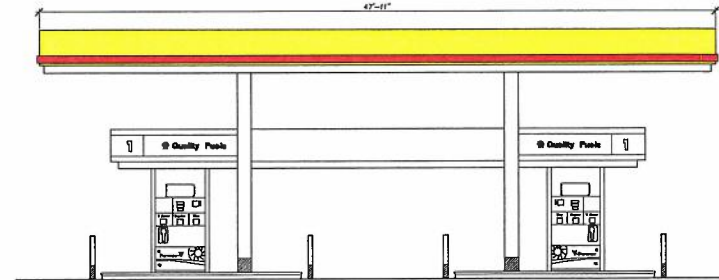
REFERENCE:
PROPERTY LINES AND OTHER TOPOGRAPHIC INFORMATION
SHOWN ON THIS DRAWING WERE TAKEN FROM A PLAN ENTITLED:
"SITE PLAN FOR A.P. 39 LOT 11 342 BOSTON POST ROAD IN
MARLBOROUGH, MA", PREPARED BY COMANCHE LAND
SURVEYORS, INC. SCALE: 1/8"=1'-0" DATED: JULY 10, 2015.



EXISTING CANOPY ELEVATION-SIDE

NOTE: OTHER CANOPY SIDE TYPICAL IN MIRROR IMAGE

SCALE: 1/4"=1'-0"



EXISTING CANOPY ELEVATION-FRONT

SCALE: 1/4"=1'-0"

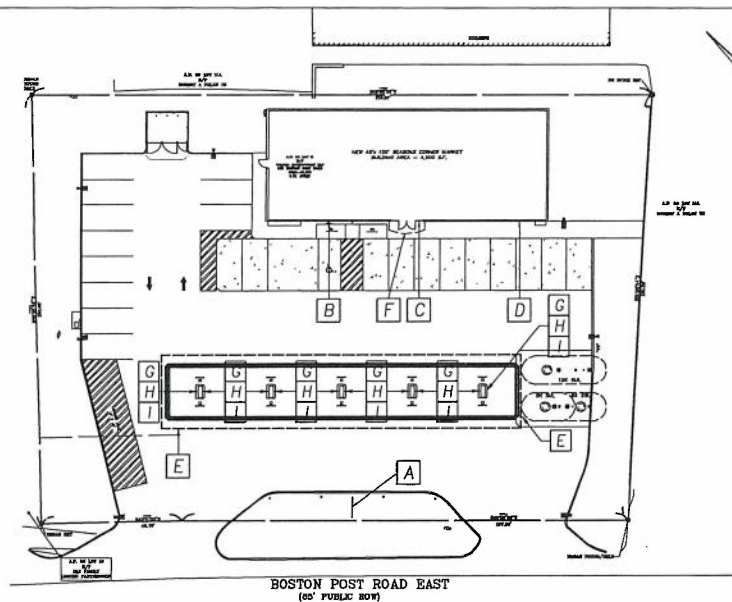
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REV.	DATE	BY	DESCRIPTION
1	11/17/17	FA	REVISED PER CITY MEMORANDUM

AYOUB ENGINEERING
ENGINEERING & ARCHITECTURE
ADDRESS:
411 BENEFIT STREET
PAWTUCKET, RHODE ISLAND 02861
401-728-5533

PREPARED FOR:
COLBEA ENTERPRISES, LLC
7 STARLINE WAY, CRANSTON, RI
PROJECT ADDRESS:
SEASONS CORNER MARKET
342 BOSTON POST ROAD EAST, MARLBOROUGH, MA
SHEET DESCRIPTION:
EXISTING SIGNAGE PLAN
PROJECT NO.: 1728.215
SCALE: AS NOTED
DRAWN BY: FA
DATE: 11/17/17
SHEET NO.:



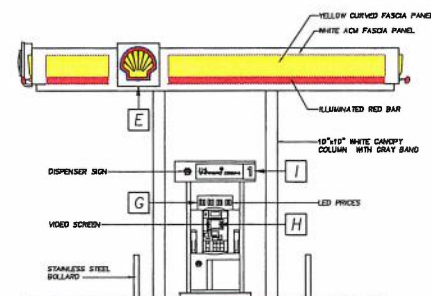
SITE PLAN

REFERENCE:
PROPERTY LINES AND OTHER TOPOGRAPHIC INFORMATION
SHOWN ON THIS DRAWING WERE TAKEN FROM A PLAN ENTITLED:

"SITE PLAN FOR A.P. 35 LOT 11 342 BOSTON POST ROAD IN
MARLBOROUGH, MA, PREPARED BY CONDOMINIUM LAND
SURVEYORS, INC. SCALED 1:20' DATED JULY 10, 2015."

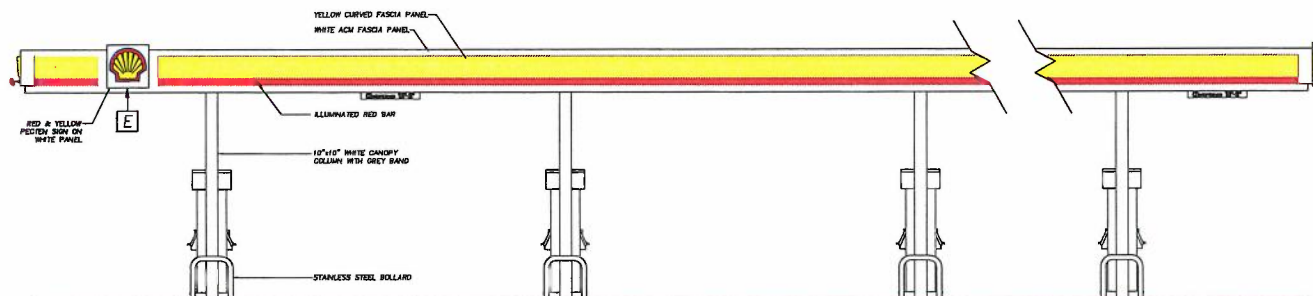
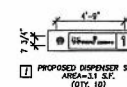
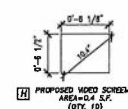
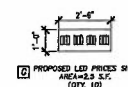
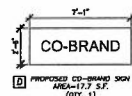
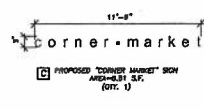


PROPOSED SIGN SCHEDULE							
MARK	DESCRIPTION	SIZE	AREA (SF)	QTY.	SIZE (FT)	ILLUMINATION	REMARKS
FREESTANDING SIGNS							
A	LD. SIGN	8'-1" X 16'-5 1/2"	100.0	1	100.0	INT	REFACED GROUND
TOTAL PROPOSED FREESTANDING SIGNAGE: 100.0 S.F.							
WALL SIGNS							
B	"SEASONS" SIGN	16'-5 1/2" X 3'-0"	55.44	1	55.44	INT	NEW WALL
C	"CORNER MARKET" SIGN	11'-8" X 0'-9"	0.81	1	0.81	EXT	NEW WALL
D	CO-BRAND SIGN	7'-1" X 2'-8"	17.7	1	17.7	INT	NEW WALL
E	CANOPY ECTEN SIGN	3'-0" X 3'-0"	9.0	2	18.0	INT	NEW CANOPY
TOTAL PROPOSED WALL SIGNAGE: 99.95 S.F.							
DIRECTIONAL SIGNS							
F	"WELCOME" SIGN	4'-3" X 0'-8"	2.1	1	2.1	INT	NEW AIRMING
G	LED PRICES SIGN	2'-6" X 1'-0"	2.5	10	25.0	INT	NEW AIRMING
H	VIDEO SCREEN	0'-8 1/2" X 0'-8 1/2"	0.4	10	4.0	INT	NEW AIRMING
I	DISPENSER SIGN	4'-8" X 0'-7 1/2"	3.1	10	31.0	INT	NEW AIRMING
TOTAL PROPOSED DIRECTIONAL SIGNAGE: 62.1 S.F.							



