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CITY OF MARLBOROUGH

2024 MAY -2 PM 1:40

CITY OF MARLBOROUGH
City Council Agenda

Monday, May 6, 2024
8:00 PM

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).

1. Minutes, City Council Meeting, April 22, 2024.
2. PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" relative to updating provisions regarding Medical and Adult Use Marijuana, Order No. 24-1009136.
3. Communication from Councilor President Ossing, re: Proposed Ordinance Amendment to Chapter 125 by deleting §10(C) granting the Mayor authority to waive any two steps of the salary schedule and also deleting §18(A) (4) allowing the Mayor the authority to grant an additional week of vacation time effective at the time of employment for all non-union personnel.
4. Communication from the Mayor, re: Appointment of Christine Purple as Human Resources Director for a 3-year term to expire from date of Council confirmation, along with Notification of Temporary Appointment pursuant to MGL Chapter 41, §61A effective April 29, 2024, for a 60-day term.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$12,916.00 from the Department of Conservation and Recreation awarded to the Conservation Department to be used to support the construction of a pedestrian bridge over Millham Brook on the Panther Trail.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$22,500.00 awarded to the Department of Public Works for construction of new "Welcome" signs at the entrances of the city as part of the Fiscal Year 2024 state budget earmark funding.
7. Communication from the Mayor, re: Proposed Fiscal Year 2025 Operating Budget in the amount of \$196,593,381.00 which represents a 4.68% increase over the Fiscal Year 2024 appropriation. Along with Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" for new and existing positions.
(The Proposed FY 2025 Budget is available for viewing in the City Clerk's Office and on the city website).
8. Communication from City Solicitor Jason Grossfield, re: Release of Restrictive Covenant, 66 Village Drive, in proper legal form, Order No. 24-1009137.
9. Communication from the Retirement Board, re: MGL Chapter 32, §103(j) Cost of Living increase (COLA).

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. Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
11. Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc, d/b/a Savers, 222A East Main Street.
12. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 26, 2024 & April 9, 2024.
 - b) Board of Assessors, March 3, 2023, April 21, 2023, April 28, 2023, June 27, 2023, September 7, 2023, November 30, 2023 & March 8, 2024.
 - c) Commission on Disabilities, September 11, 2023.
 - d) Council on Aging, February 20, 2024 & March 12, 2024.
 - e) Planning Board, March 11, 2024.
 - f) Traffic Commission, March 27, 2024.
13. CLAIMS:
 - a) Michael Batista, 119 Berlin Road, residential mailbox claim (2b).
 - b) Sujatha Krishnan, 159 Stearns Road, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

14. **Order No. 24-1009129: Transfer Requests from the Economic Development Revenue Fund to the Marlborough Economic Development Corporation in the amount of \$762,465.00 to fund the FY2025 Operating Budget and \$150,000.00 to replenish the existing Toolbox fund to continue to support MEDC's small business financial incentive grant programs.**

Recommendation of the Finance Committee is to APPROVE.

The Chair read the communication from Mayor Dumais. Director Harris discussed the proposed operating budget and the toolbox program with councilors. Councilors were extremely supportive of the efforts by Director Harris and her staff. Although Councilor Oram supported additional funding to replenish the toolbox, he expressed concern regarding other aspects of the budget and opposed the increase in the part time administrative position from part-time to full-time with benefits, accounting for approximately \$20,000.00.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer in the amount of \$762,465.00 to fund the FY2025 Operating budget. Vote 4-1 Oram opposed.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer of \$150,000.00 to replenish the Toolbox fund. Vote 5-0.

From Urban Affairs Committee

15. **Order No. 23-1009137: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East).**

Recommendation of the Urban Affairs Committee is to APPROVE.

The chair read a portion of Attorney Brewin's April 4, 2024, letter detailing the Master Deed for the property limits the occupancy to persons over 55. The Special Permit for this project designated two units as affordable and the resale of those units limited to a "price not greater than the maximum price allowed in this area for affordable owner-occupied single family townhouse units, according to the current DHCD criteria for affordability."

Attorney Brewin explained that although this language was in the special permit, DHCD had never accepted the units as affordable due to their being limited to persons over 55 and that the owner has been paying property taxes at full value with exception of a few years due to an abatement. Mr. LeDuc would like to either sell the property or transfer it to his children but would like to have the deed restriction removed to be able to sell at full market value and Attorney Brewin created a draft release of restrictive covenant deed.

The chair stated she has spoken to our legal counsel and the suggestion was for the committee to endorse the concept of releasing the affordable housing restriction on Unit 3 and refer it to legal department to draft proper language that would be on a future council agenda.

Councilor Navin moved to refer the request to release the affordable housing restriction on Unit 3, 66 Village Drive to the legal department to be put into proper form and on a future council agenda; it was seconded, and the motion carried 5-0.

Councilors-at-Large

Sean A. Navin
Mark A. Oram
Michael H. Ossing
Kathleen D. Robey

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Ward Councilors

Ward 1 – Mark A. Vital
Ward 2 – David Doucette
Ward 3 – Robert Preciado
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – A. Trey Fuccillo
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, APRIL 22, 2024**

The regular meeting of the City Council was held on Monday, April 22, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, & Robey. Meeting adjourned at 9:11 PM.

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

ORDERED: That the Minutes of the City Council meeting, APRIL 8, 2024, **FILE**; adopted.

That the PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan, Order No. 24-1009138, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

- a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Simarano Drive.

Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

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

ORDERED: That the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.

6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

That the PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street, Order No. 24-1009139, all were heard who wish to be heard, hearing closed at 8:06 PM; adopted.

- a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Cashman Street.

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

ORDERED: That the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.

7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

That the PUBLIC HEARING on the Proposed Zoning Amendment to City Code, Chapter 650 "Zoning" to create the Lizotte Drive Overlay District (LDOD), Order No. 24-1009121, all were heard who wish to be heard, hearing closed at 9:06 PM; adopted.

Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

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

ORDERED: That the Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire June 19, 2024, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$250,000.00 as part of the Fiscal Year 2024 state budget earmark funding, awarded to the Marlborough Police Department to be used for the reconstruction of the parking lot at the Police Station; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$175,000.00 as part of the Fiscal Year 2024 state budget earmark funding, awarded to the Marlborough Fire Department to be used for the purchase of the CAD Dispatch System; adopted.

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

ORDERED: That the Transfer Request in the amount of \$2,784,983.00 (Two million seven hundred eighty-four thousand, nine hundred eighty-three dollars) from Free Cash to Capital Outlay to fund the Capital Improvements for the Police Department, Fire Department, Inspectional Services and Department of Public Works, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
		DEPT: Various				FISCAL YEAR: 2024			
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	Available Balance
\$6,614,143.45	\$2,784,983.00	10000	35900	Undesignated Fund	\$1,993,000.00	19300006	58731	Capital Outlay-DPW Equipmer	\$0.00
	Reason:	To fund various capital requests						DPW Equipment	
					\$321,983.00	19300006	58593	Capital Outlay-Police Dept	\$0.00
								Cruisers, vests, tasers	
					\$300,000.00	19300006	57102	Capital Outlay-Building Dept	\$0.00
	Reason:							Records Imaging	
					\$170,000.00	19300006	58512	Capial Outlay-Fire Dept	\$58.40
	Reason:							Alerting System, Radio Box Replacement	
	\$2,784,983.00	Total			\$2,784,983.00	Total			

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

ORDERED: That the That the Proposed Zoning Amendment to Chapter 650 "Zoning" to create the Donald Lynch Boulevard District (DLB), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 20, 2024**; adopted.

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-7, entitled "Districts Enumerated," is hereby **amended** as follows:
 - (1) By deleting from the first sentence the number "14" and inserting in place thereof the number "15."
 - (2) By inserting at the end of the list of District types, the following:

Donald Lynch Boulevard District	DLB.
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- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “DLB”, and beneath the new district abbreviation DLB column the text as shown on said Exhibit “A”.
- III. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards, and Height of Structures,” for the DLB, the text as shown in the highlighted portions of Exhibit “B” attached to this order.
- IV. Chapter 650, Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended by **inserting** a new Section 650-39A, entitled “Donald Lynch Boulevard District (DLB).”, which shall read as follows:

§ 650-39A. Donald Lynch Boulevard District (DLB).

A. Purpose and objectives.

- (1) The purpose and objectives of the Donald Lynch Boulevard district are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare and the economic development objectives of the City.
- (2) The vision for the Donald Lynch Boulevard District is to strengthen the vitality of the district by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
- (3) The vision shall be achieved through the mix of uses defined by the Donald Lynch Boulevard district and the composition of each new investment, including the site design and building design, and the relationship of the investment to the surrounding context. Each new investment shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.
- (4) The site design, building design, and design of the circulation system shall strengthen the walkability of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
- (5) The site design, building design, and design of site infrastructure shall enhance the natural assets and sustainability of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.

B. Site plan review. Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, of the City Code.

(1) Applicability.

- (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
- (b) Site plan review shall be conducted administratively, as provided in § 270-2, except for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Special permit granting authority. The City Council shall be the special permit granting authority within the Donald Lynch Boulevard District.

D. Dimensional requirements. The Donald Lynch Boulevard District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the Limited Industrial (LI) district, with the following exceptions which may be granted by special permit by the City Council:

- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
- (2) Maximum building height in the Donald Lynch Boulevard District of up to 60 feet and elimination of the distance from a residential zone requirement in determining maximum height. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.

E. Parking, curb cut and landscaping requirements. Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.

- (1) General. In the Donald Lynch Boulevard District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) Parking locations. Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of a building that is dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
- (3) Parking requirements. Parking in the Donald Lynch Boulevard District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

F. Design standards. The following design standards apply to all developments within the Donald Lynch Boulevard District:

- (1) Site layout
 - (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
 - (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.

- (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.
- (2) Pedestrian and bicycle circulation
 - (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to contribute to a system of pedestrian and bicycle circulation. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.
 - (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
 - (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.
- (3) Shared Outdoor Spaces
 - (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
 - (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.
- G. Signage.** Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A master sign plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.
- (2) Sign Locations Permitted by Special Permit. A special permit under this section may authorize the following types of signs at specified locations.
 - a. I-290 Visibility Signage. In order to enhance visibility for uses within the DLB district from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or to be mounted on the roof of the building, or on one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The total number not to exceed one (1) sign for the entire district. A sign under this sub-section shall be subject to the following requirements:
 - i. Sign design shall conform with § 526-9C unless waived by the City Council;
 - ii. Message board signs are prohibited for special permit sign locations;
 - iii. No freestanding sign shall be located closer than five feet to any property line;
 - iv. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
 - v. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
 - b. District Gateway Signage. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. The sign may be on one (1) freestanding pole, or a monument, ground, or pylon sign, that is coordinated for the entire district at the principal points of entry to the district. The total number not to exceed (3) signs for the entire district. A sign under this sub-section shall be subject to the following requirements:
 - i. Additional secondary directional signs may also be approved by the City Council;
 - ii. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district;
 - iii. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district;

- iv. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign;
- v. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
- vi. No freestanding sign shall be located closer than five feet to any property line;
- vii. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces;
- viii. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety; and
- ix. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

H. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Donald Lynch Boulevard District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

I. Site plan; special permit approval review criteria. An application for site plan approval or special permit approval in the Donald Lynch Boulevard District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection F;
- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view wherever reasonably practicable and where elevation permits;
- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design;
- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;

- (b) Building elevations;
- (c) Landscape plan;
- (d) Lighting plan with photometrics; and
- (e) Site and building signage plan.

J. Standards for roadways and drainage.

- (1) Roadways. Internal Donald Lynch Boulevard District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
 - (2) Stormwater management system. Developments proposed in the Donald Lynch Boulevard District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate low impact development techniques and green infrastructure such as bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.
- V. The Zoning Map described in § 650-8 is **amended** as shown in the accompanying Map (Exhibit C). The newly established Donald Lynch Boulevard District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):
- Map 13, Parcels 2, 4, 4A, 5, 5A, 6, 7, 8, and
 - Map 25, Parcels 1, 4, 4A, 5, and
 - Map 26, Parcels 1, 1A, 7, 8, 9, 20, 21A, 21B, 22, 23, 24, 25, 26, 29, 30, 31, 32, and
 - Map 38, Parcels 1B, 1C, 2, 3, 4, 5, 6, 7, and
 - Map 39, Parcels 29A, and
 - Map 50, Parcels 1, 2, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 7, 7B, 8, 9, and
 - Map 51, Parcels 5, 6 and 7.
- VI. The City Clerk is authorized to assign other numbering for the new section 650-39A as deemed appropriate for sequential ordering in the Zoning Ordinance.
- VII. The effective date of these amendments shall be the date of their passage.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Opinion relative to Special Permit Application by Alta Behavioral Health, LLC, 400 Donald J. Lynch Boulevard, **FILE**; adopted.

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

ORDERED: That the City Council of the City of Marlborough pursuant to MGL Chapter 54, §34 hereby determines and approves the use of the ImageCast Precinct Optical Tabulator for all primaries, preliminary elections and elections of state, city or town officers in the city beginning with the next primary/preliminary and/or general election held within the City of Marlborough in 2024; and thereafter at all primaries/preliminaries and elections of state, city or town officers in the city until otherwise Ordered; and

That the City of Marlborough will discontinue the use of the AccuVote Optical Scanner in any and all future elections held in the City of Marlborough; and further;

That notice of this determination to approve and use the ImageCast Precinct Optical Tabulator and to discontinue use of the AccuVote Optical Scanner be sent to the Secretary of the Commonwealth of Massachusetts within five (5) days of this determination.

APPROVED; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

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

ORDERED: That the Application for Taxi/Livery License from Adam Smith d/b/a First Class Limo, Inc., to operate a Livery Service with one vehicle, 715 Robin Hill Street, referred to **PUBLIC SERVICES COMMITTEE**; 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 24, 2024 & March 26, 2024.
- b) Historical Commission, February 15, 2024.
- c) Planning Board, February 26, 2024.

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

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

- a) Bruce Jordan, 19 Emer Road, residential mailbox claim (2b).
- b) Zachary Skinner, 42 Grove Street, Upton, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
April 17, 2024
Minutes and Report**

This meeting convened at 6:30 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members: Chair Irish, Councilors Fuccillo, Oram, Vital; Brown arrived at 6:31 PM.

Non-Voting Members: Councilors Ossing, Landers, Robey, Navin; Doucette arrived at 6:32 PM.

Also Present: Mayor Dumais; For MEDC: Meredith Harris, Exec. Director; Linda Martins, Director of Operations and Lindsey Jaworek, Business/Hospitality Manager.

Order No. 24-1009129: Communication from Mayor Dumais, together with two Transfer requests from the Economic Development Revenue Fund to the Marlborough Economic Development Corporation in the amount of \$762,465.00 to fund the FY2025 Operating Budget and \$150,000.00 to replenish the existing Toolbox fund to continue to support MEDC's small business financial incentive grant programs.

The Chair read the communication from Mayor Dumais. Director Harris discussed the proposed operating budget and the toolbox program with councilors. Councilors were extremely supportive of the efforts by Director Harris and her staff. Although Councilor Oram supported additional funding to replenish the toolbox, he expressed concern regarding other aspects of the budget and opposed the increase in the part time administrative position from part-time to full-time with benefits, accounting for approximately \$20,000.00.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer in the amount of \$762,465.00 to fund the FY2025 Operating budget. Vote 4-1 Oram opposed.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer of \$150,000.00 to replenish the Toolbox fund. Vote 5-0.

On a motion to adjourn by Councilor Vital, seconded by Chair, and approved; the meeting adjourned at 7:19 PM

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

**City Council Urban Affairs & Housing Committee
April 17, 2024
Minutes and Report**

This meeting convened at 7:24 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Reports of Committee Continued:

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

Also present were Councilors Brown, Fuccillo, Irish, Oram, Ossing and Vital.

Others present are identified in the Order information.

The meeting was broadcast live via WMCT-TV (comcast Channel 8 or Verizon/Fios Channel 34) and is available for viewing on using the link under the Meeting videos tab on the homepage of the city's website (www.marlborough-ma.gov).

Order No. 23-1009137: Communication from Attorney William Brewin on behalf of Robert Leduc re: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East).

Present for this were Attorney Brewin and his client, Robert LeDuc and Lori Barnes, Mr. LeDuc's daughter.

The chair read a portion of Attorney Brewin's April 4, 2024, letter detailing the Master Deed for the property limits the occupancy to persons over 55. The Special Permit for this project designated two units as affordable and the resale of those units limited to a "price not greater than the maximum price allowed in this area for affordable owner-occupied single family townhouse units, according to the current DHCD criteria for affordability."

Attorney Brewin explained that although this language was in the special permit, DHCD had never accepted the units as affordable due to their being limited to persons over 55 and that the owner has been paying property taxes at full value with exception of a few years due to an abatement. Mr. LeDuc would like to either sell the property or transfer it to his children but would like to have the deed restriction removed to be able to sell at full market value and Attorney Brewin created a draft release of restrictive covenant deed.

The chair stated she has spoken to our legal counsel and the suggestion was for the committee to endorse the concept of releasing the affordable housing restriction on Unit 3 and refer it to legal department to draft proper language that would be on a future council agenda.

Councilor Navin moved to refer the request to release the affordable housing restriction on Unit 3, 66 Village Drive to the legal department to be put into proper form and on a future council agenda; it was seconded, and the motion carried 5-0.

Order No. 23-1009035: Communication from ViewPoint Sign and Awning on behalf of Best Western Royal Plaza Hotel for replacement of freestanding EMC Sign at 181 Boston Post Road West.

This item had its public hearing on February 12, 2024, when it was brought up the proposed new EMC units larger than what is allowed by code. Commissioner Htway submitted a letter to the council with information re a variance granted by the Planning Board in 1989 for "an Electronic Message Center" sign to be installed the freestanding sign.

During discussion, it was questioned whether the variance was for an EMC sign or some other type of sign and that this matter needs further review by both the legal department and the building department.

Reports of Committee Continued:

Councilor Doucette moved to table this in committee to allow time to have it reviewed by legal department and building commissioner; it was seconded, and the motion carried 5-0.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. the meeting adjourned at 7:49 pm.

Suspension of the Rules requested – granted.

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

ORDERED: That the Communication from Attorney William Brewin on behalf of Robert Leduc re: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East), referred to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$477,122.41 (Four hundred seventy-seven thousand, one hundred twenty-two dollars and forty-one cents) from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2025 and Capital Items, **APPROVED**; adopted.

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

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		Mayor		FISCAL YEAR:		2024			
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	Available Balance
\$763,795.25	\$477,122.41	27000099	47750	Receipts Reserved-PEG Funds	\$477,122.41	89000	25581	Marlboro Cable Trust	\$0.00
Reason:		To fund the balance of WMCTS FY25 Budget							
\$477,122.41	Total				\$477,122.41	Total			

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

ORDERED: That the Appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term effective May 1, 2024, **APPROVED**; adopted.

Motion by Councilor Navin, 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 9:11 PM; adopted.



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ORDERED:

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That the Communication from Assistant City Solicitor Jeremy McManus on behalf of Councilor Robey, re: Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" relative to updating provisions regarding Medical and Adult Use Marijuana, be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 6, 2024.**

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

I. Section 650-17, entitled "Table of Uses" is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

	RR	A-1	A-2	A-3	R B	R C	RC R	N B	B	CA	LI	I	M V	<u>WAYSIDE</u>
Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, or transporter (47) <u>craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter (47)</u>	N	N	N	N	N	N	<u>N</u>	<u>N</u>	N	N	S P	S P	N	<u>N</u>

II Section 650-18, entitled "Conditions for Uses," is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(47) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, ~~craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility,~~ or transporter:



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ORDERED:

- (b) Shall be limited in number to one of each type (cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;
- (d) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and

III The following portions of Section 650-32 are hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-32. Medical and Adult Use Marijuana ~~marijuana treatment centers; adult use marijuana retail; marijuana accessories retail; medical and/or adult use marijuana cultivator; independent testing laboratory product manufacturer or transporter.~~

- A. Medical marijuana treatment centers. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and ~~105-CMR-725.000935~~ CMR 501.101, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A medical marijuana treatment center should provide medical support, security, oversight by a physician, and standards that meet or exceed said regulations~~105-CMR-725.000~~. These centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such centers.



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(A.2) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer ~~or transporter~~, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, ~~105 CMR 725.000, 935 CMR 500.000~~ regulations promulgated pursuant to said general laws, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of craft marijuana cooperatives, cultivators, microbusinesses, independent testing laboratories, product manufacturers, ~~or marijuana transporters, marijuana courier, marijuana delivery operator, or marijuana research facilities~~ for the purposes of medical marijuana or adult use marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.

B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in this § 650-32 of the Code of the City of Marlborough, entitled "medical marijuana treatment centers," Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, and regulations promulgated pursuant to said general laws ~~Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 105 CMR 725.000, MGL c. 94G and 935 CMR 500.002~~, all as amended, and unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:



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~~MEDICAL AND/OR ADULT USE MARIJUANA INDEPENDENT TESTING LABORATORY~~

A ~~laboratory that is licensed by the Cannabis Control Commission and is (i) currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission; (ii) accredited to ISO 17025: 2017 or the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (iii) independent financially from any MTC marijuana establishment or licensee; and (iv) qualified to test marijuana and marijuana products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000; 935 CMR 501.000: Medical Use of Marijuana; and Commission protocol(s).~~ accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission, (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with 105 935 CMR 725.031501 and MGL c. 94C, § 34 and/or 935 CMR 500.160 and MGL c. 94G, § 34.

