



**CITY OF MARLBOROUGH**  
**City Council Agenda**

Monday, February 28, 2022  
8:00 PM

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2022 FEB 24 P 1:50

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **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](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, February 14, 2022.
2. From Council President Ossing: Update from Mayor Vigeant regarding COVID-19.
3. Communication from Ward 2 Councilor Doucette, re: Information on MassDevelopment PACE (Property Assisted Clean Energy) program and impact/opportunities for Marlborough.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$24,999.00 from the Executive Office of Public Safety and Security and the Department of Fire Services awarded to the Fire Department to be used to improve multi-jurisdictional communication capabilities.
5. Communication from the Mayor, re: Transfer Request in the amount of \$361,080.93 which moves funds from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT for FY2023.
6. Communication from the Mayor, re: Proposed Order to establish the West Side Fire Station Stabilization Account.
7. 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.
8. Communication from Solicitor Jason Grossfield, re: Petition from William Camuso on behalf of Camuso Enterprises, LLC, for hours of operation of a gas station (Shell Station) at 431 Lincoln Street pursuant to Chapter 342 of the Code, in proper legal form, Order No. 20/22-1008046C.
9. Minutes of Boards, Commissions and Committees:
  - a) Board of Registrars, February 14, 2022.
  - b) Commission on Disabilities, June 1, 2021.
  - c) Council on Aging, January 11, 2022.
  - d) Planning Board, January 10, 2022.
  - e) Traffic Commission, November 3, 2021 & December 29, 2021.

**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.**

## 10. CLAIMS:

- a) Amanda Clark, 121 W. Acton Road, Stow, MA, pothole or other road defect.
- b) William Connor III, 133 Ash Street, #1, pothole or other road defect.
- c) Helen Cronis, 215 Evelina Drive, residential mailbox claim (2a).
- d) Raymond Magee, 793 Stevens Street, residential mailbox claim (2a).
- e) Steven Moran, 79 Donovan Drive, #186, Quinebaug, CT, pothole or other road defect.
- f) Ildus Nurlat, 99 Second Road, residential mailbox claim (2a).
- g) Lorna Rousseau, 140 Donahue Drive, residential mailbox claim (2a).
- h) Kathlyn Scheel, 62 Leoleis Drive, residential mailbox claim (2a).
- i) Dorai Sitaram, 48 Morrissey Road, residential mailbox claim (2a).

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Personnel Committee

11. **Order No. 22-1008496: Reappointment of David Giorgi as Police Chief for a four-year term to expire on August 20, 2025.**

**Recommendation of the Personnel Committee is to APPROVE.** On a motion by Councilor Doucette to recommend approval of the Reappointment of David Giorgi as Police Chief for a four-year term to expire on August 20, 2025, seconded by the Chair. Vote 3-0.

12. **Order No. 22-1008499: Appointment of Sarah Hough to the Historical Commission for a term of three years effective from date of confirmation.**

**Recommendation of the Personnel Committee is to APPROVE.** On a motion by Councilor Doucette to recommend approval of the appointment of Sarah Hough to the Historical Commission for a term of three years effective from the date of confirmation, seconded by the Chair. Vote 3-0.

From Urban Affairs Committee

13. **Order No. 20/22-1008046C 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.**

**Recommendation of the Urban Affairs Committee is to APPROVE as amended.** Councilor Doucette moved to recommend approval of the draft order for an exemption to operate from 5 AM to 11 PM with conditions. The motion received a second and carried 5-0.

14. **Order No. 21-1008441C-Application for Special Permit from Attorney Falk on behalf of J & D Landscape Contractors to construct and operate both a contractor's yard and landscaping contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12.**

**Recommendation of the Urban Affairs Committee is to APPROVE.** Councilor Doucette recommended approval of the Draft Decision on Special Permit as amended; the motion received a second, and vote carried 5-0.

**Councilors-at-Large**

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



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**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, FEBRUARY 14, 2022**

The regular meeting of the City Council was held on Monday, February 14, 2022 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:35 PM.

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

ORDERED: That the Minutes of the City Council meeting, January 24, 2022, **FILE**; adopted.

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

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 \$118,940.00 from the Massachusetts Department of Energy Resources awarded to the city to be used to update the energy management system and controls at the Freeman School; adopted.

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

ORDERED: That the Mid-Year Transfer Requests totaling \$1,652,616.00 from various departments for FY 22, which moves funds from and to accounts as outlined in the transfer sheets, referred to the **FINANCE COMMITTEE**; adopted.

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
\$670,629.00	\$670,629.00	11990006	57820	Reserve for Salaries	\$2,237.00	11110002	50350	City Council Sect	\$30,110.00
	Reason:				Reason:	Contractual Obligation			
\$6,909,493.00	\$768,447.00	10000	35900	Undesignated Fund	\$3,515.00	11110003	50070	City Councilors	\$46,536.00
	Reason:				Reason:	Contractual Obligation			
					\$3,189.00	11210001	50010	Mayor	\$42,995.00
					Reason:	Contractual Obligation			
					\$2,097.00	11210001	50321	Exec Aide to Mayor	\$28,240.00
					Reason:	Contractual Obligation			
					\$1,724.00	11210002	50590	Exec Secretary	\$23,247.00
					Reason:	Contractual Obligation			
					\$976.00	11330001	50015	Finance Director/Treas	\$45,067.00
					Reason:	Contractual Obligation			
					\$4,043.00	11330002	50062	Finance Assistant	\$53,861.00
					Reason:	Contractual Obligation			

<u>\$866.00</u>	<u>11330002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$20,829.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,450.00</u>	<u>11350001</u>	<u>50020</u>	<u>Auditor</u>	<u>\$46,354.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$430.00</u>	<u>11350001</u>	<u>50174</u>	<u>Procurement Officer</u>	<u>\$35,713.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,642.00</u>	<u>11350002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$21,823.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,716.00</u>	<u>11410002</u>	<u>50550</u>	<u>Head Clerk</u>	<u>\$23,669.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,837.00</u>	<u>11510001</u>	<u>50030</u>	<u>City Solicitor</u>	<u>\$51,545.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$566.00</u>	<u>11520001</u>	<u>50530</u>	<u>HR Director</u>	<u>\$41,625.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,871.00</u>	<u>11520001</u>	<u>50532</u>	<u>HR Assistant</u>	<u>\$25,195.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,477.00</u>	<u>11520002</u>	<u>50775</u>	<u>Admin Assistant</u>	<u>\$19,921.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,821.00</u>	<u>11550001</u>	<u>50014</u>	<u>Director IT</u>	<u>\$24,527.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,202.00</u>	<u>11550001</u>	<u>50210</u>	<u>Sr System Analyst</u>	<u>\$29,207.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,634.00</u>	<u>1155001</u>	<u>50213</u>	<u>Network Engineer</u>	<u>\$36,149.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$7,128.00</u>	<u>11550001</u>	<u>50385</u>	<u>Electrician</u>	<u>\$24,965.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,720.00</u>	<u>11610001</u>	<u>50050</u>	<u>City Clerk</u>	<u>\$39,146.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,999.00</u>	<u>11610002</u>	<u>50290</u>	<u>Assist City Clerk</u>	<u>\$26,885.00</u>

Reason:	Contractual Obligation			
\$1,426.00	11610002	50770	Senior Clerk	\$18,681.00
Reason:	Contractual Obligation			
\$812.00	11650003	51110	License Comm Members	\$1,231.00
Reason:	Contractual Obligation			
\$4,012.00	11920001	50292	Bldg Maint Craftsman	\$68,030.00
Reason:	Contractual Obligation			
\$1,928.00	11920001	50385	Electrician	\$25,534.00
Reason:	Contractual Obligation			
\$1,785.00	11920001	50690	Foreman	\$27,669.00
Reason:	Contractual Obligation			
\$22,172.00	12100001	50140	Police Chief	\$60,390.00
Reason:	Contractual Obligation			
\$346,543.00	12100001	50420	Police Officers	\$91,573.00
Reason:	Contractual Obligation			
\$4,659.00	12100001	50500	Police Captains	\$91,573.00
Reason:	Contractual Obligation			
\$23,900.00	12100001	50510	Police Lieutenants	\$200,613.00
Reason:	Contractual Obligation			
\$49,932.00	12100001	50820	Sergeants	\$350,843.00
Reason:	Contractual Obligation			
\$3,305.00	12100002	50520	Principal Clerk	\$43,626.00
Reason:	Contractual Obligation			
\$6,821.00	12100003	51213	Dispatchers	\$190,036.00
Reason:	Contractual Obligation			
\$1,961.00	12100003	51214	Public Safety Assistant	\$26,011.00
Reason:	Contractual Obligation			
\$4,940.00	12200001	50130	Fire Chief	\$68,830.00
Reason:	Contractual Obligation			

<u>\$2,032.00</u>	<u>12200002</u>	<u>50062</u>	<u>Finance Assistant</u>	<u>\$26,919.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$6,121.00</u>	<u>12410001</u>	<u>50095</u>	<u>Asst Bldg Commissioner</u>	<u>\$11,715.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,470.00</u>	<u>12410001</u>	<u>50109</u>	<u>Environmental Officer</u>	<u>\$33,213.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$37,249.00</u>	<u>12410001</u>	<u>50260</u>	<u>Local Inspector</u>	<u>\$64,392.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,651.00</u>	<u>12410001</u>	<u>50370</u>	<u>Plumbing Inspector</u>	<u>\$27,823.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,395.00</u>	<u>12410001</u>	<u>50380</u>	<u>Electrical Inspector</u>	<u>\$28,079.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$10,400.00</u>	<u>12410001</u>	<u>50960</u>	<u>Asst Plmbg Inspector</u>	<u>\$4,150.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$5,642.00</u>	<u>13032001</u>	<u>50292</u>	<u>Bldg Maint Craftsman</u>	<u>\$60,821.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,828.00</u>	<u>13032001</u>	<u>50385</u>	<u>Electrician</u>	<u>\$25,803.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$10,743.00</u>	<u>13032001</u>	<u>50386</u>	<u>HVAC</u>	<u>\$51,602.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$98.00</u>	<u>13032001</u>	<u>50690</u>	<u>Foreman</u>	<u>\$32,231.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,839.00</u>	<u>14000001</u>	<u>50600</u>	<u>DPW Commissioner</u>	<u>\$53,559.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,293.00</u>	<u>14000001</u>	<u>50630</u>	<u>Asst DPW Commissioner</u>	<u>\$44,249.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,950.00</u>	<u>14000002</u>	<u>50062</u>	<u>Financial Analyst</u>	<u>\$26,538.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$1,137.00</u>	<u>14000002</u>	<u>50550</u>	<u>Head Clerk</u>	<u>\$23,664.00</u>

Reason:	Contractual Obligation			
\$2,486.00	14001101	50108	GIS Administrator	\$32,924.00
Reason:	Contractual Obligation			
\$3,293.00	14001101	50640	City Engineer	\$44,249.00
Reason:	Contractual Obligation			
\$11,471.00	14001101	50700	Grade 2 Engineer Aide	\$25,451.00
Reason:	Contractual Obligation			
\$2,955.00	14001301	50660	General Foreman	\$39,147.00
Reason:	Contractual Obligation			
\$7,389.00	14001301	50690	Foreman	\$97,860.00
Reason:	Contractual Obligation			
\$18,262.00	14001303	50740	Equipment Operators	\$349,831.00
Reason:	Contractual Obligation			
\$2,463.00	14001401	50690	Foreman	\$32,620.00
Reason:	Contractual Obligation			
\$2,955.00	14001401	50692	Super Auto Maint	\$39,147.00
Reason:	Contractual Obligation			
\$2,955.00	14001501	50680	General Foreman	\$39,147.00
Reason:	Contractual Obligation			
\$7,390.00	14001501	50690	Foreman	\$97,860.00
Reason:	Contractual Obligation			
\$2,463.00	14003001	50690	Foreman	\$32,620.00
Reason:	Contractual Obligation			
\$2,196.00	14920001	50110	Recreation Director	\$34,755.00
Reason:	Contractual Obligation			
\$1,892.00	14920001	50166	Recreation Prog Mgr	\$25,092.00
Reason:	Contractual Obligation			
\$1,426.00	14920002	50770	Senior Clerk	\$18,681.00
Reason:	Contractual Obligation			



\$2,980.00	15120001	50605	Director of Public Health	\$40,154.00
Reason:	Contractual Obligation			
\$2,054.00	15120002	50520	Principal Clerk	\$20,509.00
Reason:	Contractual Obligation			
\$311.00	15120003	50990	Board of Health Members	\$863.00
Reason:	Contractual Obligation			
\$4,119.00	15410001	50190	Director Elderly Affairs	\$32,624.00
Reason:	Contractual Obligation			
\$1,512.00	15410001	50132	Outreach Worker	\$20,060.00
Reason:	Contractual Obligation			
\$1,293.00	15410002	50584	Clerk Typist	\$17,145.00
Reason:	Contractual Obligation			
\$1,426.00	15410002	50770	Senior Clerk	\$18,681.00
Reason:	Contractual Obligation			
\$1,517.00	15430001	50080	Veterans Director	\$27,295.00
Reason:	Contractual Obligation			
\$3,361.00	16100001	50230	Library Director	\$45,159.00
Reason:	Contractual Obligation			
\$2,001.00	16100001	50300	Asst Library Director	\$26,883.00
Reason:	Contractual Obligation			
\$1,704.00	16100001	50470	Childrens Librarian	\$22,599.00
Reason:	Contractual Obligation			
\$1,647.00	16100001	50480	Cataloguer	\$21,818.00
Reason:	Contractual Obligation			
\$1,853.00	16100001	50656	Head of Circulation	\$24,550.00
Reason:	Contractual Obligation			
\$1,647.00	16100002	50520	Principal Clerk	\$21,818.00
Reason:	Contractual Obligation			
\$1,487.00	16100003	50860	Full Time Library Clerk	\$27,016.00