PROPOSED SOUTH CANOPY ELEVATION

SCALE: 3/16"=1'-0"



PROPOSED WEST CANOPY ELEVATION

SCALE: 1/4"=1'-0"

REVISIONS							
REV.	DATE	BY	DESCRIPTION	REV.	DATE	BY	DESCRIPTION
1	07/10/15	PA	ISSUED FOR PERMITTING	1	07/10/15	PA	ISSUED FOR PERMITTING
2	07/10/15	PA	ISSUED FOR PERMITTING	2	07/10/15	PA	ISSUED FOR PERMITTING
3	07/10/15	PA	ISSUED FOR PERMITTING	3	07/10/15	PA	ISSUED FOR PERMITTING
4	07/10/15	PA	ISSUED FOR PERMITTING	4	07/10/15	PA	ISSUED FOR PERMITTING
5	07/10/15	PA	ISSUED FOR PERMITTING	5	07/10/15	PA	ISSUED FOR PERMITTING
6	07/10/15	PA	ISSUED FOR PERMITTING	6	07/10/15	PA	ISSUED FOR PERMITTING
7	07/10/15	PA	ISSUED FOR PERMITTING	7	07/10/15	PA	ISSUED FOR PERMITTING
8	07/10/15	PA	ISSUED FOR PERMITTING	8	07/10/15	PA	ISSUED FOR PERMITTING
9	07/10/15	PA	ISSUED FOR PERMITTING	9	07/10/15	PA	ISSUED FOR PERMITTING
10	07/10/15	PA	ISSUED FOR PERMITTING	10	07/10/15	PA	ISSUED FOR PERMITTING

PREPARED FOR
COLBEA ENTERPRISES, LLC
7 STARLINE WAY, CRANSTON, RI
PROJECT ADDRESS
SEASONS CORNER MARKET
342 BOSTON POST ROAD EAST, MARLBOROUGH, MA
SHEET DESCRIPTION
PROPOSED SIGNAGE PLAN

PROJECT NO. 1728.716
SCALE: AS NOTED
DRAWN BY: PA
DATE: 2/2/15

SHEET NO.
SG-2



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY
Executive Director

2019 NOV - 1 P 12:05

October 30, 2019

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to an existing KENO To GO agent/s in your city/town, to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following location/s in your community:

Pete's on The Main
121 Main Street
Marlboro, MA

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester MA 02125. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney
Executive Director

Return Receipt Certified: 7007 2510 0004 5229 0602
268591 Pete's on The Main



Supporting the 351 Cities and Towns of Massachusetts

150 Mount Vernon Street, Suite 300 • Dorchester • Massachusetts • 02125-3573 • Tel: 781-849-5555 • www.masslottery.com

10-25-2019

2019 NOV -5 P 2:08

To the President and Members of the Marlborough City Council:

We, the undersigned retirees of the City of Marlborough, are writing in support of a communication from the Retirement Board to the City Council that was filed on May 20, 2019. The order read as follows:

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(j), refer to FINANCE COMMITTEE; adopted.

As you know, the City has raised the cost of the health insurance for retirees and that the rate of inflation has risen by 1.7 percent as of August 2019. We respectfully request that the City Council adopt the recommendation from the Retirement Board that is now before it for consideration. This modest increase would allow the retirees the means to keep up with the increases in both the cost of health insurance as well as the cost of inflation.

It is our understanding that the order was left in committee last year without a vote taken. We also understand that it is currently before the Finance Committee once again.

We simply ask that the City Council vote on this recommendation.

Respectfully submitted,

Steph P. Maurer L.
Robert Kusars
Linda A. Clark
Chris A. Monell
Robert A. Flanagan Jr
Edythe J. Flanagan
Charles Zelenko
Thomas Chacki
Thomas A. Karan

10-25-2019

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 NOV - 5 P 2:08
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It is our understanding that the order was left in committee last year without a vote taken. We also understand that it is currently before the Finance Committee once again.

We simply ask that the City Council vote on this recommendation.

Respectfully submitted,

Shan Bender	Robert Waldron
Joe Luca	John T. Kyle
Robert A. Supo Sr.	Richard A. Gauthier
Pat La	James Palechonia
Michael Francis Jr.	Paul Polewacz
Pat F. Francis	Steve Lamey
William Benevelli	Paul W. Jett
John Hogan	Michael Grane
John A. Milant	Jim P. Miller
	Gayle

CJG Enterprises, Inc.
24 Union Ave, Suite 28
Framingham, MA 01702
Maple Madison, LLC – Tiger Cat Properties, LLC

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 NOV 13 P 1:47

November 12, 2019

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

Reference: Special Permit, Cozy Café, Lincoln Street, Housing Proposal

Dear President Clancy and Councilors:

I am writing to request an extension of the Special Permit for the conversion to apartments of my property at 487 Lincoln Street which was approved in City Council in November, 2017.

As many of you know, the preliminary project approval took a very long time with many revisions to the proposal. There was a time when I thought that getting the approval in City Council was going to be the most difficult hurdle in the project timeline. As it turned out, the size of the project coupled with the complexity of some of the requirements of the permit and existing conditions in the structure have made it far more difficult than anticipated to find contractors that are available and equipped to do this job. And the difficulty is not just finding *someone* . . . it is equally important to engage a team that can handle the project efficiently and deliver a quality end product that meets all of our expectations.

After a lengthy search, I have been able to put together a cohesive team of tradesmen and architectural professionals that can provide us with the results we all envision for Lincoln Street. The architect has been working on the final building plans, but he was involved in an automobile accident earlier this year and as a result there have been several additional delays. He is not far from completion, and we are looking forward to being able to apply for the Building Permit very soon.

I understand that the Marlborough City Ordinance has a 2-year time limit after approval, which is more restrictive than the Commonwealth's 3-year timeframe under MGL chapter 40A. After the years of work and planning that we have all put into this project, I would be most appreciative to be granted a one-year extension of the Special Permit, in order that we can bring the Cozy Café conversion to fruition.

Sincerely,



Cynthia J. Gleason
CJG Enterprises, Inc.
Tiger Cat Properties, LLC

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

Call to Order

September 24, 2019

1. Michelle Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Denise Ryan, Heidi Matthews, Darren McLaughlin and Earl Geary. Also present were Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations, Douglas Dias, MEA Representative Rupal Patel, and Administrative Support Julia Marshall. Chairman Arthur Vigeant arrived to the meeting at 7:45 p.m.

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

2. **Pledge of Allegiance:** Michelle Bodin-Hettinger led the Pledge of Allegiance.