~~ADULT USE MARIJUANA~~ (including the words "MARIJUANA" AND "or CANNABIS" as those words pertain to adult use marijuana)

~~Means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 946G, § 1, as amended, provided that ~~adult use marijuana, marijuana or cannabis shall~~ does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.~~



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MARIJUANA ACCESSORIES (or CANNABIS ACCESSORIES)

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, injecting, inhaling or otherwise introducing marijuana or cannabis into the body.

~~MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR~~

An entity licensed ~~and registered under 105 CMR 725.100 and/or 935 CMR 500.000, as amended,~~ to cultivate, process and package marijuana, and to transfer deliver to medical marijuana treatment centers and/or to other marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of marijuana cultivator.

MARIJUANA ESTABLISHMENT (ME)

A ~~licensed~~ marijuana cultivator (indoor or outdoor), craft marijuana cooperative, marijuana product manufacturer, marijuana microbusiness, marijuana retailer, independent testing laboratory, marijuana research facility licensee (as defined in 935 CMR 500.002: Marijuana Research Facility Licensee), marijuana transporter, delivery licensee, social consumption establishment (as defined in 935 CMR 500.002: Social Consumption Establishment) or any other type of licenseds marijuana-related business, except a medical marijuana treatment center (MTC).

MARIJUANA-INFUSED PRODUCT (MIP)

A marijuana product infused with marijuana that is intended for use or consumption, including, but not limited to, edibles products, ointments, aerosols, oils, and tinctures. A marijuana-infused These product s(MIP), when created or sold by a medical marijuana establishment or an MTC treatment center business, shall not be considered a food or drug as defined in MGL c. 94, § 1. MIPs are a type of marijuana product.

~~MEDICAL AND/OR ADULT USE MARIJUANA~~ MARIJUANA PRODUCT MANUFACTURER

An entity licensed to obtain, manufacture, process and package marijuana or and marijuana products, to deliver marijuana and marijuana products and to transfer these products to other marijuana establishments and/or to medical marijuana treatment centers, but not to consumers.



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ADULT USE MARIJUANA RETAILER

An entity licensed and registered under 935 CMR 500.050, as amended, as a marijuana retailer to purchase repackage, white label, and transport marijuana or marijuana product from marijuana establishments a craft marijuana cooperative, marijuana cultivator, independent testing laboratory, product manufacturer or transporter and to sell or otherwise transfer or otherwise transfer this product to marijuana establishments and sell the marijuana to consumers, and to marijuana establishments. Unless licensed, retailers are prohibited from offering marijuana or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.

MEDICAL AND/OR ADULT USE MARIJUANA TRANSPORTER

An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments or MTCs and/or to medical marijuana treatment centers, but not for sale to consumers. Marijuana transporters may be an existing licensee transporter or third-party transporter.

MEDICAL MARIJUANA TREATMENT CENTER (MTC) (FORMERLY KNOWN AS A REGISTERED MARIJUANA DISPENSARY (RMD))

Refers to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not for profit An entity or a for profit entity registered licensed under 10935 CMR 725.100 501.101 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes [including development of related products, such as edibles, marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments], repackages transfers, transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.; and shall be subject to the regulations under § 650-32 of this chapter.

MEDICAL-USE OF MARIJUANA (OR MEDICAL-USE CANNABIS)

Marijuana that is cultivated, processed, transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000.

The acquisition, cultivation, possession, processing [including development of related products such as marijuana infused products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments], transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.



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PERSON

An individual ~~or, nonprofit entity, or for-profit entity~~ under the laws of the Commonwealth.

ADULT-USE CANNABIS OR MARIJUANA

Marijuana that is cultivated, processed, transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.

ADULT-USE CANNABIS OR MARIJUANA PRODUCTS

Marijuana product that are processed, manufactured, transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.

COLOCATED MARIJUANA OPERATIONS (CMO)

An MTC operating under a license pursuant to 935 CMR 501.000: *Medical Use of Marijuana* and a marijuana establishment operating under at least one license pursuant to 935 CMR 500.000 on the same premises. Colocated marijuana operations pertain to cultivation, product manufacturing, and retail licenses, but not any other adult-use license.

COMMUNITY IMPACT FEE (CIF)

Impact fee(s) claimed by a host community in relation to the operations of a particular marijuana establishment or MTC which have been certified by the Commission or ruled upon by a court of competent jurisdiction, as being reasonably related to the actual costs imposed on a host community by a marijuana establishment or MTC's operations.

CRAFT MARIJUANA COOPERATIVE

A marijuana cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package, brand and transfer marijuana or marijuana products to marijuana establishments, but not to consumers.

HOST COMMUNITY

A municipality in which a marijuana establishment, MTC or independent testing laboratory is located or in which a license applicant has proposed locating an establishment.

HOST COMMUNITY AGREEMENT (HCA)

An agreement entered into and executed between a host community and a license applicant or between a host community and a marijuana establishment or MTC pursuant to M.G.L. c. 94G § 3(d).



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HOST COMMUNITY AGREEMENT (HCA) WAIVER

A written statement executed by a host community and a license applicant, or by a host community and a marijuana establishment or an MTC, which expresses the parties' mutual intent to waive the regulatory requirement to have a host community agreement.

LICENSE APPLICANT

A person or entity pursuing a license to operate a marijuana establishment or MTC who has submitted or intends to submit a license application to the Commission. A license applicant may also be considered a prospective marijuana establishment.

MARIJUANA COURIER

An entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, or directly to registered qualifying patients or caregivers from an MTC, but is not authorized to sell marijuana or marijuana products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, warehouse, process, repackage, or white label. A marijuana courier is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

MARIJUANA DELIVERY ENDORSEMENT

Delivery endorsement means authorization granted to licensees in categories of marijuana establishments identified by the Commission to perform deliveries directly from the establishment to consumers.

MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR

An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, marijuana product manufacturer, microbusiness or craft marijuana cooperative, and white label, sell and deliver finished marijuana products, marijuana accessories and marijuana branded goods directly to consumers, but is not authorized to repackage marijuana or marijuana products or operate a storefront under this license. A delivery operator is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

MARIJUANA RESEARCH FACILITY

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed marijuana establishment or MTC, that is licensed to conduct research by the Massachusetts Cannabis Control Commission.



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MARIJUANA RESEARCH FACILITY LICENSEE OR RESEARCH LICENSEE

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed marijuana establishment or MTC, that is licensed to conduct research.

MICROBUSINESS

An entity that can be either a tier 1 marijuana cultivator or marijuana product manufacturer or both, in compliance with the operating procedures for each license and, if in receipt of a delivery endorsement issued by the Commission, may deliver marijuana or marijuana products produced at the licensed location directly to consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments for the purpose of marijuana product manufacturing by the licensee.

REASONABLY RELATED

A demonstrable nexus between the actual operations of an ME or MTC and an enhanced need for a host community's goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a host community shall not be considered reasonably related.

WHITE LABELING

To affix a product label that includes the branding, including the name and logo, of a specific marijuana establishment licensee to a finished marijuana product that was previously produced and packaged by a licensed product manufacturer, cultivator, microbusiness or craft marijuana cooperative for sale to consumers. Vaporizer devices shall not be white labeled. White labeled products shall be required to comply with 935 CMR 500.105(5), and (6), 935 CMR 500.130(6) and 935 CMR 500.146(7).

MEDICAL MARIJUANA

All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.



IN CITY COUNCIL

Marlborough, Mass., APRIL 8, 2024

PAGE 10

ORDERED:

B. In such zoning districts where a special permit is required for medical marijuana treatment center, adult use marijuana retail business, marijuana accessories business, or medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter, upon application, the special permit granting authority shall grant the special permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this chapter, the determination shall include, but is not limited to, consideration of each of the following:

- (C)(9) To the extent permitted by law, Rrequiring payment of a community impact fee;
- (C)(16) Signs and signage; ~~and~~
- (C)(17) Names of businesses, business logos and symbols, subject to state and federal law and regulations; and
- (C)(18) If applicable, reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

F. A medical marijuana treatment center, adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator , marijuana research facility, or transporter shall not be located:

- (1) Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
- (2) Within a radius of 500 feet of a day-care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.



IN CITY COUNCIL

Marlborough, Mass., APRIL 8, 2024

PAGE 11

ORDERED:

The five-hundred-foot distance is measured in a straight line from the geometric center of the above-referenced medical marijuana treatment center or marijuana establishment entrance to the geometric center of the nearest school or day-care center entrance, unless there is an impassible barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the proposed medical marijuana treatment center or marijuana establishment to the geometric center of the nearest school or day-care center entrance. Terms referenced herein shall be interpreted consistent with 935 CMR 500 and 935 CMR 501, as applicable.

The five-hundred-foot distance in this Subsection F is measured in a straight line from the nearest point of the building in which the school or day-care center in question is located to the nearest point of the building within which the proposed medical marijuana treatment center would be located.

F.1.

~~An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:~~

~~[Added 5-21-2018 by Ord. No. 18-1007163-2D]~~

~~(1)~~

~~Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and~~

~~(2)~~

~~Within a radius of 500 feet of a day-care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.~~

~~The five-hundred-foot distance in this Subsection F.1 is measured in a straight line from the nearest point of the building in which the school or day-care center in question is located to the nearest point of the building within which the proposed adult use marijuana retail business, marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.~~

- G. Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a medical marijuana treatment center (except for the administration of marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary), an adult use marijuana retail business, a marijuana accessories retail business, and to a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter.



IN CITY COUNCIL

Marlborough, Mass., APRIL 8, 2024

PAGE 12

ORDERED:

- I. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer ~~or~~, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter shall not be an allowable home occupation use or an allowable accessory use.
- K. Direct delivery to a consumer or client from a marijuana cultivator or product manufacturer is prohibited. Notwithstanding, a marijuana establishment (including an existing establishment previously authorized by special permit) which obtains a marijuana delivery endorsement may deliver only if authorized by a special permit (or amendment to an existing special permit) granted by the City Council.
- L. No special permit shall be granted without first having an executed host community agreement (to the extent applicable by law) with the City of Marlborough.
- M. The hours of operation of a medical marijuana treatment center or marijuana establishment may be further conditioned by the City Council, but in no event shall a marijuana medical treatment center or marijuana retailer be open before 10:00 a.m. or remain open after 10:00 p.m. In no case shall a marijuana courier, holder of a marijuana delivery endorsement, or marijuana delivery operator deliver to Marlborough locations before 8:00 a.m. or after 9:00 p.m.

ADOPTED

ORDER NO. 24-1009136



CITY OF MARLBOROUGH
Office of the City Council
Michael H. Ossing, President
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

April 29, 2024

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

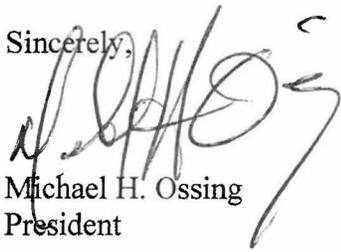
Reference: Proposed Ordinance Amendment to Chapter 125 Personnel: Starting Minimum Rate;
Vacations

Dear Honorable Councilors:

In connection with the above-referenced item, enclosed please find a proposed ordinance amendment.

I will be available to discuss this matter with councilors during the committee review process.

Sincerely,



Michael H. Ossing
President

enclosure

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

I. By amending Chapter 125 (“Personnel”), Section 125-10, entitled “Starting minimum rate”, by **deleting** Section 125-10(C) as follows:

C. Notwithstanding anything to the contrary in this chapter, for all other employees, in order to reflect an employee’s prior experience or performance, the Mayor is authorized to waive any two steps on a salary schedule established under this chapter, at time of hiring, subject to available appropriation of funds. Any waiver of more than two steps shall require approval by the City Council.

II. By amending Chapter 125 (“Personnel”), Section 125-18, entitled “Vacations”, by **deleting** Section 125-18(A)(4) as follows:

(4) Notwithstanding anything to the contrary in this chapter, for all other employees, in order to credit an employee’s experience in prior public or private employment, the Mayor is authorized to grant an increase of up to one (1) additional week of annual vacation time which may be made effective at time of employment. Upon granting, said additional time shall accrue on a pro-rated basis per completed month in that calendar year, and thereafter shall be received annually. Any increase in annual vacation time above one (1) week shall require approval by the City Council.

ADOPTED
In City Council
Order No. 24
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:



City of Marlborough

J. Christian Dumais, Mayor

Office of the Mayor

CITY OF MARLBOROUGH
2024 MAY -2 AM 11:45

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

May 2, 2024

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

RE: Appointment of Christine Purple as Human Resources Director

Dear Council President Ossing and Councilors,

I am pleased to submit for your approval the appointment of Christine Purple as the City of Marlborough's Human Resources Director for a three-year term to expire from the date of City Council approval. Mrs. Purple began her duties on Monday, April 29 under my 60-day temporary appointment.

Mrs. Purple returns to Marlborough where she previously served as Human Resources Director under the previous administration. She brings many years of both human resources and municipal government experience. I am extremely confident in the abilities of Mrs. Purple and believe her historical knowledge will be invaluable under a new administration. In the upcoming year we have union negotiations, the class and compensation study, and many other items and projects. I am very glad we have attracted a qualified candidate who possess the qualifications to handle those important items.

Enclosed is Mrs. Purple's resume for your review. Mrs. Purple will be available at a future Personnel Committee meeting to answer any questions you may have.

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

Sincerely,

J. Christian Dumais
Mayor



City of Marlborough

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

J. Christian Dumais, Mayor

2024 MAY -2 AM 11:45

140 Main Street
Marlborough, MA 01752
(508) 460-3770
Mayor@marlborough-ma.gov

April 29, 2024

Christine Purple
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Temporary Appointment as Human Resources Director Pursuant to M.G.L c. 41 § 61A

Dear Mrs. Purple,

In accordance with authority vested in me under M.G.L. c. 41 §61A, I appoint you as temporary Human Resources Director as said office is vacant. This appointment shall be effective Monday, April 29, 2024. Under this appointment, you shall hold and exercise the powers and perform the duties of Human Resources Director for not more than sixty days (60), from time to time, for so long as the position remains vacant.

Thank you for your support during this interim period.

Please reach out to myself or my office with any questions or concerns.

Sincerely,

J. Christian Dumais
Mayor

cc:

Mary Ward
City Council

CHRISTINE L. PURPLE

March 26, 2024

The Honorable J. Christian Dumais
Mayor of the City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Dumais,

I am writing today to express my desire to join the City of Marlborough's community as the Human Resources Director that was advertised on the City's website.

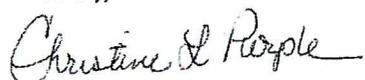
As you may be aware, I was previously the Human Resources Director for the City from March 2021 to November 2022. During that time, we made much progress in strengthening the employee workforce, and enhancing the services provided to Marlborough's residents. There are also projects and initiatives that were left undone at the time of my departure, which I am hopeful we can see to completion, such as the pay and classification study.

Since November of 2022, I have been the Human Resources Manager for the Town of Clinton. In my position, I am responsible for the human resources processes and procedures for both the Town and School. I have enjoyed the ability to collaborate with various departments to improve upon the hiring, onboarding and exiting processes; update personnel policies; participate in the Town's union negotiations; assist with improvements to the Town's customer services practices; audit and identified issues and provide corrective action to ensure compliance with state and federal laws; and currently, I am assisting with the transition of the Town's health insurance provider for both current and retired employees.

Marlborough has a great team serving the City's residents and businesses; many of those employees I helped to recruit and hire. I was fortunate to build many relationships during my time in City Hall, and I look forward to the opportunity to rekindle and build upon those for the betterment of the City. I believe that my experience makes me the ideal candidate to carry out the City's mission and vision as the Human Resources Director and become an integral member of your management team.

I look forward to meeting with you to further discuss the position and hope to hear from you soon.

Sincerely,



CHRISTINE L. PURPLE



EXPERIENCE

Human Resources Manager | Town of Clinton, Massachusetts

NOVEMBER 2022 TO PRESENT

- Administers and oversees the human resource functions for the Town and School in accordance with the Federal, State, and Local regulations including, but not limited to, recruiting/hiring, compensation/benefits, performance, progressive discipline, risk management, records management, and policy/procedure compliance;
- Responsible for developing and achieving department goals and objectives, recommending and managing human resource programs for the Town, and assisting the Town Administrator, Treasurer, and School Superintendent in a variety of broad human resource management issues;
- Participates in union negotiations with the Town's five bargaining units and assists with gathering the necessary information to analyze the impact of union proposals. Works to ensure compliance with collective bargaining agreements;
- Assisted with open enrollment and oversees the annual benefits fair for all employees and retirees. Worked with vendors to update all benefit program paperwork. Participating in the process of selecting a new health insurance vendor for FY2025;
- Working with the town solicitor to update and implement employee policies in compliance with state and federal laws, as well as working on updating the Town's Personnel Policies.

Human Resources Director | City of Marlborough, Marlborough, Massachusetts

MARCH 2021 TO NOVEMBER 2022

- Responsible for the daily operations of the City's Human Resources Department and staff;
- Responsible for the administration of self-insured health and benefits programs including medical, dental, and life insurance for 1,700+ employees, retirees, and their dependents;
- Responsible for the City's self-insured workers compensation program;
- Participated in the recruitment, screening, hiring, and orientation of all new City employees;
- Worked to update paper records to an electronic format enabling easy access to the information. Updated the process for updating employee records and personnel transactions such as hires, promotions, transfers, terminations; references; and employment screenings;
- Acted as bargaining representative for the City with all seven City unions; assisted in the development of bargaining concepts and strategies; worked with labor counsel and presented the City's case to mediators, fact finders, and arbitrators as needed; drafted necessary contract language and prepared agreements for execution; coordinated post negotiation activities;
- Mediated employee issues; works to improve communication within and between departments; answered questions from department heads and supervisors concerning personnel policies and procedures;
- Designated as one of the City's harassment officers and as such investigated all complaints;
- Provided training for all City employees on a variety of timely topics, including training sessions for department heads and managers, regarding progressive discipline, interview skills, and leadership principles;
- Worked on a project to create an employee Guidebook that outlines all benefits and policies;
- Audited all personnel-related records and developed strategies for corrective actions necessary to comply with Federal and State laws.

Executive Director | Massachusetts Association of Assessing Officers, Northborough, Massachusetts

APRIL 2018 TO AUGUST 2020

- Responsible for the daily oversight and management of the Association with over 1,400 members including database and financial systems; annual audit and required state and federal reporting; annual budget preparation and maintenance; Board of Directors and Committee level activities; coordination of instructors and volunteers; logistics for single day as well as multi-day events; website administration; and all member-based needs and communications;
- Responsible for the implementation of a new membership database, as well as financial systems;
- Successfully moved in-person events and training to virtual offerings due to COVID-19.

Administrative Assistant | Massachusetts Association of Assessing Officers, Marlborough, Massachusetts

OCTOBER 2005 TO APRIL 2018

- Responsible for the daily management of the Association's membership services database, including the creation and updating of all membership records; prepared and managed annual dues process; processed incoming payments from all sources, and tracked payments in both the database as well as the accounting software;
- Prepared materials and staffed all events;
- Maintained all required records for the Association's Executive Board meetings.

Data Specialist | UMASS at Boston, Edward J. Collins Center for Public Management, Boston, Massachusetts

DECEMBER 2016 TO JUNE 2018

- Assisted with compensation and classification studies performed by the Center;
- Responsible for conducting wage and benefit surveys; prepared comparative analysis; conducted position interviews; prepared position analysis as well as updated job descriptions.

Assistant Director of Human Resources | Franklin Pierce University, Rindge, New Hampshire

JULY 1999 - JUNE 2002, additional consulting work in 2003 and 2004

- Responsible for the benefit programs offered to all employees, conducted new hire orientations for employees at all campuses; participated in negotiations for annual renewal of benefit contracts; assisted in the implementation of new employee benefits, as well as transition in benefit vendors, including marketing and employee education; development of an on-line employee policy handbook; coordination of workshops, trainings, and events for employees, including the annual Benefits Fair;
- Oversight of areas within the HRIS system, including payroll; and involved in the implementation and upgrade of a payroll/HRIS system;
- Responsible for the Workers' Compensation program, including assisting with the return-to-work process for injured employees;
- Designated as Sexual Harassment Officer;
- Assisted in the compilation of information necessary for NEASC re-certification.

Personnel Director | City of Gardner, Gardner, Massachusetts

JULY 1998 TO JULY 1999

- Responsible for all aspects of the hiring process, including advertising, review of resumes, candidate selection, interviewing, compliance with AA/EOE, job offer, pre-employment physical, reference checking, and orientation;
- Responsible for negotiations with seven of the City's collective bargaining units; involved in all aspects of Civil Service including hiring, termination, and grievance procedures;
- Reviewed and developed Personnel Ordinance for City Council approval; responsible for the administration of self-insured health and benefits programs including medical, dental, and life insurance for approximately 600+ employees; Administered a self-funded Workers' Compensation program.