<u>\$1,487.00</u>	<u>1610003</u>	<u>50860</u>	<u>Full Time Library Clerk</u>	<u>\$27,016.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,418.00</u>	<u>60080001</u>	<u>50570</u>	<u>Chemist</u>	<u>\$32,269.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$3,067.00</u>	<u>60080001</u>	<u>50630</u>	<u>Asst DPW Commissioner</u>	<u>\$42,643.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,689.00</u>	<u>60085001</u>	<u>50910</u>	<u>Head Treatment Operator</u>	<u>\$39,413.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,747.00</u>	<u>61090001</u>	<u>50680</u>	<u>General Foreman</u>	<u>\$37,737.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$19,205.00</u>	<u>61090001</u>	<u>50690</u>	<u>Foreman</u>	<u>\$117,139.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$130,105.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$155,215.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$2,463.00</u>	<u>61090001</u>	<u>50780</u>	<u>Chief Pump Station Oper</u>	<u>\$32,620.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$440.00</u>	<u>61090002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$20,826.00</u>
Reason:	<u>Contractual Obligation</u>			
<u>\$555,250.00</u>	<u>11990006</u>	<u>53565</u>	<u>COVID 19</u>	<u>\$46,380.00</u>
Reason:	<u>Vaccination incentive</u>			
<u>\$1,439,076.00</u>				<u>\$1,439,076.00</u>

\$1,439,076.00

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Various		FROM ACCOUNT:				FISCAL YEAR: 2022		TO ACCOUNT:		Available
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$170,343.20	\$50,540.00	1610003	51261	Part-Time Library Clerks	\$23,540.00	12410004	53180	Bldg Prof & Tech Serv	\$0.00	
	Reason: Vacant positions				\$14,000.00	11520004	53010	Medical Exams	\$2,179.50	
					\$13,000.00	11520006	57380	Conference & Training	\$16,902.08	
\$70,803.71	\$15,000.00	11510001	50172	Assist City Solicitor	\$15,000.00	11510004	53110	Legal Services	\$49,970.79	
	Reason: Position was vacant					11210003	51250	Summer Employment	\$6,092.56	
\$20,000.00	\$6,000.00	14920003	50999	Events Coordinator	\$6,000.00			Anticipated funds needed through June 30th		
	Reason: Vacant position					11520004	53140	Contract Services	\$18,339.51	
\$19,050.00	\$16,000.00	11620002	50141	Clerk	\$16,000.00			Fire promotional process		
	Reason: Vacant position							Total	\$87,540.00	
	\$87,540.00	Total			\$87,540.00	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: FIRE		FROM ACCOUNT:				FISCAL YEAR: 2022		TO ACCOUNT:		Available
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$82,093.00	\$5,000.00	12200001	50805	Fire Inspector	\$5,000.00	12200006	52500	Repair/Maint. Equipmt	\$4,092.09	
	Reason: Vacancy created surplus							Increased costs for SCBA repairs & Fleet PM's		
	\$5,000.00	Total			\$5,000.00	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$29,626	\$23,000.00	11920001	50291	Public Facilities Director	\$23,000.00	11920006	52469	Repairs & Maint	\$42,846.00
	Reason:	Excess due to vacancy				Jericho lighting upgrade, police station upgrade and others			
\$135,239	\$25,000.00	14001101	50710	Junior Civil Engineer	\$25,000.00	14001106	57830	Envirom. Complaince NPDES	\$9,879.00
	Reason:	Vacancy due to promotion				Additional sampling for Hudson st landfill			
\$107,476	\$25,000.00	14001101	50660	Assistant City Engineer	\$25,000.00	14001104	53180	Prof & Tech Services	\$25,720.00
	Reason:	Excess due to previous vacancy				Consultant design services for upcoming projects			
\$40,789	\$15,000.00	60081001	50750	Equipment Operator	\$48,000.00	60085004	52570	Service Contract-Plant Equip	\$26,536.00
	Reason:	Excess due to vacancy				Update Technically Based Local Industrial Discharge Limits			
\$165,918	\$24,000.00	60081001	50850	Treatment Plant Operator					
	Reason:	Excess due to previous vacancy							
\$131,079	\$9,000.00	60085001	50850	Treatment Plant Operator					
	Reason:	Excess due to vacancy							
	\$121,000.00	Total			\$121,000.00	Total			

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

ORDERED: That the Reappointments of John Usinas and Wayne Stanley to the Disabilities Commission for 3-year terms respectively from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of George LaVenture to the Planning Board for a 5-year term to expire on February 1, 2027, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 "Personnel" §6 "Salary Schedule" to amend the salary for the Parking Enforcement Officer as submitted by the Mayor, referred to **FINANCE COMMITTEE** and **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 BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

<u>Position</u>	<u>Rate</u>
Parking Enforcement Officer	Not to Exceed \$25 Per Hour.

II. This ordinance shall supersede and replace any existing rate for said position(s) in the current salary schedule.

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

ORDERED: That the Communication from the Mayor, re: Succession Planning Project Information, **FILE – MOTION WITHDRAWN BY COUNCILOR DUMAIS**.

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

ORDERED: That the Communication from the Mayor, re: Succession Planning Project Information, referred to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

*\*\* Point of Order by Councilor Robey regarding the vote to refer to Operations & Oversight. President Ossing asked all in favor to stand, vote declared passed by a vote of 7-4. \*\**

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Site Plan Approval 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, in proper legal form, Order No. 21-1008418B, **MOVED TO REPORTS OF COMMITTEE** and **FILE**; adopted.

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

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

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

ORDERED: That the Application for Taxi/Livery License from Josiah Ihechukwu d/b/a ROA Health System, to operate a Livery Service, 43 Bowstring Way, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from Engineering Design Consultants on behalf of Lacombe Business Center, re: Sewer Taking and Easement relative certain parcels on Lacombe Street, be and is herewith referred to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE; LEGAL DEPARTMENT & ENGINEERING**; adopted.

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

ORDERED: That the Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY23 and Compliance Certification Policy, **FILE**; 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, January 11, 2022 & January 25, 2022.
- b) Board of Assessors, November 30, 2021.
- c) Board of Registrars, November 16, 2020.
- d) Conservation Commission, January 6, 2022 & January 20, 2022.
- e) Cultural Council, August 3, 2021, October 6, 2021, November 3, 2021, December 1, 2021 & December 8, 2021.
- f) Historical Commission, December 16, 2021.
- g) Library Board of Trustees, January 4, 2022.
- h) Planning Board, December 20, 2021.
- i) Zoning Board of Appeals, February 1, 2022.

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

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

- a) Roe Agami, 48 Kinder Circle, pothole or other road defect.
- b) Yola Paul Bazile, 159 West Main Street, other property damage and/or personal injury.
- c) Brian Higgins, 23 Grace Circle, other property damage and/or personal injury.
- d) Peter M. Jones, 36 Morrissey Road, residential mailbox claim (2a).
- e) Laura LeClair, 607 Brigham Street, residential mailbox claim (2a).
- f) David Maheux, 76 Morrissey Road, residential mailbox claim (2b).
- g) Janet Smith, 117 Upland Road, residential mailbox claim (2b).

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee  
Report and Minutes  
Monday – January 31, 2022**

This meeting convened at 6:30 PM and was held in the City Council Chamber, second floor, City Hall. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) and 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](http://www.marlborough-ma.gov)).

Committee Members Present: Chair Dumais; Councilors Doucette, Navin.

Other Councilors Present: Wagner, Robey, Brown, Irish, Landers and Ossing. Absent: Councilors Oram and Perlman

Also Present: Mayor Vigeant, City Solicitor Grossfield, HR Director Purple

All appointees were present in person.

**1/24/22 – Order No. 22-1008496: Reappointment of David Giorgi as Police Chief for a four-year term to expire on August 20, 2025.**

**On a motion by Councilor Doucette to recommend approval of the Reappointment of David Giorgi as Police Chief for a four-year term to expire on August 20, 2025, seconded by the Chair, the committee recommends approval of the appointment as submitted by Mayor Vigeant. Vote 3-0**

**1/24/22 – Order No. 22-1008498: Appointment of Jeremy McManus to the position of City Assistant Solicitor for a term of three years effective from date of confirmation.**

**On a motion by Councilor Doucette to recommend the approval of Jeremy McManus to the position of Assistant City Solicitor for a term of three years effective from the date of confirmation, seconded by the Chair, the committee recommends approval of the appointment as submitted by Mayor Vigeant. Vote 3-0**

**1/24/22 – Order No. 22-1008499: Appointment of Sarah Hough to the Historical Commission for a term of three years effective from date of confirmation.**

**On a motion by Councilor Doucette to recommend approval of the appointment of Sarah Hough to the Historical Commission for a term of three years effective from the date of confirmation, seconded by the Chair, the committee recommends approval of the appointment as submitted by Mayor Vigeant. Vote 3-0**

On a motion by Councilor Doucette, seconded, and approved, the meeting adjourned at 6:58PM.

Reports of Committee Continued:

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

**City Council Urban Affairs Committee  
Report and Minutes  
Monday – January 31, 2022**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Other councilors present were Councilor Brown, Councilor Dumais, Councilor Irish, and Councilor Ossing.

Others attending this meeting are included with each order's information. All items had been carried over from 2021 to the 2022 session.

**Order No. 20/21-1008046B 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.**

Present were William Camuso, owner, and Attorney Brian Falk.

The chair went through the timeline stating this had been on agenda since June of 2020. A public hearing was held July 20, 2020 for both 24-hour operation and an LED Sign. The sign was approved, but the 24-hour operation was kept in committee while the owner dealt with issue of lighting of canopy. Attorney Falk stated it was understood that 24-hour operation would probably not get approved, and his client was asking for approval to open at 4 am and close at 11 pm. Councilor Irish submitted a letter stating he was not in favor of 24-hour operation but would consider allowing station to open at 5 am and close at 11 pm. After discussion by committee, it was felt that opening at 5 am was preferred.

**Councilor Doucette moved to recommend approval of the draft order for an exemption to operate from 5 am to 11 pm with conditions (draft order attached). The motion received a second and carried 5-0.**

Chair will request a Suspension of Rules at the February 14 City Council meeting to refer the draft order to Solicitor with request it be on the February 28 council agenda. Chair noted the solicitor's office was currently understaffed which could impact when it was on the council agenda.

**Order No. 21-1008418B X 21-1008395 Communication from Attorney Falk, application for Site Plan Approval from Aubuchon Realty Company, related to proposed expansion and upgrade at the retail Plaza located at 661 Boston Post Road East within the Wayside Zoning District.**

Attorney Falk was present to discuss this item and had submitted a draft Site Plan; also present was Matt Bombacci from Bohler Engineering. A Special Permit for site was approved due to drive-thru for bank and coffee shop. The City Council is the Site Plan authority for Wayside Zoning District, but Site Plan Review Committee discussed this project and submitted a revised Site Plan decision. The chair reviewed the differences—Attorney Falk's plan had language re OSHA requirements which Site Plan Review Committee felt was not necessary and SPRC added language re a temporary occupancy permit for either bank structure or coffee shop while work is allowed to continue on the incomplete site, subject to a phasing plan approved by Site Plan Committee.



Reports of Committee Continued:

The Urban Affairs Committee agreed the OSHA language was not necessary, but the phasing language should be included.

**Councilor Doucette moved to recommend approval of the Site Plan submitted by SPRC, motion received a second, and carried 5-0.**

Because the developer would like to submit forms for a building permit as soon as possible, the Chair will ask Solicitor to have the document in proper form for the February 14 City Council meeting. If it is on the agenda for that meeting, the Chair will ask for Suspension to vote on the revised site plan decision and plans.

**Order No. 21-1008441C-Communication from Attorney Falk for Special Permit from J & D Landscape Contractors to construct and operate both a contractor's yard and landscaping contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12.**

Attorney Falk was present for this item. He had submitted a Draft Decision on a Special Permit for review and comment by the city's managers. The chair reviewed the draft document specifically language in Findings of Fact that Councilor Brown would review the missed hearing and submit a document certifying her review, which would allow her to participate. After discussion, it was agreed to strike the language as submitted by Attorney Falk.

Site Plan Review Committee reviewed the document at a recent meeting, and Priscilla Ryder, Conservation/Sustainability Officer sent an email to serve as comments from all department heads as required in code. SPRC members suggested one change in C. 2 Site Plan Review (part of Conditions for Granting the Special Permit)—which reads in part "...a final occupancy permit shall not be issued..." Their suggestion was to strike "permit" and add "certificate of" before the word "occupancy" so it would read "a final certificate of occupancy shall not be issued..." Committee agreed to this change.

**Councilor Doucette recommended approval of the Draft Decision on Special Permit as amended; the motion received a second, and vote carried 5-0.**

On a motion made, seconded and approved, the committee adjourned at 7:39 PM.

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

**Suspension of the Rules requested – granted.**

ORDERED: That the Appointment of Jeremy McManus to the position of Assistant City Solicitor for a term of three years effective from date of confirmation, **APPROVED**; adopted.