3. **Presentation:**

- A. **MHS Student Advisory.** Two Student Advisor Committee members presented updates on various activities at Marlborough High School, including marching band and EEE. Allison Lucas spoke about the marching band practicing during the summer to learn the halftime show, which has a theme of superheroes, for the fall football season. She also spoke about the accepting nature of the band – after every football game almost everyone goes to the 99 Restaurant to hangout—and the athletic department. The second student presenter, Emma Marakoulos, talked about how sports games/practice scheduling has shifted because of the EEE breakout, and the students have mixed emotions about these times changing. The other Student Advisor Committee members were unable to make the meeting to present on their topics.
- B. **Camp Invention.** Grade 5 Maker Space teacher Kelly Hall discussed the MPS sponsored summer program, Camp Invention, which ran for its second year this summer for 2 weeks. Ms. Hall spoke about the experiences of students and staff during this program. Marlborough High School students intern at this program, and most of them returned for the second summer this year. The student curriculum is very thought-provoking with many guiding and reflective questions, and parents are sent home newsletters explaining what students learn about. Ms. Hall explained four modules the students went through and the experiments/inventions they created throughout the summer program.

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The feedback of parents and teachers were incorporated into Ms. Hall's presentation to show the importance and profoundness of this program. All the teachers returned to Camp Invention this summer, as well as many students. This program was free to students and provided breakfast and lunch for them. Committee members asked questions about the changes in curriculum, enrollment capacity and availability of Camp Invention to fifth graders.

4. Committee Discussion/Directives: None

- 5. Communications:** Mrs. Matthews read an email from Marlene Manell, who voiced personal experiences/concerns about North Reading Transportation (NRT) bus drivers putting students in danger. She had negative experiences riding the bus with students to/from music events, including the football games, where drivers were speeding or driving recklessly. She has had these concerns for a while but thought NRT's contract with Marlborough Public Schools meant nothing could be done about this; since NRT's contract is up she feels it is time to share her experiences.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to put these concerns regarding NRT on record.
Motion passed 6-0-0.

6. Superintendents Report:

Superintendent Bergeron began his report by recognizing two students, Dinh Ton and Sarah Hayward, for the Superintendent's Certificate of Excellence. Sarah Hayward also was recognized as the commended student in the 2020 National Merit Scholarship Program. The written recommendations from the guidance department on the students' behalf were read by Superintendent Bergeron. These recommendations discussed the students' background and experiences and extracurriculars at Marlborough High School and in their community at large. Both students were presented with certificates by Superintendent Bergeron; Mary Murphy assisted the Superintendent in presenting Sarah Hayward with hers. Both students thanked their parents and teachers in a short acceptance speech.

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Superintendent Bergeron continued with the second item on his report by explaining his draft FY20 Superintendent goals for this academic year. The main goals included establishing effective direction setting, being present in the schools and developing an effective redistricting plan. He welcomed feedback to his goals; previous feedback to previous goals assisted in his creation of these new goals and connecting them to the standard for which his goals relate to. Superintendent Bergeron finished his report by explaining how the new rubric is being used, and next School Committee meeting's agenda will include voting on the goals and rubric. Mrs. Matthews mentioned Mrs. Hennessy's notes that were forwarded to her via email regarding the Superintendent's second goal about being present in the schools and supporting the principals. Ms. Hennessy concern was to ensure that the Superintendent's interactions with all of the principals maintained the common message throughout the system. Based off Ms. Hennessy's feedback, Superintendent Bergeron will revise goal two and bring this revision to the next meeting.

A. Director of Finance & Operations Report

Director of Finance & Operations, Douglas Dias, began his report by reminding parents that free and reduced lunch applications must be completed each year; if anyone is uncomfortable doing the application through their school, they can come to his office directly to complete the process. Superintendent Bergeron explained that the committee previously voted to not collect the reduced fee of \$0.40 from students, so students qualified for "reduced lunch" are recognized as having "free lunch." Mr. Dias included an update from Chris Duane, the President and CEO of the MetroWest Boys & Girls Club, regarding the Boys & Girls Club licensed summer and after school program, which is attached to his report. Participation is higher this year, but there is still space available for parents/students interested in joining the program. Mr. Dias commended the translation team on doing a solid job with translating documents; there were no Portuguese or Spanish documents sent out to third-party providers. The translation team is available over the phone, in the schools, at IEP meetings and events, such as Curriculum night, to assist staff, parents and students as needed. Mr. Dias finished his report by stating how NRT is working to identify and correct issues and make changes regarding problems, such as bus routes, recently brought to light since the school year has begun. Mrs. Matthews asked if Richer school has turned any students away since they reached capacity for the before/after school Boys & Girls Club program. Superintendent Bergeron stated that he met with Chris Duane, and they are willing to expand if the need for programming arises.

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B. Director of Student Services Report

The Director of Student Services, Jody O'Brien, updated the committee on the current district-wide programs each Elementary school provides to special education students. Ms. O'Brien explained that Kane Elementary and Richer Elementary will continue to house the TLC and Connections programs in their respective buildings. The new Elementary school will house The Pathways Program, along with Jaworek Elementary, which currently does such, to support the projected number of preschoolers requiring this program as they enter kindergarten next year. Two of the four current Pathways teachers will be retained by Jaworek, and the remaining two special education teacher positions will move to the new school; staff and student assignments will be determined when assignments for the other schools are complete. Denise Ryan asked about which school will have the K-2 classroom and which will have the 3-5 classroom. Ms. O'Brien clarified that there will be a K-2 classroom and a 3-5 classroom in both Jaworek and the new school.

7. Acceptance of Minutes:

A. Minutes of the August 27, 2019 School Committee Meeting

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes.

Motion passed 6-0-0.

B. Minutes of the September 10, 2019 School Committee Meeting

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes.

Motion passed 6-0-0.

8. Public Participation: None

9. Action Items/Reports:

A. MHS Schedule Adjustment Request

Principal Daniel Riley presented the yearly request for early-release days. Mr. Riley began by explaining that this request is consistent with previous years' requests except for one change regarding Midterm/Final exams. There is little time for teachers to review Midterm exam results to be able to adjust their teaching practices based off these results. His proposal asks that his staff be provided with time to review the results so they can make these adjustments. Mr. Riley recommended that the School Committee accepts the PSAT/SAT/MCAS staggered opening and the early release format for Semester 1 & 2 Exams scheduled for 2019-2020.

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A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the staggered/early release proposal presented by Mr. Riley.
Motion passed 6-0-0.

B. MASC Conference Delegate

The School Committee must nominate one member to be their voting delegate at the MASS/MASC Conference as well as an alternate voting delegate.

A motion was made by Mrs. Bodin Hettinger and seconded by Chairman Vigeant to nominate Mrs. Matthews as the MASC Conference Delegate.
Motion passed 5-0-0.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to nominate Mrs. Bodin-Hettinger as the alternative for the MASC Conference Delegate position.
Motion passed 5-0-0.

C. MASC Resolutions

Mrs. Matthews presented a report of the nine resolutions proposed by the Resolutions Committee of MASC for this year, which will be voted on at the annual conference held from November 6th through the 9th of this year. The School Committee discussed the resolutions and instructed the delegate and alternate delegate as to how the Committee wants their vote tallied. (Full resolution report can be found in the meeting agenda).

Resolution 1 calls for the ban of polystyrene materials, such as foam cups, bowls, plates and trays, from Massachusetts Public Schools by the 2022-2023 school year.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to reject Resolution 1.
Motion passed 5-1-0.

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Resolution 2 calls for the elimination of the MTEL and the MA Performance Assessment for leaders (MaPAL) as licensing requirements for educators and for the governance and licensure of professional educators to be vested in a board comprised of licensed educators.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve Resolution 2.
Motion passed 6-0-0.