EDUCATION

Bachelor of Science | University of Massachusetts at Boston

Bachelor of Science with a Double Major in Economics and Political Science; Specialization in Government Finance and Public Policy

Additional Course Work | Bentley University

Human Resources Management Courses



SKILLS

- Microsoft Applications including Word, Excel, PowerPoint, Publisher, and TEAMS
- Google Suite including Docs, Sheets, and Meet
- QuickBooks
- Zoom
- Harpers Payroll System
- MUNIS
- Proficient with Social Media Platforms such as Facebook, LinkedIn & Twitter
- Database Administration
- HRIS Administration
- Website Administration



ACTIVITIES

- Current Member of the Massachusetts Municipal Human Resources Association and serving as a Member of the MMHR Membership Committee; and current member of the Massachusetts Association of School Personnel Administrators;
- Former Member of the International Association of Assessing Officers; the Northeast Regional Association of Assessing Officers and Ad-Hoc member of the MAAO Human Resources Committee;
- Former volunteer with the Shrewsbury Public Schools, including a Member of the Shrewsbury High School Parent Forum; Parent Representative on the Shrewsbury High School Booster Association; PTO Treasurer; Team Parent for the Shrewsbury High School Soccer Team; and served on several teacher hiring committees;
- Former Representative Town Meeting Member, Shrewsbury, Massachusetts

Reference available upon request



City of Marlborough

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 MAY -2 AM 11:45

J. Christian Dumais, Mayor

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

May 2, 2024

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

RE: Grant Acceptance from Department of Conservation and Recreation to the Conservation Department

Dear Council President Ossing and Councilors,

Enclosed for your acceptance is a grant from the Department of Conservation and Recreation to the Conservation Department in the amount of \$12,916. This is part of the FY2023 MassTrails Grant program and will go to support the construction of a pedestrian bridge over Millham Brook on the Panther Trail on the Millham Reservoir land.

I would like to thank Conservation Officer Priscilla Ryder for her work in securing this grant and for her commitment to our trails and conservation land.

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

Sincerely,

J. Christian Dumais
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: April 23, 2023

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: MassTrails Grant

GRANTOR: Commonwealth of Mass -
Department of Conservation
Recreation

GRANT AMOUNT: \$12,916.00

GRANT PERIOD: April 2024 to December 31, 2025

SCOPE OF GRANT/
ITEMS FUNDED Construct pedestrian bridge over Millham Brook on Panther Trail at Millham
Reservoir land
Materials to build the bridge,
volunteers and city staff will do
the installation

IS A POSITION BEING
CREATED: no

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

ARE MATCHING CITY
FUNDS REQUIRED? Yes, non-monetary

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Volunteer and staff labor hours
totaling 395 hours with an in-kind
value of \$10,731

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL As soon as
possible- as we'd
like to construct 2024
spring/summer

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



City of Marlborough Conservation Commission

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

April 23, 2022

J. Christian Dumais, Mayor
140 Main St. City Hall
Marlborough, MA 01752

RE: Acceptance of Grant of \$12,916.00
MassTrails Grant – Pedestrian Bridge over Millham Brook on Panther Trail

Dear Mayor Dumais,

The City of Marlborough, through the Conservation Commission has been awarded a FY 2023 MassTrails Grant. I have enclosed the grant award notice which was issued on June 14, 2023. Because this grant is funded through Federal Highway Administration funding the contract was delayed. We have now received the contract documents. The first page describing the project description is attached. This is a reimbursement grant, and all funds must be expended by Dec 31, 2025.

This funding will enable the Conservation Commission to purchase all the materials needed to build a pedestrian bridge over Millham Brook on the Panther Trail on the Millham Reservoir land. The bridge will be constructed with the help of DPW, an Eagle Scout candidate and the Marlborough Trails Committee. The current temporary plank bridge washes out during large storm events and was always just a temporary structure. This new bridge will allow safe passage over the river during all weather and water level flows. We anticipate construction this Spring/Summer 2024.

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

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

Sincerely,

Priscilla Ryder
Conservation/ Sustainability Officer

Cc: Con. Com.
Diane Smith



June 14, 2023

Priscilla Ryder
 City of Marlborough
 Conservation Commission
 140 Main Street
 Marlborough, MA 01752

Dear Ms. Ryder,

Thank you for your application for the **Panther Trail Millham Brook Bridge** project under the 2023 MassTrails Grant Program. I am pleased to inform you that your project has successfully passed the initial phase of the review process and has been recommended by the Governor's Office to receive funding in the amount of **\$12,916.00**. Congratulations!

Your project has been recommended for funding through the federal Recreational Trails Program (RTP). Currently, these projects are undergoing required review for compliance with the National Environmental Policy Act and with Section 106 of the National Historic Preservation Act. This review is conducted by the Federal Highway Administration (FHWA) in consultation with the Department of Conservation and Recreation (DCR). Final award amounts and conditions specific to grants will be determined when this review is complete. Please note that the results of this review may require a reduction or change in your project's specific tasks and components. If any change is required, MassTrails will fully outline these conditions or requirements.

Upon project approval by FHWA, you will receive your official grant award letter. DCR will then work with you to finalize your grant contract paperwork. RTP projects will have approximately 24 months to complete the project work depending on when the contract is signed. Please note that any project costs (or match) incurred prior to the date that your contract is endorsed by DCR will not be eligible for grant reimbursement.

Thank you for your commitment towards the enhancement of trails and trail access in your community.

Sincerely,

Amanda Lewis
 MassTrails Program Manager
 Department of Conservation and Recreation

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
 251 Causeway Street, Suite 600
 Boston, MA 02114-2199
 617-626-1250 617-625-1351 Fax
www.mass.gov/dcr



Maura T. Healey
 Governor
 Kimberley Driscoll
 Lt. Governor

Rebecca L. Tepper, Secretary
 Executive Office of Energy & Environmental Affairs
 Brian Arrigo, Commissioner
 Department of Conservation and Recreation



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CONSERVATION AND RECREATION
MASSTRAILS GRANT AWARD**

Grant Award Recipient: City of Marlborough, Conservation Commission

Award Date:

Grant Contract ID: P24-3561-G16A

FAIN Number: RTP 2023

Catalogue of Federal Domestic Assistance (CFDA): Recreational Trails Program, 20.219

**MASSTRAILS GRANT AGREEMENT
Recreational Trails Program Funding**

This document represents a Grant Agreement between **City of Marlborough, Conservation Commission** and the Department of Conservation and Recreation (DCR) for the **Panther Trail Millham Brook Bridge** project as awarded under the MassTrails Grant Program. The project scope *may* have been modified after receiving the results of our mandatory regulatory review by agency partners. Please carefully review the project description below and the specific conditions – *if any* – that must be adhered to. Failure to meet and comply with the specific conditions may result in termination of the award.

Project Description:

The Panther Trail, a 26.2-mile marathon length trail located entirely in Marlborough, opened officially in October 2022. This new trail links the downtown area, the Assabet River Rail Trail, neighborhoods throughout the city, conservation lands, parks, the Callahan State Park, and the Sudbury Reservoir land. There are several locations which require permanent stream crossings to complete this local trail. One such crossing is located at Millham Brook. Funding for this proposal will construct an engineered bridge at this critical crossing.

Summary of Specific Conditions:

Bridge design must be modified for maximized accessibility.

Project is subject to jurisdiction under Section 401 or Section 404 of the Federal Clean Water Act.

A full list of general conditions is provided and outlined in Section 10, “Compliance with State and Federal Regulations.” *Please carefully read the entire section.* Contact the MassTrails Administrator if you need further clarification on what is required.

Upon signature of this Grant Agreement by the Project Manager or authorized signatory and in conjunction with execution of the fiscal MA Standard Contract by the State, City of



City of Marlborough

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

J. Christian Dumais, Mayor

2024 MAY -2 AM 11:45

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

May 2, 2024

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

RE: Acceptance of Earmark Funding for the Marlborough Department of Public Works

Dear Council President Ossing and Councilors,

I am pleased to submit for your acceptance earmark funding in the amount of \$22,500 for the Department of Public Works from the FY24 state budget. This earmark was originally requested by the previous administration and was secured by Representative Danielle Gregoire. This earmark is to support the construction of new "Welcome" signs at the entrances of the city.

I want to thank Representative Danielle Gregoire for securing this earmark to support the beautification of our city.

Enclosed with this letter is the grant coversheet for the earmarks.

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

Sincerely,

J. Christian Dumais
Mayor

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Department of Public Works DATE: 5/2/2024

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Theodore Scott

NAME OF GRANT: FY24 State Earmark

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$22,500

GRANT PERIOD: 30-Jun-24

SCOPE OF GRANT/
ITEMS FUNDED Funds will support the Welcome to Marlborough signs

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:

N/A

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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



City of Marlborough

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2024 MAY -2 AM 11:56

J. Christian Dumais, Mayor

140 Main Street
Marlborough, MA 01752
(508) 460-3770

Mayor@marlborough-ma.gov

May 2, 2024

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

RE: Proposed FY25 Operating Budget

Dear Council President Ossing and Councilors,

Enclosed for your review and consideration is the Proposed FY25 Operating Budget in the amount of \$196,593,381 which represents an increase of 4.68% over FY24. I present to you a conservative budget that maintains the level of services Marlborough residents are receiving currently. In your budget book I have provided a more comprehensive budget narrative, however there are a few important areas I would like to highlight and summarize below:

Increases:

The majority of the increases you see have to do with education funding and fixed costs. The Marlborough Public Schools operating budget includes a 5% increase and Assabet Valley Regional Vocational Technical School includes a 15% increase. Fixed costs that have risen are utilities (mainly electricity), retirement, and health insurance. The outlier is the increase in the reserve for salaries account, which is where we planned for the financial impacts of the seven (7) city collective bargaining agreements that expire this year.

Reserve for Salaries:

As mentioned, the reserve for salaries account was increased in anticipation of the upcoming collective bargaining agreements. In addition to that, with both the Classification and Compensation Study that is in progress and collective bargaining with all units, we expect several recommendations for updated salary schedules and/or potential reclassifications of positions within the fiscal year. While we do not know what these changes might reflect, we budgeted the reserve for salaries account to fund any potential difference.

Personnel:

The FY25 budget reflects a few personnel changes in various departments and nets -1.0 employee from the overall budget. In context, the proposed FY24 budget saw a net of +5.0 new positions in various departments. Two positions are being created within the budget: a Communications Director within the Mayor's Office and a Capital Projects Manager within the Department of Public Works. The existing Outreach Worker position at the Senior Center is being returned to city budget after being funded by the Senior Center's annual grant funding. Four positions are being removed from the budget: Treasury/Payroll Manager in the Finance Department, Assistant Commissioner of Facilities and Assistant City Engineer within the Department of Public Works, and the Substance Abuse Coordinator within the Health Department. The Substance Abuse Coordinator no longer needs to be funded through the budget, as there are available Opioid Settlement Funds that it can be funded through.

In addition to the creation of the two positions, I am requesting an update to the salary schedule for the following existing, non-union positions: DPW Commissioner, Assistant DPW Commissioner, City Engineer, Assistant Library Director, and Reference Librarian. The DPW changes are reflective of a succession plan that has been overdue for some time. These changes reflect competitive wages to retain and recruit personnel. Similarly, we have an individual in the Assistant Library Director position who is maxed out on the step schedule, and the salary schedule itself has fallen behind other positions throughout the state. Our intention is to retain this employee who is not only high performing but contains a wealth of institutional knowledge.

Revenues/Financial Outlook:

Again, there is a more comprehensive explanation on my budget narrative, however I wanted to provide a snapshot of our revenues/financial outlook. Marlborough remains in a strong financial position with a positive financial outlook. New growth is estimated at \$2,000,000 which is just under the average for the last three fiscal years. Local receipts were conservatively estimated and are still expected to increase from this year's projections. State Aid is estimated to increase between \$1,000,000 and \$1,500,000 from FY24, even given the commonwealth's current financial outlook.

It is my intention to work with each of you to balance the needs of departments/residents and the desires of the City Council. This is meant to be a collaborative, public, and transparent process between us and for residents. I look forward to a healthy and productive dialogue with this body throughout the process.

I would like to take this opportunity to thank our dedicated finance team and department heads for their hard work throughout this process. Department heads and I will be at future Finance Committee budget meetings to answer any specific questions you may have.

Sincerely,



J. Christian Dumais
Mayor

ORDERED:

That pursuant to City Code Chapter 125 (Personnel), Section 125-5 (Preparation of Classification Descriptions), the job description for the new position of Communications & Special Projects Director (attached hereto), BE AND IS HEREWITH APPROVED.

ADOPTED

In City Council

Order No. 24-

Adopted

Approved by Mayor

J. Christian Dumais

Date:

A TRUE COPY

ATTEST:

CITY OF MARLBOROUGH
OFFICE OF THE MAYOR
COMMUNICATIONS & SPECIAL PROJECTS DIRECTOR

DEFINITION

The purpose Communications & Special Projects Director is to develop and implement an effective, 21st century communication strategy across a variety of communication channels for the city and the Mayor's Office. The work includes overseeing the many communication initiatives put forth by the city and Mayor's Office including (but not limited to) the city's website, a monthly newsletter, city alerts, official social media channels, event flyers, and all other internal and external communication pieces. This position will also be charged with maintaining a monthly communications meeting for all departments, training all departments on communication tools and technology, and assisting departments with social media and website related content. The Communications & Special Projects Director will also advise the Mayor and staff on communication policies as they are created and updated. The Special Projects portion of the role will be subject to the needs to the Mayor and the Mayor's Office as required.

ESSENTIAL JOB FUNCTIONS:

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

- **Develop and Implement Communication Strategies:** Develop and implement comprehensive communication plans, identifying target audiences and selecting appropriate channels to convey key messages. Ensure messaging is consistent throughout all city communication channels and is in alignment with the goals and objectives of the city and the Mayor.
- **Website and Social Media Management:** Oversee and manage the city's website, maintaining its content, design, and functionality. Ensure website compliance with the ADA and identify ways to become more accessible. Manage multiple social media platforms to engage the community strategically, including posting updates, responding to inquiries, and creating engaging content. Identify additional social media channels to reach underrepresented demographical segments of the Marlborough population.
- **Content Creation:** Work with Mayor's Office and city departments to create compelling content for various platforms, including social media graphics, videos, newsletters, alerts, brochures, flyers, internal city documents, and signage. Utilize photography and videography to professionalize and personalize the city's image across/on all communication platforms.
- **Review:** Periodically review and audit departmental communications to external audiences to ensure that all departments are sending a consistent, clear, and effective message to the public and targeted audiences. Review all communication tools used by departments to identify how said tools can be used more comprehensively or efficiently.
- **Collaboration and Stakeholder Liaison:** Serve as a liaison between the Mayor's Office and residents, departments, and stakeholders as it pertains to city communication. Meet with departments individually to identify opportunities to further departmental and city goals through communication strategies. Collaborate with external stakeholders to identify communication partnerships between them and the city. Build strong community partnerships to engage residents, business owners, and stakeholders to understand how information can be communicated more efficiently.
- **Emergency Communication:** Assist with the development and implementation of communication plans for emergency situations, ensuring residents receive timely and accurate information during crises.

- **Training and Education:** Provide guidance and training to city staff and community members on effective communication strategies and tools. Provide appropriate training and assist all departments on website functions, social media recommendations, content creation, and any other communication related function or platform.
- **Civic Engagement Promotion:** Actively promote and encourage civic participation among residents through various communication channels. Assist with creation and management of community events, surveys, and outreach efforts to foster engagement and gather valuable feedback.
- **Translation Services:** Support Mayor's Office and other departments with properly translating content into different languages as needed. Identify opportunities for departments to engage in communication in different languages to further city objectives and goals. Will be responsible for creating, implementing, and auditing policies and procedures relative to translation services.
- Assist with city sponsored events and special projects as needed by the Mayor and city departments.

SUPERVISION RECEIVED

Works in the Mayor's Office and reports the Mayor. Works under the general direction to the Chief of Staff for general day-to-day operations. Employee exercises considerable latitude for independent judgment and action. Assists in developing and achieving the city and department's goals and objectives. The position is subject to review and evaluation according to the city's personnel plan.

SUPERVISION EXERCISED

Performs complex duties requiring a high level of initiative and independent judgment in the planning, administration and execution of the city's programs and services, and in the direction of personnel. Incumbent is expected to work independently in formulating decisions regarding policies, procedures, operations, and plans. Assists in periodic review of communication work performed by designated city personnel. Works collaboratively to correct and improve any actions not consistent with the city's communication policies or best practices. Oversees interns as required.

JUDGMENT

Skilled judgement is required to successfully complete the essential functions of this position.

COMPLEXITY

Most of the work consists of being able to communicate ideas and information in a concise, user-friendly manner. The position must be able to understand complicated matters and explain them thoughtfully to multiple audiences.

CONFIDENTIALITY

Employee has access to confidential and sensitive information including city and department records. Strict confidentiality is required.

WORK ENVIRONMENT

Majority of work is performed in a standard office environment. Field and off-site work is expected to achieve the goals and objectives of the position. Operates computer, printer, video display terminal, calculator, telephone, copier, facsimile machine, and all other standard office equipment. Also operates videography and photography equipment, and all other equipment needed in the performance of the duties laid out. Has access to department-level and citywide confidential information; the application of appropriate judgment, discretion, and professional executive-level office protocols is required.

Incumbent should expect occasional evening and/or weekend hours to work on events, meetings, issues, or other items that may arise. Incumbent may work in varying weather conditions.

EDUCATION AND EXPERIENCE

Bachelor's degree in communications, political science, business, or another field preferred. Minimum five years in a municipal government setting, preferably within a communications or media role. Experience working on website updates, social media platforms, and communication technology. Experience working on the CivicPlus platform highly preferred.

Special Requirements: Massachusetts Driver's License required.

Preferred requirements: Ability to speak Portuguese and familiarity with the Marlborough community preferred.

KNOWLEDGE, ABILITY, AND SKILLS

Knowledge: Complete working knowledge of the core practices of communication work. In depth understanding of Council-Mayor form of government and general municipal government operations. Thorough knowledge and familiarity of current social media techniques. Familiarity with back-end CivicPlus website functionality. Knowledge of, and familiarity, with content creation and editing platforms.

Ability: Ability to apply communication strategy and public relations principles to complex topics across multiple departments. Ability to develop and update communication policies and procedures. Ability to create informational graphics using content creation tools. Apply creative judgment to all aspects of communication related work. Ability to establish and maintain effective working relationships within city departments, city officials, members of the communications community, government representatives, and the general public. Ability to communicate effectively in written and oral form. Ability to manage several projects at one time. Ability to work collaboratively with city staff and departments to produce effective communications to the public.

Skill: Excellent oral and written communication skills. Strong interpersonal skills. Establish and maintain cooperative working relationships with those contacted in course of work. Strong problem-solving skills. Proficient in modern day communication practices and tools such as social media, graphic design, website editing, adobe, and photography/videography equipment. Must possess effective and persuasive communication skills, both orally and writing; tact, diplomacy, and discretion when dealing with confidential and sensitive information and situations.

PHYSICAL, MOTOR, AND VISUAL SKILLS

Intellectual and mental acuity to perform conceptual and detailed technical work. Recurring intellectual effort is required to maintain a current knowledge of applicable laws, policies, and rules and regulations. Employee is frequently required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as in physically picking up files, papers and other common office objects. Employee must occasionally lift and/or move objects weighing up to 25 pounds such as equipment, outreach supplies, etc. Employee must possess the ability to operate a keyboard at a moderate speed. Vision and hearing at or correctable to normal ranges.

ORDERED:

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:

Position: Communications & Special Projects Director (40 hours per week)
(Effective July 1, 2024)

STEP/LEVEL	ANNUAL SALARY
01	-
02	-
03	-
04	-
05	-
06	-
07	\$73,000.00

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

ADOPTED
In City Council
Order No. 24-XXX
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:

ORDERED:

That pursuant to City Code Chapter 125 (Personnel), Section 125-5 (Preparation of Classification Descriptions), the job description for the new position of Capital Projects Manager (attached hereto), BE AND IS HEREWITH APPROVED.

ADOPTED
In City Council
Order No. 24-
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:

CITY OF MARLBOROUGH
DEPARTMENT OF PUBLIC WORKS
Capital Projects Manager

POSITION PURPOSE

The Capital Projects Manager is responsible for the planning, development, and oversight of all Department of Public Works capital projects, focusing on roadway and infrastructure improvements as well as necessary upgrades to public facilities within the City of Marlborough. This role ensures sufficient planning, implementation, scheduling, and supervision to yield efficient and durable finished products that meet the needs of the community. Additionally, the Capital Projects Manager assists with the development and management of multi-year capital improvement plans and budgets and implements a priority system to ensure timely completion and adherence to project specifications.

