

JANUARY 24, 2022
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

2022 JAN 20 P 2:00

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, January 24, 2022 at 8:00 PM. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, December 20, 2021.
2. Minutes, City Council Organizational Meeting, January 3, 2022.
3. From Council President Ossing: Update from Mayor Vigeant regarding COVID-19.
4. From Council President Ossing: 2022 City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2022.
5. Communication from President Ossing, re: Appointment of Councilor Ward 1 Councilor Laura Wagner to the Municipal Aggregation Committee, pursuant to Council Order No. 19-1007578B.
6. Communication from the Mayor, re: Gift Acceptances totaling \$6,800.00 awarded to the Council on Aging to be used as outlined:
 - a) In the amount of \$5,000.00 from the Estate of Ernest Ginnetti for programming and the game room.
 - b) In the amount of \$1,000.00 from the Marlborough Foundation to refurbish the pool tables in the billiards room.
 - c) In the amount of \$800.00 from Boston Scientific for fuel assistance for seniors in need.
7. Communication from the Mayor, re: Grant Acceptance in the amount of \$26,667.00 from the Department of Fish and Game awarded to the Conservation Commission to be used to expand and restore the Desert Natural areas.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$18,000.00 from the Department of Environmental Protection awarded to the Department of Public Works to be used to offset the rising costs of processing recyclable materials.
9. Communication from the Mayor, re: Transfer Request in the amount of \$311,945.00 which moves funds from Reserved for Salaries Account to Sick Leave Buy Back to fund the recent and upcoming retirements from the Police and Fire Departments.
10. Communication from the Mayor, re: Reappointment of David Giorgi as Police Chief for a four-year term to expire on August 20, 2025.

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.

11. Communication from the Mayor, re: Reappointment of Police Chief David Giorgi as Keeper of the Lock-Up for a term of one year.
12. Communication from the Mayor, re: Appointment of Jeremy McManus to the position of Assistant City Solicitor for a term of three years effective from date of confirmation.
13. Communication from the Mayor, re: Appointment of Sarah Hough to the Historical Commission for a term of three years effective from date of confirmation.
14. Communication from Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to WP Marlborough MA Owner, LLC v. Marlborough City Council.
15. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign, Wellisandra Boutique, 56 Apex Drive, Suite B, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
16. Communication from Attorney Brian Falk on behalf of Vedi Naturals, LLC, re: Signage Package and notification of Business Name for Kosa Dispensary the planned retail marijuana establishment to be located at 505 Boston Post Road West, Order No. 19/20-1007881F.
17. Communication from Attorney Sem Aykanian on behalf Main Street Bank, re: Request for minor modification of an LED Sign Permit at 81 Granger Boulevard, Order No. 18/19-1007423E.
18. Communication from National Grid, re: Notice of upcoming sideline vegetation management within the electric transmission right-of-way easement.
19. Communication from Local Election Districts Review Commission, re: Notice of approval of updated Precincting Map for the City of Marlborough.
20. Communication from Doug Pizzi, re: Mask and other mandates to protect against COVID.
21. Minutes of Boards, Commissions and Committees:
 - a) School Committee, December 14, 2021.
 - b) Conservation Commission, November 18, 2021 & December 7, 2021.
 - c) Planning Board, December 6, 2021.
 - d) Zoning Board of Appeals, January 4, 2022.
22. CLAIMS:
 - a) Dana King, 290 Desimone Drive, residential mailbox claim (2b).
 - b) Damaris Lopez, 276 Main Street, #19, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

23. **Order No. 21-1008449A: Proposed Ordinance Amendment to the City Code, Chapter 510 "Sewer" §4, "Building Sewer Connections" and to Chapter 608, "Water" §11, "Entrance Fees" to increase both water and sewer entrance fees based on significant demand on the system as proposed by Mayor Vigeant.**

Recommendation of the Finance Committee is to approve; Advertising requirement has been met (advertised on December 29, 2021).

Councilors-at-Large

Mark A. Oram
 Michael H. Ossing
 Samantha Perlman
 Kathleen D. Robey

**Ward Councilors**

Ward 1 – Laura J. Wagner
 Ward 2 – David Doucette
 Ward 3 – J. Christian Dumais
 Ward 4 – Robert J. Tunnera
 Ward 5 – John J. Irish
 Ward 6 – Sean A. Navin
 Ward 7 – Donald R. Landers, Sr.

RECEIVED
 CLERK'S OFFICE
 OF MARLBOROUGH
 2021 DEC 23 P 5:45

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, DECEMBER 20, 2021**

The regular meeting of the City Council was held on Monday, December 20, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:51 PM.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, December 6, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update on COVID-19 and city events.

That the CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install two new Poles P6-51 and P6-5 on Bartlett Street, Order No 21-1008454A, all were heard who wish to be heard, hearing closed at 8:12 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: The City Council hereby **APPROVES** the Acceptance of Federal Coronavirus Relief Fund (CARES Act) in the amount of \$3,511,279.00 from the Commonwealth of Massachusetts that was used to cover all costs associated with the Board of Health, PPE Supplies, Unemployment Claims, HVAC and cleaning of city buildings from March 1, 2020 through October 29, 2021; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: The City Council hereby **APPROVES** the Acceptance of Coronavirus Local Fiscal Recovery Fund package in the amount of \$11,835,814.00 through the American Rescue Plan Act of 2021 (ARPA); adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,000.00 from the Cummings Community Giving Program in the name of employees Michael Burnell and Paul Bracken of New Horizons awarded to the Police Department to be used for community outreach programs; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Request that the City Council consider a Proposed Zoning Change regarding a portion of Jefferson Street, referred to the **URBAN AFFAIRS COMMITTEE** and **CARRIED OVER TO THE 2022/2023 LEGISLATIVE SESSION**; adopted.

Councilor Dumais recused.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

Suspension of the Rules requested to allow for a communication from Attorney Peter Tamm on behalf of Greatland Realty Partners, re: The Campus Master Concept Plan and Development Agreement – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Peter Tamm on behalf of Greatland Realty Partners, re: Master Concept Plan and Development Agreement for the Campus at Marlborough, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Master Concept Plan and Development Agreement with BH GRP TCAM Owner for the Campus at Marlborough within the RWMUOD Sub-District 2, referred to the **URBAN AFFAIRS COMMITTEE** and **CARRIED OVER TO THE 2022/2023 LEGISLATIVE SESSION**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of a Flat Wall Sign, Bay State Physical Therapy, 771 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY23 Appropriation in the amount of \$10,275,549.00, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk, re: Request to carry over to 2022/2023 session, Site Plan Application, Aubuchon Realty Company, Inc., 661 Boston Post Road East, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Application for Site Plan Review from Aubuchon Realty Company, Inc., related to the proposed expansion and upgrade of the retail plaza within the Wayside District, at 661 Boston Post Road East, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk, re: Request to carry over to 2022/2023 session, Application for Special Permit by J&D Landscape Contractors, 101 Airport Boulevard, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Application for Special Permit from J & D Landscape Contractors, to construct and operate both a contractor's yard and landscape contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, November 23, 2021.
- b) Conservation Commission, November 4, 2021.
- c) Historical Commission, November 18, 2021.
- d) Planning Board, October 18, 2021, November 8, 2021 & November 22, 2021.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

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

- a) Paul Dickie, 34 Eldorado Drive, pothole or other road defect.
- b) David LeBlanc, 66 Neil Street, other property damage and/or personal injury.

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee
Report and Minutes
Monday – December 13, 2021**

The meeting convened at 6:45 PM and was held in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present: Chair Landers, Councilors Perlman, Irish.

Non-Voting members present: Ossing, Doucette, Dumais and Navin. Councilors Tunnera, Oram and Robey (arrived after the start of the meeting). Councilor Wagner absent.

Managers Present: DPW Commissioner Divoll and City Engineer DiPersio.

11/22/21: Order No. 21-1008454: Petition from Mass Electric and Verizon NE to install two new poles P6-51 and P6-5 on Bartlett Street.

(Note: Public Hearing continued to December 20, 2021 at request of petitioner.)

Chair Landers read the comment from the City Engineer as follows:

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>

Sent: Monday, December 13, 2021 7:14 AM

To: City Council <citycouncil@marlborough-ma.gov>

Subject: Order 1008454

To the Public Services Committee:

Regarding Order 21-1008454: Petition of Massachusetts Electric and Verizon New England, to install two new jointly owned Poles #6-51 at #6-5 on Bartlett Street, I offer the following:

- The attached Standard Conditions shall apply.
- The new pole 6-5 shall be not be located in the sidewalk.
- The proposed location of the new pole shall be marked on the ground and approved prior to start of work.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS

City Engineer

There were no questions from councilors. On a motion by Councilor Irish, seconded by Chair Landers, the committee recommends approval of the petition for two poles on Bartlett Street. Vote 3-0. Chair will request to suspend the rules to approve on December 20, 2021 so long as no issues are raised at the continued public hearing.

Motion made and seconded to adjourn. Meeting adjourned at 6:55 PM

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
Monday – December 13, 2021**

This meeting convened at 7 PM and was held in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing on the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present: Chair Irish, Councilors Dumais, Oram, Perlman, Tunnera.

Non-Voting members present: Ossing, Doucette, Robey, Navin, and Landers. Councilor Wagner absent.

Managers present: Mayor Vigeant; DPW Commissioner Divoll; City Engineer DiPersio

1. 11/22/21: **Order No. 21-1008449: Communication from Mayor Vigeant together with Proposed Ordinance, City Code, Chapter 608, "Water" s.11, "Entrance Fees" and Chapter 510 "Sewer" s.4, "Building Sewer Connections" to increase both water and sewer entrance fees based on significant demand on the system.**

City Engineer DiPersio addressed councilors regarding the revised fee which is based on significant demands on the city and will put the sewer connection and water entrance fees in the range of other comparable communities.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the revised fees in Chapter 608 'Water' and Chapter 510 'Sewer' as submitted by the Mayor. Vote 5-0

Reports of Committee Continued:

2. 12/06/21: **Order No. 21-1008468: That the Finance Committee review Condition #6 and #7 in Order No.19-1007762B (Green District Housing) to determine the fund where the payments shall be deposited and forwarded the information to the Mayor/Auditor to establish the account and submit transfers from the FY22 Undesignated account into the account “designated” by the City Council.**

Councilors reviewed the order submitted by Councilors Robey and Ossing requesting the City Council determine where the funds should be deposited from Conditions 6 and 7 in Order 19-1007762B (Green District Housing). The City received the Site 1 portion of Condition 6 (\$600,000) and the Site 1 portion of Condition 7 (\$822,500) and these funds are currently in the FY22 Undesignated fund account.

On a motion by Councilor Oram, seconded by Chair, it is hereby Ordered: that the Mayor submit for City Council approval, the establishment of the ‘West Side Fire Station’ stabilization account together with a transfer in the amount of \$1,422,500 from the Undesignated Fund Account to the ‘West Side Fire Station Stabilization’ account. The motion carried 5-0

On a motion by Councilor Perlman, seconded by Chair Irish, the meeting adjourned at 7:36 PM.

Suspension of the Rules requested – granted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install two new Poles P6-51 and P6-5 on Bartlett Street, **APPROVED WITH THE FOLLOWING CONDITIONS;** adopted.

1. The new pole P6-5 shall not be located in the sidewalk.
2. The proposed location of the new pole shall be marked on the ground and approved by the Engineering Division prior to the start of work.
3. Any necessary easements are to be obtained from affected property owners.
4. A street opening permit must be applied for by the proposed contractor performing the work.
5. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
6. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
7. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
8. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
9. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
10. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.

11. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
12. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
13. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: At a regular meeting of the City Council held on Monday, DECEMBER 20, 2021, the following Proposed Amendment to the Code of the City of Marlborough, Chapter 608 “Water” §11 “Entrance Fees” and Chapter 510 “Sewer” §4 “Building Sewer Connections” to adjust both water and sewer entrance fees based on significant demand on the system as submitted by the Mayor, having been read was **ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 608 (“Water”), Section 608-11 (“Entrance Fees”) by **inserting a new A(2)(c)** to read as follows:
 - (c) Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.00 per square foot of building area.
- II. By **amending** Section 608-11(B)(3) to read as follows (new text shown as underlined):

Commercial or industrial subdivision or development. The entrance fee shall be \$3,000 for each connection of the secondary or branch mains or mains to the City main, plus the nonresidential entrance fee listed in § 608-11A for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §608-11(A)(2)(c).
- III. By amending Chapter 510 (“Sewer”), Section 510-4 (“Building Sewer Connections”) by **inserting a new A(1)(c)[3]** to read as follows:

Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.67 per square foot of building area.
- IV. By **amending** Section 510-4(A)(6)(c) to read as follows (new text shown as underlined):
 - (c) Commercial or industrial subdivision or development. The entrance fee shall be \$5,000 for each connection of the secondary or branch main or mains to the City main, plus the nonresidential entrance fee listed in Subsection A(1)(c) for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §510-4(A)(1)(c)[3].

- V. **Effective Date.** These amendments shall take effect upon passage and shall apply to connections for nonresidential uses that have not received a building permit as of the effective date of these amendments.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Mayor and City Auditor submit for City Council approval, the establishment of a new Stabilization Account, titled “West Side Fire Station Stabilization Account”, and it is further ORDERED, that the Mayor submit a transfer request in the amount of \$1,422,500.00 from the Undesignated Fund to the new “West Side Fire Station Stabilization account, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed order to authorize the purchase of 100 Locke Drive for the purpose of building a new Fire Station, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Amended Transfer Request relative to the acquisition of 100 Locke Drive for a new Fire Station clarifying the funding sources, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Proposed Zoning Amendment to the Code of the City of Marlborough, Chapter 650 “Zoning” §17, §18 and §32 relative to the regulation of marijuana uses incorporating recent regulatory amendments by the Cannabis Control Commission (CCC), is carried over to the 2022/2023 Legislative Session, **APPROVED**; adopted.

City Council President Ossing read a proclamation from the City Council and presented it to outgoing Councilor-Ward 4 Robert J. Tunnera.

City Councilor Tunnera spoke and thanked his family, the residents of Marlborough and the current and former members of the Council.

City Council President Ossing turned the podium over to Councilor Tunnera to adjourn the meeting.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

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

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



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OF MARLBOROUGH

2022 JAN -6 P 9:20

Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, JANUARY 3, 2022**

Organizational meeting of the City Council held on Monday, January 3, 2022 in City Council Chambers, City Hall. City Councilors Present: Oram, Ossing, Perlman, Robey, Wagner, Doucette, Dumais, Brown, Irish, Navin, and Landers.

The City Clerk called the meeting to order at 11:20 AM. The City Clerk then opened the floor for nominations for the election of a City Council President Pro-Tempore of the City Council for 2022.

The name of Councilor J. Christian Dumais to be President Pro-Tempore of the City Council for 2022, was placed in nomination by Councilor Michael H. Ossing and seconded by Councilor David Doucette. There were no other nominations.

Assistant City Clerk Wilson Chu called the roll for the election of Councilor J. Christian Dumais as President Pro-Tempore of the City Council for the year 2022.

WAGNER – Councilor Dumais.
DUMAIS – Councilor Dumais.
IRISH – Councilor Dumais.
LANDERS – Councilor Dumais.
OSSING – Councilor Dumais.
ROBEY – Councilor Dumais.

DOUCETTE – Councilor Dumais.
BROWN – Councilor Dumais.
NAVIN – Councilor Dumais.
ORAM – Councilor Dumais.
PERLMAN – Councilor Dumais.

Councilor Dumais received 11 votes is elected President Pro-Tempore of the City Council.

Councilor Ossing escorted President Pro Tempore Dumais to the podium.

President Pro-Tempore Dumais opened the floor for nominations for the office of President of the City Council for the year 2022. The name of Councilor Michael H. Ossing was placed in nomination by Councilor Donald R. Landers, Sr, and seconded by Councilor Sean A. Navin. There were no other nominations.

The City Clerk called the roll for the election of Michael H. Ossing as President of the City Council for the year 2022.

WAGNER – Councilor Ossing.
DUMAIS – Councilor Ossing.
IRISH – Councilor Ossing.
LANDERS – Councilor Ossing.
OSSING – Councilor Ossing.
ROBEY – Councilor Ossing.

DOUCETTE – Councilor Ossing.
BROWN – Councilor Ossing.
NAVIN – Councilor Ossing.
ORAM – Councilor Ossing.
PERLMAN – Councilor Ossing.

Councilor Ossing received 11 votes is elected President of the City Council.

Councilor Wagner escorted President Ossing to the podium.

President Ossing opened the floor for nominations for the office of Vice-President of the City Council for the year 2022. The name of Councilor Kathleen D. Robey was placed in nomination by Councilor Laura J. Wagner and seconded by Councilor Samantha Perlman. There were no other nominations.

The City Clerk called the roll for the election of Kathleen D. Robey as Vice-President of the City Council for the year 2022.

WAGNER – Councilor Robey.
DUMAIS – Councilor Robey.
IRISH – Councilor Robey.
LANDERS – Councilor Robey.
OSSING – Councilor Robey.
ROBEY – Councilor Robey.

DOUCETTE – Councilor Robey.
BROWN – Councilor Robey.
NAVIN – Councilor Robey.
ORAM – Councilor Robey.
PERLMAN – Councilor Robey.

Councilor Robey received 11 votes is elected Vice-President of the City Council.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the 2021 City Council Rules be adopted for operation of the Council in 2022, until such time as they may be reviewed and amended, **APPROVED;** adopted.

Council President Ossing thanked Councilor Dumais for his service as President Pro-Tempore of the City Council for 2022. He also congratulated Councilor Robey on her election as Vice-President of the City Council for 2022. He also thanked the members of the Council for their support and confidence in electing him to lead the City Council for 2022. The Council President looks forward to working with all Councilors in the coming year to help move Marlborough forward. He announced the first meeting of the Council would be held on Monday, January 10, 2022, and he will work on the Committee Assignments and 2022 Council meeting schedule to have it ready for the next meeting.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That that there being no further business, the organizational meeting of the City Council be adjourned at 11:32 AM, **APPROVED;** adopted.

CITY COUNCIL REGULAR MEETING SCHEDULE 2022

RECEIVED
CLERK'S OFFICE
CITY OF HANCOCK

January 3 - (Organizational Meeting)

2022 JAN 18 P 1:15

January 24

February 14

February 28

March 14

March 28

April 11

April 25

May 9

May 23

June 6

June 27

July 25

August 22

September 12

September 26

October 3

October 17

November 7

November 21

December 5 (Tax Classification Public Hearing)

December 19

****Additional meetings may be added to the schedule as required****

CITY COUNCIL COMMITTEES

2022

RECEIVED
CITY CLERK'S OFFICE
CITY OF MADISON

Michael H. Ossing, President

2022 JAN 18 P 1:15

Kathleen D. Robey, Vice-President

FINANCE

John J. Irish
Christian Dumais
Mark A. Oram
Samantha Perlman
Teona C. Brown

URBAN AFFAIRS & HOUSING

Kathleen D. Robey
David Doucette
Donald R. Landers
Sean A. Navin
Laura J. Wagner

PUBLIC SERVICE

Donald R. Landers
John J. Irish
Teona Brown

LEGISLATIVE & LEGAL AFFAIRS

Samantha Perlman
Mark A. Oram
Kathleen D. Robey

OPERATIONS & OVERSIGHT

Mark A. Oram
Christian Dumais
David Doucette

PERSONNEL

Christian Dumais
Sean A. Navin
David Doucette

OPEN SPACE

Sean A. Navin
Samantha Perlman
Laura J. Wagner

VETERANS

Sean A. Navin
Samantha Perlman
Mark A. Oram

PUBLIC SAFETY

Teona C. Brown
Christian Dumais
Kathleen D. Robey

HUMAN SERVICES

Laura J. Wagner
Teona C. Brown
Mark A. Oram

CLIMATE RESILIENCY

David Doucette
Laura J. Wagner
Donald R. Landers

RULES COMMITTEE

Michael H. Ossing
Kathleen D. Robey
John J. Irish

******FIRST PERSON NAMED SHALL SERVE AS COMMITTEE CHAIR******

The **second** person named denotes Committee Vice-Chair.