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

**Suspension of the Rules requested – granted.**

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, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER FORM.**

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

**Suspension of the Rules requested – granted.**

ORDERED That the City Council of the City of Marlborough does hereby **APPROVE** the Site Plan Permit (attached hereto), which sets forth an approval with conditions of the site plans submitted by Aubuchon Realty Company, Inc., to expand and upgrade the retail plaza at 661 Boston Post Road East within the Wayside District; adopted.

Motion by Councilor Dumais, 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 8:35 PM; adopted.

**Steven Kerrigan**

**Subject:** FW: For next regular meeting agenda from Councilor David Doucette: MassDevelopment PACE program details and impact/opportunities in Marlborough

**Attachments:** PACE Program Guidelines.pdf; ATT00001.htm; PACE Massachusetts 2-2022 Dolan.pdf; ATT00002.htm

RECEIVED  
CITY OF MARLBOROUGH  
2022 FEB 23 A 9:30

**From:** "David Doucette"

**To:** "Mike Ossing", "Mark Oram", "Samantha Perlman", "Kathleen Robey", "Laura Wagner", "Christian Dumais", "Teona Brown", "John Irish", "Sean Navin", "Don Landers"

**Cc:** "City Council", "Mayor", "Legal"

**Subject:** MassDevelopment PACE program details and impact/opportunities in Marlborough

Fellow Councilors,

On February 15, 2022, I attended a Zoom meeting by the Energy and Sustainable Development Committee, part of Massachusetts Development Finance Agency (MassDevelopment) in coordination with the Massachusetts Department of Energy Resources (DOER). President Ossing also attended. Thanks to Councilor Robey letting me know about this meeting.

The meeting covered the Property Assisted Clean Energy (PACE) program, which funds improvements in buildings owned by businesses, non-profits and housing complexes with 5 or more units by reducing their use of carbon fuels and installing renewable energy systems, including insulation, solar, geothermal, and required building upgrades such as new roofs, windows, etc. It is critical that any improvements to the building are exceeded by the energy savings over time. This is typically not a high barrier to achieve in old buildings.

The key to the PACE program is to fund the upgrades through municipal betterment assessments that last up to 20 years. This approach means that the debt burden of the project is not on the books of the property owner, and the projects are funded by a 3<sup>rd</sup> party private financing company. For this to happen, the municipality needs to approve the program since the cities and towns are responsible for including these additional assessments on their tax bill, and paying the financing company.

While the program was started in July, 2020, it has had only 2 deals so far. These programs are in place in other states (CT approved theirs in 2011). Any property owner of buildings 20+ years or older who is planning / confronting building upgrades should consider this funding option to increase the property value, reducing their carbon footprint, while reaping savings in operating costs. There are plenty of properties in Marlborough that fit that category.

I've attached a copy of the presentation from 2/15, the PACE program guidelines from the MassDevelopment web site, and draft wording that needs to be approved by the city council to allow properties in Marlborough apply for the program. I'm not sure if the mayor also needs to approve this (that's a question for legal) but I included that wording in this draft.

Please include this material as an item in the next City Council meeting. I expect this to be sent to the Climate Resiliency Committee.

Sincerely,

David Doucette

Ward 2 City Councilor, Marlborough MA

**Vote/Resolution Authorizing the City/Town of Marlborough to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)**

**WHEREAS**, pursuant to M.G.L. c. 23M, as amended (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements ("improvements"); and

**WHEREAS**, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

**WHEREAS**, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

**WHEREAS**, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

**WHEREAS**, the City/Town of Marlborough (the "Municipality") has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

**WHEREAS, NOW THEREFORE, BE IT [VOTED/RESOLVED]**, as follows:

The [City Council of the City of Marlborough, with the approval of the Mayor, hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the [Mayor/Town Manager] to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the [Mayor/Town Manager] may approve as being in the best interest of the Municipality. The Collector Treasurer of the City/Town or such other City/Town agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City/Town without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

ACTIVE 6211540v7



# Program Information

## February 2022



# MassDevelopment

- Works with businesses, nonprofits, financial institutions, and communities to stimulate economic growth throughout Massachusetts
- Promotes capital investment and economic development by providing financing and development solutions
- In FY21, MassDevelopment financed or managed 416 projects generating investment of more than \$1.86 billion in the Massachusetts economy
- These projects are projected to create or support more than 6,578 jobs and build or preserve more than 1,909 housing units



# PACE in Massachusetts

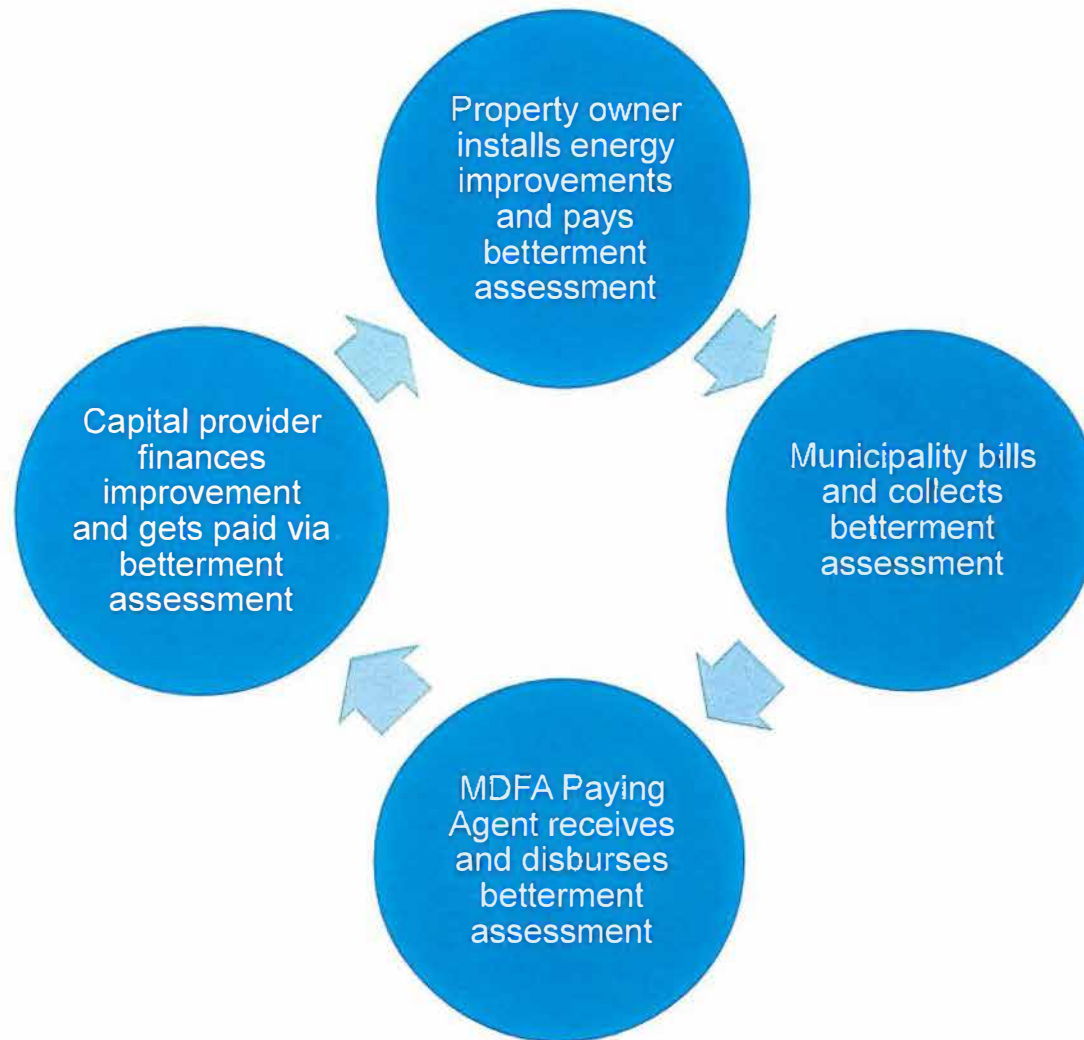
- Commercial Property Assessed Clean Energy (PACE) Massachusetts Program launched July 28, 2020
  - PACE legislation passed in H4586
- MassDevelopment is Lead Program Administrator
  - Administers PACE in consultation with the Massachusetts Department of Energy Resources (DOER)
- PACE guidelines including approval requirements, financing documents and RFI for Capital Providers available at: [www.massdevelopment.com/PACE](http://www.massdevelopment.com/PACE)

# Property Assessed Clean Energy (PACE)

- PACE allows commercial property owners to finance energy improvements via special betterment assessments on their property tax bills
- Private Capital Providers extend financing, and are repaid via betterment assessments collected by the municipality
- Benefits:
  - Municipalities: Job creation, attract new and retain existing business, and environmental benefits associated with reducing energy consumption
  - Property owners: No new debt on balance sheet, no pay-off upon sale of property (assessments run to new owner), long-term financing (20 year max), no new mortgage lien
  - Lenders/Mortgage holders: Improved cash flow and reduced credit risk from lower operating costs via financing that cannot be accelerated. Capital improvements could also increase collateral property value



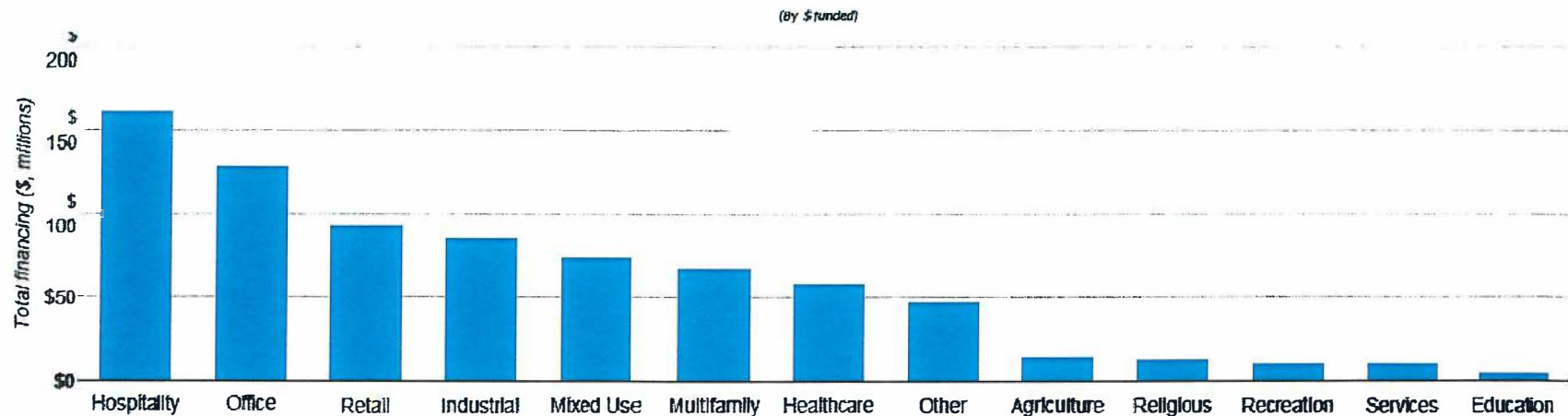
# PACE Flow of Funds



# National Commercial PACE Market

- 26 States (plus DC) have active commercial PACE programs
- 37 states (plus DC) have PACE enabling legislation
- \$2.07 billion financed for 2,560 projects (as of 1/2021)

*C-PACE dollars funded by building type*

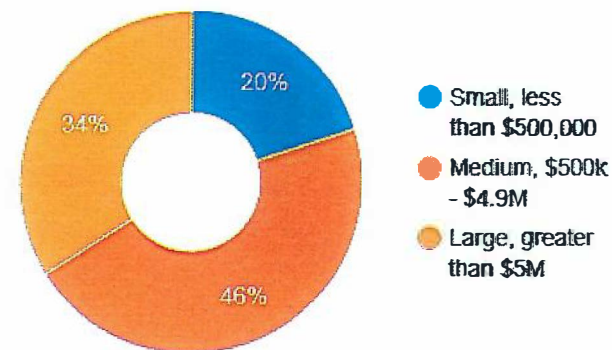


# New England Commercial PACE Programs

- Connecticut passed PACE enabling legislation in 2011; C-PACE is administered by the Connecticut Green Bank
- Rhode Island passed PACE enabling legislation in 2016; RI C-PACE is sponsored by the RI Infrastructure Bank
- New Hampshire passed PACE enabling legislation in 2016
- Maine in process

C-PACE projects by amount financed

(By \$ funded)



# Eligible Properties: Existing Buildings

## Property Type

- Commercial/Industrial
- Not for profit
- Multifamily (5 units or more)

## Examples

- Office buildings
- Malls
- Hotels
- Restaurants
- Manufacturers
- YMCAs
- Schools
- Health Care
- Apartment complexes

# Eligible Measures

## Measure Type

- Energy efficiency
  
  
  
  
  
  
  
  
  
  
- Renewable energy
  
  
  
  
  
  
  
  
  
  
- Gas line extensions

## Potential Examples

- Energy management systems
- Insulation and air sealing
- HVAC systems
- Boilers and furnaces
- Lighting
- Energy Recovery and redistribution systems
  
- Solar panels
- Solar hot water
- Geothermal

# PACE Project Overview: Abercrombie Building, Bank Row, Greenfield

**Property:** A blighted, historic 12,000 sq. ft. building in Western Mass that was rescued and transformed into vibrant office space.