ESSENTIAL JOB FUNCTIONS

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

- Works with the other DPW Divisions in the development and management of comprehensive multi-year capital improvement plans and budgets.
- Oversees the execution of approved projects and implements a prioritization system for efficient delivery.
- Prioritizes and schedules public works capital projects from commencement to completion, ensuring adherence to project timelines and specifications to achieve intended outcomes.
- Supervises projects to identify areas for improvement and promptly address any deficiencies.
- Conducts thorough reviews and inspections of construction projects to ensure compliance with approved plans and specifications.
- Ensures projects align with the latest standards for energy management, reduction, and sustainability, collaborating closely with the Conservation/Sustainability Officer on Green Community initiatives.
- Collaborates with the Chief Procurement Officer to ensure contracted services meet the City's needs within budget constraints and ensure compliance with state bidding laws (Chapter 30B, Chapter 30-30M, and Chapter 149).
- Prepares and administers project estimates, specifications, and bid documents; conducts pre-bid conferences as necessary.
- Provides information to the public and city personnel regarding building projects, rules, and regulations; handles complaints effectively, taking proactive steps to resolve issues.
- Attends daytime and nighttime meetings to support city officials, boards, commissions, and agencies, offering recommendations and necessary information.
- Approves payments, maintains precise budget records, and oversees financial aspects of capital projects.
- Works collaboratively with all Public Works Divisions to ensure effective and efficient management of capital projects.
- Prepares routine correspondence, memoranda, and public notices as required.
- Maintains the accuracy of project files and documentation.
- Conducts independent research and prepares detailed technical reports as needed.
- Monitors and pursues relevant grant opportunities for design, construction, maintenance, and sustainability, including programs such as MHC and MSBA.
- Available to respond to emergency situations promptly.
- Performs other duties as assigned to support departmental objectives.

SUPERVISION

Supervision Received: Works under the day-to-day supervision of and reports directly to the Commissioner of Public Works. In this role, the Manager is expected to recognize situations that deviate from the ordinary and do not fall within existing instructions. When such instances arise, the Manager is responsible for promptly seeking advice and further instructions from appropriate channels.

Supervision Given: Is responsible for overseeing the performance of individuals working for the City on a contractual basis. This includes architects, engineers, contractors, project managers, and personnel involved in various trade work such as carpentry, electrical, plumbing, and other related trades.

JUDGMENT

Guidelines, which may be in the form of administrative or organizational policies, general principles, legislation, or directives that pertain to a specific department or functional area, only provide limited guidance for performing the work. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies.

COMPLEXITY

Performs complex and highly responsible duties that demand a high level of initiative and independent judgment in planning, administering, and executing the department's programs and services. This role also involves directing personnel independently, including formulating decisions on policies, procedures, operations, and plans. In addition to overseeing capital projects, the Capital Projects Manager will be responsible for developing and tracking key performance indicators to measure project efficiency, cost-effectiveness, and adherence to timelines. This includes but is not limited to monitoring project budgets against expenditures, evaluating project completion rates compared to initial estimates, and assessing the quality and durability of finished products. Regular reporting on these metrics will be presented to the Commissioner of Public Works to ensure project success and alignment with departmental goals.

NATURE AND PURPOSE OF CONTACTS

The Capital Projects Manager engages in continuous interaction with local, state, and federal government officials, community leaders, and various stakeholders to safeguard and advance the organization's interests. This role demands a high degree of diplomacy, judgment, and the ability to collaborate effectively with diverse individuals. The duties necessitate a refined sense of strategy and timing to represent the organization adeptly in critical situations that may impact its overall success and welfare.

CONFIDENTIALITY

The Capital Projects Manager has access to confidential personnel records pertaining to this department and its employees, as well as other sensitive information related to the construction of public building projects, including legal and litigation files. It is expected that the Manager handles this information with the utmost discretion, ensuring its confidentiality and compliance with all applicable privacy regulations and organizational policies.

JOB ENVIRONMENT

Work is primarily conducted in typical office conditions, with regular interruptions from the public and other city employees. Additionally, the Manager may be required to work outdoors, exposed to varying weather conditions, loud noises, and vibrations from construction equipment or systems. This role may also involve exposure to toxic or caustic chemicals, fumes, airborne particles, explosives, radiation, and other hazards commonly found at construction sites. The Manager must be available to attend evening meetings after normal business hours and is on call at all times, including nights, weekends, and holidays, to respond to emergencies such as fire, flooding, severe weather, snow and ice removal, power outages, and other critical situations as

needed. Errors in this role could lead to delays and confusion in service provision, personal injury, property damage, legal ramifications, financial loss, and negative public perceptions of the city.

RECOMMENDED MINIMUM QUALIFICATIONS

Education, Training and Experience: Bachelor's Degree in Engineering, Business Administration or related field or any equivalent combination of education, training and experience which provides the required knowledge, skill, and ability to perform the essential functions of the job.

Special Requirements: Over ten (10) years' experience in project management; Mass. Certified Public Purchasing Official (MCPPO) desirable; Supplemental courses, training and/or education in a related field are highly desirable; Must possess a valid Class D State Driver's License.

KNOWLEDGE, ABILITY AND SKILL

Knowledge: Candidates must possess a thorough working knowledge of building construction techniques and practices, coupled with a deep understanding of city government operations. The position is required to be well-versed in various construction trades and familiar with building construction code regulations, including ADA and AAB requirements. Additionally, candidates should have a working knowledge of state procurement laws related to public construction projects, including the designer selection process. They must also demonstrate familiarity with building systems such as HVAC, utilities, life safety, security alarms, and waste disposal. Furthermore, candidates should have knowledge of energy management and conservation projects.

Ability: Candidates must have the ability to effectively manage and direct large-scale building construction projects. They should be adept at handling public interactions with efficiency and professionalism, as well as managing problems and emergencies with ease. Strong ability to give and follow written and oral instructions is essential for clear communication, including delivering public presentations. Candidates should be proficient in operating computers and office equipment, maintaining confidential information with discretion, and organizing complex records. They should also demonstrate the ability to interact appropriately with city employees, officials, building tradespersons, architects, and engineers. Proficiency in basic arithmetical computations, accuracy, and meeting construction and maintenance deadlines is a requisite.

Skill: Candidates must be proficient in operating computers and general office equipment, including calculators, copiers, fax machines, and email. They should also possess skills in using measuring equipment, hand tools, light trucks, and power tools. Familiarity with building automation systems and web-based work order programs is desired. Candidates should exhibit superior customer service and communication skills, contributing to effective interactions with stakeholders. They must excel in organizational skills, maintaining up-to-date records on mechanical systems, inspections, and equipment data. Additionally, candidates should demonstrate proficiency in creating and following preventive maintenance plans for all city equipment and facilities.

PHYSICAL AND MENTAL REQUIREMENTS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Minimal physical effort generally required in performing duties under typical office conditions. Employee may be frequently exposed to outdoor weather conditions including extreme cold, hot temperatures, loud noises and vibrations from large construction equipment or systems. Position requires the ability to access construction work sites including the ability to climb significant heights and depths. The employee is frequently required to use hands to finger, handle, or feel objects, tools, or controls; and reach with hand and arms. The employee is frequently required to stand, stoop, crouch, kneel, crawl, balance, climb, sit, talk, push, pull and hear. Normal vision requirements. Employee is occasionally required to lift up to 75 pounds.

ORDERED:

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:

Position	Annual Salary						
	Step 1 Start	Step 2 6 months of service	Step 3 1 year of service	Step 4 2 years of service	Step 5 3 years of service	Step 6 4 years of service	Step 7 5 years of service
Commissioner - DPW	\$159,000.00	\$162,500.00	\$166,000.00	\$169,500.00	\$173,000.00	\$176,500.00	\$180,000.00
Assistant Commissioner - DPW	\$131,000.00	\$134,000.00	\$137,000.00	\$140,000.00	\$143,000.00	\$146,000.00	\$149,000.00
City Engineer	\$131,000.00	\$134,000.00	\$137,000.00	\$140,000.00	\$143,000.00	\$146,000.00	\$149,000.00
Capital Projects Manager	\$131,000.00	\$134,000.00	\$137,000.00	\$140,000.00	\$143,000.00	\$146,000.00	\$149,000.00

II. The effective date for the above salary schedule shall be July 1, 2024.

III. The above positions are 40 hours per week.

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

ADOPTED
In City Council
Order No. 24-XXX
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:

ORDERED:

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:

Position: Library Assistant Director (40 hours per week)
(Effective July 1, 2024)

Position	Annual Salary						
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Library Assistant Director	\$80,621	\$82,243	\$83,886	\$85,571	\$87,278	\$89,024	\$90,813

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

ADOPTED
In City Council
Order No. 24-XXX
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:

ORDERED:

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:

Position: Reference Librarian (Part-Time)
(Effective July 1, 2024)

Position	Hourly						
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Reference Librarian (Part-Time)	\$25.90	\$26.42	\$27.48	\$28.03	\$28.60	\$29.17	\$29.75

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

ADOPTED
In City Council
Order No. 24-XXX
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
2024 MAY -1 PM 3:30

JASON D. GROSSFIELD
CITY SOLICITOR

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

May 1, 2024

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

Re: City Council Order No. 24-1009137
Release of Restrictive Covenant, 66 Village Drive, Marlborough

Dear Honorable President Ossing and Councilors:

As requested, enclosed please find a proposed order and release of restrictive covenant deed relative to the above-referenced unit and certain housing affordability requirements appearing in a deed in September of 1998. The unit has not been subject to these requirements as it has not been "countable" under MGL c. 40B or approved under the Local Initiative Program.

I have reviewed the proposed order and release and they are in proper legal form. Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: J. Christian Dumais, Mayor

ORDERED:

That the City Council for the City of Marlborough having received a request on behalf of Robert H. LeDuc of 66 Village Drive (the "Requester") to release any rights that the City of Marlborough holds in a restrictive covenant set forth in a deed from First Colony Management Co., Inc. to John Hartley and Rose M. Hartley recorded on September 11, 1998 in the Middlesex South Registry of Deeds in Book 29086, Page 097, requiring that no deed for the Subject Unit (Unit 3 in Building 1 located at 66 Village Drive in the Villages at Marlborough East Condominium in Marlborough, Massachusetts) be recorded unless the Subject Unit is a "countable unit" under MGL c. 40B and is being conveyed pursuant to the so-called Local Initiative Program (LIP), and as the Subject Unit has not been a "countable unit" under MGL c. 40B or approved under LIP, the City Council hereby authorizes the following:

(1) The Mayor is authorized to execute a release of restrictive covenant deed substantially in the form attached hereto;

(2) All costs associating with recording all necessary documents referenced herein with the Registry of Deeds shall be the responsibility of the requester, and a copy of all recorded documents shall be contemporaneously filed by the requester with the City Solicitor.

ADOPTED
In City Council
Order No. 24-
Adopted

Approved by Mayor
J. Christian Dumais
Date:

A TRUE COPY
ATTEST:

RELEASE OF RESTRICTIVE COVENANT DEED

CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County (hereinafter referred to as the "City"), acting pursuant to Marlborough City Council Order No. _____ a copy of which is attached hereto as Exhibit A, for and in consideration of one (\$1.00) dollar receipt of which is hereby acknowledged, hereby releases any and all rights or interest of the City in a restrictive covenant set forth in a deed from First Colony Management Co., Inc. to John Hartley and Rose M. Hartley recorded on September 11, 1998 in the Middlesex South Registry of Deeds in Book 29086, Page 097, requiring that no deed for the Subject Unit (as defined hereafter) be recorded unless the Subject Unit is a "countable unit" under MGL c. 40B and is being conveyed pursuant to the so-called Local Initiative Program. The Subject Unit is: Unit 3 in Building 1 located at 66 Village Drive in the Villages at Marlborough East Condominium in Marlborough, Massachusetts.

Further reference is made to a Notice of Decision Grant of Special Permit from the City Council of the City of Marlborough to Brigham Development Corp. dated October 1, 1997 and recorded in the Middlesex South Registry of Deeds in Book 27885, page 454.

Witness my hand and seal on _____, 2024

CITY OF MARLBOROUGH

By: J. Christian Dumais, Mayor

COMMONWEALTH OF MASSACHUSETTS

Middlesex. _____, 2024

Then before me personally appeared J. Christian Dumais, Mayor as aforesaid, showing sufficient identification, which was MA driver's license, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged this as his free act and deed and the free act and deed of said City of Marlborough, before me.

Notary Public
My commission expires:

EXHIBIT "A"
[City Council Order]

MARLBOROUGH RETIREMENT BOARD

289 Elm Street, Suite 111, Marlborough, MA 01752
 Telephone (508) 460-3760 ~ Email: Retirement@Marlborough-ma.gov

RECEIVED
 CITY OF MARLBOROUGH
 CITY OF MARLBOROUGH
 2024 MAY 1 AM 8:05

Gregory P. Brewster, Chairman
William S. Taylor
Diane Smith
Daniel Stanhope
Robert Gustafson

April 30, 2024

President and Members
 Marlborough City Council
 City Hall, 140 Main Street, 2nd Floor.
 Marlborough, MA 01752

Dear President and Members:

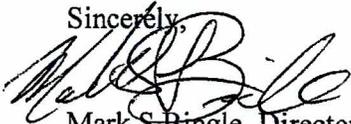
The Marlborough Retirement Board voted unanimously to increase the cost-of-living (COLA) base from \$13,000 up to \$14,000 in accordance with G.L. c.32, s. 103(j) for July 1, 2024. The Retirement Board believes that it has made substantial progress in its funding schedule and the time is now to extend a modest benefit increase to its retirees and survivors.

The Marlborough Retirement Board has consistently voted for a 3% COLA. With a base of \$13,000, retirees receive an increase of up to \$390.00 per year. The adoption of a \$14,000 base would increase most retirees and survivors COLA to an annual amount of \$420.00, an increase of \$2.50 per month.

Sherman Actuarial Associates has processed an actuarial valuation of the system. The Marlborough Retirement Board and the City continue to make steady progress toward their goal of fully funding the system. Based on the results of the January 1, 2023, actuarial study the system is 84.1% for Fiscal Year Ending 2024 and 87.2% for Fiscal Year Ending 2025 funded; up from 79.0% in 2021.

The Marlborough Retirement Board urges you to approve an increase to the COLA base. If you have any questions, please do not hesitate to contact me or any one of my Board Members on the Retirement Board.

Sincerely,



Mark S Bingle, Director
 Marlborough Retirement Board

COLA Base Increase Bullet Points

- The retirees and survivors of the Marlborough Retirement System have not seen an increase in their COLA base since 2023, with the previous increase occurring in 1997 (26 years ago).
- Of the 104 Retirement Systems in the Commonwealth of Massachusetts, Marlborough is 1 of 20 systems that have not increased their base since 2023. (See Attached list).
- In addition to the 48 Retirement Boards in the Commonwealth who have raised their COLA base higher than 13,000, 24 Boards and counting have accepted legislation that increases the 3% COLA to 5% for FY23.
- The System's funding ratio is 86.2%, based on the current draft actuarial study as of January 1, 2023. This is the percentage of assets that the System has on hand to pay for the benefits currently owed to all retirees and vested employees. Most experts view any System funded above 65-70% as being very well funded. The most recent funding schedule has Marlborough fully funded by the year 2028.
- Cola increase can only be in increments of \$1,000.00.
- Past COLA base increases:
 - 2023 - \$13,000
 - 1997 - \$12,000
 - 1986 - \$9,000
 - 1985 - \$8,000
 - 1982 - \$7,000

**COLA BASES: ANNUAL OVERVIEW
104 RETIREMENT SYSTEMS**

\$12,000 Base

Amesbury
Chelsea
Fall River

\$13,000 Base

Attleboro
Belmont
Beverly*
Danvers
Hampshire County
Haverhill
Leominster*
Marlborough
Milford
Natick
North Adams
Northampton
Revere
West Springfield
Westfield
Weymouth*
Winthrop**

\$14,000 Base

Adams
Andover*
Berkshire County
Braintree****
Brockton
Concord
Dukes County
Everett
Fitchburg**
Gardner**
Gloucester
Hingham
Holyoke
Lawrence**
Marblehead**
MassPort
Minuteman RSD*
New Bedford**
Northbridge
Quincy
Reading
Shrewsbury*
Southbridge*
Springfield**

Swampscott
Waltham
Watertown*
Winchester
Worcester Retirement*

\$15,000 Base

Arlington
Boston
Brookline*
Chelsea***
Dedham
GLSD
Lexington*
Lynn
Maynard
Newton****
Norwood*
Peabody
Salem*
Stoneham*

\$16,000 Base

Cambridge
Chicopee*
Easthampton*
Essex Cty*
Fairhaven**
Falmouth**
Framingham*
Greenfield**
Melrose*
Middlesex County
Needham*
Pittsfield*
Plymouth County**
Somerville**
Taunton**
Wakefield*
Woburn*
Worcester County

\$17,000 Base

Franklin County
Lowell
MWRA*

\$18,000 Base

Barnstable County
Blue Hills RSD
Clinton*
Hampden County
Hull**
Malden*

Medford*
Methuen
Milton*
Norfolk County
Saugus*
Webster**

\$20,000 Base
Bristol County**

\$21,000
Wellesley****

\$30,000
Montague***

***FY23**
**** FY24**
*****FY25**
******FY26**

Wellesley FY25 \$20k, FY26 \$21k
Newton FY25 \$14k, FY26 \$15k

**MARBOROUGH
CONTRIBUTORY RETIREMENT SYSTEM**

Actuarial Valuation Report
January 1, 2023



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Report Summary:**Highlights****January 1, 2021****January 1, 2023**Contributions

Funding Schedule FY 2024	\$10,650,851	\$10,650,851
Funding Schedule FY 2025	11,039,737	\$11,219,878

Funded Ratios

GAS No. 25	79.0%	84.1%
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Participants

Actives	640	610
Retirees and Beneficiaries	419	458
Inactives	237	310
Disabled	<u>37</u>	<u>41</u>
Total	1,333	1,419

Payroll

Payroll of Active Members	\$38,068,187	\$38,056,581
Average Payroll	59,482	62,388

Normal Cost

Employer	874,219	953,877
Employee	3,423,826	3,463,432
Administrative Expenses	<u>297,000</u>	<u>365,000</u>
Total	4,595,045	4,782,309

Actuarial Accrued Liabilities

Actives	102,745,875	96,183,034
Retirees, Beneficiaries, Disabilities and Inactives	<u>149,026,185</u>	<u>173,788,207</u>
Total	251,772,060	269,971,241

Actuarial Value of Assets198,863,212 226,935,363Unfunded Actuarial Accrued Liabilities

\$52,908,848 \$43,035,878

Introduction

This report presents the findings of an actuarial valuation as of January 1, 2023, of Marlborough Contributory Retirement System.

The actuarial valuation is based on:

- Provisions Chapter 32 of the Massachusetts General Laws, "M.G.L.", as of January 1, 2023.
- Employee data provided by the Retirement Board
- Asset information reported to the Public Employee Retirement Administration Commission by the Marlborough Retirement System
- Actuarial assumptions approved by the Retirement Board

The valuation and appropriation forecast are prepared in accordance with Chapter 32 of the M.G.L. as of January 1, 2023.

The valuation and forecast do not account for:

- Any subsequent changes in the law
- Chapter 32 of the M.G.L., Section 3(8)(c) transfers between systems
- State-mandated benefits
- Cost-of-living increases granted to retired members between 1982 and 1997. The cost of these benefits has been assumed by the State under Proposition Two and One-Half.

Actuarial Experience

In performing the actuarial valuation, various assumptions are made regarding such factors as mortality, retirement, disability, and withdrawal rates as well as both payroll, salary increases, and investment returns. A comparison of the current valuation and the prior valuation is made to determine how closely actual experience corresponded to anticipated occurrences. This analysis of the system provides insight into the overall quality of the actuarial assumptions and helps explain any change in the annual appropriation.

During the last two years, based on the 2021 actuarial assumptions and plan provisions, the total unfunded actuarial accrued liability decreased to \$36,479,179. The decrease is the result of net favorable actuarial experience during the preceding year, and by payments against the unfunded actuarial liability. The sources of change in the unfunded liability are as follows:

Expected Unfunded Actuarial Accrued Liability	38,541,203
Asset gain	(3,634,944)
Salary loss	(2,405,092)
New Entrants	2,537,397
Actives - Retirements	(2,649,916)
Actives - Terminations	(1,599,008)
Actives - Mortality	2,657
Actives - Disabilities	(399,231)
Inactive Mortality	787,904
Inactive - Data adjustments	3,535,110
Other	(49,114)
Benefit Payments	<u>1,812,211</u>
Unfunded Actuarial Accrued Liability	36,479,179

The system decreased its assumed rate of return to 7.25%. This increased the unfunded actuarial accrued liability by \$6,556,699 to \$43,035,878. It also increased the employer portion of the Normal Cost by \$183,558 to \$953,877.

Actuarial Costs and Liabilities:

Normal Costs

The normal cost is the sum of the individual normal costs determined for each member as if the assumptions underlying the cost determinations had been exactly realized. An individual normal cost represents that part of the cost of a member's future benefits which are assigned to the current year as if the costs are to remain level as a percentage of the member's pay. Benefits payable under all circumstances (i.e., retirement, death, disability, and terminations) are included in this calculation. Anticipated employee contributions to be made during the year are subtracted from the total normal cost to determine employer normal cost. The total normal cost is divided by total payroll to determine the normal cost as a percent of pay. The normal cost is shown in Table I.

Table I

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Superannuation	\$2,549,433	\$2,618,226
Termination	1,136,221	1,170,215
Death	138,351	142,483
Disability	474,040	486,385
Administrative Expenses	<u>297,000</u>	<u>365,000</u>
Total Normal Cost	4,595,045	4,782,309
% of Pay	12.1%	12.6%
Employee Contributions	3,423,826	3,463,432
% of Pay	9.0%	9.1%
Employer Normal Cost	\$1,171,219	\$1,318,877
% of Pay	3.1%	3.5%

Present Value of Actuarial Accrued Liabilities

The actuarial accrued liabilities (AAL) represents today's value of all benefits based on the past service of the actives and inactive. The AAL can be compared to the assets to determine the funded status of the Plan. The value of these earned benefits is shown in Table II below.