The President or Vice-President may serve as an ex-officio member
of any of the above Committees to form the required quorum.



City of Marlborough
Office of the City Council

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

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2022 JAN 11 P 5:10

Michael H. Ossing
 PRESIDENT
Kathleen D. Robey
 VICE-PRESIDENT
Karen H. Boule
 CITY COUNCIL SECRETARY

January 10, 2022

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

Reference: Municipal Aggregation Committee Assignment

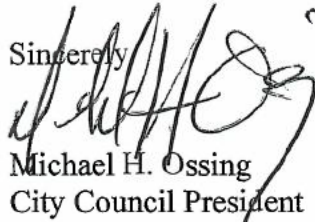
Dear Councilors:

In accordance with City Council Order 19-1007578B, I am appointing Ward 1 City Councilor Laura Wagner to the Municipal Aggregation Committee. I had the opportunity to discuss this appointment with Councilor Wagner, and she has notified me of her willingness to take on this assignment.

I would like to thank Councilor Tunnera for his contributions on the committee over the past two years. I am proud of the work of the entire Municipal Aggregation Committee and have no doubt that Councilor Wagner will be a welcome addition to the team.

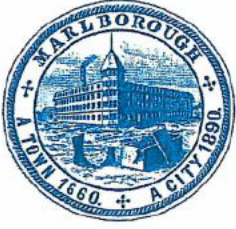
I would entertain a motion to accept and place on file the appointment of Councilor Laura Wagner as a member of the Municipal Aggregation Committee.

Sincerely,



Michael H. Ossing
 City Council President

MHO/kb



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Gift acceptances for the Council on Aging

Honorable President Ossing and Councilors:

Enclosed for your acceptance are three gifts totaling \$6,800.00 as outlined below:

1. \$5,000.00 from the Estate of Ernest Ginnetti for programming and the game room.
2. \$1,000.00 from the Marlborough Foundation to refurbish the pool tables in the billiards room.
3. \$800.00 from Boston Scientific to be expended on fuel assistance for our seniors in need.

I would like to take this opportunity to thank the Ernest Ginnetti Estate, Marlborough Foundation and Boston Scientific for their generous gifts that support our seniors.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
 EXECUTIVE DIRECTOR

December 21, 2021

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

Re: Estate Donation from Ernest Ginnetti

Dear Mayor Vigeant,

The Marlborough Senior Center has received a \$5000.00 gift donation from the estate of Ernest Ginnetti. Mr. Ginnetti was an inspirational member of our Chess Club, always willing to pick up a game or teach someone how to play chess. We are truly honored to receive this very generous donation.

Please forward this donation to the City Council for approval. Once approved it is our intention to use the funds to enhance the game room with additional equipment.

As always, I am available should you or the Councilors have any questions.

Sincerely,

Patricia A. Pope
 Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging/Senior Center DATE: 21-Dec-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Estate Donation

GRANTOR: Ernest Ginnetti

GRANT AMOUNT: \$5,000.00

GRANT PERIOD: until funds are expended

SCOPE OF GRANT/
ITEMS FUNDED Funds will be used to enhance the game room with
additional equipment

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: as soon as possible

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



City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
EXECUTIVE DIRECTOR

December 6, 2021

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

Re: Gift from the Marlborough Foundation

Dear Mayor Vigeant,

I am pleased to submit to you a gift in the amount of \$1000.00 to the Council on Aging from the Marlborough Foundation. I would like to thank the Marlborough Foundation for this very generous gift. Once approved by the City Council, we will use the money to refurbish the pool tables in the Billiards Room.

As always, I am available should you or the Councilors have any questions,

Sincerely,

Patricia A. Pope
Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 6-Dec-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Gift

GRANTOR: Marlborough Foundatoin

GRANT AMOUNT: \$1,000.00

GRANT PERIOD: n/a

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used enhance programs and equipment

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: as soon as possible

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

53-7075/2113
881051312

1440

THE MARLBOROUGH FOUNDATION, INC.

Date 6.28.21

Pay to the order of Marlboro Carnival on Aug 19 \$ 1000.⁰⁰
One Thousand & ⁰⁰/₁₀₀ Dollars

0 661414 10000 ACCOUNTANT DNY

 MARLBOROUGH SAVINGS BANK
MARLBOROUGH, MASSACHUSETTS 01782

[Signature]

RP

memo _____

1440

REDACTED



City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
 EXECUTIVE DIRECTOR

December 29, 2021

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

Re: Donation from Boston Scientific

Dear Mayor Vigeant,

I am pleased to submit for your approval this \$800.00 donation from the Facilities Dept./Team at Boston Scientific. Every year at the holiday time members of the Facilities Team donate money to give to a local charity. This year they have chosen the Marlborough Senior Center to receive their donation to be used for fuel assistance.

We are very honored to receive this, and I would like to thank the members of the Facilities Department at Boston Scientific for this very generous donation.

As always, I am available should you or the Councilors have questions.

Sincerely,

Patricia A. Pope
 Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging/Senior Center DATE: 29-Dec-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Boston Scientific

GRANTOR: Boston Scientific - Facilities Team

GRANT AMOUNT: \$800.00

GRANT PERIOD: until funds are expended

SCOPE OF GRANT/
ITEMS FUNDED Funds will be used for fuel assistance
fuel assistance

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

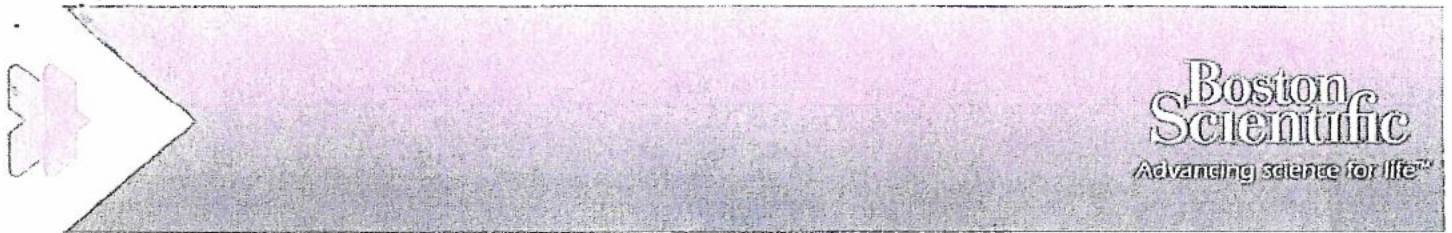
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: as soon as possible

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



December 21, 2021

City of Marlborough
Senior Center / Fuel Assistance
40 New Street
Marlborough, MA 01752

Dear Trish Pope,

It was so nice to talk to you on the phone and thank you for the support that you provided me for this donation to take place. The Facilities Dept. / Team is a small group within the Boston Scientific Corp. located at 100 Boston Scientific, Marlborough, Ma. It is our pleasure to present this check in the amount of \$800.00 in effort to aid local elderly residents. As you are aware, there are many residents that may not be able to stay warm this winter season due to the increase in fuel costs. We are depending on you and your team to disburse this funding as you see fit amongst those in need of fuel support.

The elderly is sometimes over shadowed, in a time when charities/fund raising are taking place around the world for those who are less fortunate. We believe that this is a worthy cause as we remembered that there are local folks that need our help too.

Sincerely,

The Facilities/Real Estate/ EHS/ Mechanical Engineering Team

ORIGINAL CHECK HAS A VOID PANTOGRAPH AND IS PRINTED ON CHEMICAL REACTIVE PAPER. SEE BACK FOR ADDITIONAL FEATURES.



Digital Federal Credit Union
PO Box 9130, Marlborough, MA 01752-9130 • 508.283.6700



63-9192
2113

NO. 440037662

TREASURER'S CHECK - VOID AFTER 90 DAYS

DATE 12-21-21 CHECK NUMBER 440037662 AMOUNT *****800.00

Pay

EXACTLY 800 dols 00 cts

To The Order Of

CITY OF MARLBOROUGH
RE: MARLBOROUGH COUNCIL
OF AGING

James F. Regan MP
AUTHORIZED SIGNATURE

⑈440037662⑈

IOVE BOTTOM VOUCHER BEFORE CASHING

NO. 440037662

-21-21 14:10:26 5008370 JUDY PORTER 1348

reasurers Checks
RLBOROUGH COUNCIL OF A
ECK NUMBER: 440037662 CHECK AMOUNT: 800.00

CITY OF MARLBOROUGH
RE: MARLBOROUGH COUNCIL
OF AGING

You cannot stop payment on this check. You should consider purchasing a money order if you have reason to believe that you may have to stop payment.



*City of Marlborough
Office of the Mayor*

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 A 11:40
Patricia M. Bernard
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www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Desert Natural Area Climate Change Resiliency Grant

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of up to \$26,667.00 from the Massachusetts Department of Fish and Game for climate change habitat resilience.

These funds will be used to help us expand and restore the Desert Natural area's "pitch pine scrub oak" rare habitat and by taking on some much needed forest management in this area.

I would like to thank Conservation Officer Priscilla Ryder and commission member Karin Paquin who conducted the leg work on this grant. In addition, I would like to thank the Department of Fish and Game for their continued support.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

January 19, 2022

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

RE: Acceptance of Grant of \$26,667.00
Mass Wildlife Climate Change Resiliency Grant Opportunity Project.
Desert Natural Area

Dear Mayor, Vigeant,

The City of Marlborough, through the Conservation Commission has been awarded a 2022 Mass Wildlife Climate Change Resiliency Grant. I have enclosed the grant award notice and project description. This is a reimbursement grant, and all funds must be expended by June 30, 2022. Please submit to City Council for their acceptance.

This funding will enable the Conservation Commission to continue with the restoration of the degraded pitch pine-scrub oak (PPSO) barrens found in both the Marlborough Desert Natural Area and the SVT Memorial Forest parcels. Pine barrens are among the most endangered natural communities in our area and in the world. Wildlife dependent on pine barrens has evolved to survive in this fire adapted community and has become endangered as a result of habitat loss. The barrens habitat is endangered in large part due to fire suppression as well as development pressure. Restoring fire to this fire adapted ecosystem will enhance PPSO habitat diversity and quality and increase climate resilience. The funding will be used to thin a 21-acre parcel of woodland, maintain fire breaks, and remove log piles in anticipation of conducting a controlled burn in the next few years, similar to work done in 2014.

Please let me know if you or the City Council have any questions. I would be happy to attend a committee meeting if that is needed.

If you have any questions on the above, please let me know.

Sincerely,

Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Diane Smith

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 1-19-22

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Mass Wildlife Climate Change Resiliency Grant

GRANTOR: Commonwealth of Mass - Mass Wildlife

GRANT AMOUNT: \$26,667.00

GRANT PERIOD: 1-11-22 to 6-30-22

SCOPE OF GRANT/
ITEMS FUNDED Forest Management Harvesting 21 acres; remove log piles; establish fire breaks
Hire logger to harvest and remove logs and create fire breaks

IS A POSITION BEING CREATED: no

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

ARE MATCHING CITY FUNDS REQUIRED? No

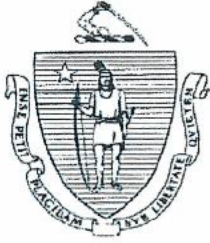
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

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

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL As soon as possible

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



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

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

January 11, 2022

Ms. Priscilla Ryder
 City of Marlborough
 140 Main Street City Hall
 Marlborough, MA 01752

Dear Ms. Ryder,

Congratulations!

I am pleased to notify you that the City of Marlborough has been awarded a grant of up to \$26,667.00 to implement the Desert Natural Area Climate Change Resiliency Grant Opportunity Project. Thank you for your commitment to protecting and preserving wildlife habitat and working to mitigate the effects of climate change in Massachusetts.

Through this funding, and your continued support, we hope to manage our conserved lands to enhance climate-vulnerable wildlife habitats and make them more resilient to climate change.

You will be receiving further instructions from the Division of Fisheries and Wildlife on next steps, and please feel free to contact James Burnham, (james.burnham@mass.gov) if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito

A handwritten signature in blue ink that reads "Charles Baker".

A handwritten signature in blue ink that reads "Karyn Polito".



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE (MASSWILDLIFE) 2022 MASSWILDLIFE CLIMATE CHANGE RESILIENCY GRANT OPPORTUNITY (MCCRGO)

MANAGEMENT PLAN FOR THE CITY OF MARLBOROUGH DESERT NATURAL AREA PROJECT

Vendor Information

Ms. Priscilla Ryder
City of Marlborough
140 Main Street City Hall
Marlborough, MA 01752
Email: pryder@marlborough-ma.gov

Project Description

The Desert Natural Area, located in Sudbury and Marlborough, is a 900-acre ecosystem complex located within a larger area of over 4,000 acres of protected conservation land. This 4,000-acre ecosystem complex contains fire and disturbance-dependent natural communities of pitch pine – scrub oak barrens in a habitat mosaic of white pine/hardwood forest, red maple swamps, two cold-water streams (Cranberry and Trout Brooks) and associated wetlands.

This project aims to prepare the area for prescribed burning by establishment and/or improvement of firebreaks and removal of log piles, and snags within 50' of firebreaks throughout site. There will also be removal of primarily white pine, while retaining pitch pine-oak, over 21 acres.

Project Deliverables

Treatment Unit #1- Pitch Pine-Oak Upland Forest

Objective 1: Removal of 30-50% of the basal area, focusing on white pine removal, and pitch pine-oak retention on a 21 acre site.

Task 1: Selective logging operation.

Treatment Unit #2- Pitch Pine-Oak Upland Forest

Objective 1: Prepare 14 acre site for future prescribed burning.

Task 1: Removal of log piles.

Task 2: Removal of most snags within 50' of fire breaks.

Treatment Unit #3 – Pitch Pine-Oak Upland Forest

Objective 1: Clear fire breaks for future prescribed burning.

Task 1: Clearing of firebreaks in Memorial Forest Stands 4 and 5a

MASSWILDLIFE

Department of Fish and Game

Charlie Baker
Governor

Karyn Polito
Lt. Governor



Kathleen Theoharides
Secretary

Ron Amidon
Commissioner

FOR IMMEDIATE RELEASE:
January 11, 2022

CONTACT
Craig Gilvarg
Craig.Gilvarg@Mass.Gov



Baker-Polito Administration Awards Climate Change Habitat Resilience Grants to Municipalities and Conservation Organizations

BOSTON – The Baker-Polito Administration today announced \$216,078 in grants through the Climate Change Resilience Grant Opportunity Program to five conservation organizations and municipalities. The funds, administered through the Department of Fish and Game’s (DFG) Division of Fisheries and Wildlife (MassWildlife), will be used in six habitat improvement projects totaling 237 acres in seven Massachusetts communities.

“The Commonwealth’s investments in improving wildlife habitat will assist in the restoration of regional biodiversity throughout the state,” **said Governor Charlie Baker.** “Through the Climate Change Habitat Resilience Grant Opportunity Program, the positive management actions being taken are natural solutions that will result in a more diverse, resilient landscape of wildlife, plants and other natural environments.”

“Improving climate change resiliency for the Commonwealth’s natural resources is a key priority of our Administration, and communities, private landowners, and the general public will greatly benefit from the Climate Change Habitat Resilience Grant funds,” **said Lieutenant Governor Karyn Polito.** “This program offers a wonderful opportunity to address conservation needs in both rural and more densely populated areas throughout the state.”

In its first year, the Climate Change Resilience Grant Opportunity Program seeks to provide financial assistance to private and municipal landowners of conserved lands to enhance climate-vulnerable wildlife habitats and make them more resilient to climate change by funding habitat improvement projects in ecological communities disproportionately susceptible to climate change, including, but not necessarily limited to:

- Fire adapted natural communities; and,
- Riparian communities and floodplains along cold water streams and other climate-vulnerable wetland/aquatic systems (e.g. coastal marshes).

“Habitat management restores ecological integrity through removal of stressors that limit our wildlife and natural communities’ ability to respond to changing environmental conditions,” said **Energy and Environmental Affairs Secretary Kathleen Theoharides**. “Conservation science has repeatedly demonstrated that continuous active habitat management activities for common and rare wildlife and plants are necessary to achieve ecological resiliency and diversity.”

“This grant program is a great complement to the Department of Fish and Game’s wildlife habitat management efforts and furthers our climate resilience goals,” said **Department of Fish and Game Commissioner Ron Amidon**. “Partnering with municipalities and conservation organizations helps us achieve wildlife and ecological conservation goals benefitting wildlife, the landscape, and the people of Massachusetts.”

The program seeks proposed habitat management activities that reduce stressors adversely affecting proposed project sites, thereby enhancing climate resilience. For example, projects in fire-adapted communities that improve habitat quality, native species diversity, remove invasive species, and mitigate risk of extreme wildfire behavior reduce climate vulnerability. Similarly, projects in coldwater stream riparian zones that maintain or enhance tree canopy coverage, reduce erosion or other adverse alterations to stream water quality or hydrology, and/or control invasive species may enhance climate resilience.

“Improving ecological biodiversity can only take place where certain environmental conditions exist,” said **MassWildlife Director Mark Tisa**. “The MassWildlife Climate Change Resilience Grant allows us to focus conservation efforts on habitat management activities in those special places which over time, benefit both common and rare wildlife living in our communities.”

The following projects will receive MassWildlife Climate Change Resilience Habitat Grants:

- **Falmouth** – The Town of Falmouth has been awarded \$28,000 conduct a prescribed burn at Coonamessett Fields, a site within an Environmental Justice Community, to improve grassland habitat. Eastern meadowlarks, grasshopper sparrows, endangered pollinators like moths, native bees, and tiger beetles will benefit from this management action.
- **Great Barrington** – The Berkshire Natural Resources Council will receive \$37,495 to improve floodplain forests by removing invasives along the Housatonic River and Rising Pond, sites within Environmental Justice Communities. As one of the few major rivers designated as a coldwater fishery resource (CFR), removing invasive trees, plants and shrubs will

enhance floodplain growth conditions of large-canopy trees in the Housatonic River. The trees create shaded microclimates (pockets) of cool water benefiting the longnose sucker, a state-listed fish and CFR species. Additionally, when large dead trees fall into the riverbed, it will provide valuable sheltering structure for young fish.