## Project:

- Building systems needed major upgrades and PACE allowed owner to retroactively refinance the energy improvements and consolidate the outstanding bridge financing and private loans into a longer fixed repayment term
- Installed solar photovoltaic (PV) system on roof, efficient electrification of space heating, energy recovery ventilation, LED lighting and controls and improvements to windows and insulation
- Annually saves 189,000 kWh from the grid compared to a building built to current Mass. Energy Efficiency code
- Mortgage Holder consent obtained from bank

**Amount of financing:** \$450,000    **Term:** 20 yrs.

# PACE Project Overview: Cargo Ventures, McClellan Highway, Boston

**Property:** A 121,000 sq. ft. mixed-use warehouse building housing 13 commercial tenants.

## **Project:**

- PACE provided owner with upfront capital enabling improvements to be installed while preserving CapEx
- Energy improvements include upgrades to the HVAC system, new LED lighting, and a new roof
- Lifetime energy efficiency savings: 1,541,380 kWh
- Mortgage Holder consent obtained from bank

**Amount of financing:** \$787,523    **Term:** 20 yrs.

# Key Elements of PACE Massachusetts

- Municipal opt-in (one time) required
- Maximum financing term allowed is 20 years (dependent on useful life of project measures)
- Energy cost savings must exceed cost of improvements (including any financing costs and associated fees)
  - no limit or maximum financing cost
- If property is sold, the remaining PACE assessment and PACE lien stays with the property and transfers to new owner
- Retroactive consideration for installed improvements
- Third party direct private financing (no public funds used)
  - open, ongoing RFI for PACE Mass. Capital Providers (CP)
  - Ten currently listed on Registry



# Key Elements of PACE Massachusetts

(Continued)

- PACE application must be approved by DOER and MassDevelopment for financing to close
  - Mortgage holders written consent required
- Betterment assessment and PACE lien placed at closing
  - MassDevelopment counsel prepares all closing documents and handles recording at Registry
  - Lien assigned to City, then assigned to MassDevelopment, then to CP
  - CP holds enforcement rights to pursue remedies in a default
    - PACE cannot be accelerated (only unpaid billed assessment can be pursued in a default)
    - Municipal liens are senior to the PACE lien; PACE lien is senior to private mortgage lien(s) in a default

# PACE-Authorizing Municipalities

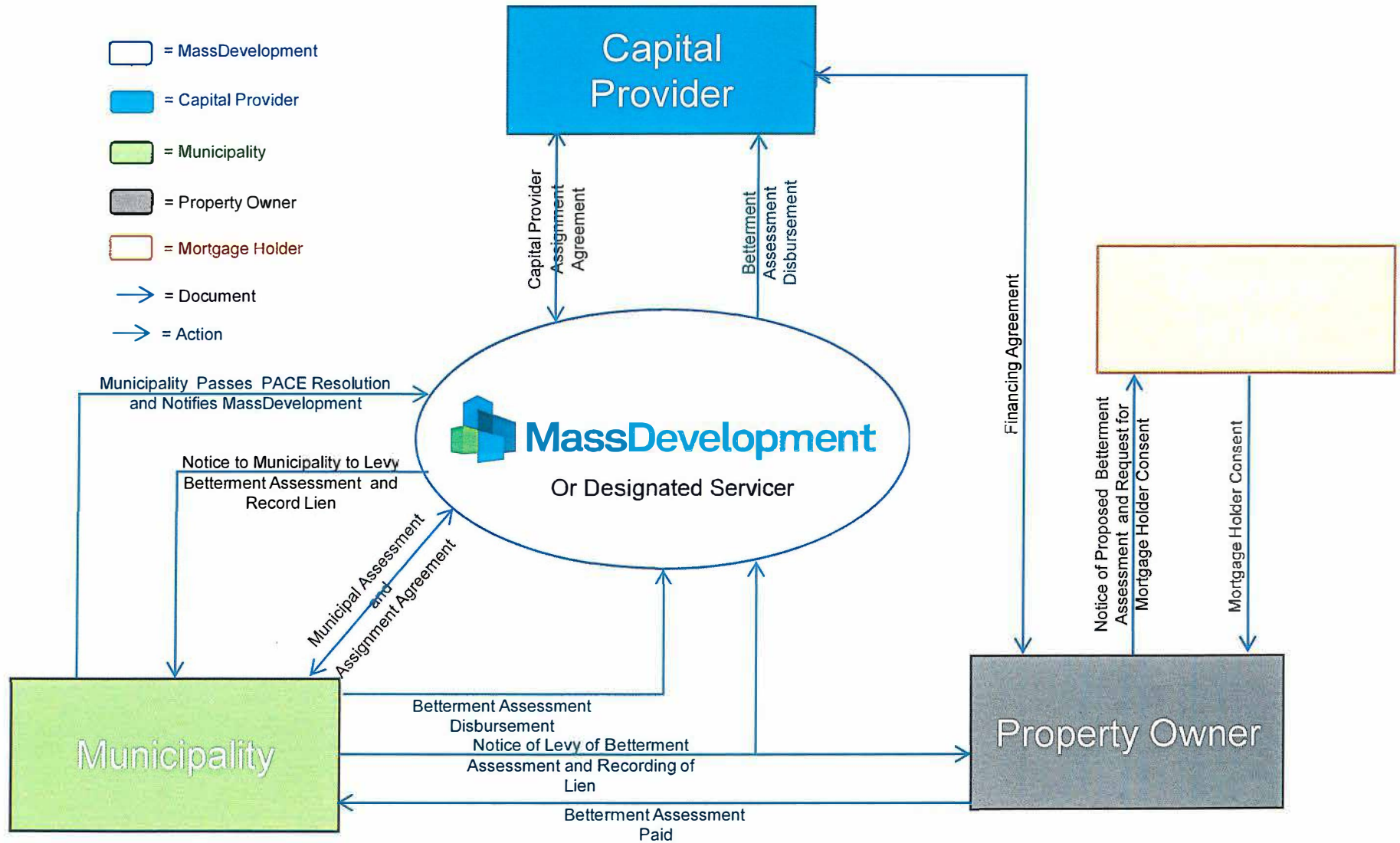
(51 as of January 11, 2022)

3-16



- Acton
- Agawam
- Amesbury
- Amherst
- Barnstable
- Bellingham
- Beverly
- Boston
- Brockton
- Chelsea
- Chicopee
- Concord
- Devens
- East Longmeadow
- Easthampton
- Easton
- Erving
- Fall River
- Fitchburg
- Franklin
- Gardner
- Gloucester
- Great Barrington
- Greenfield
- Holyoke
- Lanesborough
- Lexington
- Lowell
- Ludlow
- Middleborough
- Milton
- Montague
- New Bedford
- North Adams
- North Andover
- Northampton
- Norwood
- Orange
- Pittsfield
- Plymouth
- Randolph
- Rockland
- Salem
- Somerville
- Springfield
- Taunton
- Wakefield
- Wellfleet
- Wendell
- West Springfield
- Yarmouth

# Commercial PACE Structure



 **Rob Dolan**

MassDevelopment

Vice President

99 High Street

Boston, MA 02110

main office: 617-330-2074

direct: 617-330-2019

email: [rdolan@massdevelopment.com](mailto:rdolan@massdevelopment.com)

Program Info: [www.massdevelopment.com/pace](http://www.massdevelopment.com/pace)



RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2022 FEB 24 A 11:50

*Arthur G. Vigeant*  
MAYOR

*Patricia M. Bernard*  
EXECUTIVE AIDE

*Ryan P. Egan*  
EXECUTIVE SECRETARY

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

February 24, 2022

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

**RE: Grant acceptance for the Marlborough Fire Department**

Honorable President Ossing and Councilors,

Enclosed for your review and acceptance is a grant in the amount of \$24,999.00 from the Firefighter Safety Equipment Grant Program to be expended on improving multi-jurisdictional communication capabilities.

I would like to take this opportunity to thank the Executive Office of Public Safety and Security and the Department of Fire Services for their continued support.

If you have any questions, please do not hesitate to contact my office or Chief Kevin Breen.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



**CITY OF MARLBOROUGH  
FIRE DEPARTMENT**

215 Maple Street, Marlborough, MA 01752  
Business (508) 624-6986 Facsimile (508) 460-3795

February 23, 2022

The Honorable Arthur G. Vigeant, Mayor  
City of Marlborough  
140 Main Street  
Marlborough, Ma. 01752

RE: Firefighter Safety Equipment Grant

Dear Mayor Vigeant,

Attached please find documentation in support of a grant in the amount of \$24, 999.00 which has been awarded to the Fire Department through Executive Office of Public Safety and Security and the Department of Fire Services (DFS.)

The Firefighter Safety Equipment Grant has been approved for funding and granted to the Marlborough Fire Department to improve multi-jurisdictional communication capabilities.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Sincerely,

A handwritten signature in blue ink that reads "Kevin J. Breen".

Kevin J. Breen  
Fire Chief

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: FIRE DATE: 2/23/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: FIRE CHIEF KEVIN J. BREEN

NAME OF GRANT: Firefighter Safety Equipment Grant

GRANTOR: Executive Office of Public Safety and Security and the Department of Fire Services (DFS)

GRANT AMOUNT: \$24,999.00

GRANT PERIOD: February 1, 2022 through June 30, 2022

SCOPE OF GRANT/  
ITEMS FUNDED Individual/Portable Radios

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: \_\_\_\_\_  
\_\_\_\_\_

**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**



**EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY  
DEPARTMENT OF FIRE SERVICES**



**FY22 FIREFIGHTER SAFETY EQUIPMENT GRANT PROGRAM**

**COVER SHEET**

**Department Information**

**Legal Name of Applicant Agency:** City of Marlborough

**Mailing Address:** 215 Maple Street **PO Box:** \_\_\_\_\_

**Municipality:** Marlborough **Zip Code:** 01752

**Chief of Department**

**First Name:** Kevin **Title:** Fire Chief

**Middle Initial:** J **Phone Number:** (508) 624-6986

**Last Name:** Breen **Email Address:** kbreen@marlborough-ma.gov

**Suffix:** \_\_\_\_\_

**Grant Manager\***

**First Name:** Jeffrey **Title:** Assistant Fire Chief

**Middle Initial:** F **Phone Number:** (508) 624-6984

**Last Name:** Gogan **Email Address:** jgogan@marlborough-ma.gov

**Suffix:** \_\_\_\_\_

\*Leave this section blank if Fire Chief will serve as Grant Manager.

**Application Type**

**Select Application Type Below:**

Single Department

If you are submitting a Regional Application, complete the "Supporting Regional Applicants" tab of this document. If you are not submitting a regional application, you may leave that tab blank.

**Signature**

As the Chief of the Department/Chief Executive, I am authorizing the department to solicit funds from the FY22 Firefighter Safety Equipment Grant Program from the Department of Fire Services (DFS). I have reviewed and approve of the contents of this application, and certify that all information provided is accurate. I have also reviewed and agree to abide by all terms and conditions in the Notice of Funding Opportunity. I further acknowledge that if my department incurs expenses for the grant prior to a contract for these grant funds being signed by DFS and my department, DFS will not be able to reimburse my department for those costs.

**Name:** Kevin J Breen

**Signature:** Kevin J Breen

**Date:** 12/7/2021





**EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY  
DEPARTMENT OF FIRE SERVICES**



**FY22 FIREFIGHTER SAFETY EQUIPMENT GRANT PROGRAM**

**Application Narrative**

**Project Summary**

**Please explain all equipment being requested, quantities, and how it will be deployed/managed. Include details on installation, maintenance plans, how cost estimates were obtained, accessories to be included, and any other relevant information.**

Marlborough, Massachusetts is a contemporary suburban community situated in the Metro West area of Boston. Our fire department is an all-paid, career department of seventy-eight professional men and women providing fire prevention, fire suppression, emergency medical service response and disaster management control services to a diverse community of more than 40,000. The department responds to more than 7,500 emergency incidents per year. Geographically, we are located approximately twenty miles west of Boston and approximately ten miles east of Worcester, the state's two largest cities. The City of Marlborough utilizes a voter receiver communication system and has numerous geographical features (hills and low-lying areas) which significantly hamper effective radio communications. Our grant request seeks support for three (3) Motorola APX 8000 tri-band portable radios. These portable radios will dramatically improve our comms capability and increase reliability and safety for our firefighters. We propose to distribute these three portable radios to chief officers (IC responsibilities). Installation and operation of this equipment is relatively easy, requires little maintenance and training yet delivers positive impacts/results almost immediately once installed. Protecting our firefighters is a responsibility we take seriously, and this grant award is an ideal solution to a long-standing problem here in Marlborough. Thank you for your consideration.

**Project Need**

**Please explain the reason grant funding is needed to purchase this equipment and connect it to one of the Purchase Justification options listed in the Notice of Funding Opportunity (i.e. There are 10 firefighters on my department without a compliant second set of turnout gear, my department has one thermal imaging camera which was purchased in 2012 and no longer functions properly, etc.).**

Marlborough Fire Department operates out of three stations and has a total of seventy-eight employees. We seek grant funding to purchase three (3) Motorola APX 8000 tri-band portable radios and accessories. These portable radios have the unique capability to accept programming for three different frequency bands (VHF, UHF, and 800 MHz). Marlborough Fire Department operates on 800 MHz while all of our mutual aid partners operate on either VHF or UHF frequencies. Tri-band portable radios, as requested in this grant, will improve interoperability and further develop our communications when MFD units are responding to other communities for mutual aid or conversely, when the City of Marlborough is receiving mutual aid support from neighboring communities. Improving compromised communications for Marlborough's public safety personnel is the goal of this equipment grant request. We are working to correct these comms deficiencies using a multi-year approach. This grant award will dovetail with our plan to improve comms infrastructure city-wide. An award supporting this request provides our agency with simple, safe, and user-friendly enhancements to improve day-to-day communications while also elevating radio interoperability capability. A study of our city's communication systems revealed a long-term solution addressing critical infrastructure enhancements to transmission and voter receive sites is warranted but requires a multi-million-dollar public safety investment. Due to the unprecedented financial impact attributable to COVID-19, we simply cannot afford this capital outlay in this fiscal year. We know if this grant request is supported we can continue to address comms deficiencies by securing these radios which are allowable equipment to improve technology, capability, capacity and overall fireground operations and safety.