Resolution 3 calls for the creation of a working group to advise the Legislature on the best solutions to support greater competition and higher performance from transportation companies. Be it further resolved that in order to promote greater competition for bus service contracts, the Legislature should eliminate M.G.L c. 71 § 7C, and authorize a deeper analysis into the lack of bidders on school transportation contracts.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve Resolution 3 with an amendment to include 30B to allow districts to use an RFP process to procure transportation services.
Motion passed 5-0-1. (AGV)

Resolution 4 calls for on Congress to take swift and effective actions on climate change to protect current and future students. Be it further resolved that MASC advocates for funding for school infrastructures need and emergency funding for disaster relief caused by natural catastrophes and extreme weather events.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to reject Resolution 4.
Motion passed 6-0.

School Committee

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Resolution 5 calls for the Commonwealth to fully reimburse transportation funding for children in foster care and state care. DCF and DESE must complete the process to provide proper documentation for the Commonwealth to receive reimbursement for transportation expenses under Title IV-E of the Social Security Act. Be it further resolved that MASC advocate the Massachusetts General Court to properly calculate and assume the full expense of providing educational services to students in foster care and state care including the costs of assessments, regular day and special education services as well as out-of-district placements, transportation and mental health services.

A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve Resolution 5.
Motion passed 6-0-0.

Resolution 6 calls for MASC to file or support legislation that will provide a sufficient appropriation for universal pre-K in Massachusetts and will achieve the actions necessary to provide access to good, quality universal pre-K for all children in Massachusetts.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve Resolution 6.
Motion passed 6-0-0.

Resolution 7 calls for MASC to prioritize, as a matter of public policy agenda, and file for and support legislation to support the eradication of poverty among children in Massachusetts and advocate for social and economic justice for students and their families that will include:

- Support for a revenue stream that supports social and economic priorities for children and families
- Support for state program and services that serve children at greatest social and emotional risk which are easily accessible to students and families
- Advocacy for nutrition programs that eradicate hunger among children
- Advocacy for healthcare including vision, hearing, dental and mental health through accessible service providers

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- Support for pre-kindergarten programs for all children
- Advocacy for increasing educational opportunities for children to grow both inside and outside of school

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve Resolution 7.

Motion passed 6-0-0.

Resolution 8 calls for MASC to work with the state and federal legislatures to provide additional funding to provide free access to menstrual products from the school nurse and in restrooms and locker rooms.

A motion was made by Mrs. Ryan, seconded by Chairman Vigeant to approve Resolution 8.

Motion passed 4-0-2. (AGV, HM)

Resolution 9 calls for MASC to seek legislative action to both address the deleterious effects of charter school funding on certain municipalities and school districts across the state and approve a comprehensive set of reforms that includes:

1. Establishment of strict guidelines or regulations to require that charter schools enroll representative cross sections of students residing within the school service areas.
2. Reporting of accurate numbers of students who leave charter schools to return to the sending districts or district of residence.
3. Requiring the MA Department of Elementary and Second Education to retain and report accurate data on enrollment of students with learning disabilities, physical disabilities, economic disadvantage, emotional disability and status as racial and linguistic minorities.
4. State requirements that all charter schools be funded in full by the Commonwealth rather than by expropriation of Chapter 70 education aid from the sending cities, towns and regions.
5. State funding in full of any mitigation funds created to offset the loss of state funding for students who become students in charter schools.

Superintendent Bergeron noted that number 4 and number 5 are in conflict of one another.

School Committee
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A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve Resolution 9.
Motion passed 6-O-O.

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the proposed amendments to the MASC by-laws.
Motion passed 6-O-O.

D. Recommendations to Award Five-Year Transportation Contract

Douglas Dias, the Director of Finance & Operations, discussed the invitation for proposals for a five-year contract to provide regular education transportation, in-district special education transportation and McKinney-Vento transportation that the Marlborough Public Schools released. North Reading Transportation (NRT) was the lowest bidder in all three categories, which would save around \$730,000 for the school system in the first year. Mr. Dias recommended that the School Committee vote to award a five-year contract to North Reading Transportation. Mr. Geary asked about the process that occurs when MPS receives a complaint/concern regarding the bus company. Mr. Dias explained that concerns are dealt with, speed/GPS data can be extracted to look at a certain incident and drivers could be reprimanded if necessary. Chairman Vigeant explained how he spoke with Chief Giorgi about stopping buses, without kids on it, that are speeding to send a message to drivers that there are consequences for their actions.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to award the five-year transportation contract to NRT.
Motion passed 6-O-O.

E. Acceptance of Donations and Gifts

Donation made by Donor's Choose to the Whitcomb Middle School in the amount of \$417.46.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donations.
Motion passed 6-O-O.

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10. Reports of School Committee Sub-Committees: None

11. Members' Forum

Chairman Vigeant noted that he attended a meeting about the school funding that will be voted on within 10 days with no information to the public, communities or municipalities. The legislature can't tell the public what it will cost or where the money will come from. Legislature instructed the MMA to speak with their senators to find out what impact they would have with the new bill; senators have not responded back to them yet.

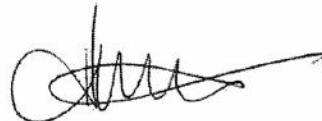
Mrs. Bodin-Hettinger questioned where the Student Representative has been. Superintendent Bergeron with follow-up with Principal Riley.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 9:06 p.m.

Motion passed 6-0-0.

Respectfully submitted,



Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

APPROVED 11/12/2019

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 NOV -6 AM 10:53

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING SEPTEMBER 3, 2019
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: DAVE DOUCETTE, DEBRA MCMANUS,
JOHN USINAS, LAURA KYLE, CHERYL SOUCY, LAURA
GREGORY, VISITOR

MEETING CALLED TO ORDER AT 4:04

MAYOR ARTHUR VIGEANT AND NATHAN BOUDREAU,
EXECUTIVE AIDE ADDRESSED THE COMMISSION AND
THANKED US FOR ALL OUR HARD WORK.

MINUTES READ: MOTION TO ACCEPT PASSES 5 TO 0.

TREASURER REPORT: MOTION TO SUSPEND REPORT
FOR AUGUST.

OLD BUSINESS

- LOST SHOE HAS TABLE OUTSIDE, 36"
CLEARANCE REMAINS. TABLES ARE NOT
WHEELCHAIR FRIENDLY.

- FLYING DREAM BREWING CO. – CITY COUNCIL APPROVED SIDEWALK TABLES. TWO SEAT TABLES ONLY, ALLOWING 36” CLEARANCE.
- 3 CAMPERS RECEIVED SCHOLARSHIPS TO THE BOYS & GIRLS CLUB SUMMER CAMP THIS YEAR. ONE MORE CAMP BILL MAY COME IN.
- APEX CENTER NEAR STARBUCKS STEPS WITH NO RAILING OR HIGHLIGHTING. STAFF AT BOWLING ARENA ASKED ABOUT ACCESS. THEY KNEW ABOUT MOVING FURNITURE.
- 65 BOSTON POST RD WEST PICTURES TAKEN LETTER WILL BE SENT.
- 72 HOSMER STREET – AAB COMPLAINT RESOLVED.

NEW BUSINESS

- SENIOR CENTER IS WORKING ON GETTING LG. PRINT MENUS, AS PART OF THEIR DEMENTIA PROGRAM.
- JOHN GAVE A DEMONSTRATION OF THE “SCRIP TALK STATION” WHICH IS AN AUDIBLE PRESCRIPTION READING DEVICE BY EN VISION AMERICA & A FREE PROGRAM.