- **Marlborough** – The City of Marlborough has been awarded \$26,667 to improve pitch pine – oak forest at the Desert Natural Area. Mowing and timber harvest of trees will be for ongoing habitat maintenance and create safer conditions for future planned prescribed fires. Whip-poor-wills, brown thrashers, wild lupine, state listed moths and an endangered reptile will be the beneficiaries of a multi-phase management plan.
- **Monson/Wales**– The Norcross Wildlife Foundation will receive \$45,450 to improve grasslands and fields through removing invasive plants such as bitter-sweet, autumn olive, and multiflora rose at Chapin Meadow. Tree mowing and timber harvest of white pines that dominated the former pitch pine oak forest is also part of the habitat restoration plan. Native bees, and less common birds such as eastern towhees, field sparrows and brown thrashers will benefit from these activities.
- **North Andover** – The Trustees of Reservations will receive \$49,050 to restore oak-hickory barrens at the Weir Hill Reservation. Tree mowing and timber harvesting will prepare the site for a future prescribed fire. These actions will allow yellow indigo plants to thrive while serving as a critical host plant for endangered pollinators such as the frosted elfin butterfly and the scrub oak feeder moth. Exposed bare mineral soil from these management actions will also benefit a highly specialized state-listed plant.
- **Sheffield** – The Trustees have been awarded \$28,512 to improve habitat on Bartholomew’s Cobble’s Ashley Pasture by removing invasive plant and woody species such as multi-flora rose, mugwort, Asian bush honeysuckle and oriental bitter-sweet. The restoration goal is to benefit birds such as bobolink and American kestrel, and a state-listed plant, while increasing the ecological resiliency of the Pasture’s grassland habitat.

“Norcross is a vital partner in creating a healthier and more sustainable environment,” said **Senator Anne Gobi (D-Spencer)**. “Under Executive Director Ed Hood's leadership, this award is well deserved. By undertaking these efforts, Norcross Wildlife Foundation is eliminating invasive species; fostering growth and rehabilitation for native flora and fauna.”

“I want to congratulate the Norcross Wildlife Foundation for being awarded this competitive grant,” said **Representative Todd Smola (R-Warren)**. “Norcross and the Department of Fish and Game do outstanding work protecting the land and wildlife which make central Massachusetts such a unique place to live.”

"I am thankful to the Department of Fish and Game for granting Weir Hill Reservation a Climate Change Habitat Resilience Grant," said **Representative Christina Minicucci (D-North Andover)**. "The preserved land at Weir Hill Reservation sits on our town reservoir and ensuring its continued environmental health is essential to the overall health of our community. This grant will allow for the cultivation of plant life necessary to host endangered pollinators, a critical component of long term environmental sustainability."

###



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Sustainable Materials Recovery Program Grant for Department of Public Works

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$18,000.00 from the Department of Environmental Protection.

These funds will be expended to offset the rising costs of processing recyclable materials described in Assistant Commissioner Ted Scott's enclosed letter.

We are fortunate to receive this annual award from the Massachusetts Department of Environmental Protection to maximize our recycling and waste reduction efforts.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

January 4, 2022

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

Re: Sustainable Materials Recovery Program Grant

Dear Mayor Vigeant:

The Department of Public Works was awarded a Sustainable Materials Recovery Program Grant from the Department of Environmental Protection in the amount of \$18,000. These funds, earned under the Recycling Dividends Program (RDP) and Small-Scale Initiatives grant program, provide incentives for municipalities to improve their recycling programs by implementing best practices and reward communities who practice model recycling and waste reduction programs. Funds will be expended to offset the rising costs of processing recyclable materials. I respectfully request that you submit this grant for City Council acceptance and approval. A copy of the grant acceptance form has also been attached for Council's review and consideration.

Please contact me if you require any additional information.

Sincerely,

Theodore L. Scott
 Assistant Commissioner Operations

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 1/4/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Ted Scott- Asst Commissioner of Operations

NAME OF GRANT: Recycling Dividends Program Grant

GRANTOR: MassDEP Sustainable Materials Recovery Program

GRANT AMOUNT: \$18,000.00

GRANT PERIOD: Calendar Year 2022

SCOPE OF GRANT/
ITEMS FUNDED Grant will be used to offset the increased cost of processing recyclable materials.

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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

SIGN AND RETURN THIS DOCUMENT TO MASSDEP VIA EMAIL

**RECYCLING DIVIDEND PROGRAM CONTRACT (“RDP Contract”)
BETWEEN THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION (“MassDEP”)
AND THE City of Marlborough (“Municipality”)**

Pursuant to the Green Communities Act, relevant provisions of which are codified at M.G.L. c. 25A, Section 11F(d) and the regulations promulgated thereunder at 310 CMR 19.300 and in support of the Massachusetts Solid Waste Master Plan developed pursuant to M.G.L. c. 16, Section 21, MassDEP has awarded the Municipality a Sustainable Materials Recovery Program grant under the Recycling Dividends Program (“RDP”). The Municipality has earned a payment of \$18,000.

The Recycling Dividends Program provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns based on the *2021 Grant Guidelines* and number of residents served as described below. RDP provides an incentive for municipalities to improve their recycling programs by implementing best practices and rewards communities with model recycling and waste reduction programs.

Duration: The term of this Contract shall be in effect until the municipality has expended all RDP funds and reported to MassDEP on use of funds.

RESPONSIBILITIES OF THE MUNICIPALITY

1. **Authority:** The Signatory of this RDP Contract is authorized by the governing body of the Municipality to enter into this Contract on behalf of the Municipality and apply for and accept funds on behalf of the Municipality.
2. **Commonwealth Terms and Conditions:** The Municipality shall comply with the Commonwealth Terms and Conditions and other requirements set forth in the Municipality’s executed Master Agreement.
3. **Failure to Comply:** If, in the judgment of MassDEP, the Municipality fails to comply with any of its responsibilities identified in this Contract, then, at the election of MassDEP, (a) the Municipality shall repay the RDP funds to MassDEP within 90 days; and/or (b) title to all materials purchased with the RDP funds immediately and without any further steps shall be transferred to MassDEP; and/or (c) MassDEP may find the Municipality not eligible to seek another Sustainable Materials Recovery Program Grant for up to three years. MassDEP may provide written notice to the Municipality of any such failure to comply. Such notice may provide a time period and manner for the Municipality to cease or remedy the failure. Such notice from MassDEP of any such failure by the Municipality is not a precondition to MassDEP’s right to select options (a), (b), and/or (c) above. The Municipality shall follow the instructions of MassDEP regarding possession of the materials purchased with RDP funds. The Parties hereby agree to execute any and all documents necessary to accomplish said transfer. Furthermore, the Municipality shall transfer or arrange to transfer actual possession of said materials to an authorized representative of the Commonwealth of Massachusetts or its designee.
4. **Recycling in Practice:** The Municipality has established paper, bottle and can recycling in all municipal buildings, offices and meeting spaces, including schools. The Municipality shall continue such paper, bottle and can recycling during the term of the RDP Contract.
5. **Notification of Buy Recycled Policy:** The Grantee has established a written policy which promotes a preference for the purchase of recycled products in lieu of non-recycled products and distributes an annual notification of the Buy Recycled Policy, ordinance or by-law to all staff, department heads and employees with purchasing authority. This notice should be sent from the Mayor, Board of Selectmen, Town Manager, Town Administrator, or Chief Purchasing or Procurement Officer; and should include specific language encouraging the purchase of recycled products as it supports municipal recycling collection programs, recycling markets, and supports closed loop recycling. The Grantee shall continue to send an annual notification during the term of the Grant

SIGN AND RETURN THIS DOCUMENT TO MASSDEP VIA EMAIL

6. **RDP Payment Calculation:** MassDEP has calculated the RDP Payment using the table below which shows payment brackets based on the number of households served by the municipal solid waste program and the point value for each bracket. *Section 7 – Program Criteria* and the *2021 Grant Guidelines* describe in detail the conditions for earning points.

RDP Payment Brackets

Trash HH Served	Value of Each Point	Minimum Payment	Maximum Payment
0 - 1,999	\$350	\$2,800	\$9,100
2,000 - 4,999	\$600	\$4,800	\$15,600
5,000 - 7,499	\$1,100	\$8,800	\$28,600
7,500 - 9,499	\$1,300	\$10,400	\$33,800
9,500 - 12,499	\$1,800	\$14,400	\$46,800
12,500 - 16,999	\$3,000	\$24,000	\$78,000
17,000 - 24,999	\$3,500	\$28,000	\$91,000
25,000 - 31,999	\$4,000	\$32,000	\$104,000
32,000 - 99,999	\$6,500	\$52,000	\$169,000
100,000 +	\$10,000	\$80,000	\$260,000

7. **Program Criteria:** The Municipality, through its RDP application, certifies that all points earned are for programs that were in place no later than June 30, 2021 and that these programs fully meet the performance standard set forth in the *2021 Grant Guidelines*. *Section 13 – RDP Payment Calculation* lists the program criteria for which the Municipality has earned points, and upon which the Municipality's payment was calculated.
8. **Use of Funds:** RDP Payments shall be expended on Approved Expenses listed in the *Grant Guidelines* to enhance the performance of the Municipality's waste reduction programs. Use of a dedicated account or revolving account is recommended but not required. Funds may be carried over to future years and accumulated to fund a larger eligible expense or project. Planned use of funds shall be noted on the Annual RDP Spending Report. However, MassDEP may delay future RDP payments if municipality is not expending funds.
9. **Record Keeping:** The Municipality shall be responsible for keeping documentation (i.e. proof of purchase in the form of an invoice which lists the vendor name and address, item purchased, item price, number of items purchased and shipping costs if any) by calendar year, of how RDP funds were expended and the remaining balance of RDP funds. MassDEP may conduct record audits to ensure compliance with this Contract.
10. **Reporting:** By February 15th of each year, for the duration of the Contract, the Municipality shall submit the annual Recycling and Solid Waste survey and the RDP Spending Report through its ReTRAC Connect™ account. Failure to comply with these reporting requirements will jeopardize future grant awards and RDP payments.
11. **Environmental Compliance:** The Municipality understands receipt of RDP funds from MassDEP does not in any way imply that the Municipality is in compliance with applicable environmental regulations. This Municipality shall not be construed as, nor operate as, relieving the Municipality or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals. The Municipality's facility(ies) are subject to inspection at any time by MassDEP and noncompliance with applicable environmental regulations may result in formal enforcement actions, including penalties.
12. **Addendums:** Should MassDEP award additional RDP funds, an addendum to the Contract shall be provided to the Municipality. The same terms and conditions apply to the addendum.

SIGN AND RETURN THIS DOCUMENT TO MASSDEP VIA EMAIL

13. RDP Payment Calculation:

The Municipality's payment has been calculated as follows:
(Value of each point) x (Total RDP Points)

a. Solid Waste Program	2
b. Organics	0
c. Bulky Items	2
d. ReUse Points	2
e. Yard Waste	2
f. Household Hazardous Waste	1
g. Center for Hard to Recycle Materials	0
h. Comprehensive Hauler Regulation Adopted	0
i. Enforced Residential Curbside Recycling	0
j. Outreach and Education	0
k. Recycling Center Access	1
l. Textile	0

TOTAL RDP POINTS 10

VALUE OF EACH POINT \$1,800

RDP PAYMENT AMOUNT \$18,000

IN WITNESS WHEREOF, MassDEP and the Municipality hereby execute this Contract.

COMMONWEALTH OF MASSACHUSETTS

By: *John Fischer* 12/22/2021
 John Fischer, Deputy Division Director (Date)
 Bureau of Air and Waste
 Department of Environmental Protection

City of Marlborough
VC6000192112

By: *Theodore L. Scott* Assistant Commissioner Operations DPW 11/22/21
 (Signature and Title) (Date)
Theodore L. Scott (Print Name)

Recycling Dividends Program and Small-Scale Initiatives: Approved Spending

Beyond the Bin	<p>Transportation and/or processing costs for hard to recycle materials including items listed in CHARM, plus carpet, mattresses and Styrofoam.</p> <p>Post-consumer Recycled Content Products from state contracts. Grantee must confirm recycled content.</p> <ul style="list-style-type: none"> • FAC104 Landscaping, Green Roof Products, Playground Equipment, Site Amenities, Recycle content planters • FAC88 Lawns & Grounds, Equipment, Parts and Services • FAC100 Building Maintenance, Repair & Operations, Supplies and Tools • OFF45 Art and Instructional School Supplies • OFF47 Office Supplies, Recycled Paper and Envelopes • OFF38 Office, School and Library Furniture • OFF44 Print, Copy & Mail Services, and Printed Promotional Products • VEH96 OEM & NON-OEM Motorized Vehicle Parts, Refined Motor Oil, Lubricants
Closing The Loop	<p>Recycling carts and bins, organics carts, etc. (see FAC113)</p> <p>Roll-off containers, compactors, balers for recycling (refurbished equipment acceptable; solid waste use not allowed)</p>
Equipment	<p>Equipment for collection/storage/recycling of hard to recycle materials</p> <p>Compost bins & rain barrels</p> <p>Glass crushing equipment</p> <p>Repairs of used and existing recycling and composting equipment</p>
Model Programming	<p>Dedicated Enforcement Coordinator or first 2 years of a new Recycling Coordinator position</p> <p>Project-based temporary staffing</p> <p>Consultants for local or regional recycling and solid waste projects such as recycling/solid waste processing bid development, Pay-As-You-Throw analysis, recycling composition and contamination audits, waste audits, waste characterization studies, etc. See State Contracts PRF61 and PRF77</p> <p>PAYT program costs including bags, education materials, recycling stickers and additional staff</p>
Organics Diversion	<p>Compost bins and kitchen scrap buckets</p> <p>Commercial composting equipment including screener, windrow turner for use at municipal site</p> <p>Organics carts for curbside collection and/or drop-off programs</p> <p>Certified compostable bags for collection of organics in municipally sponsored programs</p> <p>Organics collection and processing - up to 5 years</p> <p>Organics program development costs for a new diversion program</p>
Other	<p>Other expenses as approved in writing by MassDEP in advance of the expense (one request per year will be considered)</p> <p>Recycling processing costs over \$50 per ton</p> <p>Mattress recycling costs (transportation & processing) for FAC90 vendors or alternate approved vendor</p> <p>Shredding services for confidential paper</p> <p>Pre-approved site improvements to recycling drop-off locations including security camera, upgrade to attendant shed, fencing, license plate scanner.</p>

Outreach & Education	<p>Waste reduction and/or outreach and education materials, signs, billboards, mailings (and applicable postage costs)</p> <p>Recycling web page design and maintenance (external contractor)</p> <p>Translation services for recycling education materials in multiple languages</p> <p>Conferences, subscriptions, and memberships (up to \$750 per year)</p> <p>Training and professional development for recycling staff</p> <p>Recycling market index publications and trade journals</p> <p>Educational speaker fees (solid waste and recycling topics)</p> <p>Educational entertainment promoting recycling</p> <p>Waste and recycling collection mobile applications and fees</p> <p>Newspaper ads, PSAs.</p>
Public Spaces	<p>Public space/outdoor event recycling and composting containers and signage</p> <p>Transportation and processing of recyclables and organics collected at public spaces and/or events</p>
Reuse	<p>Establishing and/or maintaining a municipally operated swap-shop, including staffing</p> <p>\$5,000 annually on municipally owned Things/Tool Libraries</p> <p>\$1,000 annually for third-party owned Things/Tool Libraries</p> <p>\$4,000 annually for municipally located Repair Events (excluding food/refreshments)</p> <p>Zero Waste Days/Reuse Rodeos/Donation Events</p> <p>Developing/distributing a comprehensive Reuse Guide</p>
Schools	<p>Stipend for personnel coordinating school-wide or district-wide recycling/composting program</p> <p>Recycling bins, wheeled carts, compost bins, signage and related equipment</p> <p>Dishwashers for public school cafeterias</p> <p>Reusable trays and silverware for public school cafeterias</p> <p>Collection and processing costs for recyclables and organics</p> <p>School gardens and other “green team” initiatives</p> <p>School furniture reuse and recycling – Find info and resources here</p>
Source Reduction	<p>Reusable shopping bags distributed by municipality in DEP-approved program</p> <p>Reusable water bottles distributed by municipality in DEP-approved program</p> <p>Installation of water filling stations in public buildings and schools</p> <p>Deconstruction of municipally owned buildings (consultants, specialized contractors)</p>
Toxics Reduction	<p>HHW collection event costs, drop-off, or mobile pickup events, (FAC110 is available as a resource)</p> <p>Mercury spill kits</p> <p>School chemical cleanouts</p> <p>Environmentally Preferred Products FAC85, Categories 1-7</p>

Municipalities are allowed one additional request outside this approved spending sheet per calendar year.

Patricia Bernard

From: Theodore Scott
Sent: Monday, January 3, 2022 3:24 PM
To: Diane Smith; Patricia Bernard
Cc: Sean Divoll
Subject: FW: Marlborough FY22 RDP Contract – Executed
Attachments: RDP & Small Scale Approved Spending.pdf; Marlborough FY22 RDP Contract.pdf

Importance: High

From: Mbah, Wilfred (DEP)
Sent: Friday, December 31, 2021 5:27 PM
To: Theodore Scott
Cc: Irene Bishop, Janine (DEP) Mirza, Kathi (DEP)
 <kathi.mirza@state.ma.us>
Subject: Marlborough FY22 RDP Contract – Executed
Importance: High

Congratulations on qualifying for RDP funds! Please read this email carefully.

Use of Funds: RDP Payments shall be expended on Approved Equipment and Activities in the approved expense sheet. See attachment.

Record Keeping: Be SURE you have a process in place for keeping track of all RDP payments and expenditures. If you have not already done so, discuss the RDP spending restrictions with your Auditor or Treasurer. MassDEP does not require a dedicated account, however having such an account may make it easier for you to track and annually report the RDP balance and expenditures as outlined in [2021 Grant Guidance](#) Section 3.

RDP Contract and Payment: MassDEP has signed your RDP Contract. Please forward the attached copy to the municipal office of record if that is not your office. Your municipality's RDP Payment is in process, and you can expect these funds will be deposited in the municipal bank account in 45 business days. You can use the [Vendor Web application](#) on the Comptroller's website to see the payment date (schedule or completed). The city or town's Treasurer should be familiar with using this system. Your [Municipal Assistance Coordinator](#) is also available to assist you with Vendor Web.

Feel free to contact me with any questions you may have.

Best wishes the New Year!

Will

Wilfred N. Mbah
 Environmental Analyst
 Municipal Waste Reduction Branch



*City of Marlborough
Office of the Mayor*

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Transfer request to fund various Marlborough retirees

Honorable President Ossing and Councilors:

Respectfully submitted for your approval is a transfer request in the amount of \$311,945.00 from Reserve for Salaries to Sick Leave Buy Back to fund recent and forthcoming retirees from the Marlborough Fire and Police Departments.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

January 13, 2022

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

RE: Reserve for Salaries Transfer Request

Enclosed herewith is a transfer request to fund Sick Leave Buy Back owed to three Firefighters and three Police Officers that have either recently retired or will be retiring in the near future.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Smith". The signature is fluid and cursive, with a horizontal line extending to the right.

Diane Smith, CGA
City Auditor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2022

FROM ACCOUNT:

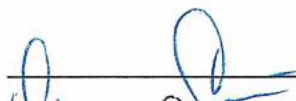
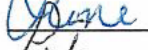
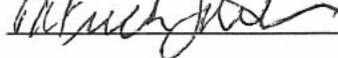
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$982,574.00</u>	<u>\$311,945.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$153,575.00</u>	<u>12200003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$106,994.20</u>
	Reason:	_____				Retirement payouts			
					<u>\$158,370.00</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$105,841.39</u>
						Retirement payouts			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	\$311,945.00	Total			\$311,945.00	Total			

Department Head signature:

Auditor signature:

Finance Director signature:



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 JAN 20 A 11:40
Arthur G. Vigeant
MAYOR
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Reappointment of Chief David Giorgi as Police Chief

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the reappointment of David Giorgi as the Police Chief for the City of Marlborough to expire on August 20, 2025; *four years from the date of the current executed employment agreement.*

Under Chief Giorgi's leadership, the department established its first accreditation from the Massachusetts Police Accreditation Commission and has recently received reaccreditation status for an additional three years.