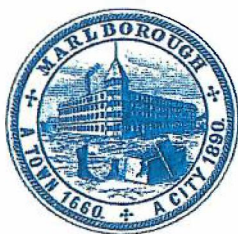

**TOTAL COST:**

**Communications Equipment**

Item	Justification for Purchase	Quantity	Unit Cost	Total Cost
Individual/Portable Radios	Obtaining new NFPA or OSHA compliant equipment to meet minimum operational and deployment standards for existing missions	3	\$8,333.00	\$24,999.00

**TOTAL COST: \$24,999.00**

**Thermal Imaging Cameras**



*City of Marlborough*  
*Office of the Mayor*

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

2022 FEB 24 A 11:50

*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

February 24, 2022

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

**RE: Transfer request to fund WMCT-TV operations for FY23**

Honorable President Ossing and Councilors,

Enclosed for your review and approval is a transfer request in the amount of \$361,080.93 from PEG Funds to Marlborough Cable Trust to fund the WMCT-TV operations for fiscal year 2023. The remaining balance of this fiscal year will be allocated to fund the total operating cost of \$511,080.93. I have reduced the capital budget by \$10,000.00 from the original enclosed submission.

Executive Director Ryan Maylar has prepared operating and capital budgets that are enclosed, and he will be available to discuss at a future meeting.

Thank you in advance for your cooperation.

Sincerely,

*Arthur G. Vigeant*  
Arthur G. Vigeant  
Mayor

Enclosures



91 Main Street, Suite 201  
Marlborough, MA 01752

February 8, 2022

Honorable Mayor Arthur Vigeant  
140 Main Street, 4th Floor  
Marlborough, MA 01752

Mayor Vigeant,

I am writing in regards to our February 3rd Marlborough Cable Trust meeting where the Trustees approved the budget I prepared for FY 2023. The Fiscal Year for WMCT-TV begins April 1st 2022 and ends March 31st, 2023. In sum, the anticipated operating budget for WMCT-TV is \$471,570.93. The 2023 Capital budget is \$49,510. The total budget for FY 23 is \$521,080.93.

Based on the current balance in the trust, along with the anticipated spending to occur through the end of FY 22, the board voted to approve the request for the appropriation of funds in the amount of \$371,080.93.

Thank you for your time and attention to this matter. Please let me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Ryan Malyar". The signature is fluid and cursive, with the first name "Ryan" and the last name "Malyar" clearly distinguishable.

Ryan Malyar

Executive Director

Marlborough Cable Trust

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2022

FROM ACCOUNT:

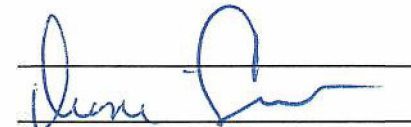
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$439,542.81</u>	<u>\$361,080.93</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$361,080.93</u>	<u>89000</u>	<u>25581</u>	<u>Marlboro Cable Trust</u>	<u>\$0.00</u>
	Reason:	<u>To fund WMCT'S FY23 Budget</u>							
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>							
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	Reason:	<hr/>							
	\$361,080.93	Total			\$361,080.93	Total			

Department Head signature:

Auditor signature:

Finance Director signature:

  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Appropriation from PEG Fund FY 23

Operational Budget FY 23	\$471,570.93
Capital Budget FY 23	\$49,510.00
<b>Total Budget FY 23</b>	<b>\$521,080.93</b>
Cable Trust Balance Estimate April 2022	\$150,000.00
<b>Amount to appropriate from PEG Fund</b>	<b>\$371,080.93</b>



**WMCT-TV 2023 Budget 2/1/2022****Salaries Full-Time**

Salaries with a salary increase up to 3%

Name	Title	Yearly Salary '23 (FY21 + 3% increase plus health insurance adjustments as required)
Ryan Malyar	Executive Director	\$87,550.00
Mike Lawton	Assistant Executive Director	\$75,417.63
Matthew Besachio	Sports Director	\$44,406.81
Lindsey Crain	Access Supervisor	\$34,917.00

<b>Salaries Full-Time Total</b>		<b>\$242,291.44</b>
---------------------------------	--	---------------------

**Salaries Part-Time**

		Hours/week	Hourly rate	Weeks	Yearly Salary '23
New Hire Option A	Government Producer	20	\$17.00	52	\$17,680.00
Freelance	2 persons on-call for occasional st	160	\$18.00	1	\$2,880.00
WMCT Intern	City Summer Intern	32	\$14.25	8	\$3,648.00 2022 minimum wage 14.25
News Director/ Youth Program					\$12,631.26
<b>Salaries Part-Time Total</b>					<b>\$36,839.26</b>

**Trustee Stipends**

	Monthly Rate	No. of Months	Total Salary for Budget Year '23
Number of Trustees			
4	\$150.00	12	\$7,200.00
Secretary 1	\$75	12	\$900

<b>Trustee Stipend Total</b>			<b>\$8,100.00</b>
------------------------------	--	--	-------------------

<b>Grant Total Salaries</b>			<b>\$287,230.70</b>
-----------------------------	--	--	---------------------

**Employee Benefits**

	Amount
Itemize	
Health	\$40,555.37
Dental	\$2,914.72
Employer Payroll Taxes	\$17,000.00
Workers Comp	\$1,200.00
Payroll Services	\$3,350.00
Retirement	\$7,368.74
<b>Total Benefits</b>	<b>\$72,388.83</b>

**Grand Total Payroll Expenses** **\$359,619.53**

<b>EXPENSES</b>	<b>Materials and Office Supplies</b>	<b>Amount</b>
Accounting		\$16,000.00
Cable/Internet/Phone		\$7,000.00
Dues & Subscriptions (Chamber of Commerce, ACM)		\$3,000.00
Legal Expense		\$500.00
Office Supplies		\$2,000.00
Postage		\$100.00
Rent		\$52,676.40
Security		\$350.00
State Tax		\$125.00
Maintenance and Repair		\$1,000.00
Utilities		\$6,000.00
Continuing Education		\$2,000.00
<b>GRAND TOTAL OFFICE EXPENSES</b>		<b>\$90,751.40</b>

<b>EXPENSES</b>	<b>Production</b>	<b>Amount</b>
GAS/PARKING		\$1,500.00
Small equipment and supplies		\$4,000.00
Technical Support		\$2,500.00
Web development : website and domain maintenanc		\$2,500.00
Promotion and Outreach		\$3,000.00

Staff Meals /Entertainment \$1,500.00  
**GRAND TOTAL PRODUCTION EXPENSE \$15,000.00**

EXPENSES	Liability	Amount
Directors & Officer Liability Insurance		\$1,200.00
General Liability		\$5,000.00
	<b>Total</b>	<b>\$6,200.00</b>

**Total Operating Expenses \$471,570.93**

## CAPITAL BUDGET 2023

Item	Description	Quantity	Price Each	Price
	FeelWorld 7" 4K Monitor for Studi	2	\$179	\$358
	BenQ GW2780 2 Monitor for ATEM	1	\$179.99	\$179.99
	Magnus REX VT Field Tripods	2	\$269.99	\$539.98
	GVM 800D-RGB Field Lighting	1	\$359.00	\$359.00
	Zoom LiveTrak L Studio Audio Mix	1	\$999.99	\$999.99
	Zoom LiveTrak L Podcast Mixer wi	1	\$999.95	\$999.95
	Sony PXW-Z150 Matching Studio	5	\$2,998	\$14,990
	FLYCAM Flowlin Sports rig for Ma	1	\$417	\$417
	Neewer 2-Pack mics for concerts	1	\$99	\$99
	Rode M5-MP Ma mics for concerts	1	\$199	\$199
	Amazon Basics 7 mic stands for co	6	\$26.99	\$161.94
	Canon EOS M50 Canon cameras	3	\$929.99	\$2,789.97
	<b>GEAR TOTAL</b>			<b>\$22,094</b>

## SET DESIGN and STUDIO LIGHTING

	Kate Equipment 1 Backdrop Stand	1	\$179	\$179
	Backdrops from 1 10x10	4	\$118.80	\$475.20
	Portable backdro Prince includes 2	1	\$1,299.96	\$1,299.96
	20BLT Flat Base 1 lighting stands fo	2	\$274.95	\$549.90
	Fluotec VegaLux Fresnels for stud	0	\$1,491.75	\$0.00
	Avenger 3-Sectic Rolling Light Star	2	\$250.88	\$501.76
	Fluotec StudioLE Light we currentl	2	\$1,620.00	\$3,240.00
	LG UT640S 65" Television monitc	1	\$1,064.00	\$1,064.00
	Genaray Torpedo LED Bi-Color Focu	4	\$299	\$1,196
	Studio Flats and Monitor Facade			\$5,000
	ADJ UB 12H 1-M RGB Color Bars	6	309.99	\$1,859.94
	SET DECOR 4 Sofa Chairs, 4 directors chairs, shelves, coffee tab			\$5,000

**STUDIO GEAR TOTAL** **\$20,366**

## OFFICE RELATED

	Office Storage, Furniture and Organization			\$4,000
	Software for Virtual Set Designer			\$1,000
	Office Printer for Ryan's office			\$250
	Office Art/Prints			\$300
	<b>OFFICE GEAR TOTAL</b>			<b>\$5,550</b>
	Misc. Small Equip, Shipping			\$1,500
	<b>CAPITAL TOTAL</b>			<b>\$49,510</b>

**PEG FEES**

8/29/2017 Verizon	\$111,192.81
8/29/2017 Comcast	\$105,212.77
11/7/2017 Comcast	\$104,451.39
11/29/2017 Verizon	\$108,894.94
2/27/2018 Verizon	\$105,934.98
2/27/2018 Comcast	\$102,247.17
2/27/2018 Comcast-franchise	\$3,332.00
4/2/2018 Verizon-franchise	\$3,295.50
5/8/2018 Comcast	\$96,069.98
5/21/2018 Verizon	\$107,727.46
8/23/2018 Comcast	\$95,348.01
8/23/2018 Verizon	\$101,215.51
8/28/2018 Verizon-franchise	\$2,678.62
11/16/2018 Comcast	\$94,728.72
12/4/2018 Verizon	\$97,462.08
12/4/2018 Verizon-franchise	\$5,049.85
2/20/2019 Comcast	\$95,246.35
2/20/2019 Verizon	\$97,007.90
3/4/2019 Verizon-franchise	\$5,026.30
3/25/2019 Verizon-annual fee	\$2,997.00
3/25/2019 Comcast-annual	\$3,208.00
5/17/2019 Comcast	\$92,916.51
5/31/2019 Verizon	\$99,268.12
8/15/2019 Comcast	\$91,956.97
8/15/2019 Verizon	\$96,147.32
10/31/2019 Verizon-franchise	\$4,981.72
11/27/2019 Comcast	\$91,515.93
11/27/2019 Verizon	\$91,540.94
11/27/2019 Verizon-franchise	\$4,743.06
2/19/2020 Verizon	\$90,845.00
2/19/2020 Comcast	\$91,062.00
2/19/2020 Verizon-franchise	\$4,707.00
3/6/2020 Comcast	\$3,039.00
3/26/2020 Verizon	\$2,699.00
5/21/2020 Verizon	\$87,007.22
5/21/2020 Verizon-video	\$19,508.15
5/21/2020 Comcast	\$90,576.14
8/14/2020 Comcast	\$88,411.98
8/31/2020 Verizon	\$82,974.09
8/31/2020 Verizon	\$4,299.18
11/25/2020 Comcast	\$89,038.41
11/25/2020 Verizon	\$81,285.83
11/25/2020 Verizon	\$4,211.69
2/19/2021 Comcast	\$86,807.95
2/19/2021 Verizon	\$80,730.88

2/19/2021 Verizon	\$4,182.95
3/26/2021 Xfinity	\$2,736.00
4/27/2021 Verizon	\$2,397.00
5/12/2021 Verizon	\$73,186.77
5/17/2021 Comcast	\$88,389.83
6/24/2021 Verizon	\$4,114.97
6/24/2021 Verizon	\$15,000.00
8/24/2021 Verizon	\$76,754.57
11/16/2021 Comcast	\$87,055.28
11/30/2021 Verizon	\$77,888.88
11/30/2021 Verizon	\$4,035.70
12/23/2021 Comcast	\$85,384.78
2/24/2022 Comcast	\$87,283.11
2/24/2022 Verizon	\$77,931.46
2/24/2022 Verizon	\$4,037.90
Total Funding	<u>\$3,618,980.63</u>
12/18/2017 co#17-1007095A	-\$282,100.00 IT
5/21/2018 co# 18-1007263A	-\$355,519.00 WMCT FY19 Budget
10/15/2018 co# 18-1007352A	-\$254,000.00 IT
3/11/2019 co# 19-1007565A	-\$510,832.30 WMCT FY20 Budget
9/9/2019 co# 19-1007730A	-\$220,000.00 IT
9/23/2019 co# 19-1007751A	-\$30,000.00 WMCT Capital
3/23/2020 co# 20-1007940A	-\$473,846.52 WMCT FY21 Budget
12/21/2020 co# 20-1008140	-\$80,000.00 IT
3/22/2021 co# 21-1008202A	-\$370,000.00 WMCT FY22 Budget
4/5/2021 co# 21-1008229A	-\$243,000.00 IT
7/19/2021 co# 21-1008325A	-\$213,852.00 IT
11/22/2021 co# 21-1008427A	-\$146,288.00 IT
Total Transfers	<u>-\$3,179,437.82</u>
Available for future transfers	\$439,542.81



*City of Marlborough*  
*Office of the Mayor*

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

2022 FEB 24 A 11:50

*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

February 24, 2022

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

**RE: Proposed Order to establishment west side fire station stabilization account**

Honorable President Ossing and Councilors,

Enclosed for your review and approval is a proposed order to establish a west side fire stabilization account.