Table II

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Actives		
Superannuations	\$100,035,367	\$93,366,184
Termination	(2,523,234)	(2,365,176)
Death	1,325,472	1,333,290
Disability	3,908,270	3,848,736
Retirees and Inactives		
Retirees and Beneficiaries	125,159,827	146,522,149
Terminated (Refund)	2,643,327	3,834,744
Disabled	<u>21,223,031</u>	<u>23,431,314</u>
Total	\$251,772,060	\$269,971,241

Present Value of Future Benefits

The present value of future benefits represents today's value of all benefits earned by the inactive participants as well as all benefits earned and expected to be earned in the coming years by the active participants. The difference between the present value of future benefits and the present value of actuarial accrued liabilities is the value of benefits to be earned in the coming years. The value of the total expected benefits is shown in Table III.

Table III

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Actives		
Superannuation	\$118,105,233	\$112,649,334
Termination	\$6,400,681	7,169,710
Death	\$2,316,249	2,391,870
Disability	\$7,391,548	7,574,082
Retirees and Inactives		
Retirees and Beneficiaries	125,159,827	146,522,149
Terminated (Refund)	2,643,327	3,834,744
Disabled	<u>21,223,031</u>	<u>23,431,314</u>
Total	\$283,239,896	\$303,573,203

Funded Status and Appropriations:

Market Value of Plan Assets

The trust fund composition on a market value basis is shown in Table IV.

Table IV

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Cash equivalents	\$2,283,197	\$380,115
Short term investments	0	0
Fixed income securities	62,581,375	51,022,535
Equities	84,425,563	69,841,345
International	46,776,479	46,642,184
Real Estate	6,975,593	11,128,772
Venture Capital	0	0
Other	8,989,306	25,705,579
Accounts receivable	61,490	339,778
Accounts payable	(76,725)	(45,653)
Accrued income	<u>20,477</u>	<u>1,295</u>
Total Market Value	\$212,036,755	\$205,015,950
Total Actuarial Value	\$198,863,212	\$226,935,363

Actuarial Value of Assets

The actuarial value of assets is determined by projecting the actuarial value of assets as of the beginning of the prior plan year with the assumed rate of return during that year (7.5%) and accounting for deposits and disbursements with interest at the assumed rate of return. An adjustment is then applied to recognize the difference between the actual investment return and expected return over a five year period. This preliminary actuarial value is not allowed to differ from the market value of assets by more than 20%. The calculation of the actuarial value of assets as of January 1, 2023 is presented in Table V.

Table V

	<u>January 1, 2023</u>
(1) Market value at January 1, 2022	\$237,638,004
(2) 2022 Contributions	\$15,625,138
(3) 2022 Benefit Payments	(\$18,251,704)
(4) Net interest adjustment at 7.5% on (1), (2), and (3) to December 31, 2022	\$17,724,354
(5) Expected market value on January 1, 2023	\$252,735,792
(1) + (2) + (3) + (4)	
(6) Actual market value on January 1, 2023	\$205,015,950
(7) 2022 (Gain) / Loss	\$47,719,842
(8) 80% of 2022 (Gain) / Loss	\$38,175,874
(9) 2021 (Gain) / Loss	(\$13,224,144)
(10) 60% of 2021 (Gain) / Loss	(\$7,934,486)
(11) 2020 (Gain) / Loss	(\$12,911,142)
(12) 40% of 2020 (Gain) / Loss	(\$5,164,457)
(13) 2019 (Gain) / Loss	(\$15,787,591)
(14) 20% of 2019 (Gain) / Loss	(\$3,157,518)
(15) Actuarial value on January 1, 2023, (6) + (8) + (10) + (12) + (14)	\$226,935,363
(16) but not less than 80% nor greater than 120% of (6)	\$226,935,363
Ratio of actuarial value to market value	110.69%
2022 Market Value Return on investments	-12.69%
2022 Actuarial Value Return on investments	5.38%
2021 Market Value Return on investments	13.79%
2021 Actuarial Value Return on investments	10.32%

Unfunded Actuarial Accrued Liabilities

Under the Entry Age Normal Actuarial Cost Method, the Actuarial Accrued Liability represents what the accumulated assets would have been as of the valuation date if:

- current plan provisions and assumptions had always been in effect,
- experience conformed exactly to assumptions, and
- the normal cost had been contributed each year since inception.

The actuarial value of the Fund's assets as of the end of the prior year are subtracted from the Actuarial Accrued Liability (AAL) to determine the Unfunded Actuarial Accrued Liability (UAAL) as of the valuation date. Over time, annual pension contributions will accumulate Plan assets equal to the AAL, and the UAAL will be eliminated. Thereafter, annual contributions equal to the normal cost will keep the Plan's assets and liabilities in balance. The UAAL is developed in Table VI.

Table VI

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Actuarial Accrued Liability	\$251,772,060	\$269,971,241
Actuarial Assets	<u>198,863,212</u>	<u>226,935,363</u>
Unfunded Actuarial Accrued Liability	\$52,908,848	\$43,035,878
Funded Status	79.0%	84.1%

Appropriations

The pension appropriation for the upcoming fiscal years have been calculated in accordance with the requirements set forth in Sections 22D and 22F of Chapter 32 of the Massachusetts General Laws. These amounts were calculated to comply with the June 30, 2040, full funding mandate for all accrued liabilities. The pension appropriation is the sum of the:

- Employer normal cost,
- Increasing amortization of the unfunded actuarial accrued liability by June 30, 2028
\$ 43,035,878 over 5 years with 4.5% increasing payments
- Interest adjustment for payments deposited at the beginning of the fiscal year.

The pension appropriation is shown in Table VII.

Table VII

	<u>January 1, 2021</u>	<u>January 1, 2023</u>
Normal cost	\$1,171,219	\$1,318,877
Amortization payment of the accrued liability	<u>8,329,222</u>	<u>9,060,031</u>
Total cost	\$9,500,441	\$10,378,908
% of Pay	25.0%	27.3%
Fiscal 2024 cost	\$9,524,576	\$10,650,851
Fiscal 2025 cost	\$10,275,549	\$11,219,878

Appropriation Forecast

The following exhibit forecasts employer and employee contributions over the next 32 years under the adopted funding schedule.

Note that the forecast is based upon an "open group" method. This method assumes that sufficient employees will be hired each year to keep the number constant. The total payroll of the system is expected to increase 4.0% per year. The employee contribution rate is expected to increase to 10.5% by 2041 as members contributing base percentages 5%, 7%, and 8% are replaced by new members, whose base contribution is 9%. Payments are assumed to be made at the beginning of the year.

The employer total cost is expected to increase during the next 4 years until the unfunded liabilities are substantially paid off, at which time only the normal cost will remain. The total cost represents about 28% of payroll, increasing to 28.5% by the time the unfunded liabilities are fully paid off, leaving only a normal cost of about 3.2% thereafter. The decrease in the cost as a percentage of payroll is a result of the increase in member deductions.

[https://shermanactuary-my.sharepoint.com/personal/dan_shermanactuary_com/Documents/Recovered Data/Marlborough/Val23/\[Marlb2023_Val 7_25.xlsx\]Approp Results](https://shermanactuary-my.sharepoint.com/personal/dan_shermanactuary_com/Documents/Recovered%20Data/Marlborough/Val23/[Marlb2023_Val%207_25.xlsx]Approp%20Results)

Appropriation Forecast

Fiscal Year	Employee Contribution	Employer Normal Cost with Interest	Amortization Payments with Interest	Employer Total Cost with Interest	Employer Total Cost % of Payroll	Unfunded Liability	Funded Ratio %**
2024	\$3,463,432	\$1,365,850	\$9,285,002	\$10,650,852	28.0	\$43,035,878	84.1
2025	\$3,634,546	\$1,386,747	\$9,833,131	\$11,219,878	28.3	\$36,543,890	87.2
2026	\$3,813,808	\$1,407,130	\$10,275,622	\$11,682,752	28.4	\$29,009,976	90.4
2027	\$4,001,596	\$1,426,925	\$10,738,025	\$12,164,950	28.4	\$20,471,604	93.6
2028	\$4,198,304	\$1,446,052	\$11,221,236	\$12,667,288	28.5	\$10,835,327	96.8
2029	\$4,404,347	\$1,464,426	\$0	\$1,464,426	3.2	\$0	100.0
2030	\$4,620,156	\$1,481,956	\$0	\$1,481,956	3.1	\$0	100.0
2031	\$4,846,183	\$1,498,546	\$0	\$1,498,546	3.0	\$0	100.0
2032	\$5,082,899	\$1,514,092	\$0	\$1,514,092	2.9	\$0	100.0
2033	\$5,330,799	\$1,528,484	\$0	\$1,528,484	2.8	\$0	100.0
2034	\$5,590,398	\$1,541,605	\$0	\$1,541,605	2.7	\$0	100.0
2035	\$5,862,236	\$1,553,329	\$0	\$1,553,329	2.7	\$0	100.0
2036	\$6,146,876	\$1,563,526	\$0	\$1,563,526	2.6	\$0	100.0
2037	\$6,444,908	\$1,572,052	\$0	\$1,572,052	2.5	\$0	100.0
2038	\$6,756,948	\$1,578,759	\$0	\$1,578,759	2.4	\$0	100.0
2039	\$7,083,638	\$1,583,488	\$0	\$1,583,488	2.3	\$0	100.0
2040	\$7,425,653	\$1,586,068	\$0	\$1,586,068	2.2	\$0	100.0
2041	\$7,783,695	\$1,586,322	\$0	\$1,586,322	2.1	\$0	100.0
2042	\$8,095,043	\$1,649,775	\$0	\$1,649,775	2.1	\$0	100.0
2043	\$8,418,845	\$1,715,765	\$0	\$1,715,765	2.1	\$0	100.0
2044	\$8,755,599	\$1,784,396	\$0	\$1,784,396	2.1	\$0	100.0
2045	\$9,105,823	\$1,855,772	\$0	\$1,855,772	2.1	\$0	100.0
2046	\$9,470,056	\$1,930,003	\$0	\$1,930,003	2.1	\$0	100.0
2047	\$9,848,858	\$2,007,203	\$0	\$2,007,203	2.1	\$0	100.0
2048	\$10,242,812	\$2,087,491	\$0	\$2,087,491	2.1	\$0	100.0
2049	\$10,652,525	\$2,170,991	\$0	\$2,170,991	2.1	\$0	100.0
2050	\$11,078,626	\$2,257,830	\$0	\$2,257,830	2.1	\$0	100.0
2051	\$11,521,771	\$2,348,144	\$0	\$2,348,144	2.1	\$0	100.0
2052	\$11,982,642	\$2,442,069	\$0	\$2,442,069	2.1	\$0	100.0
2053	\$12,461,947	\$2,539,752	\$0	\$2,539,752	2.1	\$0	100.0
2054	\$12,960,425	\$2,641,342	\$0	\$2,641,342	2.1	\$0	100.0
2055	\$13,478,842	\$2,746,996	\$0	\$2,746,996	2.1	\$0	100.0

** Beginning of Fiscal Year

EXHIBITS

Exhibit 1 - Age/Service Distribution with Salary as of January 1, 2023

Attained Age	Average Salary <5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40+	Total
< 20	1 47,511	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	1 47,511
20-24	30 37,359	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	31 39,090
25-29	54 46,554	12 56,693	0 0	0 0	0 0	0 0	0 0	0 0	0 0	66 48,398
30-34	39 54,429	27 72,136	2 87,212	0 0	0 0	0 0	0 0	0 0	0 0	68 62,424
35-39	19 44,857	17 74,833	23 84,545	9 82,688	1 0	0 0	0 0	0 0	0 0	69 71,301
40-44	21 38,076	13 59,380	8 90,421	6 55,756	5 90,403	0 0	0 0	0 0	0 0	53 58,141
45-49	20 38,240	10 42,729	6 45,234	6 86,007	13 78,975	2 100,130	0 0	0 0	0 0	57 56,254
50-54	14 31,283	13 42,331	9 51,700	8 44,522	12 81,999	13 117,121	5 106,637	0 0	0 0	74 65,534
55-59	9 46,945	18 60,774	12 61,655	17 54,838	22 72,537	4 95,700	10 107,896	5 101,701	0 0	97 69,635
60-64	8 51,089	14 50,638	7 61,573	14 36,239	13 55,372	6 82,415	2 78,844	5 77,532	0 0	69 55,300
65-69	2 31,944	3 43,051	5 70,167	4 42,692	2 58,769	2 80,040	2 42,154	0 0	1 80,478	21 55,098
70+	0 0	0 0	0 0	2 41,336	0 0	0 0	2 57,710	0 0	0 0	4 49,523
Total Employees	217	128	72	66	68	27	21	10	1	610
Average Salary	44,031	59,232	70,844	55,212	71,998	102,229	93,789	89,616	80,478	60,133

Exhibit 2 - Retiree Distribution as of January 1, 2023

Attained Age	Number of Employees			Total Payments		
	Female	Male	Total	Female	Male	Total
< 20	1	0	0	53,049	0	53,049
20-24	0	0	0	0	0	0
25-29	0	0	0	0	0	0
30-34	1	0	0	4147.56	0	4,148
35-39	0	0	0	0	0	0
40-44	0	0	0	0	0	0
45-49	0	1	1	0	34,085	34,085
50-54	0	2	2	0	89,738	89,738
55-59	12	13	25	182,897	711,232	894,128
60-64	23	38	61	496,750	2,088,631	2,585,381
65-69	55	45	100	978,527	2,125,781	3,104,308
70-74	53	41	94	1,147,593	1,810,402	2,957,995
75-79	43	41	84	991,753	1,694,429	2,686,183
80-84	26	19	45	560,778	741,102	1,301,880
85-89	13	11	24	325,433	325,739	651,172
90-94	8	6	14	150,250	135,356	285,606
95+	5	1	6	109,736	22,673	132,409
Total	240	218	456	5,000,915	9,779,166	14,780,081
Average (Age/Payment)	73.08	71.58	72.36	20,837	44,859	32,412
Frequency Percent	52.6	47.4	100.0	33.8	66.2	100.0

Exhibit 3 - Disabled Retiree Distribution as of January 1, 2023

Attained Age	Number of Employees			Total Payments		
	Female	Male	Total	Female	Male	Total
< 20	0	0	0	0	0	0
20-24	0	0	0	0	0	0
25-29	0	0	0	0	0	0
30-34	0	0	0	0	0	0
35-39	0	0	0	0	0	0
40-44	1	1	2	54,783	72,919	127,702
45-49	0	0	0	0	0	0
50-54	1	1	2	36,810	39,956	76,766
55-59	2	6	8	101,295	437,212	538,507
60-64	1	7	8	36,704	355,284	391,989
65-69	0	9	9	0	495,630	495,630
70-74	1	4	5	30,335	146,695	177,030
75-79	1	4	5	17,046	151,989	169,034
80-84	0	1	1	0	34,388	34,388
85-89	0	0	0	0	0	0
90-94	0	0	0	0	0	0
95-99	0	1	1	0	37,662	37,662
Total	7	34	41	276,973	1,771,734	2,048,707
Average (Age/Payment)	60.9	66.3	65.3	39,568	52,110	49,968
Frequency Percent	17.1	82.9	100.0	13.5	86.5	100.0

EXHIBIT 4 - CASHFLOW FORECAST:

The following is a 30 year forecast of benefit payments net of state reimbursable COLA payments, Contribution Income and Investment Returns.

Plan Year Ending	Benefit Payments	Employee Contributions	Employer Contributions	Investment Returns	Net change in plan assets
2023	\$8,590,149	\$3,463,432	\$10,650,852	\$16,382,239	\$21,906,374
2024	9,331,253	3,634,546	11,219,878	17,964,674	23,487,845
2025	10,088,276	3,813,808	11,682,752	19,653,778	25,062,062
2026	10,828,011	1,765,812	12,164,950	21,458,283	24,561,034
2027	11,571,027	4,198,304	12,667,288	23,389,129	28,683,693
2028	12,322,017	4,404,347	1,464,426	25,039,571	18,586,327
2029	13,117,642	4,620,156	1,481,956	26,355,963	19,340,433
2030	13,857,321	4,846,183	1,498,546	27,728,965	20,216,373
2031	14,512,055	2,680,326	1,514,092	29,168,443	18,850,806
2032	15,197,724	5,330,799	1,528,484	30,681,948	22,343,507
2033	15,915,790	5,590,398	1,541,605	32,273,279	23,489,492
2034	16,667,783	5,862,236	1,553,329	33,946,432	24,694,215
2035	17,455,306	6,146,876	1,563,526	35,705,608	25,960,704
2036	18,280,038	6,444,908	1,572,052	37,555,227	27,292,149
2037	19,143,738	3,676,708	1,578,759	39,499,936	25,611,665
2038	20,048,246	7,083,638	1,583,488	41,544,622	30,163,502
2039	20,995,490	7,425,653	1,586,068	43,694,427	31,710,658
2040	21,987,490	7,783,695	1,586,322	45,954,757	33,337,284
2041	23,026,360	8,095,043	1,649,775	48,329,042	35,047,499
2042	24,114,315	8,418,845	1,715,765	50,825,343	36,845,638
2043	25,253,674	8,755,599	1,784,396	53,449,941	38,736,262
2044	26,446,866	9,105,823	1,855,772	56,209,447	40,724,176
2045	27,696,434	9,470,056	1,930,003	59,110,814	42,814,439
2046	29,005,041	9,848,858	2,007,203	62,161,357	45,012,377
2047	30,375,478	10,242,812	2,087,491	65,368,773	47,323,597
2048	31,810,666	10,652,525	2,170,991	68,741,158	49,754,008
2049	33,313,664	11,078,626	2,257,830	72,287,036	52,309,828
2050	34,887,676	11,521,771	2,348,144	76,015,370	54,997,609
2051	36,536,057	11,982,642	2,442,069	79,935,599	57,824,252
2052	37,626,748	12,461,947	2,539,752	84,080,284	61,455,235

EXHIBIT 5 – SUMMARY OF PLAN PROVISIONS:

This summary is prepared in accordance with Chapter 32 as of January 1, 2023, and does not take into account any subsequent changes.

1. Administration

Each of the 104 contributory retirement systems for public employees of the Commonwealth of Massachusetts are guided by the applicable provisions of Chapter 32 of the Massachusetts General Laws and other applicable statutes. Although these boards operate semi-independently, there is a uniform set of rules governing benefits, eligibility, contributions, financing, and accounting.

2. Participation

Participation is mandatory for all full-time employees whose employment commences prior to age 65. Eligibility with respect to part-time, professional, temporary, or intermittent employment is governed by the local board. Membership is optional for certain elected officials, State officials appointed by the Governor, and certain hospital interns.

There are four classes of membership as follows:

- (i) Group 1: Most general employees in State and local government
- (ii) Group 2: Certain specified hazardous duty positions
- (iii) Group 3: State police officers and inspectors
- (iv) Group 4: Local police officers, firefighters, and designated employees of the municipal light department.

For members in more than one group, participation will be proportional.

Chapter 176 of the Acts of 2011 created different plan provisions within these groups for those hired on or after April 2, 2012.

3. Salary

Salary is defined as gross regular compensation. Salary does not include bonuses, overtime, severance pay, unused sick leave credit, or other similar compensation.

4. Member Contributions

Member contributions vary depending upon date hired as follows:

<u>Date of Hire</u>	<u>Member Contribution Rate</u>
Prior to 1975	5.0% of Salary
1975 to 1983	7.0% of Salary
1984 to 1996	8.0% of Salary
1996 and Later plus	9.0% of Salary
1979 and Later	2.0% of Salary in excess of \$30,000

For Group 1 employees who become members on or after April 2, 2012, the Contribution Rate shall be 6% after the completion of 30 years of service.

5. Average Salary

Average salary is used to determine a participant's benefit. It is defined as the average salary during the three consecutive-year period that produces the highest average. (Alternatively, if a greater amount results, it is the average rate of salary earned during the period or periods, whether or not consecutive, that constitutes the last three years preceding retirement.). For employees who become members on or after April 2, 2012, the averaging period shall be five years.

6. Creditable Service

In general, creditable service is awarded during the period in which a member contributes to the retirement system.