He has successfully led his department throughout the pandemic, as well as kept the peace in our community during a volatile period while our country was, and is still, experiencing social justice and civil issues.

His recent contract is enclosed for your review. Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

POLICE CHIEF EMPLOYMENT AGREEMENT

This agreement made and entered into pursuant to Chapter 41, Section 108O of the Massachusetts General Laws this 20th day of August, 2021 by and between the City of Marlborough (hereinafter the "City"), and David Giorgi of Marlborough (hereinafter "Giorgi," "Chief," or "Chief of Police").

WHEREAS, the City desires to employ the services of David Giorgi as Chief of Police of the City, and

WHEREAS, the Chief is willing to perform the duties of the position of Chief of Police according to the terms and conditions of this Agreement and other generally accepted practices within the City;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DUTIES:

The Chief shall devote that amount of time and energy reasonably necessary to perform the duties of the Chief of Police under this contract.

The operation and administrative control of the Police Department for the City shall be the responsibility of the Chief of Police; the Chief's duties shall include but not be limited to the following:

- A. Supervision of the daily operation of the Police Department; and
- B. Supervision of all Department personnel; and
- C. Preparation and submission of the Police Department budget; and
- D. Responsibility for all departmental expenditures, as well as receipt of funds and property in the custody of the Department; and
- E. Supervision and control of all Department equipment and vehicles; and
- F. Supervision of all special, auxiliary, and/or reserve officers; and
- G. Supervision and control of all training programs for department personnel and the assignment of personnel to such programs; and,
- H. Maintaining the discipline of department personnel and the issuing of orders, rules, regulations, policies and procedures; and
- I. Availability for hearings before any Board or Committee of the City at which the Police Department is required to appear and before the City Council, and for other meetings at the request of the Mayor, when necessary; and
- J. Responsibility for planning, organizing, directing, staffing and coordinating police operations;

- K. Communicating with the public on matters relating to crime, Police operations, and department policy; and other duties as assigned by the Mayor of the City, as may from time to time be required; and
- L. Additional duties shall include, but not be limited to, those found within the position description attached hereto, and made a part hereof, as Exhibit "A."

2. APPOINTMENT AND TERM:

The term of appointment shall be for a period of four (4) years commencing on April 1, 2021 and ending on March 31, 2025, unless terminated sooner under the provisions of this Agreement.

3. DISCIPLINE OR DISCHARGE:

- A. It is agreed that the Chief of Police may be disciplined or discharged by the Mayor for just cause, upon proper notice and only after a hearing before a hearing officer designated by the Mayor, at which the Chief of Police shall have the right to be represented by counsel. The Chief of Police shall have the option of choosing whether any such hearing shall be closed to the public or held as an open or public hearing. The principle of progressive discipline will apply and the City may provide the Chief with periodic performance evaluations.

4. RESIGNATION:

If Giorgi resigns during the term of this Agreement, he must provide to the Mayor of the City a six (6) month written notice unless a lesser time is mutually agreed upon between himself and the Mayor. If Giorgi does not provide said six (6) month notice and a lesser time is not mutually agreed to in writing between Giorgi and the Mayor, then the maximum amount of the sick leave buy-back benefit set forth in Section 7(D) shall be reduced by fifty percent (50%).

5. REAPPOINTMENT:

If the Mayor decides not to reappoint Giorgi for a successive term for any reason other than those outlined in Section 3.(A.), Giorgi may choose to serve out the balance of his term as Chief, or he may resign in accordance with Section 4 of this Agreement, in which case, he shall be entitled to his current pay, benefits, and expenses for the balance of the term of this Agreement or until the effective date of his resignation, whichever first occurs, unless prior to the effective date of his resignation he is discharged under the provisions of this Agreement. In the event that the Mayor decides not to reappoint Giorgi for a successive term for any reason, the Mayor must provide Giorgi with notice of such non-reappointment at least six (6) months in advance.

6. INDEMNIFICATION:

The City agrees that it shall defend, where permitted by law, save harmless and indemnify the Chief of Police against any tort, professional liability claim or demand or other civil or criminal legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of his duties, provided that the Chief acted in good faith. The City may compromise and settle any claim or suit, unless prohibited by law, and will pay the amount of any settlement or judgment rendered thereon without recourse to the Chief. The City shall reimburse the Chief in connection with any claims or suits involving the Chief in his professional capacity. This section shall survive the termination of this Agreement.

7. ADDITIONAL BENEFITS:

The following benefits shall be afforded to Giorgi:

- A. Giorgi shall be entitled to annual vacation time of seven (7) weeks based on a five (5) day week (35 days per year) which vacation time shall accrue on January 1st of each calendar year of this Agreement beginning with January 1, 2018. One year accumulation allowed to carry forward to the next year. Any vacation carried in excess of one year's accumulation must be approved by the Mayor.
- B. Intentionally Omitted.
- C. Giorgi shall be entitled to six (6) annual personal days, and sick leave accrual at 1 ¼ days per month credited on the first of each month (a total of 15 days annually). Said personal days and sick leave shall accrue on January 1st of each calendar year of this Agreement beginning with January 1, 2018, and shall be subject to the terms of Chapter 125 of the City Code, as may be amended from time to time.
- D. When Giorgi retires as Chief of Police, he shall be entitled to a sick leave buy-back benefit. Provided that he has maintained a balance of 90 sick leave days for five consecutive years, he shall be eligible to buy back ninety (90) days, at his Chief of Police hourly per diem salary rate, up to a maximum amount of \$70,000.00.
- E. In each calendar year of this Agreement, Giorgi is entitled to buy back up to ten (10) days of unused sick leave at his current Chief of Police hourly rate.

F. Intentionally Omitted.

G. Giorgi may participate in all health and life insurance plans to the same extent and with the same contribution ratio as may from time to time be made available to other department heads.

H. As Chief, Giorgi shall receive a \$500.00 uniform clothing allowance payable at his request during each calendar year of this Agreement. Chief Giorgi shall also receive uniform cleaning benefits.

I. The Chief shall be entitled to injured-on-duty benefits provided in M.G.L. c. 41, § 111F.

J. The City recognizes its obligation to the professional development of the Chief of Police, and agrees that the Chief of Police shall be given adequate opportunities to develop his skills and abilities as a law enforcement administrator; accordingly the Chief of Police shall be allowed to attend the Massachusetts, New England, and the International Association of Chiefs of Police training conferences, as well as other short courses, institutes, and seminars that the Chief reasonably judges to be necessary for his professional development. Such course, conferences, and seminars may be attended without loss of vacation or other leave, and any reasonable costs incurred by the Chief of Police in relation to his attendance shall be reimbursed by the City contingent upon approval by the Mayor and the sufficiency of the appropriation therefore.

8. DEATH DURING TERM OF EMPLOYMENT:

A. If the Chief of Police dies during the term of this Agreement, the City shall pay to his estate all compensation which would have been due the Chief of Police up to the date of his death, including, but not limited to, the value of his accumulated and unused sick leave up to a maximum of \$70,000.00 under the terms and conditions provided in paragraph 7.D herein.

9. COMPENSATION:

- A. The Chief of Police shall receive a comprehensive salary of \$191,000.00, effective April 1, 2021.
- B. The Chief of Police shall receive the same percentage increase received by the Marlborough Police Department Command Officers (MCOP, Local 366, AFL-CIO) in subsequent years beginning July 1, 2022.

The Chief's duties require that he shall have the exclusive and unrestricted use, at all times during employment, of a motor vehicle provided to him by the City. Said

motor vehicle may be used by the Chief for reasonable personal reasons, since the Chief is "on-call" in the event of an emergency.

- C. When the Marlborough Police Department has attained the "Accredited" status through the Massachusetts Police Accreditation Commission, the Chief shall receive an annual stipend payment, not into base salary, in the amount of \$1,500.00 beginning July 1, 2021. Said annual stipend shall be due for each successive fiscal year in which "Accredited" status is maintained as of July 1.

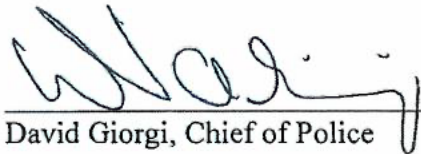
10. SEVERABILITY:

If any clause or provision of this Agreement shall be determined to be illegal by a court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals to this instrument the date and year first written above.

FOR THE CHIEF OF POLICE:

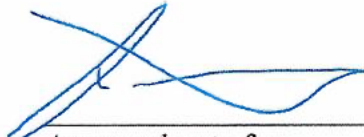
FOR THE CITY OF MARLBOROUGH:



David Giorgi, Chief of Police



Arthur G. Vigeant, Mayor



Approved as to form:
Jason D. Grossfield, City Solicitor

EXHIBIT "A"

City of Marlborough
Marlborough, MA 01752

AA16-34

December 8, 2016

POSITION AVAILABLE
CHIEF OF POLICE

The City of Marlborough (pop. 40,000) seeks to fill the position of Chief of Police. The Department has seventeen command and forty-eight police officers. The primary responsibility is to provide effective and efficient delivery of contemporary policing services to the community and its people. The Chief will work under the policy direction of the Mayor and according to the applicable provisions of federal law, state statutes and City Codes with considerable latitude for independent judgement and action. He/she will manage and control the City's Public Safety Communications Unit, including the operation of the 911 Call Center; the dispatching of EMS, Fire and Police Units, and the development and maintenance of the City's Enhanced 911 Data Base. The Chief serves as Issuing Authority for various licenses and permits and will be a member of several Committees and Commissions.

Some of the duties and responsibilities will include: the management and administration of personnel, equipment, and financial resources to accomplish the following purposes: maintenance of peace and order; provision of emergency and non-emergency law enforcement and public safety services; peaceful resolution of interpersonal differences in the community; prevention and detection of criminal activity; apprehension and prosecution of persons engaged in criminal activity; enforcement of statutes, ordinances, and regulations; preparation and presentation of the capital and annual operating budget; performing labor relations functions including union negotiations and grievance processing.

Minimum Qualifications: shall have served a minimum of five consecutive years as a full-time member of the Marlborough Police Department, of which three consecutive years immediately prior to appointment as Chief must have been in a Command Officer's position in the Marlborough Police Department; must possess a minimum of a Bachelor's Degree in law enforcement or a related field.

Salary: \$161,282.39

A copy of the full job description, referred to in the above paragraph and a copy of §34-1.1., Marlborough City Code, relative to the appointment and qualifications for the position of Chief of Police, are attached to this position notice.

Please forward cover letter and resume to:
Human Resources Director
City of Marlborough
140 Main Street
Marlborough, MA 01752
humanresources@marlborough-ma.gov
AA/EOE

Deadline for applications: December 23, 2016

CHIEF OF POLICE

Full Job Description

Position Purpose:

The Chief of Police has primary responsibility for the effective and efficient delivery of contemporary policing services to the community and its people. He/she also has primary responsibility for the management and control of the City's Public Safety Communications Unit, including: the operation of the 911 Call Center; the dispatching of EHS, Fire and Police Units; and, the development and maintenance of the City's Enhanced 911 Data Base.

The Chief is responsible for the management and administration of the department 's personnel, equipment and financial resources to accomplish the following purposes: maintenance of peace and order; provision of emergency and non-emergency law enforcement and public safety services; peaceful resolution of interpersonal differences in the community; prevention and detection of criminal activity; apprehension and prosecution of persons engaged in criminal activity; and, enforcement of statutes, ordinances and regulations. The Chief of Police is responsible for maintaining and improving the efficiency and effectiveness of all areas under his/her direction and control.

Supervision:

Supervision Scope: Performs complex and highly responsible duties requiring a high level of initiative and independent judgment in the planning, administration and execution of the department 's programs and services, and in the direction of its personnel. The incumbent is required to work independently in formulating decisions regarding department policies, procedures, operations and plans.

Supervision Received: Works under the policy direction of the Mayor and according to the applicable provisions of federal law, state statutes and the City Code with considerable latitude for independent judgement and action. Assumes responsibility for developing and achieving the department goals and objectives.

Supervision Given: Supervises all department employees, developing job direction, assigning tasks and instructions, and monitoring personnel performance evaluation, directly and indirectly through subordinates.

Job Environment:

Work is performed primarily in offices, vehicles, and outdoor settings; work may be performed under variable weather conditions; incumbent is exposed to and may participate in life threatening police and public safety activities, incidents and emergencies. Noise levels in the work environment are usually quiet in office settings and potentially loud during emergencies and at incident locations; work may be physically and mentally stressful. The Chief is on call, at all times, to respond to incidents or emergencies and to perform required managerial duties.

Operates computer devices, computer applications, and standard office equipment such as telephones, copiers, facsimile machines; when at emergency and/or incident may be required to operate or use some or all of the following equipment: police cruiser, two-way radio, cellular phone, department-issued weapons, other protective and restraining devices.

Has frequent contact with City and state officials, other police and public safety officials, criminal justice agencies and the media; requires excellent leadership, client service and communication skills; contacts

CHIEF OF POLICE

Full Job Description (continued)

are in person, in writing and by telephone and require discussing highly complex managerial, administrative and legal matters. Has access to extensive confidential information such as personnel records, criminal investigations and records, litigation, personal information about citizens and collective bargaining issues.

Errors can be costly in terms of decreased or less effective and efficient protection of persons and property, confusion and delay, direct financial and legal repercussions for the City and potential loss of public confidence in Police Department and City government.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed and are used as guides for personnel actions. The omission of specific statements or duties does not exclude them from the position when the work is similar, related or logical assignment to the position.)

Analyzes and evaluates the effectiveness and responsiveness of department operations; determines, initiates and implements departmental goals, objectives, policies, programs, activities, rules, regulations, procedures, practices and courses of police conduct to improve policing services; consults with the Mayor and the City Council regarding major policy or resource allocation changes. Prepares and presents the capital and annual operating budgets and manages the department's operations within approved resource limits.

Determines and establishes the department's organizational structure; assigns and allocates department personnel. Performs labor relations functions including negotiations and grievance processing for department bargaining units.

Supervises directly, through subordinate administrators and through standing or special orders sworn police officers, support employees and other persons authorized to act on behalf of the department; delegates and provides for the delegation of work and responsibilities, but retains final authority and responsibility for department decisions and actions; maintains good employee discipline and reviews employee performance; personally and with supervising officers, deals with assignments, discipline, morale, training and other issues affecting department members; advises, assists and consults with department personnel in non-routine matters. Establishes and enforces departmental standards, policies and practices for information collection, accuracy, completeness and distribution; establishes and maintains recognized channels for effective department communications through which information flows.

Works and cooperates with other law enforcement agencies, City Departments and officials in the execution of official duties and responsibilities.

Serves as the departments' primary representative to civic organizations, public interest groups, elected representatives, schools, etc. Attends meetings related to public safety issues and law enforcement.

Acts as the Incident Commander for major incidents of a police or law enforcement nature. As Incident Commander manages or directs police, fire and EHS resources and personnel. Acts as Police

CHIEF OF POLICE

Full Job Description (continued)

Commander for major fire or EHS incidents; In coordination with fire/EHS Incident Commander, supervises/manages police personnel involved in incident.

Other Functions:

Regularly appears before the City Council, Council committees, state agencies and various municipal boards and commissions to present information and testimony on proposed statutes, ordinances, regulations, special permits, licenses and other matters affecting law enforcement, public safety, traffic and the Police Department.

Provides for the preparation of applications for financial assistance from state, federal and other agencies.

Serves as Chairman of both the Traffic Commission and the Public Safety Communications Committee. Serves as member of the Site Plan Committee.

Functions as the License or Permit Issuing Authority for the following:

- A. Firearms Licenses;
- B. Auction Permits;
- C. Parking Permits;
- D. Street Closing Permits (for parades, public events and certain work being performed in or adjacent to public ways);
- E. Sunday and Holiday Work Permits;
- F. Solicitor Licenses;
- G. Block Party Permits.

The Chief of Police is also responsible for the:

- A. Issuance of Animal Control Orders;
- B. Review of State Hawker/Peddler License applications;
- C. Review of applications for appointment as a Constable;
- D. Issuance of Letters of Clearance.

Performs similar or related work as required, directed or as situation dictates.

Minimum Qualifications for Appointment:

To be appointed, an Applicant:

- A. Shall have served a minimum of five (5) consecutive years as a full-time member of the Marlborough Police Department, of which at least three (3) consecutive years immediately prior to the appointment as Chief must have been in a Command Officer's position in the Marlborough Police Department;
- B. Must possess a minimum of a bachelor's degree in law enforcement or a related field.
- C. Valid Massachusetts motor vehicle operator's license
- D. Certification as a police officer by the Massachusetts Criminal Justice Training Council
- E. Firearms certification
- F. Must meet all Police Officer certification requirements for the State of Massachusetts and the City of Marlborough.

CHIEF OF POLICE

Full Job Description (continued)

***** SEE COPY OF 34-1.1, MARLBOROUGH CITY CODE BELOW, WHICH IS MADE A PART OF THIS POSITION NOTICE, FOR A FULL EXPLANATION OF THE QUALIFICATIONS NECESSARY FOR APPOINTMENT AND THE APPOINTMENT PROCESS. *****

§34-1.1. Chief of Police; appointment; qualifications. [Added 12-5-88 by Ord. No. 88-2401A]

- A. *The Chief of Police, subject to the requirements below, shall be appointed by the Mayor, subject to the confirmation of the City Council, for a term of four (4) years beginning July 1, 1989, except that the first Chief of Police appointed under this section shall take office on the day after he is confirmed and serve until June 30, 1995, or until his successor is appointed and sworn to the duties of the office.*
- B. *Any person so appointed shall possess a minimum of an associate's degree in law enforcement or a related field if his appointment as Chief precedes July 1, 1996; and any person so appointed on or after July 1, 1996, shall possess a minimum of a bachelor's degree in law enforcement or a related field.*
- C. *Any person so appointed shall have served a minimum of five (5) consecutive years as a full-time member of the Marlborough Police Department, of which at least three (3) consecutive years immediately prior to the appointment as Chief must have been in a command officer's position in the Marlborough Police Department, except as noted below.*
- D. *Command officers shall include all ranks above police officer, and service on a provisional or temporary after certification basis shall be counted toward the three-year minimum. Said command officer may, at his option, retain his highest civil service rating in the Police Department by obtaining a civil service leave of absence which shall, if requested, be approved by the Mayor.*
- E. *If less than three (3) qualified candidates, as defined above, within the Marlborough Police Department are willing to accept the position, the Mayor may appoint from among the lesser number or shall notify the City Council, in writing, of his reasons not to do so and of his reasons to recruit and appoint from among candidates, otherwise qualified, but who are not currently members of the Marlborough Police Department.*
- F. *Any Chief of Police appointed pursuant to this section shall serve in office and hold full powers and duties until his successor is appointed and sworn to the duties of the office.*



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2022 JAN 20 A.M. 4:40
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Reappointment of Chief David Giorgi as the Keeper of the Lockup

Honorable President Ossing and Councilors:

I am pleased to reappoint Chief David Giorgi as the Keeper of the Lockup for the City of Marlborough in accordance with Massachusetts General Laws, Chapter 40, Section 35 for a term of one year.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 11:40
Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Recommended Appointment of Jeremy McManus as Assistant City Solicitor

Honorable President Ossing and Councilors,

I am pleased to recommend the appointment of Jeremy McManus to serve as Assistant City Solicitor in our Legal office replacing Jay Piques.