- SPEED BUMPS HAVE BEEN DISCUSSED FOR DICENZO BLVD LEAVING ONLY 18" CLEARANCE ON THE SIDES FOR WHEELCHAIR ACCESS, STROLLERS ETC. MANY NEIGHBORS ARE UNHAPPY WITH THE PROPOSAL.

MEETING ADJOURNED @5:04PM.

NEXT MEETING WILL BE OCTOBER 1, 2019 AT CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING OCTOBER 1, 2019
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

RECEIVED
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MAYOR'S CONFERENCE ROOM
2019 NOV -6 AM 10:53

ATTENDEES: DAVE DOUCETTE, DEBRA MCMANUS, JOHN USINAS, LAURA KYLE, CHERYL SOUCY

MEETING CALLED TO ORDER AT 4:10

MINUTES READ: MOTION TO ACCEPT MINUTES AS READ AND MODIFIED, PASSED 5 TO 0.

TREASURER REPORT: \$4,140.24. MOTION TO ACCEPT PASSES 5 TO 0.

OLD BUSINESS

- DAVID CORREIA, METROWEST INDEPENDENT LIVING CENTER WILL INSPECT THE STARBUCK WALKWAY AND 65 BOSTON POST ROAD EAST HANDICAPPED PARKING.

NEW BUSINESS

- DAVID CORREIA, ADVOCACY DIRECTOR OF THE METROWEST INDEPENDENT LIVING CENTER HAS OFFERED TO SPEAK AT THE NOVEMBER MEETING.
- DEB AND CHERYL SPOKE WITH SOME PEOPLE AT THE MASS. STATEWIDE INDEPENDENT LIVING COUNCIL ABOUT OUR CONCERNS THAT THE DIAL-A-RIDE IS STILL NOT TAKING NEW RIDERS.

- DAVID CORREIA WAS THE RECIPIENT OF THE 2019 REGIONAL ADVOCACY AWARD FOR REGION I FROM THE NATIONAL COUNCIL ON INDEPENDENT LIVING (NCIL). THE REGIONAL ADVOCACY AWARDS “RECOGNIZE INDIVIDUALS OR GROUPS/ORGANIZATIONS WITHIN EACH REGION FOR OUTSTANDING SYSTEMS ADVOCACY EFFORTS CONSISTENT WITH INDEPENDENT LIVING GOALS AND PHILOSOPHY AT A NATIONAL, STATE, OR LOCAL LEVEL.”
- DEB DISCUSSED THE NATURE OF THE PHONE CALLS THAT COME INTO THE COD PHONE LINE.

MEETING ADJOURNED @ 4:59 PM.

NEXT MEETING WILL BE NOVEMBER 12, 2019 AT CITY HALL IN THE MAYOR’S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS

Marlborough High School
School Council
Meeting Minutes – October 24, 2019

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2019 OCT 28 A 8:38

In attendance – Dan Riley, Marcia Adams, Sue Pearl, Rita Smith, Ann Kinslow, Gail Yosca, Edson Farias

Absent - Marlene Manell, Heather Kohn, Genevieve Kinslow, David Friess

- I. Welcome and Sign-In: each person introduced themselves, how long they've been involved in the council, any topics they would like to discuss this year.
- II. School Budget: very blessed to be well funded. Have curriculum resources needed. Are fiscally responsible. Marlborough per pupil expenditure is over 16k. Reviewed year-to-date expense report with Dan giving explanation of how to read report. 2 new programs brought on this school year: EMT Certification Program (transferred 20k from other instructional budgets, with thought) and Mazie Mentoring Program (mzie.org), have mentors from the community mentor students at risk (transferred 15k from other instructional budgets). Mazie is part of Big Brothers, Big Sisters of Central MA. Framingham Public Schools have had great success with this program. Shifts made within budget to have funding equity for all honor societies.
- III. MCAS: For the first time in 6 years, we are in good standing and making progress, with overall classification of not requiring assistance or intervention. In terms of achievement, from data standpoint, last year's 10th grade class was the most underperforming group. Yet, points were earned in each achievement and growth group. This group was the first to take computerized MCAS. Finished in 23rd percentile, up from 0-20% group. We are climbing.
- IV. Reviewing School Improvement Plan: New format based upon feedback last year. Two theories of action:
 - a) Have regularly scheduled intervention blocks during school day to help reduce achievement gap for priority student subgroups.
 - b) Increase content area instruction for special education students with the goal of increasing special education students' academic achievement.

For this year, School Council will work on approving school improvement plan. Reviewed MPS Strategy for Improvement with focus on reviewing specified priorities and determining what priorities we will work on this year. Will focus on:

- 2.2 Support at risk students through a comprehensive set of intervention systems

- 2.4 Develop Project-Based Learning opportunities that are rigorous and relevant for all students
- 3.1 Strengthen relationships in our community (something we have been working on rather unsuccessfully) for years.

Dan shared book he is reading, "Beyond the Bake Sale" whereby rather than having parents/families come to the school, the school goes to where the parents/guardians are in the community. Dan is experimenting with social probation program (tardiness and vaping). After 10 tardys, you loose all social privileges until you do 1 hour of community service. If community service is not done in a timely fashion, then cell phones will not be allowed in school until original hour and additional hour of community service are completed. Assistant Principals have set up community service opportunities (in school, DPW, Branches). Vaping is way down. \$25 fine for vaping (city wide ordinance) \$100 for marijuana. In looking at priority 1.3 (Identify and implement a menu of non traditional academic opportunities for at risk students to successfully graduate high school), this task is really focusing on students who are older aged and under-credited who need alternative ways to achieve HS diploma.

Meeting Minutes Respectfully Submitted by Sue Pearl

**Minutes
Retirement Board Meeting of
August 27, 2019**

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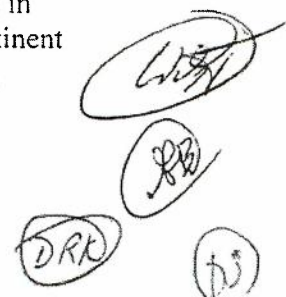
2019 OCT 28 P 2:55

The monthly meeting of the Marlborough Retirement Board was held on August 27, 2019. Gregory Brewster, William Taylor, David Keene, Diane Smith, Daniel Stanhope, Margaret Shea, and Nathaniel Chen were present. The meeting was held in the Mayor's Conference Room in City Hall.

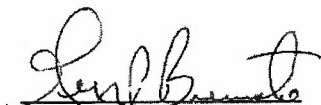
1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes of July 30, 2019. Vote unanimous.
3. The Board members met with Stephen MacLellan of the Meketa Group to review the investment performance. He began his presentation by discussing world markets. As of July 31, 2019, the assets of the system totaled \$182.8 million. All asset classes were within their ranges. The fund returned .4% for July bringing the year-to-date performance to 11.7%. MacLellan spoke briefly about Frontier Capital which has suffered from succession issues and lower than benchmark performance. He briefed the members on the upcoming custodial search and the reclassification of the Board's investment in Payden & Rygel. Meketa and Payden negotiated a discounted fee for Meketa's clients invested in the emerging bond strategy that can be accessed by investing in a special share class of Payden's collective investment trust. The fee savings would be approximately \$8,300.00 per year.

After discussion, a motion was made and seconded to approve the transfer to Payden's collective trust (CIT) vehicle. Vote unanimous.