7. Service Retirement**a. Eligibility:**

For an employee to be eligible for service retirement (also referred to as superannuation), one of the following conditions must be met:

- (i) completion of 20 years of service, if hired before April 2, 2012
- (ii) for an employee hired prior to January 1, 1978, attainment of age 55 as an active member
- (iii) for an employee hired on or after January 1, 1978, attainment of age 55 as an active member and completion of ten years of service
- (iv) for a Group 1 employee hired on or after April 2, 2012, attainment of age 60 and completion of ten years of service

b. Benefit Amount:

The retirement allowance is determined as a product of the participant's Benefit Rate times Average Salary times Creditable Service, where Benefit Rate is determined from the following table for those hired prior to April 2, 2012:

<u>Age at Retirement</u>	<u>Percentage of Average Salary</u>		
	<u>Group 1</u>	<u>Group 2</u>	<u>Group 4</u>
65 or Over	.025	.025	.025
64	.024	.025	.025
63	.023	.025	.025
62	.022	.025	.025
61	.021	.025	.025
60	.020	.025	.025
59	.019	.024	.025
58	.018	.023	.025
57	.017	.022	.025
56	.016	.021	.025
55	.015	.020	.025
54	.014	.014	.024
53	.013	.013	.023
52	.012	.012	.022
51	.011	.011	.021
50	.010	.010	.020
49	.009	.009	.019
48	.008	.008	.018
47	.007	.007	.017
46	.006	.006	.016
45	.005	.005	.015
44	.004	.004	.004
43	.003	.003	.003
42	.002	.002	.002
41	.001	.001	.001

Marlborough 21

For those hired after April 1, 2012 who retire with less than 30 years of service, the following rates are applied:

<u>Age at Retirement</u>	<u>Percentage of Average Salary</u>		
	<u>Group 1</u>	<u>Group 2</u>	<u>Group 4</u>
67 or Over	.0250	.0250	.0250
66	.0235	.0250	.0250
65	.0220	.0250	.0250
64	.0205	.0250	.0250
63	.0190	.0250	.0250
62	.0175	.0250	.0250
61	.0160	.0235	.0250
60	.0145	.0220	.0250
59		.0205	.0250
58		.0190	.0250
57		.0175	.0250
56		.0160	.0235
55		.0145	.0220
54			.0205
53			.0190
52			.0175
51			.0160
50			.0145

For those hired after April 1, 2012 who retire with at least 30 years of service, the following rates are applied:

<u>Age at Retirement</u>	<u>Percentage of Average Salary</u>		
	<u>Group 1</u>	<u>Group 2</u>	<u>Group 4</u>
67 or Over	.02500	.02500	.02500
66	.02375	.02500	.02500
65	.02250	.02500	.02500
64	.02125	.02500	.02500
63	.02000	.02500	.02500
62	.01875	.02500	.02500
61	.01750	.02375	.02500
60	.01625	.02250	.02500
59		.02125	.02500
58		.02000	.02500
57		.01875	.02500
56		.01750	.02375
55		.01625	.02250
54			.02125
53			.02000
52			.01875
51			.01750
50			.01625

8. Deferred Vested Retirement

a. Eligibility:

A participant who has completed ten or more years of creditable service is eligible for a deferred vested retirement benefit. If termination is involuntary, the participant is vested after six years.

b. Benefit Amount:

The participant's accrued benefit is payable commencing at age 55, or may be deferred until later at the employee's option.

c. Refund of Contributions:

In lieu of the deferred pension benefit, a member may elect to receive a refund of their accumulated contributions with interest.

9. Accidental Disability

a. Eligibility:

Participants are eligible for an accidental disability benefit, regardless of service or age, if they become permanently and totally incapacitated for further duty as a result of personal injury sustained while in the performance of duties.

b. Benefit Amount:

The accidental disability amount is 72% of annual salary plus \$450 per year for each child plus an additional annuity based upon accumulated Member Contributions with credited interest.

10. Ordinary Disability

a. Eligibility:

An ordinary disability occurs when a member becomes permanently and totally disabled due to sickness or injury that is not job related. In order to be eligible for an ordinary disability benefit, a member must have ten years of service (and be less than age 55 or age 60 if hired on or after April 2, 2012).

b. Benefit Amount:

The ordinary disability amount is equal to the accrued retirement benefit as if the member were age 55 (age 60 if hired on or after April 2, 2012). If the member was a veteran, the benefit is 50% of the member's final rate of Salary during the preceding 12 months, plus an annuity based upon accumulated Member Contributions plus credited interest. If the participant is over age 55 (age 60 if hired on or after April 2, 2012), he will receive not less than the superannuation allowance to which he is entitled.

11. Survivor Benefits

a. Occupational Death:

The survivors of a member who dies due to an occupational injury will be entitled to a lump sum return of contributions plus a pension benefit equal to 72% of the participant's annual Salary.

b. Non-Occupational Death:

Upon the death of a member other than due to an occupational injury, the designated beneficiary will be entitled to a retirement benefit as if Option C had been elected with a minimum of \$250 per month to the surviving spouse, plus \$120 for the first child, plus \$90 for each additional child. If no beneficiary is designated and if the employee worked two years, and is married at least one year, the spouse may elect benefits. If there is no designated beneficiary or surviving spouse, then member contributions are returned. If there are dependent children but no surviving spouse, they may elect minimum survivor benefits of \$250 per month plus \$120 for the first child and \$90 for each additional child.

c. Refund of Contributions:

Upon the death of a member not entitled to survivor benefits, the beneficiary is entitled to a refund of all member contributions with interest.

12. Cost-of-Living Increases

In accordance with the adoption of Chapter 17 of the Acts of 1997, the granting of a cost-of-living adjustment will be determined by an annual vote by the Retirement Board. The amount of increase will be based upon the Consumer Price Index, limited to a maximum of 3.0%, beginning on July 1. All retirees, disabled retirees, and beneficiaries who have been receiving benefits payments for at least one year as of July 1 are eligible for the adjustment. The maximum amount of pension benefit subject to a COLA is \$12,000. All COLAs granted to members after 1981 and prior to July 1, 1998 are deemed to be an obligation of the State and are not the liability of the Retirement System.

13. Postretirement Death Benefits

Any benefits following the death of a member after retirement are based upon the form of benefit the participant elected at the time of retirement. There are three available forms as follows:

- (i) Option A – Life annuity
- (ii) Option B – Life annuity with death benefit equal to excess of member contributions plus credited interest to retirement over annuity benefit paid to member
- (iii) Option C – Life annuity with 66-2/3% of benefit continued after death of member to designated joint annuitant

EXHIBIT 6 – ACTUARIAL METHODS AND ASSUMPTIONS:

The actuarial cost method, factors, and assumptions used in determining cost estimates are presented below.

1. Member Data

The member data used in the determination of cost estimates consist of pertinent information with respect to the active, inactive, retired, and disabled members of the employer as supplied by the employer to the actuary.

2. Valuation Date

January 1, 2023.

3. Actuarial Cost Method

The costs of the Plan have been determined in accordance with the individual entry age normal actuarial cost method.

4. Rate of Investment Return

It is assumed that the assets of the fund will accumulate at a compound annual rate of 7.5% per annum.

5. Salary Scale

It is assumed that salaries including longevity will increase at a rate of 3.75% per year.

6. Cost-of-Living Increases

Cost-of-living increases have been assumed to be 3.0% of the lesser of the pension amount and \$12,000 per year.

7. Value of Investments

Assets held by the fund are valued at market value as reported by the Public Employees' Retirement Administration Commission (PERAC). The actuarial value of assets is determined

using a five-year smoothing of asset returns greater than or less than the assumed rate of return.

8. Annual Rate of Withdrawal Prior to Retirement

Based on an analysis of experience, the assumed annual rates of withdrawal may best be illustrated by the following rates at the following ages:

<u>Service</u>	<u>General Employees</u>	<u>Police and Fire Employees</u>
0	0.2080	0.1500
5	0.1020	0.1000
10	0.0650	0.0600
15	0.0417	0.0600
20	0.0400	0.0000
30	0.0000	0.0000

9. Annual Rate of Mortality

It is assumed that mortality for is represented by the various SOA Pub-2010 Public Retirement Plans Mortality Tables specific to the Group, Pre-retirement versus Post, Disabled and Beneficiaries, with Scale MP-2018 improvements until 2025.

10. Service Retirement

Based on an analysis of experience, the assumed annual retirement rates are illustrated at the following ages for those hired prior to April 2, 2012:

<u>Age</u>	<u>Male General Employees</u>	<u>Female General Employees</u>	<u>Male and Female Police and Fire Employees</u>
50	0.0360	0.1019	0.0382
51	0.0405	0.0714	0.0351
52	0.0437	0.0562	0.0436
53	0.0366	0.0448	0.0527
54	0.0451	0.0488	0.0999
55	0.0477	0.0469	0.1110
56	0.0574	0.0518	0.1413
57	0.0632	0.0509	0.1292
58	0.0765	0.0552	0.1499
59	0.0917	0.0645	0.1679
60	0.1057	0.0774	0.1871
61	0.1224	0.1038	0.2073
62	0.1473	0.1168	0.2176
63	0.1777	0.1440	0.3338
64	0.2136	0.1708	0.5664
65	0.2615	0.1939	1.00000
66	0.2682	0.1959	1.00000
67	0.2500	0.2000	1.00000
68	0.2500	0.2000	1.00000
69	0.2500	0.2000	1.00000
70 to 76	0.2500	0.2500	1.00000
77 to 79	0.3500	0.2500	1.00000
80	1.0000	1.0000	1.00000

Based on an analysis of experience, the assumed annual retirement rates are illustrated at the following ages for those hired on or after April 2, 2012:

<u>Age</u>	<u>Male General Employees</u>	<u>Female General Employees</u>	<u>Male and Female Police and Fire Employees</u>
50	0.0000	0.0000	0.0191
51	0.0000	0.0000	0.0176
52	0.0000	0.0000	0.0436
53	0.0000	0.0000	0.0211
54	0.0000	0.0000	0.0266
55	0.0000	0.0000	0.0370
56	0.0000	0.0000	0.1060
57	0.0000	0.0000	0.1938
58	0.0000	0.0000	0.1499
59	0.0000	0.0000	0.1119
60	0.0477	0.0469	0.0936
61	0.0574	0.0518	0.1555
62	0.0632	0.0509	0.1741
63	0.0765	0.0552	0.2670
64	0.0917	0.0645	0.4720
65	0.1057	0.0774	0.2500
66	0.1224	0.1038	0.3000
67	0.1473	0.1168	1.0000
68	0.1777	0.1440	1.0000
69	0.2136	0.1708	1.0000
70	0.2615	0.1939	1.0000
70 to 76	0.2682	0.1959	1.0000
77 to 79	0.2500	0.2000	1.0000
80	0.2500	0.2000	1.0000

12. Annual Rate of Disability Prior to Retirement

Based on an analysis of experience, the assumed annual rates of disability may best be illustrated by the following probabilities at the following ages:

<u>Attained Age</u>	<u>General Employees</u>	<u>Police and Fire Employees</u>
20	0.000100	0.000500
30	0.000152	0.000967
40	0.000663	0.002500
50	0.001271	0.007634

In addition, it is assumed for the general employees that 20% of all disabilities are ordinary (80% are service connected). For police and fire employees, 10% of all disabilities are assumed to be ordinary (90% are service connected).

13. Family Composition

It is assumed that 80% of all members will be survived by a spouse and that females (males) are three years younger (older) than members.

14. Administrative Expenses

The normal cost is increased by an amount equal to the anticipated administrative expenses for the upcoming fiscal year. The amount for fiscal year 2023 is \$365,000 and is anticipated to increase at 4.5% per year.

EXHIBIT 7 – GLOSSARY OF TERMS:

This glossary summarizes the technical terms contained in this report.

1. Actuarial Accrued Liability

That portion of the Actuarial Present Value of plan benefits that is not provided for by future employer Normal Costs or employee contributions.

2. Actuarial Assumptions

Assumptions as to the occurrence of future events affecting the Retirement System such as:

- Rates of investment returns
- Increases in a member's salary
- Inflation
- The probability of mortality, turnover, disablement
- Retirement at each age and other relevant items

3. Actuarial Cost Method

A procedure for allocating the Actuarial Present Value of pension plan benefits between Normal Cost and Actuarial Accrued Liability.

4. Actuarial Present Value

The single sum amount required at the valuation date that is required to provide for anticipated future events based upon the terms of the plan and the Actuarial Assumptions.

5. Forecast

A projection of future benefit payments or contribution requirements based upon the terms of the plan, the current asset amounts, the Actuarial Assumptions, and additional assumptions as to the replacement of terminating employees with new employees.

6. Normal Cost

That portion of the Actuarial Present Value of future benefits that is assigned to the current year.

7. Unfunded Actuarial Accrued Liability

That portion of the Actuarial Accrued Liability that is not provided for by current actuarial value of assets.

8. Valuation Method

The method used to divide the cost of future benefits among the Actuarial Accrued Liability, the current year's Normal Costs, and future years' Normal Costs. The resulting current funding requirement is then determined as the current year's Normal Cost plus the payment necessary to amortize the Unfunded Actuarial Liability.

9. Vested Liability

That portion of the Actuarial Present Value of Accrued Benefits that a member would be entitled to if the member terminated employment with the employer as of the valuation date.

CERTIFICATION:

This report fairly represents the actuarial position of the Marlborough Retirement System contributing as of January 1, 2023, in accordance with generally accepted actuarial principles applied consistently with the preceding valuation. In our opinion, the actuarial assumptions used to compute actuarial accrued liability and normal cost are reasonably related to plan experience and to reasonable expectations, and represents our best estimate of anticipated plan experience.

The funded status measure is appropriate for assessing the sufficiency of plan assets to cover the estimated cost of settling the plan's benefit obligations. The funded status measure is appropriate for assessing the need for or the amount of future contributions. The funded status measure would be different if the measure reflected the market value of assets rather than the actuarial value of assets.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of such future measurements.

The report was prepared under the supervision of Daniel Sherman, an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries, who takes responsibility for the overall appropriateness of the analysis, assumptions and results. Daniel Sherman is deemed to meet the General Qualification Standard and the basic education and experience requirement in the pension area. Based on over thirty years of performing valuations of similar complexity, Mr. Sherman is qualified by experience. Daniel Sherman has met the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Sherman Actuarial Services, LLC



Daniel W. Sherman, ASA, MAAA

August, 2023

BREAKOUTS

Breakouts

	<u>Total</u>	<u>City</u>	<u>Fire</u>	<u>Police</u>	<u>School</u>	<u>Water</u>	<u>Sewer</u>	<u>Housing</u>
(1) Payroll of Active Participants	\$38,056,581	\$10,399,335	\$7,238,790	\$7,263,033	\$10,882,427	\$1,395,078	\$423,288	\$454,631
Percentage of Total Payroll	100.00%	27.33%	19.02%	19.08%	28.60%	3.67%	1.11%	1.19%
(2) Normal Cost								
(a) Employee	3,463,432	951,279	679,999	675,109	944,383	131,485	40,081	41,095
(b) Employer	953,877	181,757	250,003	214,672	290,341	13,226	(878)	4,761
(c) Expenses	365,000	93,622	76,846	73,522	102,025	11,957	3,239	3,789
(d) Total Employer Normal Cost	1,318,877	275,379	326,849	288,194	392,366	25,183	2,361	8,550
(a) Accrued Liability	269,971,241	67,989,463	68,597,755	65,814,399	52,119,242	12,129,420	1,127,852	2,193,112
(4) Total Employer Contribution								
(a) Amortizations	9,060,031	2,281,675	2,302,089	2,208,682	1,749,082	407,054	37,850	73,599
(b) Employer Normal Cost	953,877	181,757	250,003	214,672	290,341	13,226	(878)	4,761
(c) Administrative Expenses*	<u>365,000</u>	<u>93,622</u>	<u>76,846</u>	<u>73,522</u>	<u>102,025</u>	<u>11,957</u>	<u>3,239</u>	<u>3,789</u>
(d) Total Appropriation	\$10,378,908	\$2,557,054	\$2,628,938	\$2,496,876	\$2,141,448	\$432,237	\$40,211	\$82,149
(e) As a percentage of Payroll	27.27%	24.59%	36.32%	34.38%	19.68%	30.98%	9.50%	18.07%
(5) Fiscal 2025 Appropriation	\$11,219,878	\$2,764,244	\$2,841,952	\$2,699,190	\$2,314,962	\$467,260	\$43,470	\$88,805
Percent of Total Appropriation	100.00%	24.64%	25.33%	24.06%	20.63%	4.16%	0.39%	0.79%
(6) Fiscal 2026 Appropriation	\$11,682,752	\$2,878,283	\$2,959,196	\$2,810,545	\$2,410,466	\$486,537	\$45,263	\$92,469
Percent of Total Appropriation	100.00%	24.64%	25.33%	24.06%	20.63%	4.16%	0.39%	0.79%



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2024 APR 23 PM 1:41

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: _____

To the City Council:

Owner Name: ROMAN KIMYAGAROV

Residential Address: 76 APPLE D'OR ROAD Framingham MA 01701

Telephone Number: 508 624 7066

Business Name: ARTHUR & SONS SHOE REPAIR

Business Address: 107 MAIN STREET MARLBOROUGH MA 01752

Business Telephone Number: 508 624 7066

Email Address: IROMKA@verizon.net

Cell Number: 617-872-4299

Owner Signature: Roman Kimyagarov

The above-signed _____ respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council



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CITY OF MARLBOROUGH

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

2024 MAY -2 AM 11:43

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: 4/20/24

To the City Council:

Owner Name: TVI Inc.

Residential Address: 11400 SE th St., Suite 125, Bellevue WA 98004

Telephone Number: 425-462-1515

Business Name: Savers

Business Address: 222A E. Main Street

Business Telephone Number: 508-485-5191

Email Address: jkennedy@savers.com

Cell Number: 425-450-7509

Owner Signature: *[Handwritten Signature]*

The above-signed *Richard Medway* ^{*General Counsel*} respectfully requests that he/she be granted a **Junk Dealer/Second Hand Dealer License.**

In City Council

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CITY OF MARLBOROUGH

2024 MAY -1 AM 9:57



Marlborough Public Schools

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

March 26, 2024

Call to Order

1. Member Matthews called the School Committee Budget meeting to order at 4:08 pm, at 25 Union Street, Marlborough, MA. Members present included Chairman Dumais, Michelle Bodin-Hettinger, Katherine Hennessy, Earl Geary, Denise Ryan and Daniel Caruso. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, Director of Finance and Operations, Tom Lafleur and Director of Human Resources, Patty Brown.

Also in attendance was Dan Riley, Kalliope Pantazopoulos, Amy Mulkerin, Chris Henry, Angela House, Jill Reagan, Lisa Richards, Christine Harrington, Rupal Patel, Lynne Medailleu.

Mr. Lafleur shared the PowerPoint - FY25 Budget Presentation.

It was pointed out that there is a huge difference in the Chapter 70 Funding and the MPS budget over the last 10 years.

	Chapter 70 Funding		MPS Budget	
	Amount	% Increase	Amount	% Increase
FY2015	19,543,643		53,430,717	
FY2025	47,737,171	244.26%	76,252,690	142.71%

Discussion was also around the amount of Federal COVID money that was used for many of the Capital projects (HVAC) that would have been budgeted and paid for out of City funds previously and in the future.

www.mps-edu.org



Marlborough Public Schools

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Mrs. Hennessy asked questions regarding the use of a Universal Screener. It is being utilized for Tier 1 & 2 strategies. Ms. O'Brien said that Ms. Castro (Supervisor of SEL) has been implementing. Mr. Skaza spoke about ESSER funding being used for Professional Development (PD) for PBIS. Supt. Murphy also spoke to the use of Aspen to document behaviors. Mrs. House pointed out that since the implementation of the Yondr pouches for cell phones at Whitcomb, conduct referrals have decreased from 4.2 to 2.6.

There was concern as to whether the supplemental funding that Kane School has been receiving due to the migrant enrollment, and it was confirmed, that it will continue through next year at least.

McKinney-Vento out-of-district transportation has historically been budgeted for \$235,000 and so far, we are approaching \$750,000 and should exceed \$1,000,000 by year end. There is reimbursement made, but that goes directly to the City's general fund.

The process for the development of the budget was each Principal or Leader was asked to compile their requests and then they were discussed with administration.

At Goodnow, State laws require us to have an additional Nurse.

Mrs. Medailleu has requested 2 additional English Learner (EL) coordinators. There is currently 1 each at the High School & Whitcomb, but the 4 elementary share 2 each.

Mrs. House would like to add an additional Assistant Principal (AP). She would like to align the 6th grade AP to "a school within a school" and the 8th grade AP aligned to the expectations of the High School.

Mrs. O'Brien has requested that her current 2.6 Physical Therapist positions be increased to a 3.0 (the .6 is retiring this year and its much easier to hire a full-time person as well as we have the need). Additionally, she is looking at moving a School Adjustment Counselor (SAC) from the HIGH to Whitcomb, based on case load.

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Mrs. Murphy & Mrs. Medailleu spoke about running a Dual Certification program for teachers for EL.

Mrs. Patel requested an additional Special Education teacher. There is 45% EL population at Jaworek. She would also like to look at a co-teaching model.

Chris Henry spoke about the Chromebook replacement cycle.

Brief recess taken at 5:48. Resumed at 6:00 pm.

Mrs. Murphy discussed that building leadership needs to take over coordination of Access & MCAS testing.

Motion made by Mrs. Matthews, seconded by Chairman Dumais to adjourn at 6:53 p.m.
 Motion passed 7-0-0.

Heidi Matthews
 Secretary, Marlborough School Committee

Hm

Approved April 30, 2024

List of documents and other exhibits used at the meeting:

PowerPoint – FY25 Budget presentation -Budget Workshop

www.mps-edu.org

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2024 MAY -1 AM 9:57

Marlborough Public Schools

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

Call to Order

April 9, 2024

1. Chairman Dumais called the Budget Public Hearing of the Marlborough School Committee to order at 7:03 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Chairman Dumais, Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Tom Lafleur. MEA Representative Elton Thomas was also present.