Mr. McManus is a graduate of Boston College Law School and brings a variety of experience in civil litigation as outlined in his enclosed resume. The City is fortunate to have found a candidate of this caliber during this unprecedented labor shortage, and we look forward to filling this busy role.

I'd like to take this opportunity to thank Solicitor Grossfield for his dedication in prioritizing issues while solely operating the office over the last few months.

I am requesting that this appointment be taken up as soon as possible since Mr. McManus has arranged to start with the City on February 7, 2022.

If you have any questions, please do not hesitate to contact me or City Solicitor Grossfield.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

JASON D. GROSSFIELD
CITY SOLICITOR

SUSAN CORREIA
PARALEGAL

January 18, 2022

Arthur G. Vigeant
Mayor
City of Marlborough
140 Main Street, 4th Floor
Marlborough, MA 01752

Re: Recommendation for Appointment of Jeremy McManus as Assistant City Solicitor


Dear Mayor Vigeant:

I write to recommend the appointment of Jeremy McManus to serve as Assistant City Solicitor for the City of Marlborough.

Mr. McManus is currently an associate attorney with the law firm of Melick & Porter, LLP, representing clients in a variety of civil litigation matters. Previously, Mr. McManus served as an Assistant District Attorney with the Essex District Attorney's Office prosecuting criminal matters in the Peabody and Lynn District Courts. I note that the City received a number of highly-qualified applicants, and it is my honor to recommend Mr. McManus for appointment.

Thank you and please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enc.

cc: Christine Purple, Human Resources Dir.

JEREMY McMANUS

EDUCATION

Boston College Law School, Boston, MA

Juris Doctor, May 2017

GPA: 3.247/4.0

Honors: *Journal of Law and Social Justice*, Executive Comment Editor; *BC Law Grimes Moot Court Competition*, Quarterfinalist & Top Five Brief Award

Activities: Negotiation Competition, Client Counseling Competition, Innocence Clinic, Moot Court

Hobart College, Geneva, NY

Bachelor of Arts, cum laude, in Philosophy, May 2014

GPA: 3.61/4.0

Honors: Dean's List (7 semesters), Hobart College Heritage Scholar (7 semesters)

Activities: Vice President, Delta Chi Fraternity; Member, Debate Team

EXPERIENCE

Melick & Porter, LLP

Boston, MA

Associate Attorney

February 2020-Present

- Handled a variety of cases defending insurance companies and their insureds in Massachusetts courts, including general liability, premises liability, professional liability, and toxic torts cases
- Conducted depositions and completed written discovery in dozens of civil matters

Essex District Attorney's Office

Lynn, MA and Peabody, MA

Assistant District Attorney

September 2017- February 2020

- Represented the Commonwealth of Massachusetts in trials, motions, arraignments, and hearings in the Peabody and Lynn criminal district courts
- Prosecuted over thirty cases to trial verdict for crimes including operating under the influence of liquor or drugs, assault and battery with a dangerous weapon, and possession with intent to distribute narcotics

U.S. Department of Justice

Washington, D.C.

Legal Intern, Federal Bureau of Prisons, Office of General Counsel, Employment Law Branch Summer 2016

- Drafted memoranda on employment law issues, including establishing sex as a bona fide occupational qualification and recovering attorney's fees in Equal Employment Opportunity Commission cases
- Reviewed and amended letters prepared by Human Resource officials proposing staff discipline

U.S. Attorney's Office

Boston, MA

Legal Intern, Criminal Division, Narcotics and Money Laundering Unit

Summer 2015

- Conducted legal research and drafted memoranda on issues such as the admissibility of evidence gained during plea negotiations and when a party may request an evidentiary hearing

Middlesex District Attorney's Office

Woburn, MA

Intern, Communications/Special Projects

Summer 2014

- Drafted press releases providing information about high profile cases and office initiatives

U.S. Department of Education

Boston, MA

Investigative Intern, Office for Civil Rights

Summer 2013

- Reviewed documents, conducted legal research, and prepared case summaries to assist attorneys investigating claims of Federal civil rights violations

U.S. Department of Justice

Washington, D.C.

Intern, Civil Rights Division, Federal Coordination and Compliance Section

September-December 2012

- Assisted attorneys with civil rights cases involving failures of recipients of federal financial assistance to provide language access to limited English proficient individuals



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 JAN 20 4:40
Patricia M. Bernard
EXECUTIVE AIDE

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www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

January 20, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Recommended Appointment of Sarah Hough to the Historical Commission

Honorable President Ossing and Councilors,

I am pleased to recommend the appointment of Sarah Hough to the Historical Commission to replace Alan Slattery. Ms. Hough brings a diverse background and holds state certifications in Strategic Sourcing, Public Contracting Overview and MCPPO Certification, as well as an M.S. in project and program management and a B.A. in Legal Studies and Classical Studies.

Ms. Hough has expressed an interest to get involved with her community, and I believe she would be a great asset to our Historical Commission. I would like to take this opportunity to thank Alan Slattery for his dedication and nearly five years of service helping to preserve the historical assets of our fine City.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

RE: Committee and Board Interests

Dear Nathan Boudreau,

I am writing to express my interest in the potential opportunities to fill vacancies on city boards and committees. I have lived in Marlborough for ten years and I would like to become more involved in the community.

I currently work for the Commonwealth as an Administrative Officer for the Office of Management and Budget with the Department of Mental Health. My position oversees the annual budget and procurement for the southeast area of the state, including four state operated facilities. Additionally, I am responsible for adhering to all state regulations, policies, and departmental practices, while monitoring analysis of individual contracts for human and non-human services for compliance. I am familiar with many areas of Massachusetts General Law and I anticipate completing the required courses for the Massachusetts Certified Public Purchasing Official certification by the end of the year.

Prior to my current position I was an Associate Director at Brandeis University responsible for the budget and operations of two research centers. While at Brandeis I sat on numerous boards, panels, and committees; one being the University Technology Committee assigned with procuring a new enterprise resource planning software system for the University.

My experience spans into diverse environments with a strong focus in management and operations. Specifically, my strengths lie in project management, research, quantitative analysis, planning, and reporting. In addition to my experience, my education is well suited to working with the Planning Board, Zoning Board of Appeals, or the Historical Commission, having earned a bachelor's degree in Legal Studies and a master's degree in Project and Program Management.

To discuss the depth of my qualifications or to answer questions, please contact me at [redacted]. I look forward to discussing this opportunity with you.

Thank you for your consideration.

Regards,

Sarah Hough

Sarah J.M. Hough

Work Experience

Administrative Officer IV

Commonwealth of Massachusetts

October 2017 – Present

- Manage 100MM budget for the Southeast Area of the Department of Mental Health, including human service contracts, facility contracts, and program contracts.
- Reviews and approves the requests for purchase of services submitted by Southeast Area Department of Mental Health, ensuring compliance with all applicable regulatory and procedural requirements.
- Ensures funding availability and accounting accuracy; utilizes available tools, databases, etc., to inform decision making.
- Maintains accurate and current knowledge of procurement regulations, policies, and departmental practices.
- Understands and participates in the emerging implementation requirements to meet Chapter 257 rate-regulated contracting.
- Prepares and executes standard contracts as needed for purchase of services and lower subsidiaries.
- Reviews monthly utilization and spending to ensure accurate balance and forecasting of annual expenditures. Meets with Spending Managers on a regular basis to review spending reports.
- Evaluates requests for additional allotments and/or transfer of funds, and reports recommendations to Spending Managers.
- Provides direct information and customer services to a variety of DMH staff as part of handling the business needs of the assigned DMH Units.
- Meets and communicates with all pertinent management staff including Area Director, Site Directors, and the Director of Field Operations to assist with administrative and budget needs.
- Provides insight and perspective on future contract development and changes; advises area management on amendment and service procurement.
- Acts as contract/POS liaison between Central Office and designated area office. Communicates any changes in process or procedures to the affected staff.
- Assists in the preparation of budget estimates, annual and mid-year spending plans, and performs other related duties of a financial nature.
- Monitors spending to ensure minimal reversion of contract funds.
- Assists in the development of new systems for tracking and reporting contract utilization data to ensure optimum utility of contract funds and cost-effective delivery of services.
- Supervises the area procurement staff.
- Responsible for completion of employee performance reviews per agency deadlines.
- Maintains a current working knowledge of MMARS, COMMBUYS, and the regulations of the Office of the State Comptroller (OSC) and the Operational Services Division (OSD).

Associate Director

Brandeis University

August 2015-October 2017

- Manage the operational functionalities of a Research Center and Institute within the University.
- Plan, implement, and execute budget decisions.
- Report to two advisory boards monthly.
- Serve on multiple committees including: steering, events, and fundraising.
- Responsible for project management.
- Responsible for the maintenance and allocation of 10,000 square feet of space.
- Accountable for the grant management of projects and programs.
- Responsible for hiring new employees, negotiating salaries, training staff within their functional areas, performance reviews, merit increases.
- Accountable for resource management: payroll, staff time out, remote work, and leaves of absence.
- Attends, as senior manager, organizational meetings throughout the University.

- Act as representative for all Centers and Institutes on the University Information Technology Governance Committee.
- Trained Sanction and Appeals Specialist for University Title IX process.
- Graduate and Professional Studies Panelist for recruitment and enrollment.
- Responsible for acting as Center Director in the Director's absence.
- Continued responsibilities outlined in Assistant Director position.

Assistant Director

Brandeis University

September 2008- August 2015

- Act as the Center Director for extended periods in supervisor's absence.
- Manage \$2MM budget consisting of 2 departments and 18 programs.
- Responsible for recruiting, hiring, and on-boarding new employees.
- In charge of project management within various programs.
- Serve on University committees to create, uphold, and manage policies across functional areas.
- Manage grants within programs from inception to close.
- Responsible for fundraising at different levels including mail solicitations, event planning, and large campaign giving.
- Event coordinator for all internal and external functions within the Center.
- Prepare payroll, accounts receivable, accounts payable, and grant awards.
- Control the allocation and reservation of the Center space.
- Administer technology help and maintained systems for use by staff and scholars.
- Maintain day to day operations of the Research Center

Professional Certifications

Commonwealth of Massachusetts Operational Services Division

Strategic Sourcing Certificate Program Completed April 2019

Commonwealth of Massachusetts Office of the Inspector General

Public Contracting Overview Completed August 2019
MCPPO Certification In progress**Education**

Brandeis University

M.S. Project & Program Management

Waltham, MA

University of Massachusetts

B.A. Legal Studies

B.A. Classical Studies

Amherst, MA



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
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR

2022 JAN 18 P 1:05

January 18, 2022

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451) - Request to Enter Executive Session

Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to discuss strategy with respect to the above-referenced litigation as an open meeting may have a detrimental effect on the litigating position of the City Council.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the litigating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *WP Marlborough MA Owner, LLC v. Marlborough City Council* (Land Court No. 21 MISC 000451), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



Ethan Lippitt JAN 11 A 10:13
Code Enforcement Officer
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30201
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov
pwilderma@marlborough-ma.gov

City Council Sign Approval Form

1/11/2022

To City Council President and all Councilors,
Included in this form is an applicant seeking approval from City Council as it relates to the signage project at the below address. Attached to this form is a copy of the sign permit and its image.

Address of Location seeking approval: 58 Apex Drive.

RE: BP-2022-000020

Zoning District:
Meets Current Sign Code:
Planning Board Variance:

HRMUOD Hospitality and Recreation
YES
NO

Code Enforcement Officer Ethan Lippitt

CC File
City Council
Commissioner Htway



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 1/6/2022

Permit No. BP-2022-000020

Address/Location of Sign 58 Apex Dr Suite B

Name of Business Wellisandra BOUTIQUE

Name of Owner of Business Wellisandra Teixeira Telephone (508) 215-6251

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 14'ft Width 3'ft Height (Free Standing) _____ Area 42' sq.ft

Location of Sign on Bld. North South _____ East _____ West _____

Dimensions Façade:

Length 20'ft Width 14'ft Area 280' sq.ft

Signature of Responsible Party 617-909-6008
Telephone

Installer Company Fast Shapes Telephone 617-909-6008

Custom3Dsign@gmail.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Rafael Silva
Signature

1/6/2022
Date

Cost of Sign(s) \$8,250

Permit Fee \$ _____



CITY OF MARLBOROUGH

**Building Department
(508) 460-3776**

BUILDING

PERMIT

JOB WEATHER CARD

PERMIT NO **BP-2022-000020**

ISSUE DATE **01/06/2022**

APPLICANT **SIGN INSTALLATION**

PERMIT TO **SIGN**

AT (LOCATION) **58 APEX DR, MARLBOROUGH, MA 01752** ZONING DISTRICT **B** Bldg. Type: **Commercial**

SUBDIVISION MAP BLOCK LOT **78-12-58-** BUILDING IS TO BE: **CONST TYPE** USE GROUP **B**

WORK DESCRIPTION
 FLAT WALL SIGN
 L: 14 FT W: 3 FT A: 42 SQ FT
 FACADE
 L: 20 FT L: 14 FT A: 280 SQ FT

CONTRACTOR
 LICENSE **0000**
 Construction Supervisor
 SIGN INSTALLATION
 RAFAEL SILVA
 FAST SHAPES
PAID

AREA (SQ FT) EST COST(\$)**8250.00** PERMIT FEE (\$)**50.00**

OWNER **WALKER REALTY LLC**
 ADDRESS **C/O RYAN DEVELOPMENT LLC**
WESTFORD MA 01886

BUILDING DEPT BY
 PHONE **6179096008**

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM

OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L CHAPTER 142A.

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

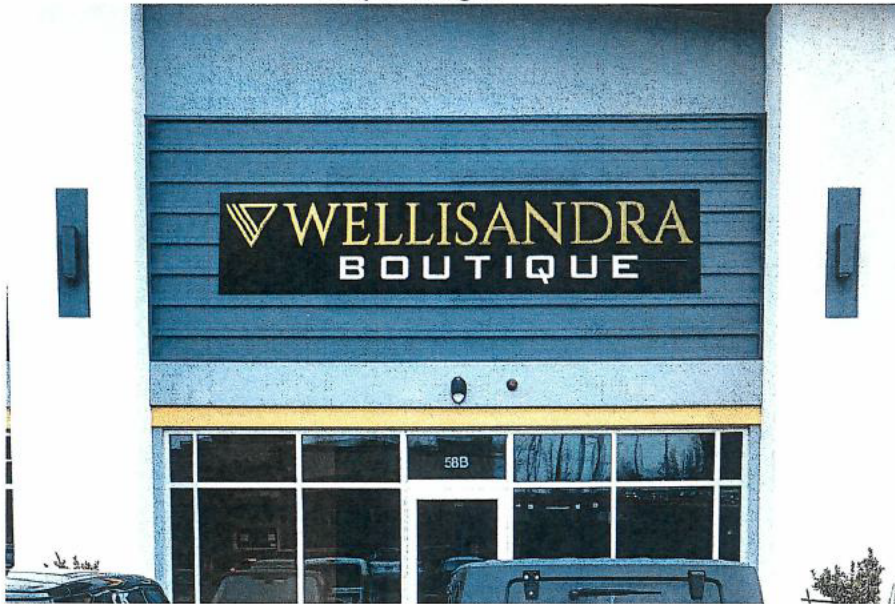
REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER:	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

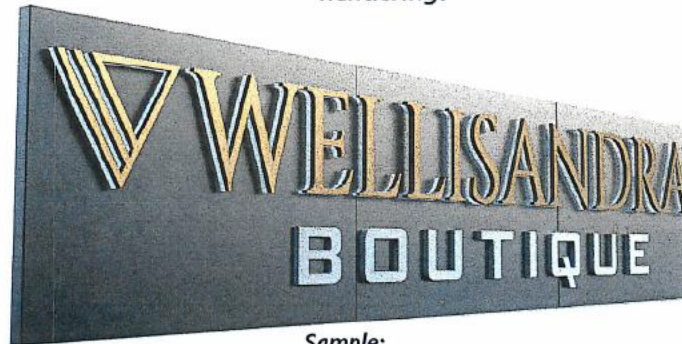
PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

Proposed sign:



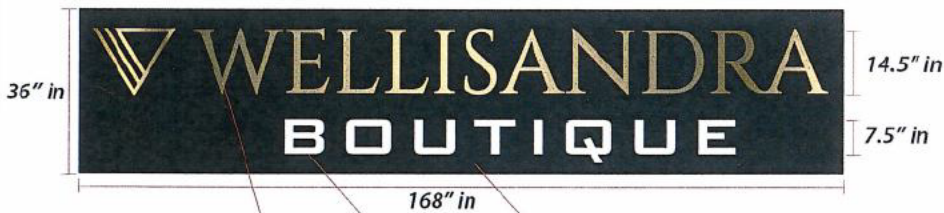
Rendering:



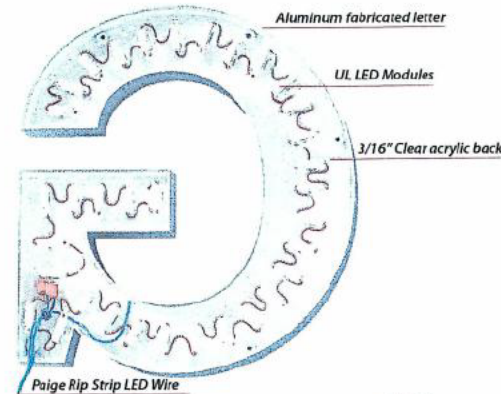
Sample:



Dimensions:



Colors:



1200 Concord RD, Marlborough, MA 01752
 PHONE: (617) 909-6008
 EMAIL: Custom3Dsign@gmail.com



@fastshapes

PROJECT:

Client: Wellisandra BOUTIQUE
 Address: 58 Apex Dr suite B,
 Marlborough MA, 01752.
 Sales Rep: Rafael Silva
 Designer: Rafael Silva

SIGN SPECIFICATIONS:

- LED Reverse-LIT Channel Letters.
- All aluminum black sign background.
- UL Listed manufactured sign.
- Sign Size: 3'x14' ft (32 sq.ft)
- Sign elevation: 17' ft.

MATERIALS:

- Aluminum fabricated letters
- 3/16" acrylic back.
- 1" welded aluminum tubing cabinet frame.
- Aluminum skin for cabinet frame.
- UL Listed, 6500k, 12v-DC LED modules. (Waterproof)
- UL Listed AC110V LED Power Supply/driver (Waterproof)
- 3/4" in. liquidtight PVC conduit.

INSTALLATION:

- Mount 2"x2" in aluminum angle brackets to top & bottom of facade where sign will sit. Sign cabinet will be bolted to aluminum brackets. Liquid tide will run through wall to inside the building. Silicone will be applied to any hole.