Thank you in advance for your cooperation. We look forward to working with the City Council on this important endeavor.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosure

ORDERED:

That a West Side Fire Station Stabilization Fund is hereby established, by a two-thirds vote pursuant to MGL c. 40, s. 5B, for the purposes of funding all costs associated with site acquisition and construction of a new fire station in the west side of Marlborough.

ADOPTED  
In City Council  
Order No.

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

City Clerk





# City of Marlborough Legal Department

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

RECEIVED  
JASON D. GROSSFIELD  
CITY CLERK / CITY SOLICITOR  
CITY OF MARLBOROUGH  
JEREMY P. MCMANUS  
2022 FEB 24 10:38  
ASSISTANT CITY SOLICITOR  
SUSAN A. CORREIA  
PARALEGAL

February 24, 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 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  
RECEIVED  
CITY SOLICITOR  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JEREMY P. MCMAHUS  
ASSISTANT CITY SOLICITOR  
2022 FEB 24 A 10:28  
SUSAN A. CORREIA  
PARALEGAL

February 24, 2022

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

Re: City Council Order No. 20/22-1008046  
Hours of Operation, Shell Gas Station, 431 Lincoln St., Marlborough

Dear Honorable President Ossing and Councilors:

As requested, I have reviewed the proposed form of the City Council order on the above-referenced petition. Enclosed is a copy of the proposed decision in proper legal form incorporating my recommended revisions, which include: (1) the required finding for the permit as set forth in City Ord. 342-2(A); and (2) confirmation of the entity that will be the permit holder. As the June 11, 2020 petition is on letterhead listing the names of three entities, I have confirmed with the petitioner's attorney which entity will be the permit holder.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield  
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor  
Tin Htway, Building Commissioner

## ORDERED:

That the application of William Camuso on behalf of Leigh Enterprises, Ltd. (the "Petitioner" or "Holder") to issue a permit to grant an exemption to the hours of operation under City Code Chapter 342, Article 1, Section 342-2, allowing the Shell Gas Station at 431 Lincoln Street to be open for business for certain additional hours is hereby approved in part, in accordance with the following findings and subject to the below conditions:

A. Findings

The City Council hereby finds that the petition may be granted, when limited and conditioned as set forth below, so that the public convenience and welfare may be substantially served without detrimental effect upon the public health, peace or safety.

B. Permit Conditions

1. This permit authorizes a partial exemption to the hours of operation set forth in City Ord. 342-1 which is limited to the following: The service station located at 431 Lincoln Street, Marlborough may be open for business from 5:00 AM to 11:00 PM daily. The service station is not permitted to be open for business outside of those hours.
2. This permit is effective for a period of one (1) year from the date of approval of this permit. Thereafter, at the discretion of the City Council, it may be renewed for periods of up to five years.
3. In regard to both location and holder, the exemption shall be non-transferrable.
4. Petitioner shall install, maintain and use a video surveillance and video recording system to monitor entry ways and sales attendant positions.
5. Petitioner shall install and maintain a silent robbery/panic alarm system which must be monitored by a central alarm system. Alarm activators must be installed at all sales attendant positions.
6. Petitioner shall permit the Chief of Police or the Chief's designee to inspect, upon demand, the video surveillance, video monitoring and alarm systems. If any of the systems are found to be not in compliance with these conditions, Petitioner must limit the hours of operation of the station to between 6:00 AM and 11:00 PM until full compliance with conditions is achieved.
7. Petitioner shall not permit or suffer any automotive repair work to be performed on the premises by any person.

ADOPTED  
In City Council

Order No.

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

City Clerk



# City of Marlborough

## Board of Registrars

140 Main Street  
Marlborough, Massachusetts 01752  
Telephone (508) 460-3775 Facsimile (508) 460-3723

### Board of Registrars

Linda A. Clark, **Chair**  
Elizabeth Evangelous  
Lucinda F. Zomar  
Steven W. Kerrigan  
City Clerk

Board of Registrars Meeting  
Monday, February 14, 2022  
Council Committee Room

Convened: 11:30 AM

**Present:** Registrar Linda Clark, Registrar Elizabeth Evangelous, Registrar Cindy Zomar.

**Absent:**

**Also Present:** City Clerk Steven Kerrigan & Assistant City Clerk Wilson Chu.

### New Business:

1. Motion by Linda Clark, seconded by Betty Evangelous to accept and place on file the minutes of the August 27, 2021, meeting, carried unanimously.
2. Motion by Cindy Zomar to nominate Linda Clark as Chair of the Board of Registrars for 2022, seconded by Betty Evangelous, carried unanimously.
3. The City Clerk and Assistant City Clerk provided an update to the Registrars on the status of staffing in the Elections Division of the City Clerk's Office. Updated the board on the status of the open position(s) in the office.
4. The City Clerk requested that the Registrars vote to authorize their facsimile signatures for various reports and papers as needed by the Clerk's Office. Motion by Cindy Zomar to allow the City Clerk's Office to utilize the facsimile signature stamp(s) of the Registrars for all necessary documents for the ensuing year, seconded by the Chair, carried unanimously.
5. The City Clerk and Assistant City Clerk updated the Registrars on the State Election cycle coming up for 2022. It appears that the State Primary will be held on Tuesday, September 6, 2022, and the State Election is scheduled for Tuesday, November 8, 2022. A review of some of the dates relative to nomination papers was given, but more information will be forwarded once the Secretary of State's Office issues their calendar.
6. The City Clerk reviewed the changes in the Elections Laws that have been proposed by the Legislature. Many of the changes that were adopted as temporary measures are being proposed as permanent changes. The legislation is currently in conference committee as the House and Senate have passed different versions. Once a complete bill is passed more information will be forwarded. The City Clerk highlighted some of the major changes.

Motion by Cindy Zomar, seconded by the Chair to adjourn the meeting, motion carried unanimously, meeting adjourned at 11:52 AM.

**MARLBOROUGH COMMISSION ON DISABILITIES  
MINUTES FOR VIRTUAL MEETING JUNE 1, 2021**

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CITY OF MARLBOROUGH  
2022 FEB 22 P 3:14

**ATTENDEES:** DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE, CHERYL SOUCY, PATRICIA CARLSON, BARBARA ALLAN.

**MEETING CALLED TO ORDER AT 4:06 PM**

**MINUTES:** READ AND ACCEPTED 6 TO 0.

**TREASURERS REPORT:** NO TREASURER'S REPORT

**NEW BUSINESS**

- **CITY HALL GUIDELINES:** EFFECTIVE JUNE 15<sup>TH</sup>, ALL CITY MEETINGS WILL TAKE PLACE IN PERSON @ CITY HALL. ANYONE VACCINATED IS NOT REQUIRED TO WEAR A MASK.
- **FAMILY MEAT MARKET:** LOCATED ON MAIN STREET HAS NARROW AISLES AND BLOCKED ACCESS IN AISLES. DEBRA & CHERYL WILL CHECK IT OUT.

**OLD BUSINESS**

- **PAT PATRICE**– LOW VISION GROUP - JOHN USINAS WILL BE SPEAKING AT THEIR JULY 19<sup>TH</sup> MEETING.
- **DESIGN PAK LOFTS:** THE PARKING LOT NEEDS TO BE REDONE.
- **AUDIBLE SIGNALS:** SEVERAL IMPROVEMENTS ARE NEEDED AT BOLTON/UNION STREETS & AUDIBLE SIGNALS ARE INCLUDED. BOLTON/HUDSON STREETS CAN BE ADDED.

- **DUNKIN DONUTS: HANDICAPPED PARKING VIOLATION CONTINUES.**
- **SUDBURY COMMISSION ON DISABILITIES: DAVE WILL CONTACT MARK IN IT ABOUT THEIR TRAIL PROJECT.**

**MOTION TO ADJOURN MADE AND ACCEPTED 6 TO 0,  
PASSES UNANIMOUSLY**

**ADJOURNED AT 4:45 PM.**

**NEXT IN PERSON MEETING TUESDAY JULY 6, 2021 AT 4 PM,  
CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE  
4TH FLOOR**

**RESPECTFULLY SUBMITTED,**

**DEBRA MCMANUS, CHAIRPERSON**



## City of Marlborough COA Meeting Minutes

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CITY OF MARLBOROUGH

2022 FEB 14 P 3: 32

MEETING: Council on Aging Board of Directors Meeting

DATE: January 11, 2022

TIME: 8:30 AM

LOCATION: Senior Center Multi-Purpose Room.

ATTENDANCE: Leslie Biggar, Joseph Bisol, Jim Confrey, Pat Gallier, Judy Kane, Ray Magee, Jeanne McGeough, Mike Ossing, Donna Scalcione, Linda Warren and Trish Pope

We were informed that Brenda Costa has resigned for family reasons. A special thank you for all her many years and hard work on the COA. She will be greatly missed.

- I. Call to order at 8:30 AM.
- II. December 14<sup>th</sup> Minutes approved.
- III. Director's Update:
  - a. Exercise Lottery was held:
    - i. 90 plus people signed up.
    - ii. Only 3 were disqualified for not following directions but were able to sign up for fitness classes on Jan 30<sup>th</sup>.
    - iii. We will do the lottery again in February as we do not want people waiting in the cold to sign up. Then we will re-evaluate.
    - iv. We saw a lot of seniors return and many new younger seniors sign up.
  - b. We will not be holding a Valentines Event because of the COVID numbers but will try to hold a St. Patrick Party depending on the COVID numbers in March.
    - i. If we need to cancel this event it will not be held curbside for a Grab and Go for safety reasons.
    - ii. Valentine Elvis will not be here in February, but we will try to have a Springtime Elvis. Elvis will be here eventually!!
  - c. It is up to the Mayor to decide if there will be a Senior of the Year Dinner and will notify us. Last year a Beach Party Cookout was held in September in lieu of the dinner.

**BayPath Minutes: Handed out by Joe Bisol**  
**BayPath Elder Services – Updates for COAs – January 2022**

**Advocate of the Year**

Carmine Gentile was named Advocate of the Year by the Home Care Alliance of Massachusetts. He is a past member of this board and a current member of the Sudbury Council on Aging. The Board wishes to congratulate Representative Gentile on this acknowledgement and express its gratitude for his efforts on behalf of the home care aid workforce, as well as older adults and people with all ages of disabilities.

**American Recovery Plan Act Funds for Home and Community Based Services**

The COVID-19 pandemic has challenged community-based services providers in many ways, but particularly in the area of retention and recruitment of direct care workers. Mass Health and the Massachusetts Executive Office of Health and Human Services have responded throughout the pandemic by funding rate increases to providers for the purpose of increasing compensation to the direct care workforce. EOHHS just announced that those increases will continue through June 30, 2022.

**MassHealth Family Assistance**

Effective November 1, 2021 MassHealth has extended access to community and facility based long term services and supports to legal residents under color of law who have not been in the U.S. for the five years required to qualify for federal Medicaid. Prior to November 1, the Family Assistance coverage provided by MassHealth did not include LTSS, such as nursing facility care, Personal Care Attendant, Adult Day Health, etc. Aging Services Access Points such as BayPath are responsible for assessing eligibility for LTSS.

**Light Up the Holidays**

Every year the generous employees at the TJX Companies (the company that owns TJ Maxx, HomeGoods and Marshall's) purchase gifts for BayPath Elder Services consumers, who may not otherwise receive one. BayPath staff delivered 100 gifts from TJX to consumers. In addition, BayPath staff donated over 100 toys for tots and a shipment of household goods to Pathways Transitional Shelter in Framingham. We are grateful for the holiday giving to so many people in need.

Next Meeting February 8th

Respectfully Submitted,

Leslie Biggar, Secretary

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

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CITY OF MARLBOROUGH 1A

2022 FEB 16 A 11:45

**Call to Order**

**January 10, 2022**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, and Matthew Elder. Meeting support provided by City Engineer, Thomas DiPersio.

**First Order of Business: Planning Board Organizational Meeting – Election of Chairperson and Clerk**

Dr. Fenby opened the organizational meeting.

Mr. Elder opened the nominations for the Planning Board Chairperson. Mr. Russ nominated Dr. Barbara Fenby, seconded by Mr. LaVenture. There were no additional nominations. On a motion by Mr. Russ, seconded by Mr. LaVenture the board voted to elect Dr. Barbara Fenby as Chairperson of the Marlborough Planning Board for the year 2022. Yea: Elder, Fay, Hodge, LaVenture and Russ. Nay: 0. Motion carried.