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

2. Committee Discussion:

Mayor Christian opened the public hearing and turned it over to Mr. Lafleur. Mr. Lafleur gave a recap of the 2025 Marlborough Public School (MPS) budget that was previously reviewed in the budget workshop.

Mrs. Matthews requested the Mayor investigate how a revolving account can be established on the MPS side for McKinney Vento and Foster Care transportation, as those reimbursements are currently paid directly to the City's general fund. Additionally, Mrs. Matthews wanted to address that many of the Capital Improvements and Technology needs have been addressed over the last few years and paid for by Federal grants, allowing the City not to bond for these expenses.

Mrs. Hennessy also addressed the need for awareness of the Capital Improvement plan as well as transportation costs.

Mayor Christian read into the record a letter received from Kelly & Kevin Maccioli regarding the budget.

Seeing as there was no additional members of the public in attendance, Mayor Christian closed the public hearing.

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Marlborough Public Schools

School Committee
 District Education Center
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 (508) 460-3509

3. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Dumais to adjourn at 7:27 p.m.
 Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm
 Approved April 30, 2024

List of documents and other exhibits used at the meeting:

- City of Marlborough Posting for the Marlborough Public Schools School Committee Budget Public Hearing for April 9, 2024
- PowerPoint presentation of FY25 Budget Presentation – Public Hearing
- Letter from Kelly & Kevin Maccioli

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2024 MAY -1 AM 9:57

Marlborough Public Schools

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

Call to Order

April 9, 2024

1. Chairman Dumais called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Chairman Dumais, Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Tom Lafleur. MEA Representative Elton Thomas and Student Advisory Representative Risha Khanderia were also present.

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

2. **Pledge of Allegiance:** Chairman Dumais led the Pledge of Allegiance.
3. **Presentation:** None
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.

6. **Superintendent's Report:**

Superintendent Murphy shared that The Department of Elementary & Secondary Education (DESE) Center for School and District Partnership (CSDP) launched a school and district site visit process in SY23-24; visits will be conducted in partnership with the American Institute for Research (AIR). The Whitcomb School and Marlborough High School DESE/AIR Reports are attached to her agenda item. Superintendent Murphy detailed the immediate steps taken at Whitcomb School and the planned future steps as well.

Superintendent Murphy discussed the beginning of the bi-annual review of the MPS Bullying Prevention and Intervention Plan. The plan should be submitted to the committee for review on April 30th and then submitted to the School Committee for approval on May 14th.

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Marlborough Public Schools

School Committee
 District Education Center
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A. Assistant Superintendent of Student Services & Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, discussed the McKinney-Vento and Foster Care Transportation costs and reimbursement. Districts must provide transportation to the school of origin for students that are homeless or in foster care. The cost for students in foster care is funded by the district that the student is enrolled in, but the cost for students that are homeless is split 50/50 between the school district that the student is enrolled in and the school district where the student is temporarily living. The state reimburses some of these costs. MPS is currently \$716,548.49 over the budgeted amount of \$235,00.00 for MKV and Foster Care transportation. MPS is requesting that State reimbursements for this go directly to the district to offset the costs. Mrs. O'Brien broke down the costs and reimbursement over the past five years.

7. Acceptance of Minutes

A. Minutes of the January 24, 2024 School Committee Workshop

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

Motion passed 7-0-0.

B. Minutes of the March 26, 2024 School Committee Meeting

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

Motion passed 7-0-0.

8. Public Comment: None.

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

9. Action Items/Reports

A. FY25 School Choice Participation

Superintendent Murphy recommended that the School Committee votes to not participate in School Choice next year.

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Marlborough Public Schools

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

Motion made by Mrs. Matthews, seconded by Chairman Dumais to not participate in school choice for the 2024-2025 school year.
 Motion passed 7-0-0.

B. Acceptance of Donations and Gifts

Richer School PTO. The Connections Program received \$500.00 from the Richer School PTO.

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

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy shared that the Policy Sub-Committee met about a week ago.

11. Members' Forum:

Mrs. Matthews has reviewed and signed the warrant.

Risha Khanderia shared that the art show last week was a success and spring sports have begun at MHS.

Mrs. Ryan mentioned that April 11th is the Spring Concert for the high school students at Whitcomb; admission is free.

Mrs. Hennessy attended the MIAA annual meeting at Gillette Stadium. Various topics, such as growing game officials, were covered by speakers.

Mrs. Bodin-Hettinger returned from the National School Boards Association Conference in New Orleans. She spoke about some of the presentations and workshops.

Motion made by Mrs. Matthews, seconded by Mrs. Hennessy to suspend the rules to vote on the FY25 Budget.

Motion passed 5-1-1.

Mrs. Hennessy shared her feedback on the budget.

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Marlborough Public Schools

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

Motion made by Mrs. Hennessy, seconded by Mr. Caruso to amend the FY25 Budget to equal \$76,616,990.00.

Motion passed 5-1-1.

Motion made by Mrs. Matthews seconded by Mrs. Bodin-Hettinger to propose the amended FY25 Budget of \$76,616,990.00 to City Council.

Motion passed 6-1-0.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Dumais to adjourn at 8:27 p.m.

Motion passed 7-0-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

List of documents and other exhibits used at the meeting:

- City of Marlborough Posting for the Marlborough Public Schools School Committee for April 9, 2024, including Agenda and Attachments
- DESE/AIR Reports for MHS & Whitcomb
- Minutes from January 24, & March 26, 2024

www.mps-edu.org

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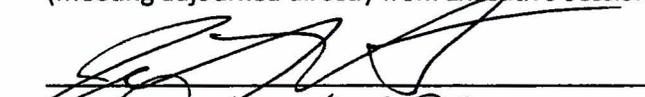
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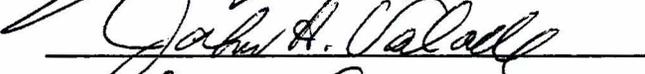
CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: March 3, 2023

OPEN SESSION

- 1. CALL TO ORDER: 1:02 p.m.
- 2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: None
- 3. No Meeting Minutes were presented for a vote.
- 4. Discussion took place on a request for a partial release of land tax lien for Chapter land 61A for Parcel ID #93-3, and Roll-Back tax calculations.
MOTION TO ACCEPT:
Mr. Steinberg; second Ms. Silverstein, Vote: 3-0
- 5. Discussion/review and vote regarding new BOA Chair. Vote to approve Jonathan Steinberg as the new Chairperson.
MOTION TO ACCEPT:
Mr. Valade; second Ms. Silverstein, Vote: 3-0
- 6. PUBLIC INPUT: None
- 7. MOTION TO CONVENE IN EXECUTIVE SESSION: 1:09 pm
Mr. Steinberg made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Steinberg I, Mr. Valade I, Ms. Silverstein I. Vote 3-0
- 8. EXECUTIVE SESSION: Adjourned at 3:32 pm
(Meeting adjourned directly from Executive Session)







Date: 4/19/2024

CITY OF MARLBOROUGH BOARD OF ASSESSORS

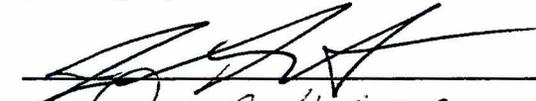
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MEETING MINUTES: April 21, 2023

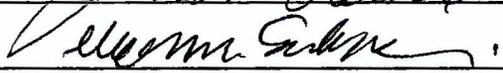
2024 APR 22 PM 2: 04

OPEN SESSION

1. CALL TO ORDER: 12:31 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, John Valade
Also present: none
3. No Meeting Minutes were presented for a vote.
4. PUBLIC INPUT: None
5. MOTION TO CONVENE IN EXECUTIVE SESSION: 12:34 pm
Ms. Silverstein made a motion to go into Executive Session to comply with the provisions of G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Valade I, Ms. Silverstein I. Vote 2-0
6. EXECUTIVE SESSION: Adjourned at 3:23 pm
(Meeting adjourned directly from Executive Session)



 John H. Valade



Date: 4/19/2024

CITY OF MARLBOROUGH BOARD OF ASSESSORS

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MEETING MINUTES: April 28, 2023

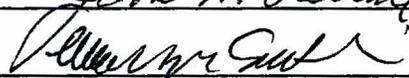
2024 APR 22 PM 2:04

OPEN SESSION

1. CALL TO ORDER: 1:04 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: none
3. Meeting Minutes – Mr. Steinberg made a motion to accept the July 1, 2022, minutes, Ms. Silverstein 2nd. Vote 3-0
4. PUBLIC INPUT: None
5. MOTION TO CONVENE IN EXECUTIVE SESSION: 1:07 pm
Mr. Steinberg made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Steinberg I, Mr. Valade I, Ms. Silverstein I. Vote 3-0
6. EXECUTIVE SESSION: Adjourned at 2:38 pm
(Meeting adjourned directly from Executive Session)



 John H. Valade



Date: 4/19/2024

CITY OF MARLBOROUGH BOARD OF ASSESSORS

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MEETING MINUTES: June 27, 2023

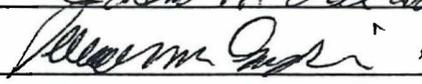
2024 APR 22 PM 2: 04

OPEN SESSION

1. CALL TO ORDER: 2:03 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: Cuong Tran, Donna Palermo
3. Meeting Minutes – Mr. Steinberg made a motion to accept the November 4, 2022, minutes, Ms. Silverstein 2nd. Vote 3-0
4. PUBLIC INPUT: None
5. MOTION TO CONVENE IN EXECUTIVE SESSION: 2:06 pm
Mr. Steinberg made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Steinberg I, Mr. Valade I, Ms. Silverstein I. Vote 3-0
6. EXECUTIVE SESSION: Adjourned at 3:59 pm
(Meeting adjourned directly from Executive Session)



 John A. Valade



Date: 4/19/2024

CITY OF MARLBOROUGH BOARD OF ASSESSORS

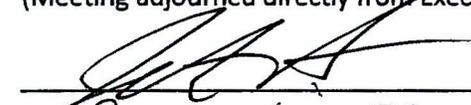
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MEETING MINUTES: September 07, 2023

2024 APR 22 PM 2:04

OPEN SESSION

1. CALL TO ORDER: 3:34 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: none
3. No Meeting Minutes were presented for a vote.
4. PUBLIC INPUT: None
5. MOTION TO CONVENE IN EXECUTIVE SESSION: 3:38 pm
Mr. Steinberg made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Steinberg I, Mr. Valade I, Ms. Silverstein I. Vote 3-0
6. EXECUTIVE SESSION: Adjourned at 4:47 pm
(Meeting adjourned directly from Executive Session)



 John H. Valade

Date: 4/19/2024

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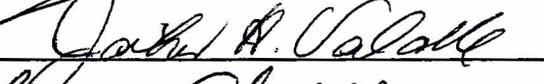
CITY OF MARLBOROUGH BOARD OF ASSESSORS

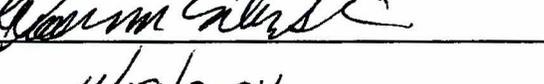
MEETING MINUTES: November 30, 2023

OPEN SESSION

1. CALL TO ORDER: 3:30 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: Cuong Tran, Donna Palermo
3. No Meeting Minutes were presented for a vote.
4. DISCUSSION/REVIEW AND VOTE: RELEASE OF FUNDS FROM OVERLAY SURPLUS
The Board of Assessors recommended a release of overlay funds in the amount of \$564,579.15 (Fiscal Year 2020). MOTION TO ACCEPT:
Mr. Steinberg; second Mr. Valade, Vote 3-0
5. DISCUSSION/REVIEW AND VOTE: Discussion took place regarding a request for release of land tax lien for property owned by Heritage Farm LLC (61A-Agricultural/Horticultural) and any penalty or roll back tax required.
MOTION TO ACCEPT:
Mr. Steinberg; second Ms. Silverstein, Vote: 3-0
6. PUBLIC INPUT: City Council President and At-Large Councilor, Michael Ossing, thanked the Board of Assessors and assessing office staff for their recent efforts
7. MOTION TO CONVENE IN EXECUTIVE SESSION: 3:56 pm
Mr. Steinberg made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Steinberg I, Mr. Valade I, Ms. Silverstein I. Vote 3-0
8. EXECUTIVE SESSION: Adjourned at 4:53 pm
(Meeting adjourned directly from Executive Session)







 Date: 4/19/2024

CITY OF MARLBOROUGH BOARD OF ASSESSORS

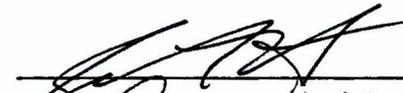
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MEETING MINUTES: March 8, 2024

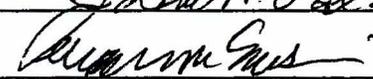
2024 APR 22 PM 2: 04

OPEN SESSION

1. CALL TO ORDER: 2:11 p.m.
2. MEMBERS PRESENT: Ellen Silverstein, John Valade
Also present: Cuong Tran
3. Meeting Minutes – Ms. Silverstein made a motion to accept the November 30, 2022, minutes, Mr. Valade 2nd. Vote 2-0
4. Discussion took place on a request for release and roll back due for Chapter land 61A for Heritage Farm LLC. Ms. Silverstein made a motion to approve roll back certificates and release of tax liens, with documents to be signed and notarized for parcels map 73, lots 24, 26, 26A, 27 & 28. Mr. Valade 2nd, Vote 2-0. The Board signed and notarized 13 documents.
5. PUBLIC INPUT: None
6. MOTION TO CONVENE IN EXECUTIVE SESSION: 2:23 pm
Ms. Silverstein made a motion to go into Executive Session to comply with the provisions of M.G.L. c. 30A § 21 (a)(3) to review various matters as noted on the agenda, and not to reconvene in Open Session. Roll Call Vote: Mr. Valade I, Ms. Silverstein I. Vote 2-0
7. EXECUTIVE SESSION: Adjourned at 2:52 pm
(Meeting adjourned directly from Executive Session)



 John A. Valade



Date: 4/19/2024

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2024 MAY -1 PM 2:54

MARLBOROUGH COMMISSION ON DISABILITIES MINUTES FOR
MEETING SEPTEMBER 11, 2023
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: JOHN USINAS, CATHY USINAS, WAYNE STANLEY SR., DAVID DOUCETTE, JONATHON FRIEDMAN, LINDSEY JAWOREK, BARBARA ALLEN

MEETING CALLED TO ORDER AT 4:01PM

MINUTES: READ BY DAVE DOUCETTE, MOTION TO APPROVE BY JONATHON FRIEDMAN. SECONDED BY WAYNE STANLEY SR. 7-0.

TREASURER'S REPORT: NO REPORT AVAILABLE AT TIME OF MEETING.

OLD BUSINESS:

- DAVID DOUCETTE SUBMITTED DENTAL OFFICE CONCERNS TO SEE-CLICK-FIX. STATUS IS PENDING. NO UPDATES TO GIVE.
- COMMITTEE ASKED FOR CONTACT LIST TO BE RESUBMITTED. JONATHON FRIEDMAN DID NOT RECEIVE A COPY OF THE MINUTES FROM AUGUST.
- CONFLICT OF INTEREST TRAINING: NO UPDATE.
- DAVID DOUCETTE REPORTED THAT THERE ARE NO UPDATES TO SHARE ON THE PROGRESS OF CORRECTING THE BRAILLE PLAQUES IN THE CITY HALL ELEVATOR.
- MARK GIBBS ASKED FOR MORE TIME TO SET UP FACEBOOK PAGE IN ORDER TO GET THROUGH SCHOOL AND LIBRARY OPENINGS.
- LINDSEY JAWOREK SHARED IDEAS OF LIBRARY AND GHILONI PARK AS POSSIBLE LOCATIONS TO INSTALL ADULT-SIZED CHANGING TABLES.

- DAVE DOUCETTE SUGGESTED DOWNSTAIRS BATHROOM IN CITY HALL. WILL NEED TO SEE IF ADA ACCESSIBLE DUE TO SIZE.
- MAIN STREET UPGRADES HAVE BEGUN. LINDSEY JAWOREK TO FOLLOW UP WITH ENGINEERING DEPARTMENT TO CONFIRM ACCESSIBILITY CONCERNS.

NEW BUSINESS:

- BARBARA ALLEN SHARED A LETTER RECEIVED BY NAOMI PINSON ASKING FOR ASSISTANCE WITH FRAMINGHAM RESIDENT IN NEED OF A KIDNEY DONOR. LETTER PLACED ON FILE.
- JONATHON FRIEDMAN SHARED CONCERNS ABOUT ACCESSIBILITY AT WHITCOMB MIDDLE SCHOOL AND THE SCHOOL DISTRICT'S ADMINISTRATION BUILDING.
 - BARBARA ALLEN OFFERED TO BRING TO THE ATTENTION OF THE SCHOOL COMMITTEE. WILL START WITH PHYSICALLY CHECKING THE ENTRANCE AND BATHROOM PUSH BUTTONS AT WHITCOMB MIDDLE SCHOOL.
- COMMITTEE DISCUSSED CONCERNS ON MAKING SURE VOTING IS ACCESSIBLE TO ALL.
 - DAVE DOUCETTE OFFERED TO RECONNECT WITH MARK GIBBS ABOUT STATUS OF EMAILS BEING PUSHED TO COMMITTEE MEMBERS.

MOTION TO ADJOURN: MOTION BY DAVID DOUCETTE AND SECONDED BY JONATHON FRIEDMAN. 7-0

ADJOURNED AT 4:28PM.

**NEXT MEETING: MONDAY, OCTOBER 2, 2023 AT 4:00PM, CITY HALL
IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.**

- DATE CHANGED TO 10/16/23 VIA EMAIL FROM DEBRA
MCMANUS ON 9/26/23.

RESPECTFULLY SUBMITTED,

LINDSEY JAWOREK

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2024 APR 18 PM 3:51

MEETING: Council on Aging Board of Directors Meeting

DATE: February 20, 2024

TIME: 8:30

ATTENDANCE: Jim Confrey, Joe Bisol, Leslie Biggar, Pat Gallier, Judy Kane, Ray Magee, Donna Scalcione, Linda Warren, Judith Benedetto, Zelle Haesche, Trish Pope, Kathy Faddoul

I. Called to order at 8:30 AM

II. December and January Minutes approved

III. Mayor J. Christian Dumais spoke to the Council and discussed some initiatives and upcoming events.

1. Chat and Chew will be here at the Senior Center on Saturday 2/24
2. There is a survey on the website that everyone is encouraged to fill out.
3. Mayor Dumais is hoping to fill a Communication position at City Hall
4. Discussed the new Boardwalk on Lake Williams that should open in April.

IV. Director's Update:

1. The lottery buckets for exercise classes are out. There are 22 different classes offered
2. The AARP Tax preparers are seeing 24 people a week
3. The first bus trip is on 4/18/24. We are using Bloom Tours. The trips are expensive but they fill up.
4. Arthur Bergon will be retiring and will not be available for legal advice. There is a local attorney who will continue the program. This program offers advice and does not help prepare legal documents. or Power of Attorney with MetroWest Legal.
5. March 5th is voting for the primary. The center is open for regularly scheduled programs but there is no additional programming that day.
6. Lisa has been going to the senior housing in town as part of her outreach. She has seen an increased interest in the senior mobile market. In order to qualify for the senior mobile market, a person needs to be homebound. Most of the people Lisa is seeing are not homebound, they just need a ride. The senior center bus will be picking people up at senior housing and

bringing them to the food pantry as a new initiative. All of the details have not been worked out yet. The Food Pantry is in the Walker Building.

7. Mayor Dumais is having the Chat and Chew on Saturday. 84 people are signed up and 15 people are on the wait list

V. Board discussion

1. Trish Smith from Springwell will be at the next meeting on March 12th

The meeting was adjourned at 9:00 AM

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2024 APR 18 PM 3:51

MEETING: Council on Aging Board of Directors Meeting

DATE: March 12, 2024

TIME: 8:30

ATTENDANCE: Jim Confrey, Joe Bisol, Leslie Biggar, Pat Gallier, Judy Kane, Ray Magee, Donna Scalcione, Linda Warren, Judith Benedetto, Zelle Haesche, Trish Pope, Kathy Faddoul

I. Called to order at 8:30 AM

II. February Minutes had one error. The minutes will updated and approved at the April meeting.

III. Special Guest Trish Smith from Springwell

Trish reviewed the funding sources for Springwell and some of the services Springwell provides, including Supportive Housing, access to support, and the state Home Care Program. Trish Smith reviewed differences in services for Mass Health recipients and private pay or other types of insurance. She emphasized the need for more home care staff.

Trish Smith also reviewed funding through the Older Americans Act and how that impacts the Senior Center. Community Grants are available every other year from Springwell for most needs, including behavioral health, transportation, and nutrition. Senior centers must apply for grants, which are in effect for two years.

Some of the volunteer programs have yet to be resumed since COVID-19. These volunteer programs include friendly visitors, transportation, and community transition liaisons.

IV. Director's Update:

1. Enough people have signed up for the bus trip on 4/18/24, so the trip will continue.
2. The St. Patrick's Day luncheon filled up in 2.5 hours. People can sign themselves up and one other person.
3. The Bemis Farm activity filled quickly. There have been requests to offer this more than once, but the people from Bemis Farm are not available to repeat the program.