SIGN & DATE:

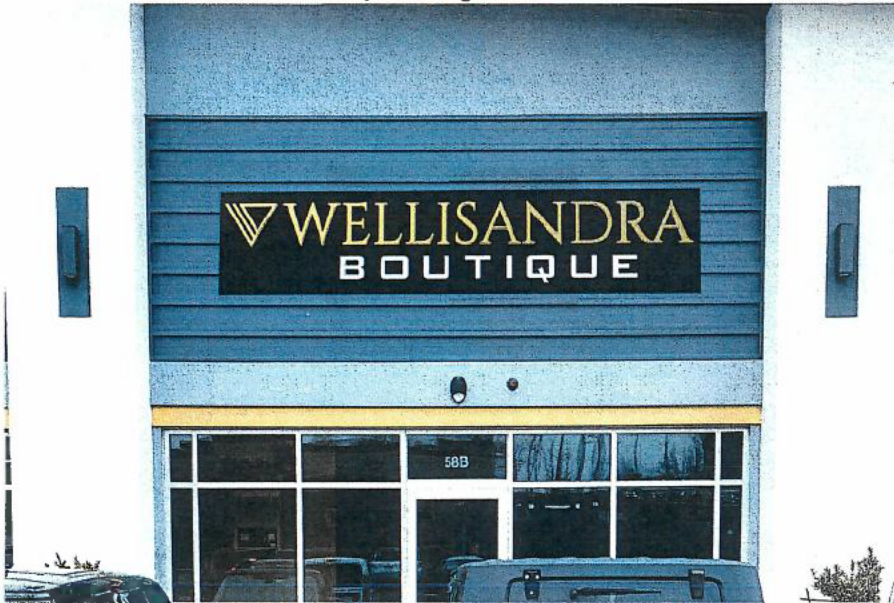
X _____

Date: 1/6/2022

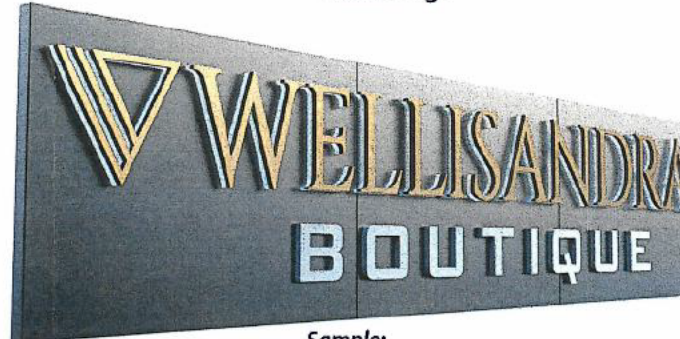
- Approved
- Approved pending revisions
- Revise and resubmit

Please review proof carefully. Check that all spelling, punctuation, phone numbers, dimensions, and colors are correct prior to approval. Any changes made after approval may be subjected to additional charges.

Proposed sign:



Rendering:



Sample:



Dimensions:



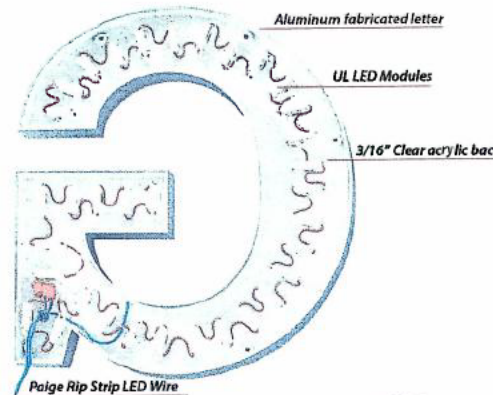
Colors:



Aluminum fabricated letter

UL LED Modules

3/16" Clear acrylic back



FAST SHAPES
 BRAND IDENTITY SOLUTIONS
 1200 Concord RD, Marlborough, MA 01752
 PHONE: (617) 909-6008
 EMAIL: Custom3Dsign@gmail.com
 follow us:

 @fastshapes

PROJECT:
 Client: Wellisandra BOUTIQUE
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SIGN & DATE:
 X _____
 Date: 1/6/2022
 Approved
 Approved pending revisions
 Revise and resubmit

Please review proof carefully. Check that all spelling, punctuation, phone numbers, dimensions, and colors are correct prior to approval. Any changes made after approval may be subjected to additional charges.

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
107 JAN 19 P 4:32
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

January 19, 2022

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Vedi Naturals, LLC, d/b/a Kosa Dispensary;
Signage and Business Name, 505 Boston Post Road West

Dear Councilor Ossing:

On behalf of Vedi Naturals, LLC, I respectfully submit a signage package and notification of business name for Kosa Dispensary, Vedi's planned retail marijuana establishment at 505 Boston Post Road West, the TwinBoro Crossing plaza.

Vedi received a special permit from the City Council in 2020 authorizing a retail marijuana establishment (copy enclosed). Finding #16 of the special permit provides:

16. Signs and signage:

Finding: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance.

The enclosed renderings of the proposed signs are submitted to the City Council in order to comply with Finding #16. Vedi's Manager, Jigar Patel, has worked closely with his fellow tenants in the TwinBoro Crossing to develop this sign package, which includes both a wall sign and an updated pylon sign panel for the plaza.

Further, Finding #17 of Vedi's special permit provides:

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

Finding: Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.

Marlborough City Council
January 19, 2022
Page 2

This communication and the sign package are intended to comply with Finding #17. The business name, logo, and symbol for Kosa Dispensary comply with all applicable law.

I do not believe any action is required of the Council at this time other than to accept and place on file this communication. Vedi is close to completing construction and looks forward to opening Kosa Dispensary in the coming weeks.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client
Tin Htway, Building Commissioner
Ethan Lippitt, Code Enforcement Officer



INSTALL A CHANNEL LETTER ON THE BUILDING
3FTX9FT

EXISTING



PROPOSE



CLIENT	
VEDI NATURALS LLC	
ADDRESS	
505 BOSTON POST RD WEST, UNIT F&G MARLBOROUGH, MA	
PROJECT	
SIGNAGE CHANNEL LETTER	
FILE NAME	
VEDI NATURALS LLC	
DESIGNER	
GILMAR	
COMMENTS	
JIGAR PATEL 774-777-0202	
APPROVAL	
	
	



Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 171546
Document Type	: DECIS
Recorded Date	: September 25, 2020
Recorded Time	: 06:20:19 PM
Recorded Book and Page	: 75722 / 351
Number of Pages(including cover sheet)	: 11
Receipt Number	: 2526430
Recording Fee	: \$105.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

ORDERED:

IN CITY COUNCIL
NOTICE OF DECISION
GRANT OF SPECIAL PERMIT

*****Deed: Book 26271, Page 92

Special Permit Application of:
Vedi Naturals LLC
3 Craig Drive
Clinton, MA 01510
Order No. 19/20-1007881F

Locus:
505 Boston Post Road West
Marlborough, MA 01752
Assessors Map 88, Parcel 3

DECISION

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Vedi Naturals LLC with mailing address of 3 Craig Drive, Clinton, MA 01510, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: August 24, 2020.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 1st day of September 2020.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 22ND day of September 2020.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST:


City Clerk



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 1

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT VEDI NATURALS LLC

DECISION ON A SPECIAL PERMIT ORDER NO. 19/20-1007881F

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to VEDI Naturals LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing limited liability company having a business address of 3 Craig Drive, Clinton, MA 01510.
2. The Applicant is the prospective tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88, Parcel 3 (the "Site"). The Site's owner is Sparte II Realty Trust, Eleni Karalis McGrail and Christofile Tsiantoulas, co-Trustees with a business address of 160 Edgell Road, Framingham, MA 01701.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 87,555.6 +/- square feet.
6. The Use will occupy an existing retail unit at the Site with an area of 2,350 +/- square feet.
7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 2

ORDERED:

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").
9. 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.
10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on January 27, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, one member of the public spoke in favor of the Use and one member of the public spoke in opposition to the Use.

**BASED ON 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.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. 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.

IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 3

- C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road West) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center; in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.
- D. 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 provide a safe and convenient location adults to obtain marijuana and marijuana-infused products.
 2. Traffic flow and safety, including parking and loading:

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 established retail area in the vicinity of the Site.
 5. Impacts on the natural environment:

Finding: The Use will have no greater impact than the established retail uses in the area.
 6. Potential fiscal impact, including impact on City services, tax base, and employment:

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 4

7. Hours of operation:

Finding: The hours of operation of the Use are specifically conditioned below.

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: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.

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 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:

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: This requirement is 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.

IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 5

ORDERED:

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: This requirement is specially conditioned below.

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance.

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

Finding: Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 6

- E. 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 Adult Use Marijuana Retail Establishment, **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 Application, 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(46)(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 Adult Use Marijuana Retail Establishment.

IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 7

ORDERED:

6. Security.
 - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby and waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
 - b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up/drop-off area for customers and products.
 - c. The Use shall have opaque exterior windows.
 - d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
 - e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.
9. 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.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to Massachusetts Cannabis Control Commission.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 8

ORDERED:

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 Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees 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.
13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of licensure by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Boundary Street Entrance/Exit. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the vegetation located north of the Boundary Street entrance/exit to the Site trimmed to improve sight distances for vehicles.
16. Parking Lot. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the Site's parking lot restriped and parking lot accessibility signage updated, in accordance with the Zoning Ordinance, the City Code, and state regulations. As part of the Site Plan Review process, the Applicant shall review options to convert the former child play area at the Site to additional parking spaces.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

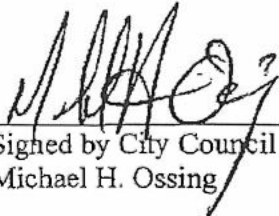
PAGE 9

ORDERED:

17. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County 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 Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.



 Signed by City Council President
 Michael H. Ossing

ADOPTED
 In City Council
 19/20-10078881F

**SEM AYKANIAN**

ATTORNEY AT LAW

74 Main Street
Marlborough, Massachusetts 01752
SemAykanian@aykanianlaw.com

t 508.485.4882
f 508.624.4110
c 508.667.9186

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
www.aykanianlaw.com

January 19, 2022

2022 JAN 19 P 4:51

HAND DELIVERED

Office of the City Council
ATT: MS. KAREN BOULE
City Hall
Main Street
Marlborough, MA 01752

RE: MAIN STREET BANK, 81 GRANGER BOULEVARD, MARLBOROUGH, MA

Dear Members of the Council:

As you know, I represent Main Street Bank relative to its property at 81 Granger Boulevard in Marlborough. Reference is made to a certain electronic sign permit granted by the Council in July of 2019 by Order No. 18/19-1007423E, X 18/19-1007461.

The reason for this communication is to request a slight modification to the approval so as to allow a minimally larger sign that is more structurally sound and esthetically pleasing.

As you can see from the attached drawing, the approved sign would not fit between the pylons of the existing exterior sign and would have to be suspended from the lower portion of that sign. The discrepancy was discovered upon ordering the sign after the permitting process. In order to make the sign "flush" with the existing sign and in order to create a safer attachment, a slightly longer sign is needed and the only available electronic product comes in a size noted on the attached specification drawing. My clients feel the difference is not significant and note that none of the lighting specifications would change. Further, we would like to remind the Council that no party spoke in opposition to the original LED permit application.

We regret not coming to you with this sooner and apologize for any inconvenience. In addition to the difficulty dealing with out of state suppliers during the pandemic, we encountered some difficulty in communication with the City due to some extended absences in the Building Commissioner's position.

Nevertheless, my client feels that the sign will be both pleasing to the eye and in keeping with electronic signs employed by other banking institutions in the City.

Accordingly, I would respectfully ask that you place the matter on the Council agenda for Monday, January 24, 2022.

Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sam Aykanian". The signature is stylized with a large, sweeping initial letter.

Sam Aykanian, Esq.

SA/ek
Enc.

Decision on a LED sign special permit

City Council Order

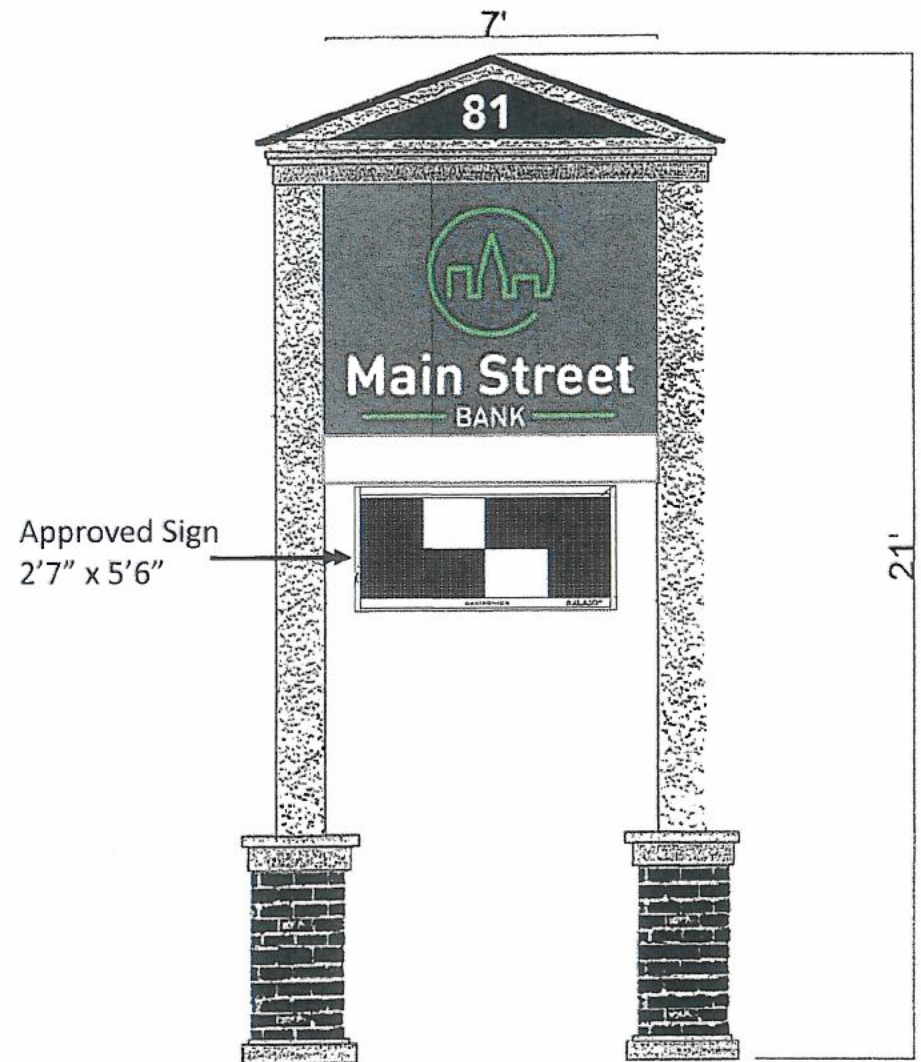
No. 18/19-1007423B

No. 18/19-1007423E

X 18/19-1007461

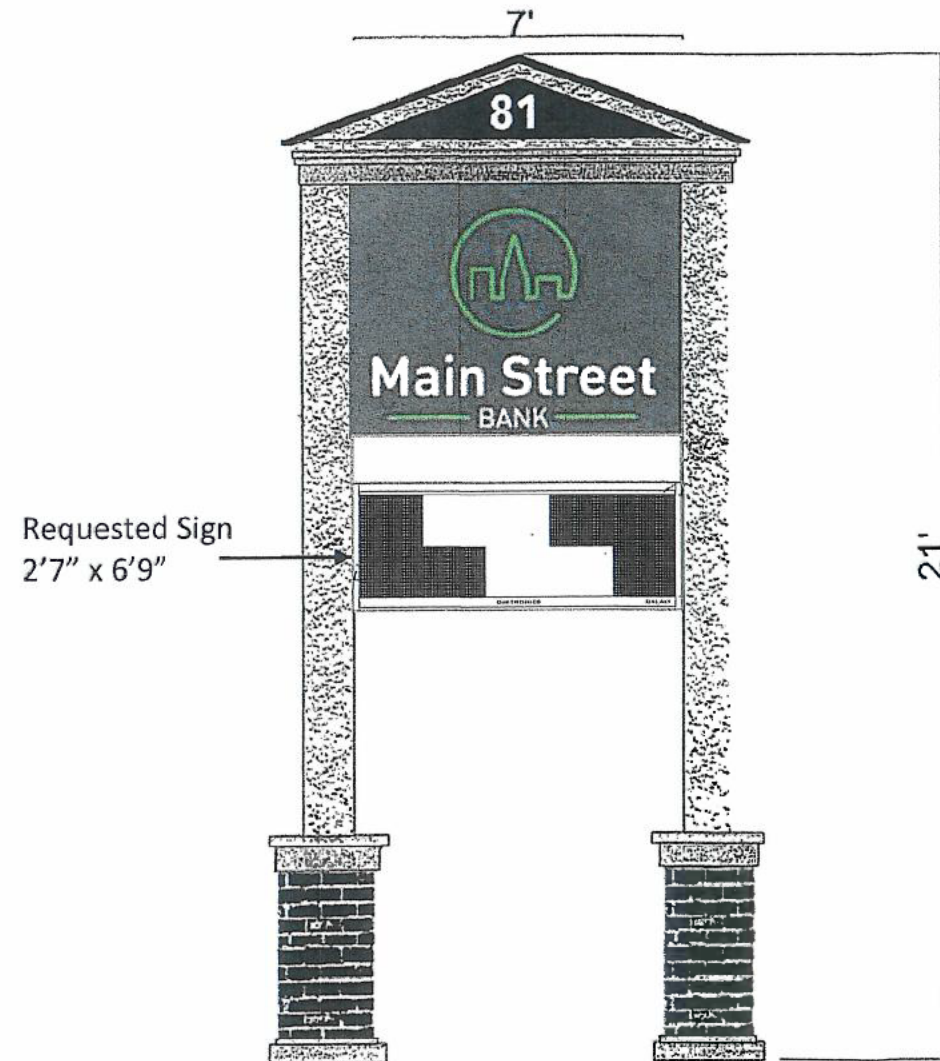
LED Sign for Main Street Bank

- City Council granted the application for a Sign Ordinance Special Permit to Main Street Bank on July 22, 2019
- The approval was for a sign with outer dimensions of approx. 2'7" tall x 5'6" wide
- Electronic sign was to be located between the granite pylons of the existing sign at 81 Granger Blvd.
- It was thought that only 6'6" of space was available between the pylons, limiting the size of the sign



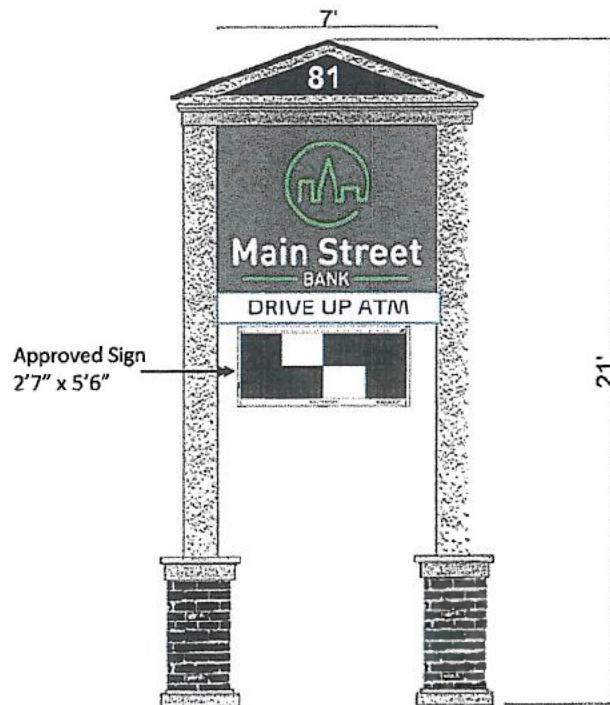
LED Sign for Main Street Bank

- It was later discovered that a full 7' of space is available between the pylons
- This allows for a wider sign that would fit flush between the pylons
- Main Street Bank would like to install an electronic sign that is approx. 2'7" tall and 6'9" wide



Side-by-Side Comparison

	Cabinet Dimension	Cabinet Square Feet	Active Screen Area Sq. Feet
Approved Sign	2'7" x 5'6" x 5"	14.1	10.9
Requested Sign	2'7" x 6'9" x 5"	17.4	13.6



1/7/2022

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JAN 10 P 5:10

Via First Class and Electronic Mail

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

Email: cityclerk@marlborough-ma.gov

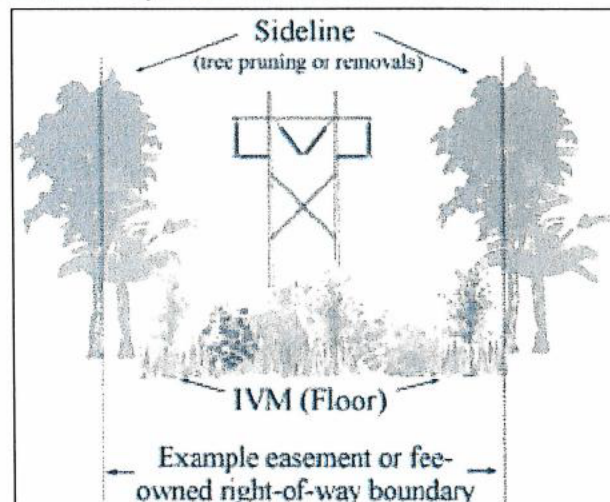
Dear Arthur G. Vigeant

In accordance with the transmission notification requirements set forth in 220 C.M.R. §§ 22, National Grid (New England Power Company and/or Massachusetts Electric Company) is providing 30 day notification of upcoming sideline vegetation management activities within your community. Specifically, National Grid intends to perform tree pruning and tree removals within the electric transmission right-of-way easement. Please note that this notification is separate from any notifications you would receive for herbicide maintenance.