Dr. Fenby opened the nominations for the Planning Board Clerk. Mr. Russ nominated Mr. George LaVenture, seconded by Mr. Elder. There were no additional nominations. On a motion by Mr. Russ, seconded by Mr. Elder the board voted to elect Mr. George LaVenture as Clerk of the Marlborough Planning Board for the year 2022. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

**1. Draft Meeting Minutes**

**A. December 20, 2021**

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to accept and file the December 20, 2021 meeting minutes with minor typo edits. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**2. Chair's Business**

**A. Proposed 2022 Planning Board Meeting Calendar**

The Board reviewed the draft 2022 Planning Board meeting calendar.

On a motion by Mr. LaVenture, seconded by Mr. Fay the board voted to adopt the draft calendar as the 2022 Planning Board calendar. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**B. Certification Pursuant to G.L. c. 39, Section 23D ("Mullin Rule")**

Dr. Fenby announced Mr. Elder had filed the Certification Pursuant to G.L. c. 39, Section 23D ("Mullin Rule") regarding the November 8, 2021, 342 Sudbury Street Definitive Subdivision Plan's public hearing allowing him to vote on the decision. – See attached.

**3. Approval Not Required**

**A. 547 Stow Road, Marlborough, MA 01752 – ongoing discussion**

Applicant: McCabe Family Irrevocable Trust and Judith Mello McCabe

Deed Reference: Book: 66136 Page: 582

Deed Reference: Book: 78814 Page: 591

Surveyor: Robert Parente, P.E., P.L.S. (328 Desimone Drive, Marlborough, MA 01752)

Mr. LaVenture read the January 7, 2022 correspondence from City Engineer, Thomas DiPersio, Engineering Division into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept, file, and endorse the 547 Stow Road Plan of Land dated December 15, 2021, revised January 6, 2022, as Approval Not required under the Subdivision Control Law. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

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

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. Commonwealth Heights Subdivision – ongoing discussion**

Mr. LaVenture read the December 27, 2021 correspondence from City Solicitor, Jason Grossfield, Legal Department into the record.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

The Board discussed their opinions on the definition of “commencement of work” and the need for standards the Board will follow to determine if the Board has factual basis to make a rescission. The Board discussed specifics on past rescissions and the Board’s history of holding developers accountable.

On a motion by Mr. Elder, seconded by Mr. LaVenture the Board voted to send the City Solicitor, Jason Grossfield communication requesting him to attend the next Planning Board meeting on January 24, 2022 and to provide standards and procedural guidance for rescission. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**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, P.E., P.L.S. (328 Desimone Drive, Marlborough, MA 01752)

Deeds Reference: Book: 77825 Page: 110

Mr. LaVenture read the December 16, 2021 correspondence from abutters residing at (24, 36 & 45 Harper Circle Marlborough, MA 01752) into the record.

Mr. LaVenture read the January 7, 2022 correspondence from City Engineer, Thomas DiPersio, Engineering Division into the record.

Mr. LaVenture read the January 6, 2022 correspondence from Neal Vigeant into the record.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

The Board reviewed the draft certificate of vote.

Dr. Fenby explained she had a discussion with Priscilla Ryder about the Conservation Commission’s willingness to enforce the buffer zone.

Mr. Fay suggested a change on page 4, number 3. “That the Conservation Commission be specified as the entity designated to enforce the buffer zone and may delegate enforcement authority to Code Enforcement at their discretion.”

Mr. Fay suggested a change on page 3, adding a number 6. “The above findings are based on the minimal impact posed by a one buildable lot subdivision.”

**MINUTES  
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MARLBOROUGH, MA 01752**

The Board reviewed the draft covenant.

Mr. Fay suggested a change on page 2, number 10, a. "The Natural Buffer Zone shall be protected as shown on the Plan in perpetuity. At the request of the Planning Board the Conservation Commission or Code Enforcement if the Conservation Commission so delegates, is the recommended steward for enforcement, and for any questions relative to allowed uses or activities in this buffer zone."

Mr. Fay and Mr. Russ discussed standards for future subdivision language and suggested a change on page 3, number 14. "Prior to the execution of this Covenant, the Covenantor agrees to submit a work schedule, and a progress report every month beginning 60-days after the Covenant is signed, to the City Engineer, with copies to the Planning Board, until said subdivision has been completed. Said progress reports shall be delivered to the Planning Board prior to the third Monday of each and every month. Failure to comply with the provisions of this paragraph shall give the Planning Board the right to rescind the approval of the application for subdivision approval after notice to the Covenantor and opportunity to be heard."

Mr. Parente and the Planning Board Administrator discussed dates that need to be updated from December 15, 2021 to January 6, 2022 referencing the most recent revised plan dates in both the draft certificate of vote and the draft covenant.

On a motion by Mr. LaVenture, seconded by Mr. Russ the board voted to send the draft covenant and draft certificate of vote to the Legal Department for review. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to approve all motions related to the waivers based upon the findings contained in the certificate of vote and the Board's determination that the approval of the waivers is in the best interest of the City. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

**Waiver Votes:**

- 1) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:  
To grant a waiver of Article IV. Design Standards § A676-12.C.1.a, to allow the reduction in the roadway layout to 40 feet. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 2) On a motion by Mr. Elder, seconded by Mr. LaVenture, it was duly voted:  
To grant a waiver of Article V. Required Improvements for an Approved Subdivision § A676-24.B.2.a, to allow a reduction in the pavement width to 18 feet including berms. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 3) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article V. Required Improvements for an Approved Subdivision § A676-26.A, to allow the elimination of sidewalks. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0 Motion carried. 6-0.
- 4) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article V. Required Improvements for an Approved Subdivision § A676-26.B, to allow cape cod berm in lieu of granite curbing. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

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

- 5) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article V. Required Improvements for an Approved Subdivision § A676-24.A.4-1/2 and A676-24.C, to allow the construction of the roadway in accordance with the cross section on the profile sheet, including the elimination of the geotextile fabric under the road base and the reduction of the pavement thickness to four inches of bituminous concrete. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 6) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article IV. Design Standards § A676-12.E.2, to allow the construction of a hammerhead turnaround in lieu of a circular 44' radius paved turnaround. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 7) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article V. Required Improvements for an Approved Subdivision § A676-25.C.2, to allow the use of HDPE drainage pipe in lieu of RCP pipe. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 8) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article IV. Design Standards § A676-21, to allow the elimination of street lighting in the roadway. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.
- 9) On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To grant a waiver of Article IV. Design Standards A676-10.L.1, to allow the roadway to remain in private ownership and to be owned and maintained by the Owner of Lot 2. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

On a motion by Mr. Elder, seconded by Mr. Russ, it was duly voted:  
To approve the following definitive subdivision plan with each of the nine waivers granted:

Definitive Subdivision Plan of 342 Sudbury Street, Marlborough, Massachusetts 01752  
Owner: Neal Vigeant, Trustee of the 342 Sudbury Street Trust  
Subdivider: Neal Vigeant, Trustee of the 342 Sudbury Street Trust  
Prepared by: Robert Parente, P.E., P.L.S. (328 Desimone Drive, Marlborough, MA 01752  
Date: October 15, 2021 (Last revised January 6, 2022)

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

**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

**MINUTES  
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**12. Public Notices of other Cities & Towns**

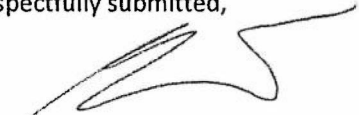
**A. Town of Hudson – Zoning Board of Appeals**

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the public notices. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

The Board signed the 547 Stow Road mylar for the Approval Not Required.

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

November 3, 2021

RECEIVED  
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CITY OF MARLBOROUGH

2022 JAN 26 A 9:42



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

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Wednesday, November 3, 2021 at 10:00 am (originally scheduled for October 27, 2021) The meeting was also recorded and is available to view online at the City of Marlborough website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Ashley Miller and Ryan Malcolm also from the Engineering Department, Sgt. Zac Attaway and Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Katie Robey and City Councilor Christian Dumais.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:04 a.m. and began by welcoming everyone and making introductions.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, September 29, 2021.

MOTION was made, seconded, duly VOTED:

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

**2 - New Business -**

**2a) Parking Complaints on High Street @ Brown Street**



Officer Larose sent an email to Chief Giorgi on this issue. He received another complaint about a vehicle being parked on the corner making it impossible for the trash truck to make the turn. This would also make it impossible for a fire truck which now becomes a public safety issue.

Chief Giorgi asked if there was a No Parking regulation here. Officer Larose said there is a restriction on the Brown Street side but not the High Street side. There is a City Ordinance which restricts parking within 20 feet on of an intersection. He said that some people may not know this and asked if we could have a "No Parking Here to Corner" sign? Steve Kerrigan questioned if we should do this when this requirement exists at every intersection in the City. Sgt. Attaway said that he and Officer Larose had talked about this and they feel that at this particular intersection there really is a public safety issue. Officer Larose brought up a photo for reference.

Sgt. Attaway asked if we could create a tow zone from here to corner. It was discussed that if this area were made a tow zone, the existing regulation would need to be amended. Chief Giorgi suggested that we start with a sign stating, "No Parking Here to Corner".

Councilor Dumais said that it can work the way it is if cars are parked correctly. He grew up in the area and has seen it work. He said that the person who lives on the corner has probably been parking there for 15 years and noted that 20 feet is almost the entire street. Chief Giorgi commented that it is a "unique street". He went there with Officer Larose and saw a jeep that parks there all the time. It would probably work to put up a sign and officers can use their discretion regarding enforcement. Officer Larose agreed that they are not looking to give tickets but do need to keep cars off the corner. Officer Larose and Sgt. Attaway will talk to the residents in the house on the corner.

MOTION was made, seconded, duly VOTED to REFER to Sgt. Attaway and Officer Larose to speak to the resident and coordinate with the DPW regarding the appropriate signage.

## **2b) Engine Brake Issue by 275 Boston Post Road West**

Councilor Ossing asked that this item be added to the agenda as he received a complaint from a constituent. He tried to explain to her about the project at 149 Hayes Memorial Drive. He advised that the contractor is removing over 100 truck loads of material a day from the site and that this is probably the reason for increased truck brake noise. This part of the project will most likely continue for another few months and is a temporary problem.

Chief Giorgi said that he spoke to Councilor Ossing and discussed everything that Tim Collins has advised about Engine Brakes in the past. This issue has come up a few times. Tom DiPersio also noted that there is a tremendous amount of fill coming out of this location. Officer Larose said that he talked to one of the truck drivers who said that the truck makes the same sound when it is down shifting so you hear a similar sound when they are not even using the Engine Brake. Chief Giorgi said that the noise appears to be mainly occurring during daytime hours.

Tom DiPersio reviewed that we have talked about Engine Brake issues in the past and the Traffic Commission determined that they would not be establishing a Engine Brake exclusion in the City.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. REMOVE from the AGENDA.

**2c) Prospect Street – Request for Handicapped Parking Space & One Way Arrow**

Councilor Irish submitted this request of behalf of his constituent. The resident of 68 Prospect is requesting a handicapped parking space in front of her home due to health reasons and an increase in doctor's appointments. He also asked about adding a one-way arrow on Prospect Street to mitigate traffic from going the wrong way onto Lincoln Street.

Chief Giorgi tried to get in touch with Councilor Irish before the meeting today to understand exactly what he means about the arrow. He also forwarded the Handicapped Parking Sign Permit Application to Councilor Irish.

In his email, Councilor Irish noted a similar handicapped parking spot on Chestnut Street. Ashley Miller confirmed there is a regulated parking spot on Chestnut, but it may not have an updated permit on file. The permit application needs to be updated annually to confirm that parking spot is still required.

Officer Larose pulled up a photo of the area in question. The street is very narrow, and he is not sure how we would designate a handicapped parking spot here. Also, you can't come up that section of Prospect Street as it is one way. The only people that may be coming up there would be coming from the parking lot. Does Councilor Irish mean he doesn't want cars turning right out of the lot? There is already a sign that says Do Not Enter.

Ashley Miller noted that if this is a recent issue it may be due to the fact that construction has caused there to be more traffic in the area. This is perhaps a temporary issue.

Officer Larose also wanted to mention an issue with traffic congestion when he was working a funeral here. He was trying to take a right onto Prospect Street. He tried to pull out and could not see at all due to the way cars were parked. Tom DiPersio advised that they did think that this could be an issue once they finished construction there. They were waiting to see how it all worked. They might have to add a No Parking sign here so that you can see coming out.

MOTION was made, seconded, duly VOTED to TABLE until we receive the completed permit application and a clarification on the request for an arrow.

**3-Old Business**

**3a) Issues with the turn movement at intersection of Boston Post Road West & Ames Street**

**Update:** Engineering is working on a letter to the State.

MOTION was made, seconded, duly VOTED to TABLE for the next meeting.

**3b) Reservoir @ Red Spring Road**

**Update:** Officer Larose advised that he is waiting for Justin in the Sign Department to meet up with him to move the signs and then he can monitor the area and see how it goes.

MOTION was made, seconded, duly VOTED to REFER to the Officer Larose to work with the DPW on proper sign placement.