4. The review of the actuarial valuation as of January 1, 2019 was the next item on the agenda. Dan Sherman reviewed primary results comparison which indicated a 2.2% increase in membership and a 5.1% increase in payroll from January 1, 2017. The Board reviewed several assumption alternatives but focused on the alternative that smoothed assets and instituted a revised mortality table. Under these assumptions, the funding ratio dropped slightly from 76.4% to 75%. The Board reviewed two funding schedules under these options; one with 4.5% increasing payments with full funding reached in 2028 and another 4% increasing payments also reaching full funding in 2028. After discussion, the Board asked Mr. Sherman for funding schedules which assumed a COLA base increase to \$14,000. The Board told Mr. Sherman that they would consider the schedules and vote at the September meeting.
5. Approval of retirements was the next item on the agenda. The following individuals were scheduled to receive a superannuation retirement allowance in August of 2019: David Brumby and Benjamin Hatch. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.

Handwritten signatures and initials, including a large signature at the top, a circled 'DRK' below it, and other initials in circles.


6. Brianna Kobus and Ana Cabral had applied for refunds of their annuity savings accounts. The Middlesex County Retirement System had requested a transfer of Page Peak's account. A motion was made and seconded to approve all refunds and the transfer. Vote unanimous.
7. The Board reviewed the lease amendment negotiated with the Antico Company. A motion was made and seconded to approve. Vote unanimous.
8. The Board reviewed a cash flow analysis and operating budget as of August 31, 2019. The Board also reviewed the July 2019 cashbooks, journals, and trial balance. The Board reviewed reconciliations and bank statements for April, May, June, and July. 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. There was no old business. Under new business, the Board reviewed amount due to Fran Forance for temporary employment. The Board also reviewed information about the PERAC Emerging Issues Forum and the MACRS Fall Conference.
10. The Board approved the following warrants: retiree payroll warrant for August 2019, #202019, and #212019.
11. A motion was made and seconded to adjourn the meeting. Vote unanimous.



Gregory P. Brewster

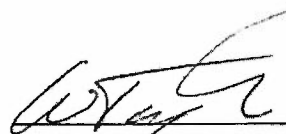


David Keene



Diane Smith

Daniel J. Stanhope



William S. Taylor

**Minutes
Retirement Board Meeting of
September 24, 2019**

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CITY OF MARLBOROUGH
2019 OCT 29 P 2:55

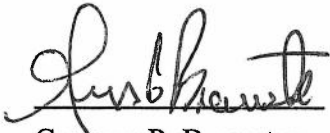
The monthly meeting of the Marlborough Retirement Board was held on September 24, 2019. Gregory Brewster, William Taylor, David Keene, Diane Smith, Margaret Shea, and Nathaniel Chen were present. The meeting was at 255 Elm Street, Marlborough.

1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes. Vote unanimous.
3. The Board had reviewed the medical panel report of Brian Langelier in connection with accidental disability application filed by Chief Giorgi. Chief Giorgi requested that the vote on the application be postponed. The director told the members that the Chief was aware of additional medical records that were not submitted to the medical panel. After discussion, a motion was made and seconded to submit the additional records and request clarification from the panel regarding those records. Vote unanimous.
4. The Board reviewed the expanded funding schedules for Options B and D using updated mortality tables and asset smoothing. After discussion, a motion was made seconded to approve the Option D with updated mortality and asset smoothing schedule. Vote unanimous.
5. The Board reviewed a draft of the RFP for Consulting Services. A motion was made to approve and issue. Vote unanimous.
6. Approval of retirements was the next item on the agenda. Carol Wood was scheduled to receive a superannuation retirement allowance effective August 10, 2019. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
7. The following individuals applied for refunds of their annuity savings accounts: Dawn O'Brien, Dana Dyer, Gustavo Diniz, Anthony Selgado, Tracey Wright, Nicole Isabella. Carol Wood was scheduled to receive a refund of deductions taken in error. The Middlesex County Retirement System had requested a transfer of Christine Sweeney's account. A motion was made and seconded to approve all refunds and the transfer. Vote unanimous.
8. The Board reviewed a cash flow analysis and operating budget as of September 30, 2019. The Board also reviewed the August 2019 cashbooks, journals, and trial balance. The August reconciliation was not yet available for review. 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. There was no old business. Under new business, the Board discussed the upcoming MACRS Conference to be held in Springfield. After discussion, a motion was made and


seconded to approve attendance for Gregory Brewster and Bill Taylor. Vote unanimous.

10. The Board approved the following warrants: retiree payroll warrant for September 2019, #222019, and #232019.

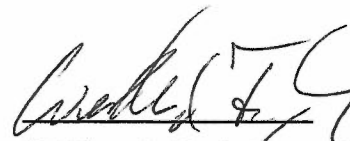
11. A motion was made and seconded to adjourn the meeting. Vote unanimous.


Gregory P. Brewster


David Keene


Diane Smith

Daniel J. Stanhope


William S. Taylor



**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, September 25, 2019 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Steve Kerrigan. Also present: Assistant City Engineer Tim Collins, Officer Andy Larose - MPD Traffic Services Unit, City Councilor Katie Robey, City Councilor Christian Dumais, City Councilor Ed Clancy and local resident Keith St. John. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, August 28, 2019.

MOTION was made, seconded, duly VOTED:

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

2 - New Business

2a) Issues concerning the Commercial Motor Vehicle Restriction on various roads.

Officer Larose sent an email to the Traffic Commission outlining his concerns on this issue. He explained that it is difficult for the Police Department to enforce the Commercial Motor Vehicle Restriction with the current signage. There are several areas he feels are not clearly marked. One of the issues which he noted in his email, "Where there are signs, a commercial vehicle is already committed to the turn or is already on the road before they are advised. He went out and looked at all the current signage and outlined his findings.

Tim Collins pulled up a diagram with the areas where no trucks are allowed highlighted in pink. He also reviewed each area and noted his findings and/or action items directly

on Officer Larose's email in red. Certain signs will be relocated, branches covering signs will be cut back, Mass DOT will be contacted for permission to install advance warning signs. It was noted that trucks are allowed on specific roads for "Local Deliveries" so signage indicating that commercial vehicles must turn in a specific direction might be appropriate. Some of these roads have many businesses that are receiving deliveries, so yes, there are frequently trucks in the area. He also explained again that one of the requirements for a truck exclusion is to create an acceptable detour route. This route may have to travel through another town and the other town may not want to approve the detour route. Mr. Collins also noted that in order to create a truck exclusion 3 to 8% of traffic volume must consist of trucks. If less than 3% there is not enough truck volume to warrant the restriction, if more than 8% trucks are necessary here.

See the attached specific memo from Mr. Collins with specific answers to each concern.

It was discussed that more signage providing better alternatives is necessary. For example, trucks are not allowed on Farm Road but they don't see any signage until it is too late and then they are unable to turn around. GPS also causes problems because it doesn't show the truck exclusions, it just shows the quickest route. Officer Larose said that a truck GPS is supposed to show the exclusions but sometimes it is not uploaded properly.

Mr. Collins said that all the proper regulations for the existing truck exclusions are in place we just need better signage for the preferred routes. This will then allow Officer Larose and the Traffic Unit to be in a better position to enforce the Commercial Vehicle Restriction.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to adjust signage and make a request to Mass DOT for permission to install advance warning signs on Boston Post Road East for the Commercial Truck Exclusion on Farm Road.

Officer Larose asked to bring up an additional issue not on the agenda.