Enclosed are map(s) that locate the right-of-way corridor(s) where the vegetation management activities will be performed. The sideline work will be conducted between 30 days from the letter date above and March 31, 2022. Please note that you may receive additional letters through the year if scheduling allows for additional work.

Also, please forward this notice on to other departments within your municipality that may want to review the notification.

If you have any questions about our vegetation management programs, please contact me at 508-860-6282 or by email mariclaire.rigby@nationalgrid.com. Additional information about National Grid's Transmission Vegetation Maintenance Program can also be found at: https://www.nationalgridus.com/transmission/c3-8_standocs.asp



Sincerely,

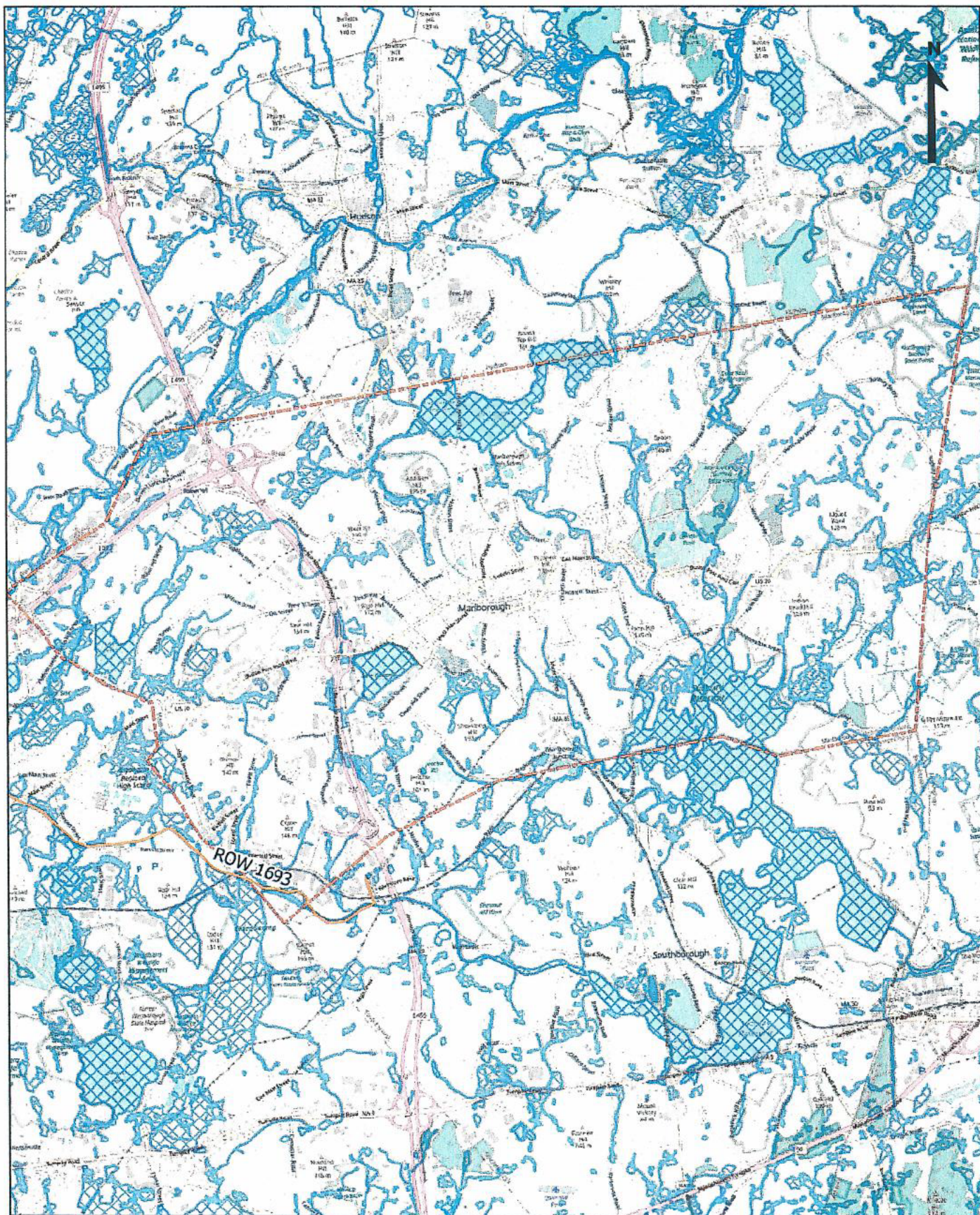
Mariclaire Rigby
Lead Vegetation Strategy Specialist

CC: Mark D. Marini, Secretary, Massachusetts Department of Public Utilities

Municipality: MARLBOROUGH
ROW Numbers: 1693, 1694

Right-of-Way 1693

Marlborough, MA



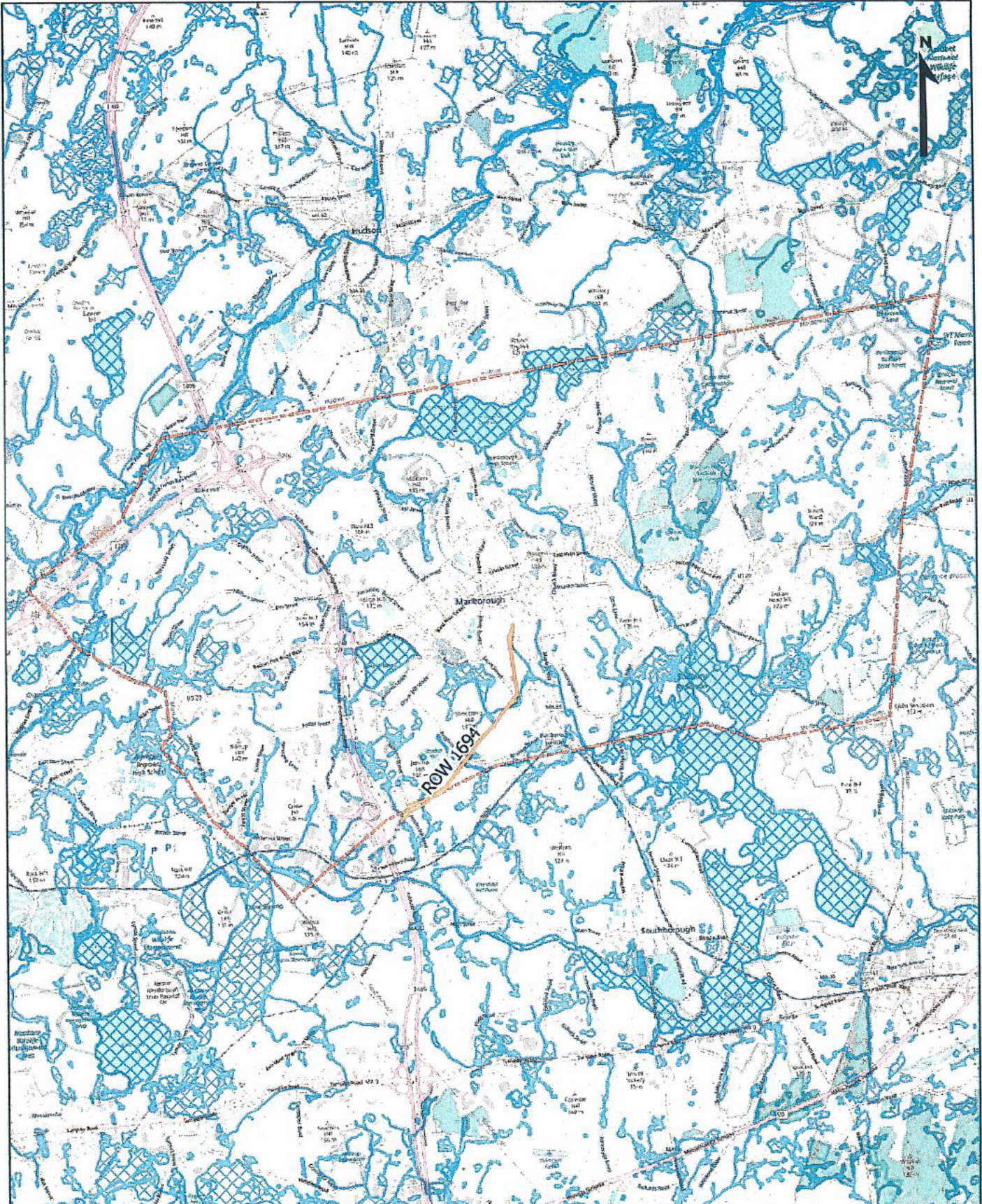
National Grid intends to perform selective side pruning and/or danger tree removal along the right-of-way shown above

-  Town
-  Wetland
-  Right of Way

nationalgrid

Right-of-Way 1694

Marlborough, MA



National Grid intends to perform selective side pruning and/or danger tree removal along the right-of-way shown above

-  Town
-  Wetland
-  Right of Way





The Commonwealth of Massachusetts

Local Election Districts Review Commission

c/o Elections Division
 One Ashburton Place, Room 1705
 Boston, Massachusetts 02108

CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2022 JAN 18 A 7:52

Steven Kerrigan, City Clerk
 140 Main St.
 MARLBOROUGH, MA 01752

January 11, 2022

Dear Chair:

At a meeting held on October 27, 2021, the Local Election Districts Review commission considered the submission re-dividing MARLBOROUGH into precincts.

The Commission is pleased to inform you that this division meets the requirements of Massachusetts General Laws chapter 54, section 6, and is otherwise consistent with law and has thus been approved by the Commission. Please note that the effective date of your new precincts was December 31, 2021.

Thank you for your cooperation in this matter.

Sincerely,

LOCAL ELECTION DISTRICTS
 REVIEW COMMISSION

Hon. William Francis Galvin

Hon. Bradley H. Jones, Jr.

Beth Huang

City Council

From: DOUG PIZZI
Sent: Monday, January 10, 2022 12:15 PM
To: Samantha Perlman; Mark Oram; Mike Ossing; Kathleen Robey; Laura Wagner; David Doucette; Christian Dumais; Teona Brown; John Irish; Sean Navin; Don Landers; City Council; John Garside; Tina Nolin; Sheila Lucia; Ryan Egan
Cc: james.eldridge@masenate.gov; Danielle.Gregoire
Subject: Mask and other mandates to protect us against COVID

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2022 JAN 11 P 3:10

Greetings,

I write to you today to urge you to enact at a bare minimum a mask mandate for all indoor spaces accessible by the public and to seriously consider other measures to limit the spread of this virus.

I thought Gov. Baker did a decent job in dealing with this pandemic until the most recent developments. Now, when we need him to act at least as strongly as he did then, he is missing in action. Therefore, it is up to you to step in where he has failed.

As you know, Boston has enacted proof of vaccination and other requirements which will start on Jan. 15. I would request the we also consider these more stringent mandates.

<https://www.boston.gov/news/coronavirus-disease-covid-19-boston>

In traveling around our city, I see supermarkets with many unmasked people, and some restaurant parking lots overflowing with cars. Home antigen tests are hard to come by and the more accurate PCR tests take too long to come back. A PCR test I got at CareWell Urgent Care on Jan. 5th did not come back from Quest Diagnostics until this morning. Thankfully, it was negative. A customer service representative at Quest told me they are, to no one's surprise, overwhelmed.

Given these realities, we need to do everything in our power to keep our city from perpetuating this virus. With all due respect, I would submit we are far from that level of effort at the present time.

Thank you for your time and attention to this urgent matter. I look forward to hearing from all of you what Marlborough will do to address these public health issues. I will place the content of this email into the form that goes to Mayor Vigeant, as his email address is not available on the website.

Very truly yours,
 Doug Pizzi
 354 Stow Road



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JAN 12 A 10:07

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

December 14, 2021

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, and the Assistant Superintendent of Teaching and Learning, Mary Murphy.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:**
 - A. **Marlborough Education Foundation (MEF) Grant Awards**
Ayako Barnum and Mike Brossi from MEF presented the awards for teacher grants. Approximately \$6,000.00 in grants were awarded to educators in the district. The recipients were Karen Briggs from the Early Childhood Center, Kelly Hall from Richer School and Goodnow School, Mark Rodriquenz from Whitcomb School, and Suzanne Venkataraman from Marlborough High School.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.

www.mps-edu.org

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



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

6. Superintendent's Report:

Superintendent Bergeron updated the committee on the COVID-19 data for the city of Marlborough and MPS. Current trends are similar to trends around this time last year. Superintendent Bergeron provided information on how the city-wide vaccination clinics have gone thus far. The second shot for one clinic was delivered on December 11th; the second shot for the other clinic will be delivered on December 22nd. The Superintendent thanked everyone involved in these clinics, including translators, custodians, Bouvier Pharmacy, the MPS team, the Board of Health team, and more.

Chairman Vigeant interjected to report that the Stop The Spread testing will be moved back to the New England Sports Center starting tomorrow. Testing will occur five days a week, Monday through Friday, from 8am – 12pm.

The Superintendent included mid-year updates on his FY22 Goals, which are outlined in his report. He reported that he is on track with the key actions and benchmarks for goal one. Mr. Bergeron admitted to struggling with goal two last year, but he has made it a priority this year and feels better about his progress with this goal. The Superintendent believes that the district is on track with the key actions and benchmarks for the third goal. Mr. Bergeron believes that the district is on track for the fourth goal as well.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Operations and Finance, reported that DESE/MEMA donated PPE supplies to MPS. The supplies and quantities are listed in his report.

Mr. Dias explained that updated HVAC reports are posted on the district's website and reviews/updates will continue throughout the pandemic.

Mr. Dias shared that the buildings and buses are maximizing the intake of outside air, which makes both places a bit cooler than usual. Students and staff should dress appropriately for this change in temperature.

In the Spring of 2022, the district is aiming to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) in regard to its Core Program. The hope is to upgrade Richer Elementary School's major systems and complete some other work in the building. The draft timeline for the SOI submittal is included in Mr. Dias's report.

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Marlborough Public Schools

School Committee
District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

B. Assistant Superintendent of Teaching & Learning Report

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, reported on the before and after school interventions in the district. A table with the appropriate information, such as the school, type of intervention, and dates of cycle, is included in her report. These interventions were implemented as additional support for MPS students. Mrs. Murphy mentioned that Marlborough High School has 11 interventions, which differs from the number listed in the table.

In response to questions asked by Mrs. Hennessy, Mrs. Murphy explained that interventions at the elementary schools are aimed at students in grades 1-5 with a heavier focus on fourth and fifth grade students since those children were in person much less last school year. Mrs. Murphy stated that there are between seven to thirteen students in each intervention group.

Superintendent Bergeron thanked the teachers doing interventions with students.

In response to a question asked by Mrs. Bodin-Hettinger, Mrs. Murphy explained that data teams identify students for these interventions. At MHS, however, teams of teachers meet with supervisors to identify students.

7. Acceptance of Minutes:

A. Minutes of the November 23, 2021 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these minutes.

Motion passed 7-0-0.

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

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Marlborough Public Schools

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 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

9. Action Items/Reports

A. Collective Bargaining Agreement between the Marlborough School Committee and the Marlborough School Administrative Office Support Association

Superintendent Bergeron stated that the previous MOU was accepted but is now being integrated with the full contract to be voted on in public session.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this agreement.

Motion passed 7-0-0.

B. Acceptance of Donations and Gifts

Cummings Properties. Cummings Properties donated \$1,000.00 to Goodnow Brothers Elementary School and \$1,000.00 to Whitcomb School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these donations.

Motion passed 7-0-0.

Toys for Tots. Toys for Tots donated \$2,250.00 to MPS students.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Hannaford Supermarkets Hannaford Supermarkets donated \$495.00 to Richer Elementary School

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

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Marlborough Public Schools

School Committee
District Education Center
 25 Union Street, Marlborough, MA 01752
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Adopt a Classroom. Adopt a Classroom donated \$250.00 to Ms. Barry's class at Kane Elementary School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Brigham Family Trust. Brigham Family Trust donated \$6,000.00 to MHS Virtual Job Shadow, \$1,000.00 to MHS Best Buddies program, and \$750.00 to MHS LGBTQ Library book collection.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these donations.

Motion passed 7-0-0.

Brigham Family Trust. Brigham Family Trust donated \$750.00 to Richer and Goodnow Brothers Elementary Schools for STEAM materials and \$1,068.00 to Richer School for the Connections Program.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these donations.

Motion passed 7-0-0.

Donor's Choose. Ms. Sheets' class at Goodnow Brothers Elementary School received \$280.34.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Dupont. Dupont donated \$5,000.00 to Jaworek Elementary School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

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Marlborough Public Schools

School Committee

*District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509*

Rotary Club of Marlborough. Rotary Club of Marlborough donated \$1,000.00 to MPS.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Marlborough Education Foundation. Marlborough Education Foundation donated \$5,925.87 to MPS.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Superintendent Bergeron read a donation that came in after the School Committee packet was created.

Metro Community Development Corporation. Metro Community Development Corporation donated various items valued at \$2,000.00 to families in the district so they can provide holiday gifts to their teenagers.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees: None.

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

11. Members' Forum:

Mrs. Matthews reviewed and signed the warrant.

Mrs. Hennessy inquired about a conversation regarding masks during the first School Committee meeting in January.