**3c) Commercial traffic and speeding on Farm Road.**

**Update on Truck Exclusion:** Tom DiPersio went to see what is actually there for signage regarding the Truck Exclusion. He did find that there are warning signs there, however, it was not as well signed from Rte. 85 and a truck is already on Framingham Road when they see the warning signs. An Advance Warning sign on Maple Street, at the intersection with Monti's, would be helpful. It is more clearly marked coming from Rte. 20; however, this is where he thinks more of the issues come from. Officer Larose brought up photos of both intersections for reference. You can see that it is clearly marked from Rte. 20. The same type of signs should be in place when coming from the other direction as well.

**Update on Crosswalks:** Commissioner Divoll was looking into the types of sidewalks in the City with the intent of marking them all in a uniform manner. Ashley Miller provided a visual of the different types of crosswalks and explained the different types and how they are marked. Examples: Arterial Streets, Collector Streets and Cut-Throughs (i.e., bigger busier streets) should be marked with ladder style crosswalks, Minor Collectors Streets = Parallel Bars, Residential Streets = Parallel Bars, Main Street = Parallel with Red Brick Stamp Interior, School Zone = Ladder, Rail Trail = Parallel with Green Painted Interior.

It was discussed that the crosswalks on Farm Road would qualify for the ladder style since it is a busier road with a school zone.

Steve Kerrigan said that he has also read about crosswalks that look like a speed table with a 3-D style. Are these a possibility? Commissioner Divoll said that these should be reserved for school parking lots

MOTION was made, seconded, duly VOTED to REFER to the DPW to change the crosswalks on Farm Road to Ladder style. REMOVE from AGENDA.

**3d) Request for 2 handicapped parking spaces on Laviolette Street.**

**Update:** Chief Giorgi received the completed Handicap Parking Sign Permit Application from Academy Knoll Apartments. Officer Larose pulled up photos that Engineering provided of the area of Broad Street and Laviolette Street. Tom DiPersio pointed out the

vehicles that were parked on the sidewalk. Academy Knoll is looking for a specific spot near the rear door to the building. You can also see a fire hydrant here as well. He noted that there is not an ideal parking situation here. Cars are not really parked in actual spots. The property owner has long term plans to work on this. The property does have parking available in the back, but it is difficult for some of the residents to park back there. Steve Kerrigan asked if there was room to pass if cars were not parking on the sidewalk. Tom DiPersio was not sure of the width of the roadway. He noted that there is No Parking on the building side. If cars were parked in the road vs. the sidewalk it would be very tight to get through, especially in the winter.

Chief Breen asked if designated handicapped parking required on street markings. Tom DiPersio said that a marked space is 7-8 feet wide. He also noted that there are requirements for handicapped spots, i.e., grading etc. Officer Larose checked the GIS Mapping, and it shows the road is approximately 21 feet wide. Commissioner Divoll asked if there was a need for the sidewalk there. If it was removed, there would be more room.

Chief Giorgi said that considering the request and the residents, it makes sense, and he would approve the request for a designated parking spot. All understand that they want a reserved spot near the back door. The question is how to label and mark the spot. Tom DiPersio questioned if there was another way to reserve a spot here without specifically marking it as a handicapped spot. Officer Larose said that they do get complaints that people park here all day and others can't use it. Tom DiPersio suggested that he could meet with them to find out exactly what they need to try to find a way to work something out. All agreed this was the best idea.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to work with Academy Knoll Apartments to resolve this issue.

### 3e) **Parking Issues at Stevens Park**

**Update:** Chief Giorgi prepared the amended regulation with the wording provided by Engineering. The proposed wording is marked in red on the second page. The proposed language restricts commercial vehicles from parking here between the hours of 2:00 am and 7:00am. Commissioner Divoll said that he feels that the main issue with commercial parking is actually during the day. Steve Kerrigan noted seasonal issues as well. The park is not as busy now without the splash pad. A 2-hour time limit was discussed during the day and allowing overnight parking. Chief Giorgi said that this makes daytime enforcement difficult. Officer Larose pulled up the live city camera showing the lot and you could see a couple of trucks parked there now. After further discussion, it was agreed to amend the commercial vehicle restriction in this lot as follows: Commercial vehicles shall not be allowed between the hours of 9:00 am and 5:00 pm.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to amend the wording on the regulation for the next meeting.

Chief Giorgi asked if anyone had any further questions or concerns.

There was one other item requested in an email from Trish Bernard that was brought to the meeting.

**Handicap Parking Behind 240 Main St.**

The tenant's association at 240 Main St. has asked to have the handicapped spaces behind the building reviewed. It was unclear as to exactly what they are requesting. Chief Giorgi advised that he would contact Trish for clarification.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to see what is currently in place and any specific requirements.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:55 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, November 3rd, 2021, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, September 29th, 2021.
- Email from Officer Larose to the Traffic Commission Members, dated 10/6/21, Re: High at Brown.
- Email forwarded by Councilor Ossing to the Traffic Commission Members, originally from Alexis Korandanis, dated 10/20/21, Re: Jake Brake by 275 Boston Post Road West.
- Email from Councilor Irish to Chief Giorgi, dated 10/24/21, Re: Prospect St./handicapped parking space.
- Handicapped Parking Sign Permit application for Laviolette Street.

**Additional Handouts**

- Copy of Amended Regulation for Article V: Municipal Parking Areas.
- Diagram and photos from Framingham Rd. and Farm Rd.
- Diagram and photos from Laviolette Street.
- Sidewalk Classifications with Photos
- Email from Trish Bernard to Chief Giorgi, dated 10/28/21, Re: Handicap parking behind 240 Main St.

December 29, 2021

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2022 FEB 24 A 10:50



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

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Wednesday, December 29, 2021 at 10:00 am. The meeting was also recorded and is available to view online at the City of Marlborough website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Ryan Malcolm also from the Engineering Department, Sgt. Zac Attaway from the MPD Traffic Services Unit and City Council President Mike Ossing.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:05 a.m. and began by welcoming everyone and making introductions.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, November 3, 2021, were discussed. This was actually the October meeting that was postponed to November 3<sup>rd</sup>. The November meeting, originally scheduled for November 24<sup>th</sup>, was cancelled.

MOTION was made, seconded, duly VOTED:

TO APPROVE the minutes from the meeting of 11/3/21. All in Favor - Accept and Place on File.

**2 - New Business – None**

**3-Old Business**

**3a) Issues with the turn movement at intersection of Boston Post Road West & Ames Street**

**Update:** Commissioner Divoll sent an email and two diagrams to Lori Shattuck and Joseph Frawley of MA DOT on 12/15/21 outlining two options to eliminate a right turn lane. Option 1 is to eliminate the right most turn lane. Option 2 is to eliminate the second right turn lane. Option 2 is his preferred choice as it would provide the best compliance. He said that with Option 1, drivers may try to cut into the other lane. As of today, he has not heard back yet.

Chief Giorgi agrees that Option 2 is better. Steve Kerrigan asked what would happen to the center lane if Option 2 is chosen. Commissioner Divoll explained that they would replicate the diagram and the center lane would be “blacked out” with paint on the pavement. The actual roadway width would remain the same. Chief Giorgi also said that some type of signage as a heads up would be helpful. Commissioner Divoll said that yes, that would be included as part of the plan.

Chief Breen asked what would happen to the underground traffic signal that is currently there? Tom DiPersio said that there would have to also be some changes to the signal. There is no need for a straight across lane as traffic here is minimal.

Commissioner Divoll would like to arrange an onsite meeting with MADOT to discuss the options.

MOTION was made, seconded, duly VOTED to TABLE for the next meeting.

**3b) Request for 2 handicapped parking spaces on Laviolette Street.**

**Update:** Tom DiPersio, Ashley Miller and Chief Giorgi have been out to Academy Knoll and have spoken to Jill Cooney about this issue. This agenda item also correlates to 3d – See below – Similar request on Prospect Street. Chief Giorgi created a new On-Street Parking Permit Application. This application also includes a request for a handicapped spot. A handicapped spot would need to comply with specific requirements for grading etc. The requested spots on Laviolette Street and Prospect Street do not have enough space available to make any of them specific handicapped spots.

If the application is for an “On-Street Parking Permit” it would still need to go through the Traffic Commission for approval, whether it was for on-street parking or handicapped parking. There is already a section in the City Code for “Handicapped Parking”. Chief Giorgi revised the wording for the regulation to include applications “for on-street handicap or any other on-street parking spaces”. The application would be filled out and submitted to the Chief of Police and voted on by the Traffic Commission. The regulation also states that the “approved permits must be reapplied for every January to ensure the applicant’s continue residency”.

This one application can now be used for the two requested spaces on Laviolette Street and the one on Prospect Street. Building Management for Academy Knoll can then figure out the logistics and designate on site as to who can use the spots and how to regulate this with the residents, maybe a lottery system for example. The rest of the street is a public way and open for anyone to park. The two requested spots will be

designated near the door. It was discussed that over the next few years, Building Management is planning to create more parking up front so the permit will be reviewed annually in January to ensure that the spots are still needed.

Commissioner Divoll said that the Traffic Commission should probably come up with specific criteria for this type of request. He feels it could “breed over time” with people just wanting a specific spot in front of their own house. Tom DiPersio suggested that the criteria could be that the person making the request has a handicapped placard. The designated spot is more of a handicapped need than anything else.

Chief Giorgi said that we are trying to make it possible to create this type of spot available without having to change the roadway or curbing. Mr. DiPersio also noted that if the location is on a hill, for example, and someone were injured is the City liable for any injuries sustained? It was further discussed that the sign would need to read something to the effect of “Reserved – Permit Parking Only” but is basically for handicapped parking and the requestor would need a handicap placard to be approved by the Traffic Commission.

The revised regulation was submitted for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation as submitted by Chief Giorgi, including the revised dual application and to follow up with Academy Knoll for the completed application. ALL IN FAVOR.

### **3c) Parking Issues at Stevens Park**

**Update:** Chief Giorgi amended the regulation to revise Article V, “Municipal Parking Areas”. Section D, Paragraph 4 amends the timeframe for the commercial vehicle parking restriction on Arnold Street at Stevens Howe Playground. Parking for Commercial vehicles will now be excluded between the hours of 9:00 am and 5:00 pm.

The revised regulation was presented for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation. ALL IN FAVOR

### **3d) Prospect Street – Request for Handicapped Parking Space & One Way Arrow**

**Update:** See above agenda item 3b) for update regarding the requested handicapped parking space. Requestor would need to complete the new On-Street Parking Permit Application rather than the specific Handicapped Parking Sign Permit Application. Chief Giorgi discussed this with the requestor on site to determine the best location for the parking spot. The best place is across the street from her house where there is an area with a “bump out”.

There was a second part to this agenda item regarding a one-way arrow. Chief Giorgi talked to the requestor and noted that there are two Do Not Enter Signs on the street. It was determined that this was sufficient at this time.



MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to obtain the completed application and to ENGINEERING and the DPW to install the proper signage.

**3e) Handicap parking behind 240 Main St.**

Update: Chief Giorgi received an email from Trish Bernard on this issue. She said that the tenant's association at 240 Main Street would like to have the handicap spaces reviewed. Chief Giorgi said that they were looking to increase the number of handicap spaces. He has spoken to Ashley Miller and she is looking into it. Tom DiPersio advised that there is room for additional handicap spaces on the Newton Street end of the parking area if it were properly graded. He also said that when this project was initially done there was a concern as to whether there would be enough regular parking near the door. So yes, there is room for additional handicap parking, but it would replace existing regular parking. Steve Kerrigan asked if this is something the Traffic Commission should be regulating? Mr. DiPersio said that no, it is not in the regulation. It would be up to the Housing Department to decide.

MOTION was made, seconded, duly VOTED to REFER to the Housing Department and advise that it is fine with the Traffic Commission.

*Chief Giorgi had a new item to add that was not on the original agenda:*

**No U-Turn near Dunkin Donuts on Boston Post Road West**

Chief Giorgi received an email on this issue from Trish Bernard. She was asking if there was a No U-Turn sign removed from this location. She said that on her way to work in the morning she has seen a few cars take a U-Turn here to access Dunkin Donuts when they're headed east. Tom DiPersio said that the "No U-Turn" near Dunkin Donuts was part of the approved plan from Site Plan. There should be a No U-Turn sign at the end of the island. Dunkin Donuts was supposed to install the sign. He said that Engineering can reach out to them and follow up. Was this an oversight or did they decide not to install it? Regardless, it is incumbent on MADOT to oversee this issue as it falls in the State layout. Chief Giorgi and Tom DiPersio both agreed that a no U-Turn Sign is warranted here.

Chief Giorgi asked if anyone had anything else that they would like to discuss. No further items.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:30 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

-City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, December 29, 2021, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, November 3, 2021

-Email from Commissioner Divoll to Lori Shattuck and Joseph Frawley of MADOT, dated 12/15/21, Re: Ames Street / Route 20 "No Right on Red" (Including aerial photos showing 2 different options).

-Proposed wording to amend C. 586-73 – On Street Parking Permit to add "or any other on-street parking spaces to Article IX; "Handicapped Parking".

-Revised On Street Parking Permit Application (Including Handicap Parking).

-Proposed wording to amend C. 586, Article V, Section 28 – "Municipal Parking Areas". New hours for commercial parking restriction at Stevens Howe Playground.

-Completed Handicap Parking Sign Permit for 68 Prospect Street.

-Email from Trish Bernard to Chief Giorgi, dated 10/28/21, Re: Handicap parking behind 24 Main St.

**Additional Handouts**

-Email from Trish Bernard to Chief Giorgi, dated 1/21/22, Re: U-Turn signage Boston Post Rd W