While discussing Farm Road, Officer Larose also wanted to discuss an issue at the intersection of Farm Road and Broadmeadow. He was out there the other day and stopped at least 10 cars. There is a sign that says right turn after stop on red, however, many just turn automatically. There is a traffic light and stop bar there. When he stops people, they say, "Everyone else was doing it." They don't seem to realize that the cars coming from the opposite direction have a green arrow for the left turn. They need to realize it is a right turn on red after stopping first. It was further discussed that the turn is confusing. The traffic light is further down the road and it looks like the red is for everyone to stop. They don't realize there is also a green arrow for the left turn. It was asked if there was any accident history here. Officer Larose will look into this and bring it to the next meeting.

2b) Request for "Do Not Enter" sign at intersection of Rawlins & Central.

Sgt. Attaway spoke to the local resident who made this request. The resident said there used to be a "Do Not Enter" sign here, however, it was removed during road work a few years ago. He is asking if it can be replaced. Sgt. Attaway said that there is already a One Way and No Left Turn sign.

Officer Larose said that it is clearly one way and he does not see an issue with enforcement here. Maybe there is someone taking a quick left to get to their own house. It appears to be more of an enforcement issue.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement.

3-Old Business

3a) Parking Issues on John Street around the playground area.

The Traffic Commission is looking to create a No Parking area on both sides of the street near the playground but the key is the exact location of the new crosswalk.

MOTION was made, seconded, duly VOTED to TABLE until the St. Mary's Plan is finalized.

3b) Crosswalk Concerns on Stevens Street near Lodi Road.

Update: Tim Collins advised that he went out to the area yesterday and the new/revised signage has not yet been installed, however, he knows that this is on the list to be done soon.

MOTION was made, seconded, duly VOTED to keep this on the agenda until proper signage is installed.

3c) Request for a Truck Exclusion on Stevens Street.

Update: Tim Collins is working on the truck count but has been having problems with the counters. He is working with the counter company and our IT Department to get them working properly.

Councilor Clancy again reviewed some of the complaints he has received with trucks approaching Lincoln Street and then they can't go forward. He said it's not really tractor trailers but the 10 and 18 wheelers that cause the problems also the loud Jake Brakes. He asked if the solar signs could be used to monitor trucks. Mr. Collins explained that these provide a lot of information but they can't tell the weight of a vehicle, which is how trucks are counted. Nothing can be done until a new truck count is completed.

MOTION was made, seconded, duly VOTED to TABLE until the truck count is completed.

3d) Crosswalk request / parking issues on Dicenzo Blvd.

Update: Tim Collins reviewed the specifics for the edge line (fog line) painting and crosswalks and provided a detailed outline. See attached for specifics.

In summary:

Edge Line – There are 38 feet of pavement which allows for 19 feet on each side of the double yellow center line. This leaves room for a 12-foot travel lane, similar to Farm Road, and a 7-foot shoulder on each side painted with a white edge line. He also said that part of the problem is that there is not enough parking for the condos here so the overflow spills out onto Dicenzo.

Crosswalks - Mr. Collins reviewed the existing conditions (i.e. sidewalks and curbing) at Dicenzo Blvd., the service driveway at Target and the area across the street at the Home Depot Parking Lot and advised as to what changes were needed. Chief Giorgi asked to view the area on the map so Mr. Collins pulled up the area on the screen. It was also discussed that the crossings would need to be made handicap accessible.

Mr. Ghiloni asked what the distance would be between the two crosswalks. He thought it seemed like a long way. Mr. Collins did a quick measurement on the screen and advised it was about a ½ mile.

Mr. Collins also provided the proposed wording to add the two new crosswalks on Dicenzo Blvd., one at Lilac Circle and one at Target/Home Depot. All agree that the two new crosswalks and fog lines are a good idea.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to create the regulation for the two new crosswalks.

and

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to install the crosswalks and edge lines.

Chief Giorgi asked if any City Councilors present had any new issues they would like to discuss.

1) Concerns with traffic at the High School when the new elementary school opens.

Councilor Clancy is concerned with the high school traffic off Stevens Street when the new school opens. He mentioned that parents often bring elementary school students to school and they will be driving through the student parking area of the high school. Also, elementary school parents will be arriving to pick up students when the high school is getting out and having practices and after school activities. The end of the day for the high school is 2:00pm and the end of the day for the elementary school will be 3:05pm. He said that he hates to be “an alarmist” but he’s wondering if any thought has gone into these concerns.

Commissioner Ghiloni said that there has been discussion about widening Poirier Drive. It was also discussed that the adjacent Navin Rink has a lot of parking and that area can possibly be utilized by creating a way to cut through the back to the high school. The State owns the area around the rink.

2) Parking Issues on Jefferson Street during football games.

Councilor Clancy also wanted to discuss this issue. He tried to get through Jefferson Street with his pickup truck during a game recently and he had about ½ inch space on each side with his mirrors. People were legally parked on both sides of the street but it was really tight. He was asking if it would be possible to post signs restricting parking in certain areas during events. This has been done during baseball games over at the field on Williams Street.

Chief Giorgi advised that the Police Department can look into this parking issue. He noted that there is police coverage at the field during high school football games but not during AYF games or Shamrock games.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:15 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, September 25, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, August 28, 2019.
- Email from Officer Larose to the Traffic Commission Members, dated 8-22-19, Re: Commercial Motor Vehicle Restriction.
- Email from Sgt. Zac Attaway to Karen Lambert for inclusion in Agenda Packet, dated 9/18/19, Re: Traffic Meeting – Issues/Concerns from local resident Frederic Allen, i.e. Request Do Not Enter Sign at intersection of Rawlins & Central.

Additional Handouts:

- Body of email from Officer Larose re: Commercial Motor Vehicle Restriction, with action items outlined in red by Tim Collins.
- Map diagram of Commercial Truck Exclusions.
- Traffic Commission Update on Diconzo Boulevard Issues
- Proposed language for two new crosswalk locations on Diconzo Blvd. – One at Lilac Circle and one at Target/Home Depot.
- Copy of revised regulation with Emergency preamble for crosswalk locations on Church Street.



**City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768**

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2019 OCT 29 P 4:02

**Minutes
October 22, 2019**

• **Location: 6 Gikas Ln. – Zoning Board of Appeals Case # 1460-2019**

Applicant: Jonathan Bloom, 6 Gikas Ln. Marlborough, MA 01752

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

Date of Appeal: September 11, 2019

Petition: Jonathan Bloom, applicant, proposes to construct a new 16 x 32 inground pool at 6 Gikas Ln. (Chapter 650-45 Location of Accessory Structure). Being a corner lot (Chapter 650-42(1)D) and an Open Space Subdivision (Chapter 650-28), the proposed inground pool will not comply with the required minimum front set back of 20 ft. vs. the proposed 5.2 ft. Being Map 30, Parcel 20 located in Zoning District A2.

Public Hearing: The Zoning Board of Appeals held a public hearing on October 22, 2019 at 7:00 PM at Marlborough City Hall, 3rd Floor-Memorial Hall.

Documents Submitted in this Appeal:

- Packet submitted to the Board includes: Board Application, Denial letter from the Building Dept. dated August 15, 2019.
- Plan submitted entitled: Proposed Pool Plan of Land in Marlborough, MA Prepared by Colonial Engineering, Inc. Dated: July 8, 2019 Scale 1"=40'.

Jonathan Bloom, applicant, was present. Mr. Bloom stated he would like to install a 16 foot x 32 foot inground swimming pool, to be located within the front setback of the lot (on the Hudson St. side). This is a corner lot, having 2 front setbacks and 2 side setbacks (no rear setback).