Chairman Vigeant stated that an agenda item for mask mandates can be created for the January 11th meeting. The DESE state mandate ends on January 15th, 2022 as of right now.

Superintendent Bergeron updated Mrs. Hennessy on the snow day policy since she missed that meeting, and he also reminded the public of this information.

Chairman Vigeant advertised for snowplow drivers for the Department of Public Works.

Mrs. Matthews wished everyone a safe and happy holiday season.

12. Adjournment:

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

Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved January 11, 2022

www.mps-edu.org

CONSERVATION COMMISSION
Minutes
November 18, 2021(Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2022 JAN 12 P 3:43

Present: Edward Clancy-Chairman, Allan White, Dennis Demers, John Skarin, Karin Paquin and William Dunbar. and Priscilla Ryder - Conservation Officer was also present.

Absent: David Williams

Approval of Minutes: The minutes Nov. 4, 2021 were reviewed and on a motion by Mr. White second by Mr. Clancy, to approve. The Commission voted unanimously to approve 6-0.

Public Hearings: None

Draft Order of Conditions:

DEP 212-1246 – 2 Minehan Ln.

The Commission reviewed the draft Order of Conditions. When discussing the cattail removal, the owner of the property Christina Burbeck asked questions about digging out the rhizomes and the inability to cut. The Commission discussed options and determined that since they didn't know the timing of things, they would discuss this during the preconstruction meeting required in one of the conditions. The Condition would allow this activity with details to follow. After further discussion about material removal etc. on a motion by Mr. White second by Mr. Clancy, to approve the Order of Conditions as drafted and amended, the Commission voted 6-0 to approve.

Extension Permit:

DEP 212-1205 377 Simarano Dr. – Abbreviated Notice of Resource Area Delineation Ron Strohsahl, PWS | Staff Scientist from Oxbow Associates was present and explained that they are requesting an extension to the delineation that was done several years ago. They are requesting a 1-year extension. Ms. Ryder noted that she has seen the refurbished flags in the field and recommended approval of this requests. On a motion by Mr. White and second by Mr. Clancy, to approve a one-year extension permit on this ANRAD, the Commission voted 6-0 to approve.

Certificate of Compliance:

DEP 212-1056 185-191 Mill St. - Fay School Athletic Fields - Ms. Ryder noted that this site has been completed for some time, but never received a Certificate of Compliance. Most of the work was in Southborough. Upon inspection of the site and file she recommended issuance of a full Certificate of Compliance for this project. On a motion by Mr. White, second by Mr. Clancy, to issue a full Certificate of Compliance, the Commission voted unanimously 6-0 to approve.

DEP 212-272 and 212-536 - 67 Langelier Ln. (Lot 5) - Ms. Ryder noted that the lawyers for this lot have found these two Orders of Conditions attached to this 67 Langelier Ln. Both do not apply to this particular lot, however, are attached to the title. To clear the title the lawyers are asking for a release of these Orders of Conditions from this lot. Ms. Ryder indicated this was an appropriate action. On a motion by Mr. Skarin, second by Mr. Clancy, to issue full Certificates of Compliance for both Orders of Conditions noting that they do not apply to this lot, the Commission voted unanimously 6-0 to approve.

DEP 212-1206 176 Farm Rd. - The new owners were present. Ms. Ryder noted the site is stable, the wetland markers are in place and all the paperwork is in order except the deed language which she is working with the owners to get. The Commission reviewed the photos provided and agreed to issue a full Certificate of Compliance for this lot with the caveat that Ms. Ryder hold the document until the deed language has been submitted. On a motion by Mr. White and second by Mr. Clancy to approve a full Certificate of Compliance as noted above, the Commission voted 6-0 to approve.

DEP 212-1217 78 Roosevelt St. - Mr. O'Malley was present and indicated that the site had just been hydroseeded that evening and he sent photos to Ms. Ryder. The Commission noted that the detention basin has not drained and has standing water. The Commission was satisfied with the house and invasive plant removal that was required but was not satisfied yet with the detention basin. They discussed issuing a partial Certificate of Compliance for the house and yard with the exception of the detention basin, knowing that the new buyer wanted to move in. After some discussion, on a motion by Mr. White and seconded by Mr. Clancy, to issue a partial Certificate of Compliance as noted. The Commission voted 6-0 to approve a partial certificate excluding the detention basin.

Discussion/Correspondence:

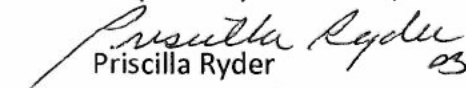
- 2022 Grant Round – Mass trails Grants - Ms. Ryder noted that a grant round is now open for funding for trails projects. The application is due in February 2022. She asked that the Commission think about any projects that could use this type of funding. The Commission will let her know of any ideas.
- Desert Natural Area – Pitch Pine Scrub Oak Restoration - Ms. Ryder and Ms. Paquin explained that the state will be doing their harvest of the red pine and other trees on the state parcel within the Desert Natural Area this fall. An opportunity to seek funding to also harvest the city parcel is available through a grant process. They asked the Commission if it was acceptable to submit a grant application to accomplish 3 tasks: Remove the logs and snags which remain after the last prescribed burn in 2014, to do the logging of two sections near the original fire location and to improve the fire breaks on the city and SVT parcels in anticipation of future burn activity to restore the pitch-pine scrub oak habitat which is an endangered and declining habitat. The Commission agreed to support the application and thanked Ms. Paquin for her work on the grant.

- 107 Simarano Dr. – Green District - Discuss Trail System around the Pond
Mr. John Shipe, Erik Rains LA, Mitch Maslanka of Goddard Consulting were present. They explained that the owner is interested in pursuing a trail system around the pond as an amenity to the housing development now under construction. Tonight, they just wanted some feedback before filing a full Notice of Intent to see if the Commission had any thoughts on the plans. Mr. Rains presented a colored map showing the proposed trail some outside the 20' no disturb zone and some within the 20' no disturb buffer zone. It also includes seating areas and proposed trailhead signs and emergency call boxes. The vision is that it would be a woods trails with one additional stream crossing that would be constructed with helical piers. Would be a woods trail with wood mulch surface. The approximate length of the loop would be 1 mile. Mr. Demers suggested looking into a fiberglass span similar to what was used at the country club. Ms. Ryder was asked to share that design. The Commission further discussed the need to remove invasive plants and restore the area with native plants and plan for ongoing maintenance of these areas to keep the invasive plants at bay. Mr. Maslanka explained that they have specified seed mixes that will be used to restore the areas both an upland and a wetland mix. The trail would be constructed by hand since it will be difficult to get machines in place. If the trail is an acceptable idea, they would permit it this winter and hope to build it in the spring, as it will be an asset to the development. After some discussion the Commission said in general, they were in favor of the trail as long as it could be moved out of the 20' buffer zone. Mr. Rains indicated that the current design has the trail only impacting 10% of the 20' buffer zone. The Commission asked to walk it now before it snows. December 3rd at 1:00 PM was set for a site walk. The applicant will take all comments back and review and redesign the trail accordingly. Given that the Commission had no objections they will proceed and file a Notice of Intent this winter.

Next Conservation Commission meeting: Dec. 2 and Dec. 16, 2021

Adjournment. There being no further discussion the meeting was adjourned with a motion by Mr. White, second by Mr. Clancy to adjourn. The Commission voted 6-0 to approve.

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability Officer

CONSERVATION COMMISSION
Minutes
December 7, 2021(Tuesday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2022 JAN 12 P 3:43

Present: Edward Clancy-Chairman, Allan White, David Williams John Skarin, and William Dunbar.
 Priscilla Ryder - Conservation Officer was also present.

Absent: Karin Paquin and Dennis Demers

Public hearings: None


Certificate of Compliance:

- DEP 212-1217 78 Roosevelt St. – full Certificate of Compliance - Chairman Clancy noted that he had looked at the site today. Ms. Ryder noted that the detention basin has been modified and approved by the City Engineer with a letter from the project engineer. She read that e-mail dated 12/6/21 into the record. Mr. White wanted to confirm the elevation of the basement floor in relation to the detention basin. The Commission reviewed the as-built plan, but it did not show, however Mr. Clancy noted that the elevation of the house is clearly higher than the basin. After some discussion, on a motion by Mr. White second by Mr. Clancy to issue a full Certificate of Compliance with a cover letter stating that the lawn area needs to be stabilized in the spring. The Commission voted unanimously 5-0 to approve.
- DEP 212-1036 37 Boivin Dr. – Ms. Ryder noted that the lawn for this house has finally been reseeded and has a good catch of grass. It looks 100% better than this summer. This was the only issue outstanding on this project and she recommended to the Commission that a full Certificate of Compliance could be issued. On a motion by Mr. White second by Mr. Clancy, to issue a full Certificate of Compliance for this lot. The Commission voted 5-0, to approve.

Next Conservation Commission meetings: Jan. 6th and 20th, 2022

Adjournment: There being no further business, on a motion by Mr. Skarin, second by Mr. Clancy to adjourn. The Commission voted 5-0 to adjourn.

Respectfully submitted,


 Priscilla Ryder *PR*
 Conservation/Sustainability Officer

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JAN -4 A 10: 08 December 6, 2021

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phil Hodge, Chris Russ, and William Fowler. George LaVenture was not present at the meeting was listening in remotely. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. November 22, 2021

On a motion by Mr. Russ, seconded by Mr. Fowler, the Board voted to accept and file the November 22, 2021, meeting minutes. Yea: Fowler, Russ, and Fenby. Nay: 0. Abstained: Hodge. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates – ongoing discussion

Mr. Russ read the December 2, 2021 correspondence from the City Engineer, Thomas DiPersio, Engineering Division into the record.

On a motion by Mr. Russ, seconded by Mr. Hodge, the board vote to accept and file the December 2, 2021 review letter from City Engineer Thomas DiPersio and to reduce the bond securing Goodale Estates subdivision from \$123,000.00 to \$84,000.00. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

City Engineer, Thomas DiPersio explained the approved bond amount is a higher than the requested amount, but the items are minor and that he will work with Kevin Gillis (Northborough Realty Holdings, LLC, 4 Courthouse Lane, Suite 16, Chelmsford, MA 01824) on getting all the plans and deeds in order.

B. Commonwealth Heights Subdivision – ongoing discussion

Dr. Fenby explained to Scott Weiss, (The Gutierrez Company, 200 Summit Drive, Suite 400, Burlington, MA 01803) the Board is concerned because construction has not started and they have not received any progress reports as required in the covenant. Dr. Fenby reminded Mr. Weiss, during the approval process the board was clear on their intent of not providing any extensions.

In update Mr. Weiss explained over the past year they were in the process of trying to re-zone the property which was denied in September 2021 by City Council. Since receiving the denial they have put the property on the market and have started soliciting bids for single-family home builders for a potential subdivision.

Mr. Russ read the December 6, 2021 correspondence from Sean Fay into the record. – See attached.

Mr. Weiss defended the lack of progress reports explaining the subdivision approval is a 2-year approval, with a requirement of monthly progress reports once work has commenced, which it has not. He explained their intent was to seek a zoning change/overlay district because this is not an ideal location for a single-family subdivision, which it is currently zoned. He explained the only option is to seek a way to proceed with a single-family subdivision or work with the City for alternative options.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Mr. Russ asked, why is lot not ideal for a single-family subdivision?

Mr. Weiss explained detailed information could be found with the request for re-zoning, but explained in summary, it is a transitional location between an existing neighborhood and a commercial area. Adding single-family homes in this district will make the area more congested and will only be accessible through other developments.

On a motion by Mr. Hodge, seconded by Mr. Fowler, the Board voted to send the Commonwealth Heights subdivision issue to Legal for guidance on whether or not the Board has grounds to rescind their approval. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Dr. Fenby invited Mr. Weiss back to an early January Planning Board meeting to further discuss the Commonwealth Heights subdivision, allowing time for Legal to provide guidance. The Planning Board Administrator agreed to notify Mr. Weiss when the guidance becomes available.

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

7. Definitive Subdivision Submissions

A. 342 Sudbury Street, Marlborough, MA 01752 – Definitive Subdivision Plan – ongoing discussion

Owner of Land: The 342 Sudbury Street Trust
Name of Engineer: Robert Parente
Deeds Book: 77825 Page: 110

Mr. Russ read the December 2, 2021 correspondence from City Solicitor Jason Grossfield, Legal Department into the record.

On a motion by Mr. Russ, second by Mr. Fowler, the board voted to accept and file the December 2, 2021 correspondence from City Solicitor Jason Grossfield. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Dr. Fenby updated the applicant explaining the board is still in the process of reviewing the property.

The Board had a discussion on waiver 5, "To construction the road in accordance with the cross section shown on the profile sheet", explaining it needs more details, wanting every waiver to be listed rather than generalizing it and pointing out that underground utilities are not shown on the cross section.

Mr. DiPersio explained he reviewed the 342 Sudbury Street definitive subdivision plan under the old rules and regulations and the main difference for this subdivision is the requirement for a colored plan and the requirement for an arborist plan/report.

Neal Vigeant (342 Sudbury St., Marlborough, MA 01752) and Robert Parente (21 Chapin St, Northborough, MA 01532) expressed their frustrations on the arborist requirement since this plan provides an acre of preserved space and reminded the board of Mr. Vigeant's by-right ability to clear cut this property if they were to go with the conventional plan.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Mr. Russ explained the arborist portion is in regards to the trees that are impacted by the construction of the roadway. Specifically to answer the question of, are there trees that can be saved between the existing Lot 1 and the abutter's property at 356 Sudbury Street? Mr. Russ pointed out that on the back portion of Lot 2 there are a lot of dead trees that should be taken down.

The Board had a discussion on encroachment from abutters onto the 342 Sudbury Street property and getting those addressed. Mr. Vigeant discussed his plans to sell 356 Sudbury Street a portion of their yard once this plan is approved.

Mr. Parente asked, is a covenant always required, even if the developer bonds the entire construction cost? Mr. DiPersio explained there will be a covenant sperate from the surety bond. Mr. Vigeant asked, can Engineering start to work on the bond amount? Mr. DiPersio said, yes.

Mr. Parente provided the Board with a letter from the assessor's office stating all taxes are paid up to date for the 342 Sudbury Street property. Dr. Fenby read the correspondence from the assessor's office into the record.

On a motion by Mr. Russ, seconded by Mr. Fowler the board voted to accept and file the correspondence from the assessor's office. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Mr. DiPersio asked for clarifications on what the Board is looking for regarding the arborist portion on the plans.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

11. Calendar Updates

A. Vote on 342 Sudbury Street Definitive Subdivision Application – February 27, 2022

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kmm

**City of Marlborough
Zoning Board of Appeals
Minutes
January 4, 2022**

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2022 JAN 11 A 7:09

Zoning Board Case # 1482-2021 – Special Permit

Applicant: Alberto Salutari

Date of Appeal: November 17, 2021

Location of Subject Property: 224 Union St. (Map 56, Parcel 181)

Petition: Alberto Salutori proposed addition and conversion from a single-family residence to a two-family residence. Property is located in Zoning District A3, does not comply with Chapter 650 -17, Table of Uses, Chapter 650 -18A(2) Conditions for Uses and Chapter 650- 39 Table of Lot Area, Yards and Height of Structures, of the City Code of Marlborough. Property is located at 224 Union St., being Map 56, Parcel 181.

Meeting date: January 4, 2022

Roll call of members present Ralph Loftin-Chairman, Paul Giunta, Thomas Pope, Thomas Golden and Robert Levine. Also present were

- Susan Brown-Secretary,
- Tin Htway-Building Commissioner
- William Paynton-Building Inspector.
- Stephen Balcewicz, Engineer, Land Planning Inc.
- An abutter at 210 Union St.

Notice of the hearing was given by Certified Mail to all persons to be affected, as shown on the most recent tax list and by publication in the MetroWest Daily newspaper, a newspaper of general circulation in Marlborough, MA, on Dec. 21st and 28th, 2021.

Documents submitted by applicant in support of this Appeal:

- Applications with filing fees and narrative
- Denial letter from the Building Department dated Sept. 28, 2021
- Plans entitled: Addition Plot Plan, located at 224 Union St. Scale 1"=40', Prepared by Land Planning, Inc. Dated: Nov. 9, 2021 Revisions: Dec. 7, 2021 and Dec. 14, 2021.

Zoning Board of Appeals
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- Letter dated Dec. 7, 2021 RE: Revised plans and revised plot plan showing two front yard setbacks and revised architect's plans A0.1.
- Plan entitled: Proposed Renovation/Change of Occupancy from Single Family to Two Family Dwelling, 42 Devens St. Marlborough, MA 01752, stamped by: Tuan Nguyen stamp dated 8/16/2021.

Public Hearing:

It was noted to the audience that the Board is hearing a Special Permit request. The audience was made aware that the public meeting was being recorded.

1. The applicant was represented by a Stephen Balcewicz of Land Planning, Inc.
2. Mr. Loftin, chairman, stated that he had spoken with the city's legal counsel, Jason Grossfield, to clarify what relief is being sought and whether the Zoning Board of Appeals has the authority to hear this appeal. Although the applicant has requested a Special Permit, it appears that the applicant may require a "use" variance.
3. Mr. Loftin stated he would like to continue the public hearing to a date certain, to provide time for the city solicitor and the building commissioner to review the petition and advise the Board.
4. Tin Htway, Building Commissioner was present and stated the following:
 - a. The lot is very oddly shaped, with no rear lot setback, according to the plan presented.
 - b. Zoning came into effect in 1956; the house was built in 1959. If built prior to 1956, the single family could be converted into a two family but would have to meet all current zoning and building requirements. Since the house was built after 1956, the use as a two family is not permitted, thus a "use" variance is needed.
 - c. It was also mentioned that an existing gravel driveway should be included in the calculations of lot coverage.
5. In opposition: An abutter at 210 Union St. was present - She was very concerned about the lack of upkeep to the property at 224 Union St. She mentioned that there appears to be a business being operated from 224 Union St. "If the owner can't take care of the existing single family, how will he be able to take care of a two family."
6. A motion was made by Robert Levine, seconded by Paul Giunta to continue the public hearing to Feb. 1st, 2022 at 7:00 PM. By a vote of 5-0 the public hearing is continued to Feb. 1st, 2022 at 7:00 PM.

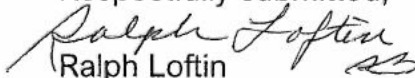
Zoning Board Case # 1481-2021 – Special Permit**Applicant:** Juan Susa**Date of Appeal:** November 30, 2021**Location of Subject Property:** 42 Devens St. (Map 70 Parcel 42)**Petition:** Convert a legal pre-existing non-conforming single-family house into a two-family house.**Meeting date:** January 4, 2022 (hearing was closed on Nov. 30, 2021)**Public Hearing:**

1. The Board received a letter, dated Dec. 20, 2021 from the applicant asking to “withdraw without prejudice” the Special Permit application (in Board’s file).
2. A motion was made by Thomas Pope, seconded by Thomas Golden to approve the request to “withdraw without prejudice” the Special Permit application. By a vote of 5-0 the request to “withdraw without prejudice” the Special Permit application was approved.

A motion was made by Robert Levine, seconded by Thomas Pope to close the public meeting. By a vote of 5-0 the public meeting was closed.

A motion was made by Thomas Pope and seconded by Robert Levine to adjourn the public meeting. By a vote of 5-0 to the Board was adjourned.

Respectfully submitted,



Ralph Loftin

Chairman

Zoning Board of Appeals