4. The tax write-off program can accept 30 seniors. If more than 30 people sign up, there will be a lottery. There is an income level to be eligible for the program.
5. Starting in April, the monthly newsletter will be available electronically. The electronic delivery will save on mailing costs. Currently, the cost of the mailing comes out of the senior center budget, not from the Friends of the Marlboro Senior Center. Ads help pay for the cost of printing. The newsletter is mailed to 1700 households.
6. Classes and regularly scheduled programs were held on voting day. It was bustling. There was a high voter turnout.

V. Chairperson's Update

1. Joe will share Trish Smith's email if board members have more questions. Please be cautious about using residents' names to protect their privacy.
2. The Vice-Chairperson position is open. The Vice-Chairperson fills in for the Chairperson if needed. The board votes on the position; the mayor does not appoint it.
3. The Contact list will be updated.
4. Next meeting April 9th

The meeting adjourned at 10:00 AM.

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MARLBOROUGH, MA 01752

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1A

Call to Order

March 11, 2024

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: Sean Fay, James Fortin, Patrick Hughes, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Member Absent: Barbara Fenby.

1. Draft Meeting Minutes

A. February 26, 2024

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the February 26, 2024, meeting minutes with a minor change. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Legal Referrals

Mr. Fay notified the Board that the referral that was sent to the Legal Department regarding the limited subdivision on Brigham Street at the February 26, 2024, meeting had been withdrawn because the homeowner is going to seek the Zoning Board of Appeals for approval.

Mr. Fay discussed the general policies on legal referrals and how in the past the Board was very good at pushing the said question back to the proponent and requesting them to provide the Board with an opinion letter from their legal counsel providing support on said topic/question and then referring that to the Legal Department for review.

The Board agreed they should revert back to the practice of having the proponent's legal counsel provide the necessary support to the question at hand. Mr. Fay did make note, that the only the time the Board could not follow this procedure is during an ANR application because of the clock. He asked the Board members to make sure to have the proponent's opinion prior to making a referral to the Legal Department.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 689 Pleasant Street (Jewel Road)

Mr. DiPersio summarized the February 29, 2024, update and explained they are under construction but haven't made much progress because of how wet the site is. The Engineering Division has started to receive the required wetland scientist updates and he explained that they are waiting on tree removal before getting the heavy construction going.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the February 29, 2024, correspondence. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

B. Farooq Ansari – Water's Edge & Sterling Woods

i. Correspondence from City Engineer, Thomas DiPersio

Mr. LaVenture read the March 7, 2024, correspondence into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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Mr. DiPersio disclosed to the Board that he worked on the Water's Edge Subdivision 20-30 years ago during the design, approval and construction of the subdivision. He explained he hasn't had any involvement with Mr. Ansari since that time and that it doesn't affect his opinion or judgment on the matter.

Mr. Fay acknowledged his disclosure and suggested putting it in writing and running it by the Legal Department. Mr. DiPersio agreed.

Mr. Russ asked if Mr. Ansari started the acceptance process for both subdivisions in the past as indicated in his correspondence. Mr. DiPersio explained he believes this is the case for both the subdivisions, the acceptance process was started several years back, the acceptance plans were drawn up and submitted to the City. He explained he was able to confirm that draft deeds for the open space parcels were given to the City for Water's Edge (no open space parcels on this one) and that deeds for all the roadways within both subdivisions may not have been given to the City.

The Board discussed the required easements and Mr. DiPersio explained specifically on the Water's Edge Subdivision there are several drainage easements and a couple of sewer easements that run across private property. The City would need the rights to go onto the private properties to maintain the pipes. He went over the procedure and explained when the developer sells a lot in a subdivision that has an easement on it, the developer needs to retain those rights while he still owns the subdivision. So that needs to be explicit in the deed that the developer is selling it on, retaining those rights, and then when the City accepts the road, that is when the developer would then convey those rights to the City. He explained based on previous correspondence from previous City Engineer's, this doesn't appear to have been done properly. He couldn't confirm if this was ever rectified.

Mr. Fay asked if the reservation on the deed that says "subject to easements and restriction of record" would be a catch all if that note was on the plan? Mr. DiPersio said, this would be a question for the Solicitor.

The Board discussed the bond and its status, and asked where the bonds are being held. Mr. DiPersio explained this was unclear. The Board discussed the 2006 punch list for Sterling Woods. Mr. DiPersio explained the detention basins are overgrown and need to be cleared out. Mr. LaVenture asked who would be responsible for the clearing if these were public ways? Mr. DiPersio said, the City.

The Board agreed the Developer needs to provide the proper supporting documents for the acceptance process to continue to move forward.

The Board discussed the current condition of the roadways and the potential option of using the bond money to complete the necessary maintenance and punch list items. Mr. DiPersio and Mr. Fay discussed if the two bond amounts would cover the fees associated with each subdivision. They agreed the \$20,000 would cover the required detention basin maintenance for Water's Edge, but the \$97,000 would not cover the fees to repair the roadways for Sterling Woods. Mr. DiPersio noted that in his review, it didn't appear any of the roadway deterioration was due to poor construction. Mr. LaVenture argued these roadways are 20-30 years old and questioned if it would be legitimate for the City to use the bond money to repairs the roads.

On a motion by Mr. LaVenture, second by Mr. Russ, the Board voted to send Farooq Ansari a copy of the City Engineer's March 7, 2023, correspondence and to request that he provide the following information for each subdivision:

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- Proof that the rights for all required easements have been retained and can be transferred to the City;
- Copies of all the proposed deeds;
- Proof that taxes are paid for land in question;
- Copy of the Sterling Woods Acceptance Plans;
- Documentation that the detention basins have been cleared and can be inspected;
- Proof that the Sterling Woods punch list items from the November 1, 2006, correspondence have been completed.

Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture updated the Board and explained the working group met on February 28th.

i. Porous Pavement

Mr. LaVenture summarized the language below and reviewed the Porous Product vs Desired Application spreadsheet. – See attachment A

“Our goal was to develop a matrix showing the different manufacturers/types of porous material and identify the best specific use for them in the categories of tree surrounds, sidewalks, walkways, cul-de-sacs, median strips, driveways, parking lots, and roadways. Realizing the extra cost needs to be offset by significant benefit/impact, we thought driveways, parking lots, and roadways would be the best place to focus. We believe a test pilot implementation driveway or parking lot [strategically placed partial usage] might be a good way to start. We then looked to develop design and success criteria for the test pilot.

Important points included:

- how the material holds up over a winter, and
- how infiltration both through the material and the underlying base holds up

We thought it would be beneficial to know:

- how the material has held up by one year after completion of housing construction
- how infiltration holds up by 5 years after housing construction - preferably with a perk rate loss of less than 5-10%
- what maintenance is/has been required
- how the base has held up

With this said, we thought a parking lot partially porously paved would give us a better understanding of the implementation and allow us to develop our success criteria. Additionally, having a developer install a length

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of roadway (area and length TBD depending on the site/soil conditions) would be beneficial and put the onus on the developer's engineering design team to help develop a potential spec."

Mr. LaVenture explained he has been in contact with the Stormwater Engineer for Burlington, VT. He is out on family leave until April 22, 2024, but is very willing to join a future Planning Board meeting via Teams hopefully during of the Board's

ii. Valuation of future lots

Mr. LaVenture summarized the language in attachment B reviewing the four methods of real estate appraisal listed below. – See Attachment B

The top 4 methods of real estate appraisal are:

- sales comparison approach
- cost approach
- income approach
- price per square foot approach

Mr. LaVenture explained since three of the four approaches deal with developed property, a sales comparison approach seems to be the best option. Having a separate realtor associated with the Board provide a value estimation to compare with the proponent's value estimate might be beneficial. Using the land's assessed value as suggested by Chair Fay might prove useful as well. We spoke with Principal Assessor John Valade, who agreed to review the proponent's submission.

Mr. LaVenture explained one additional item the Working Group discussed was the use of a bond to secure street acceptance and construction completion. The working group would like a better understanding of the bonding process and whether a completion secured solely by bond provides the surety the Board requires. For example, could a developer's bond vanish if not paid on? We have reached out to the Comptroller/Treasurer to set up a meeting to discuss in depth how this is handled behind the scenes. Addressing concerns on, what happens if the bond does lapse and the Board has 100% of surety in a bond, the Board no longer has any leverage. Furthermore to relay the importance of the Comptroller/Treasurer notifying the Board when bonds lapse and to determine what the lead time is on the notification.

The Board and Mr. DiPersio discussed old bonds for all the unaccepted roadways in the City and wondered how many of these have lapsed. Mr. DiPersio explained in the past when he was working with the previous City Solicitor Don Rider, there was an attempt made with the Treasurer at the time, to find out how many bonds are there, and there wasn't a good clear answer. He explained their office didn't seem to be aware of any. The Board discussed a previously seen spreadsheet that had information pertaining to each subdivision's bond.

Mr. LaVenture reviewed and discussed a development sign for Nottingham Woods. – See attachment C.

Mr. LaVenture explained a number of these developments have these signs and several of them are in rough shape and need replacement or removal and asked who is responsible for these signs and does this indicate that the roadway is not accepted? Mr. DiPersio said no, I don't think so, but that going forward if there is a sign like that, maybe we request that it been taken down before the City accepts the roadway because we don't want to maintain these signs. The Board discussed other locations throughout the City where the signs are located.

11. Calendar Updates (None)

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

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On a motion by Mr. Hughes, seconded by Mr. LaForce, the Board voted to adjourn the meeting. Yea: Fay, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. LaVenture', written over a faint horizontal line.

George LaVenture/Clerk

/kmm

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2024 APR 30 PM 3: 20



**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 March 27, 2024, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Interim DPW Commissioner Ted Scott and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant Civil Engineer Ashley Miller, Sgt. Ron Ney and Officer Andrew Larose from the MPD Traffic Unit, City Councilor Kathleen Robey, City Councilor Trey Fuccillo and local residents Dave Cormier and Mr. James Joubert.

Minutes taken by Karen Lambert, MPD - Public Safety Administrative Assistant.

Chief Giorgi started recording the meeting at 10:01 a.m. and began by welcoming everyone and making introductions.

1- Minutes

Review of the minutes of the Traffic Commission meeting of February 28, 2024.

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

2 - New Business

2a) AMSA school zone on Forest Street

Chief Giorgi said this should have been on the agenda for the last month's meeting. It was an oversight on his part. Mayor Dumais reached out to him on behalf of Councilor Vital questioning why this area is not marked as a School Zone. If it is not considered a School Zone, could this be explored? Chief Giorgi had also forwarded this request to Engineering before the meeting so they could look into it.

Ashley Miller did some research and found that this area of Forest Street had been regulated as a School Zone back in 2011 – 2012. AMSA was going to be responsible for putting up the signage. It appears that they decided not to do this. Tom DiPersio said there is new construction going on there and they have contacts. He can reach out to them about getting the proper signage installed.

Councilor Robey asked if there were specific school grades involved in getting an area designated as a School Zone. She said that the high school doesn't seem to have this. It just has reduced speed during certain hours. Steve Kerrigan said that he thinks it's indicated as 7:00 am to 3:30 pm. Councilor Robey also said that she thinks the flashing lights for the elementary school only flash for a couple of hours in the morning and afternoon. Ted Scott said that he doesn't think there are flashing lights on the proposal for AMSA. They were just fixed signs. Officer Larose pulled up a google maps image of Stevens Street heading up the hill. You can see the signs showing "School – Speed Limit" with the specific hours listed. Officer Larose also pulled up an image of the flashing lights at the School Zone for Jaworek School. They say, "when flashing" and have the times 8:15 am to 9:15 am and 2:45 pm to 3:45 pm. It was discussed that the elementary school probably specifies a shorter time frame because it's mainly for buses and pick up and drop off. The high school has students who drive and there are students coming and going at all times.

It appears that the AMSA School Zone was regulated by the Traffic Commission but is not showing up as a regulation in the City Code. Steve Kerrigan advised that he would have this added. Mr. DiPersio said that this could have been because we were waiting until they were ready to put up the signs. Engineering will reach out to AMSA to see if they still want to add the School Zone signage.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to contact AMSA regarding the School Zone signage. Do they still want to put up the signs?

2b) No parking signs on Bond Street

Officer Connors came to Officer Larose about a resident who came into the station questioning the no parking signs on Bond Street. Are they necessary? Ashley Miller could not find anything in the Regulations about them. Officer Larose pulled up a Google Maps image of the area and you can see several no parking signs randomly placed. Should they be taken down if they are not regulated? One is at the start of the street where there is also a hydrant. It is within 20 feet of the intersection. This could be the reasoning behind this one. Officer Larose said that it is not a high activity road. It's 22 feet wide and the no parking sign could have been placed there so buses or larger vehicles can make the turn. Chief Giorgi suggested keeping the one at the bottom to make turning on each side easier and taking the others down?

Officer Larose said that the resident's concern was that he wanted to park on the street but saw the sign and was concerned about parking there. There doesn't seem to be a need for the others. No vote is needed because the signs are not regulated. It was discussed that there could be a sign near the hydrant side stating, "No Parking from Here to Corner". Fire Chief Breen also believes the sign at the end is there so a fire truck can make the swing into the road. A "No Parking from Here to Corner" sign would need to be regulated because the hydrant is more than 20 feet from the intersection. Based on

Chief Breen's concern, it was determined that the Traffic Commission would create the regulation for the new signage. The other unregulated signs can be taken down.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to set up the regulation for a vote at the next meeting.

2c) Speed signs on Lincoln Street

Chief Giorgi received an email from Councilor Fuccillo on this issue and he was in attendance for the meeting. He explained that a resident of Lincoln Street had reached out to him about speed concerns. He understands that speed studies have been done and that the Chief has spoken to this resident in the past. The Chief had also informed him that speed bumps and specific crosswalks were requested; however, no action was taken based upon the data received from electronic speed signs and further discussions with Engineering. There are currently "30 MPH Thickly Settled" signs in the area. Councilor Fuccillo knows that the City has the ability to reduce the thickly settled speed limit to 25 mph in certain areas. He is asking if this is a possibility here? The main area of concern is from East Main Street to Route 85.

Officer Larose pulled up a speed study summary report and reviewed the findings. He noted that the electronic speed sign was up for 12 days and was collecting data. The report shows that 85% of cars were traveling at 30 mph and that the average speed was 24.96 mph. It also shows the number of cars per hour and the maximum speeds per hour. In September of 2023 the sign was placed near 73 Lincoln Street, which was the location of the old Gemini Sign shop. It was placed at the same location in 2022. The sign has been out several times in different locations and the results are similar. He mentioned specifically between East Main Street and Bolton Street, in the middle. There is nothing crazy in the data. It shows a total of 2,900 cars going by with the 85th percentile doing 32 mph. Chief Giorgi did also say that the 25-mph speed limit can be considered on a case-by-case basis but dropping it to 25 mph may not accomplish anything. 85% of cars are traveling within 2 mph of the current posted speed limit. He understands the resident lives on a tough corner. All the proposed ideas are to slow people right here. We've used past data to keep the speed limit as is.

Officer Larose explained how difficult enforcement is here. There is nowhere to park on Lincoln Street. You would have to be pulled into a driveway. When someone goes by fast, by the time you pull out the car is way past that location. If the data showed that speeding here was terrible, it may be a different issue. Chief Giorgi said that personally, he would be fine leaving it as is. Ashley Miller noted that a "Thickly Settled - 30 mph" sign was added to the westbound side of the street. Chief Giorgi asked if another sign should be added to the eastbound side to make it more visible. Steve Kerrigan also noted that speed is often a perception issue. Chief Giorgi said maybe a team approach could work for enforcement with one officer clocking the speed and the other further down in a location to stop the car. It was discussed that this approach really is not feasible due to the low # of violators and that the majority are only a couple mph over the speed limit. Councilor Fuccillo advised that he would relay this information to the resident.

Steve Kerrigan asked if another speed study could be done since the last one was from September 2023. Then we would at least have current data to provide to the resident. Fire Chief Breen said that part of the issue is congestion. He also understands the

resident's concerns, but speeding must be in off hours because the road is usually so busy. Cars then tend to speed in off hours because they can. Chief Giorgi also agrees there is a volume issue here. Officer Larose also had a Speed Summary Report from 2019 showing an average speed of 25 mph, the 85th percentile at 31 mph, with a total volume of 4,500 cars per day. Volumes have differed but the basic data remains the same.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT to place the electronic speed signs out again on Lincoln Street. Councilor Fuccillo advised that he would speak to the resident about the discussion.

3-Old Business

3a) Crescent Street Parking Issues

Update: At the October meeting, it was agreed that this item would be TABLED until roadway construction is complete before making any changes. TABLED until the Spring.

3c) Continued Discussion: Request to DELAY removal of Northern Stop Sign at Intersection of Clinton St. and Auburn St.

Update: At the January meeting, it was agreed that this item would be TABLED until the Spring. Mr. Cormier was in attendance for any updates. He wanted to add that it's not just this specific stop sign. He would also like to see the 3-way stop sign at Clinton Street and Old Charter Road remain. He said he is a "data guy" and he is interested in any data collected. He understands that perception is one thing, but data can tell something different. Officer Larose pulled up the data for Clinton Street. They can try to get the sign out again next month or the following.

3d) Concerns regarding icy road conditions – 28 West Street.

Update: At the last meeting this issue was referred to the DPW to speak with the IC Church to see what can be done. Ted Scott advised that they have been trying to reach someone but at this time, there is no further update.

3e) Speed concerns/traffic safety issue at 775 Pleasant Street

Update: Tom DiPersio advised that the sight distance is only 150 feet from this driveway. He said it's bad and definitely very dangerous. He suggested the possibility of another more prominent sign stating the number of feet to the blind driveway. Chief Giorgi knows they also have the mirror on the pole across the street but asked if there was anything else that could be done. Mr. DiPersio advised that it is a function of the curve and steep area. He noted that the vegetation now isn't bad but may change in the spring. The existing driveway sign is a tiny rectangle. The only other suggestion he sees is for the homeowner to continue the wall and drop the grade in front of his house.

Ted Scott asked if we have speed data for this area? Officer Larose said that area is "not good". He had data from 2022, which was before the road was paved, and the 85th

percentile was 38 mph, and the average speed was 34 mph. He is waiting for the weather to break to put the electronic speed sign out again. Chief Giorgi advised that he would touch base with the homeowner regarding the possibility of a bigger sign, keeping an eye on the vegetation, an updated speed study and a discussion on the wall.

3b) Commercial Vehicle Parking Issues

Update: Officer Larose drafted proposed language for the Commercial Vehicle Parking Restriction and distributed it to the group for discussion. He started with language he found from another state and has made modifications. The original version was too restrictive. One of the main issues has to do with overnight parking, i.e., people parking things like dump trucks or large trailers at their home or a contractor leaving vehicles or a dumpster. He walked through each section and explained the parts he added that were marked in red. He included new language for the section on Exemptions, for example he mentioned “light SUV’s” bearing commercial plates with no advertising. Maybe “midsize” is better wording. It’s hard to know where to draw the line. He mentioned for example, Short Funeral Home has an Escalade, with commercial plates, that they park on the street.

The definition of Commercial Vehicle also needs some work. He noted that things like weight had been suggested, but this would be very confusing for the Police Department never mind the general public to understand. The definition needs to be clear and something that can be easily enforced. He would like to get rid of any gray area. He also included wording about boats/trailers and created a section regarding violations with a \$25.00 fine. He thinks this is low as some people wouldn’t care. The fine is less than overnight storage somewhere. It’s not punitive. Should it be increased? He did add language stating “subject to being towed and stored, at the expense of the owner” under certain conditions.

Chief Giorgi said that we don’t have to make any decisions now. This is a start, and the Legal Department would also need to review it. He asked for the group to review the language for further discussion at the next meeting. This is something that will be useful down the road, and we want to make sure to get it right.

Fire Chief Breen asked if there was any language about dumpsters? Engineering advised that dumpsters do not need to be addressed here as language exists elsewhere that is specific to dumpster.

Chief Giorgi asked if there were any additional questions or concerns?

Mr. Joubert, a resident of Bigelow Street, was also in attendance. He had 2 specific issues. 1) He asked what was going to be done about all the potholes on Bigelow Street? Ted Scott advised that he would check with the DPW on the status. They are currently in the process of filling potholes. 2) What can be done about the speed on this street? He lives near the S curve down to Doucette Drive. His living room faces the street, and the speed is terrible from 10:00 pm to 11:00 pm. It was discussed that this could be due to late night leagues at the rink. Chief Giorgi advised that the best alternative would be to have Officer Connors, from the Traffic Unit, can come down to check it out. It’s difficult to determine the best time to get out there but we will try.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:58 am.

Respectfully submitted,

Karen L. Lambert
Public Safety Administrative Assistant
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-City of Marlborough Meeting Posting for the Traffic Commission Meeting on March 27, 2024, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, February 28, 2024.

-Copy of email from Mayor Dumais to Chief Giorgi, dated 1/31/24, re: AMSA.

-Copy of email from Ashley Miller to Chief Giorgi, dated 3/7/24, re: AMSA School Zone with additional attachments.

-Copy of email from Officer Larose to Engineering, dated 3/6/24, re: Bond Street no parking.

--Copy of email chain from Councilor Fuccillo to Chief Giorgi, dated 2/21/24 to 3/13/24, re: Constituent Inquiry – Lincoln Street Speed Signs.

Additional Handouts and/or Displayed on Screen at Meeting

-Draft language for Commercial Vehicle Parking Restriction