The applicant stated he would like to install an inground pool for his family. He has an existing 5 ft. high fence on the corner of his property, facing Hudson Street and Gikas Lane. He stated Hudson St. is not an area where there are lots of children hanging out, so a pool will be no danger to the general public, especially children. He also

mentioned that when he bought the house, he was not aware that this is an Open Space Subdivision, where lots are smaller in which more area is designated as open space.

The topography - Lot slightly slopes higher from the front to the back.

The Board felt the pool could be placed on the upper right corner of the lot. The applicant feared that if the pool leaked, water would go down towards the house. The Board asked if the pool can be less than 17 ft. from the house. Answer: He did not want the pool to be too close to the house. Note: According to the pool regulations, pools must be at least 10 ft. from the house and a minimum of 5 ft. from the side lot lines.

A fence around the pool area will have to be constructed, according to the Building Dept. pool permit rules and regulations. It was mentioned that a fence can be placed on the property line.

Hardship as stated by the applicant: He lacks space to construct a pool. When he purchased the house, he did not take into consideration he may want a pool for his family. He cannot see how his proposed pool would hurt the neighborhood. To place the proposed pool within the front setback will insure him that if there was a water leak from the pool, the water will run towards the street, not his house. The topography of his lot slopes slightly upward from the street level. He realizes that what he stated as a hardship is not a "hardship" according to the Mass General Law Chapter 40A § 10.

There was some discussion about the front lot line to his property. The Board gave him the definition of front lot line and showed him on his plan where his front lot line is located. The applicant was under the impression he could use the street line (Hudson St.) as part of his front setback.

Other than the applicant, no one appeared in favor of or in opposition to the proposal.

The Board gave the applicant the option to "Withdraw Without Prejudice". The applicant agreed to "Withdraw Without Prejudice".

A motion was made by Robert Levine to allow the applicant to "Withdraw Without Prejudice". Ralph Loftin seconded the motion. By a vote of 5-0 the Board voted to allow the applicant to "Withdraw Without Prejudice".

A motion was made by Paul Giunta to close the public hearing. Ralph Loftin seconded the motion. The Board voted 5-0 to close the public hearing.

The Board makes the following findings and decision:

1. The topography of the lot in question slopes slightly upward from the street level to the back of the lot. Based on the plot plan and the applicant's testimony, it was not clear whether the proposed pool could be located at the back of the house and meet all the regulations for a pool.
2. The applicant failed to establish "hardship" relating to soil conditions, shape or topography of land or structure. Just wanting a pool and not having the sufficient amount of area to construct a pool is not a "hardship" according to Mass General Laws Chapter 40A, Section 10, thus does not meet the criteria for a variance.

On the basis of its findings and conclusions, the Board allowed the applicant to "Withdraw Without Prejudice" his petition. A motion was made by Robert Levine to allow the applicant to "Withdraw Without Prejudice". Ralph Loftin seconded the motion. A vote of 5-0 was taken, with Paul Giunta, Ralph Loftin, Thomas Pope, Thomas Golden and Robert Levine voting in the affirmative.

- **Location: 17 Beauregard Circle – Zoning Board of Appeals Case #1461-2019**

Applicant: Thomas Potter

Date of Appeal: Sept. 20, 2019

Location of Subject Property: 17 Beauregard Circle

Petition: Thomas Potter desires to construct a 16 ft. x 15 ft. covered porch and a 14.5 ft. x 15 ft. deck at the rear of his house, and to expand his current driveway at 17 Beauregard Circle. Map 18, Parcel 154, located in Zoning District A-2. The proposal does not comply with Chapter 650-41 "Table of Lot Area, Yards and Height of Structures", Chapter 650-48 "Off Street Parking" and Chapter 650-49 "Driveways and curb cuts" as follows:

1. Total required maximum Lot Coverage is 30% vs. the proposed 35.9%
2. Expanded driveway, Chapter 650-48C(5b-1) Required minimum setback of 5 ft. vs. proposed rear right side setback .8 ft.
3. Proposed driveway expansion attached to the right side of the house. Chapter 650-49(2c) no driveway shall be located within 5 ft. of a building, except for driveway intended for drive-up window service.

The Zoning Board of Appeals held a public hearing on October 22, 2019 at 7:30 PM at Marlborough City Hall, 3rd Floor-Memorial Hall.

Members present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Thomas Golden and Robert Levine.

Also, present: Thomas Potter, applicant.

Documents Submitted in this Appeal:

- Packet submitted to the Board included: Zoning Board Applicant, Denial letter from the Building Department dated August 22, 2019.
- Plan submitted entitled: Plot Plan in Marlborough, MA, Prepared by: P.N. Associates, Inc. Dated revised July 22, 2019. Scale: 1"=20'.

The property in question is located at 17 Beauregard Circle, Map18, Parcel 154 of the Assessor's Map.

Thomas Potter, applicant was present. Mr. Potter stated he would like to construct a 16 ft. x 15 ft. screened-in porch and a 14.5 ft. x 15 ft. deck at the rear of his house, and to expand his current driveway. To expand his current driveway would require a minimum of 5 ft. vs. the proposed .8 ft. to the side lot line and a minimum of 5 ft. vs. 0 ft. from the house. The proposal also results in lot coverage of 35.9%, which exceeds the maximum 30% allowed by code.

Mr. Potter stated when he bought the house, the garage floor was jacked up by the previous owners, creating the existing driveway to curl to the right. Thus, rain water pools to the right of the existing garage. He plans to install a catch basin to collect the water where the expansion is located. He also mentioned his neighbor on that side of the house had no objections to his proposal to contain the water runoff.

Hardship stated by applicant: The screened-in porch will help keep bugs away in the evening when his family desires to sit outside. The proposed driveway expansion is to help divert water runoff from his house.

Other than the applicant there was no one present to speak in favor of or in opposition to the petition.

Paul Giunta and other Board Members suggested that the applicant has other options to divert the water runoff. One being to install a grate at the end of the driveway (at the street) and install a drywell. The applicant stated his contractor did not think it is a good

idea. Another option is to install a grate and drywell at the entrance of his garage to divert the water

Ralph Loftin stated that the “hardship” according to Mass General Law Chapter 40A § 10 must be related to soil condition, topography and shape of the lot, not an inconvenience to the owners of the lot. And there must be something unique to the lot in question which would prevent the owners from using the lot as it is zoned unless a variance was granted (Zoning District A-2, residential). The applicant has other options to correct the water runoff problem on his lot, rather than expanding the existing driveway.

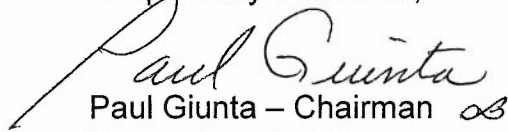
The Board felt that if the applicant eliminated the proposed driveway expansion, he could probably come close to the required maximum Lot Coverage of 30%.

The Board asked the applicant if he would like to continue the public hearing until such time as he can revise his plan to remove the proposed expansion of his driveway to see if he can meet the maximum 30% Lot Coverage.

The applicant agreed to continue the hearing. A motion was made by Ralph Loftin to continue the public hearing to November 26, 2019 (Tuesday) at 7:00 PM for the applicant to revise his plan to remove the proposed expansion of the existing driveway at the side of the garage and re-calculate the Lot Coverage. Robert Levine seconded the motion. The Board **voted 5-0 to continue the public hearing to November 26, 2019.**

The public meeting was adjourned.

Respectfully submitted,


Paul Giunta – Chairman *as*
Zoning Board of Appeals